

ORDINANCE NO. 2015-14

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM LI/LIGHT INDUSTRIAL DISTRICT TO AGR/AGRICULTURE RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 433/15: RAYMOND MATTHEWS, S01-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 15.44 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 40, MORE COMMONLY KNOWN AS 2588 EAST U.S. HIGHWAY 40.

**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 433/15: Raymond Matthews, S01-T14N-R1W, 15.44 acres, Liberty Township, located on the north side of U.S. Highway 40, more commonly known as 2588 East U.S. Highway 40.

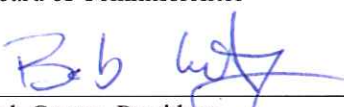
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 433/15: *Raymond Matthews*, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this ordinance.

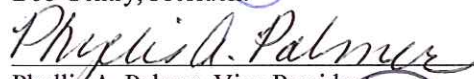
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

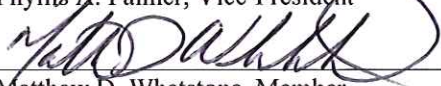
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the  
28<sup>TH</sup> day of APRIL, 2015.

Board of Commissioners

  
Bob Gentry, President

  
Phyllis A. Palmer, Vice-President

  
Matthew D. Whetstone, Member

Attest:

  
Cinda Kattau, Auditor

## **Hendricks County Area Plan Commission**

### **Findings of Fact/Law**

**ZA 433/15: Raymond Matthews**

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 LI/Light Industrial to AGR/Agriculture Residential. 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 Suburban Residential on the Land Use Plan and Medium Intensity on the Land Use Intensity Map. The proposed AGR zoning is consistent with the recommendations for this area.

**(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 primarily residential and agricultural uses. However there are some intermittent commercial land uses located along this corridor, the existing residential use is consistent and compatible with current uses in 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 residential use is compatible with existing land uses and will not adversely alter the current or future recommended land use pattern in the area.

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

The Commission finds that the proposal does conserve property values in the jurisdiction. The existing residence is consistent with current residential uses and will have no adverse effect on property values.

**(5) Responsible development and growth.**

The Commission finds that the proposal does represent responsible development and growth. The residential use is compatible with surrounding land uses. Furthermore, the proposed zoning is consistent with the Comprehensive Plan's suburban residential land use recommendation for the area.

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

AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA



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Don F. Reitz, AICP