

ORDINANCE NO. 2016-19

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGB/AGRICULTURE BUSINESS DISTRICT TO AGR/AGRICULTURE RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 439/16: CHARLES & MARIE DAMLER, S22-T16N-R1E, LINCOLN TOWNSHIP, PARCEL TOTALING 27.89 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 350 NORTH AND EAST OF COUNTY ROAD 575 EAST AND APPROXIMATELY 0.50 MILE WEST OF STATE ROAD 267.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, be amended so as to include in the AGR/Agriculture Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 439/16: Charles & Marie Damler, S22-T16N-R1E, 27.89 acres, Lincoln Township, located on the north side of County Road 350 North and east of County Road 575 East and approximately 0.50 mile west of State Road 267.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 439/16: Charles & Marie Damler, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
28th day of June, 2016.

Board of Commissioners

Bob Gentry

Bob Gentry, President

Phyllis A. Palmer

Phyllis A. Palmer, Vice-President

Matthew D. Whetstone, Member

Attest:

Cinda Kattau

Cinda Kattau, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 439/16: Charles J. Damler, III

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from RA/Rural Residential to AGB/Agricultural Business. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 2.6(D)(2). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 2.6(D)(1) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices by Certified United States Mail to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal substantially complies with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan recommends this area for medium density residential and greenway/floodplain corridor. This area consists of rolling topography and woods, and is therefore consistent and compatible with Comprehensive Plan greenway/floodplain recommendations.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The area is composed of woods with some agricultural land and residential uses. The establishment of a wedding/banquet facility at this location will not change the nature of the area, nor will it alter its longstanding agricultural and lower density residential land use pattern.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The site under consideration is located within a well-established woodland with agricultural and lower density residential land uses in the area. The sparseness of development makes the area appropriate for the proposed banquet facility. The proposed use is consistent with Comprehensive Plan recommendations.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The introduction of a wedding/banquet facility in this area will have no substantial effect on property values given the location of this site.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. The proposed wedding/banquet facility will preserve the rolling, wooded land and natural features of the area.

Also subject to requiring a Development Plan Review approval by the Hendricks County Area Plan Commission.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of June, 2016.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP
Secretary