

ORDINANCE NO. 2017-06

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 444/17: JKJ, LLC, S05-T15N-R2W, MARION TOWNSHIP, PARCEL TOTALING 0.47 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 36, APPROXIMATELY 0.25 MILE WEST OF THE INTERSECTION WITH STATE ROAD 75.

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 GB/General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 444/17: JKJ, LLC, S05-T15N-R2W, 0.47 acres, Marion Township, located on the north side of U.S. Highway 36, approximately 0.25 mile west of the intersection with State Road 75.

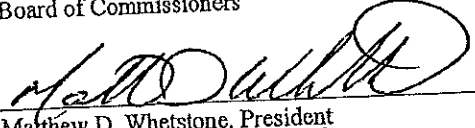
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 444/17: JKJ, LLC, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this ordinance.

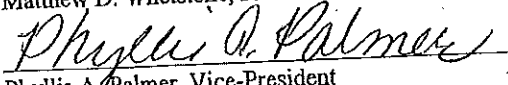
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

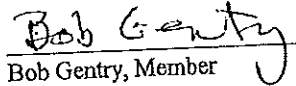
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
28th day of September, 2017.

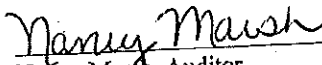
Board of Commissioners


Matthew D. Whetstone, President


Phyllis A. Palmer, Vice-President


Bob Gentry, Member

Attest:


Nancy Marsh, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 444/17:

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 AGR/Agricultural Residential to GB/General 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 Article 3. The public hearing included the above zoning map amendment on its agenda.

In accordance with Article 3 of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices 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 variance. 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 does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Agriculture, and it is located on a principle arterial close to a major intersection. The Comprehensive Plan recommends that commercial uses be located on major transportation routes and at intersections. Neighborhood serving commercial uses are essential to the productivity and convenience of rural agriculture and residential communities. The existence of nearby commercial and industrial zoning also supports the continued use of this property as commercial.

(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 because of similarity to the current use, and its proximity to the logical development area of New Winchester.

(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, as it has already been used for a similar purpose and is partially developed with intent. The proposed use is fully compatible with existing land uses and consistent with the recommended future land use pattern.

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

The Commission finds that the proposal does conserve property values in the jurisdiction, by allowing for infill commercial development in lieu of arbitrarily restricting it in favor of development of a new site.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth, through small town infill development on a principle arterial which are values stated in the Comprehensive Plan.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of February, 2017.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ZONING AMENDMENT PROJECT DATA

DATE	2/8/2017			
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission			
PROJECT	ZA 444	2017	JKJ LLC	
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION	
	AGR	GB	Approval	
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST
	Agriculture	Agriculture	Business	Business
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST
	GB	AGR	GB	GB
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER
	0.47 Acre	Marion	S5-T15N-R2W	7222 W US 36
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK
	W US Hwy 36	Rural Principle Arterial	100' Half	80' from ROW
SEWER AND WATER	SEWER		WATER	
	None		None	
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME	FROM	TO
	ZA 208 1998	Pierce (East)	R1	C2 (GB)
	ZA 411 2012	Maloney (West)	AGR	GB
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.			
	This project does not comply with the Hendricks County Comprehensive Plan.			

Staff Comments:

The request for rezoning concerns a small rural lot in New Winchester that has two existing commercial structures. The front building has been used for various commercial purposes, including a contractor's office and a model home.

Compatibility with current uses.

The existing Agriculture Residential zoning does not fit with the surrounding General Business zoning, and is likely a result of a grandfathered use that did not require a change in zoning to be permitted. The applicant is requesting a change in use and possibly restructuring the lot, which requires rezoning. This will better reflect the existing conditions, will be more compatible, and will function beneficially and appropriately for the surrounding community.

Compatibility with futures uses.

It is not likely that this area will change much in the future. This immediate area will probably remain small scale rural commercial and New Winchester will retain a mixture of rural agriculture, residential, and supporting commercial.

Other considerations.

The Comprehensive Plan identifies this area as Agricultural and US 36 as a Principle Arterial. The Comprehensive Plan looks at the Western half of the County broadly and recommends agricultural uses, but acknowledges that commercial uses can be appropriate on major transportation routes. Some small pockets of business have to exist in these rural agricultural areas of the county in order to serve the needs of residents and farmers, especially near the small towns and major intersections. They provide services will little to no negative impact.

The lot is a small lot that will require further consideration by the Board of Zoning Appeals and/or the Plan Commission before substantial change. The size of the lot also constrains its ability to house private utilities, so a solution to that will also have to be found.

Staff

Recommendation:

Based on the information provided at the time of application, staff recommends the Plan Commission recommend: Approval