

ORDINANCE NO. 2015-12

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 431/15: KEC, INC., S20-T14N-R2E, GUILFORD TOWNSHIP, PARCEL TOTALING 5.30 ACRES, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STATE ROAD 67 AND COUNTY ROAD 1025 EAST.

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 431/15: KEC, INC., S20-T14N-R2E, 5.30 acres, Guilford Township, located at the southeast corner of the intersection of State Road 67 and County Road 1025 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 431/15: KEC, Inc., 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 APRIL, 2015.

Board of Commissioners

Bob Gentry
Bob Gentry, President

Phyllis A. Palmer
Phyllis A. Palmer, Vice-President

Matthew D. Whetstone
Matthew D. Whetstone, Member

Attest:

Cinda Kattau
Cinda Kattau, Auditor

COPY

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 431/15: KEC, Inc.

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/Agriculture 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 Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) 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 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 does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Mixed Uses on the Future Land Use. The commercial use of this property is consistent with the mixed development recommendation of the Comprehensive Plan.

- (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 establishment of a commercial district will not substantially change the long-established mixed development nature of the area.
- (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 commercial area and the proposed commercial zoning classification will allow commercial use of the property as was previously established.
- (4) **The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction. The establishment of a commercial district in this area simply reflects established commercial uses and will not have a substantial effect on property values.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth. The proposed location is an appropriate one and is compatible with the surrounding land uses. Further, the proposal is consistent with the Comprehensive Plan's recommendation of mixed uses in the area.

Also subject to waiving the requirement for a Development Plan Review as there are no changes proposed other than providing landscape buffering.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of April, 2015.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP