

ORDINANCE NO. 2014-42

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 425/14: VINCENT H. SCHELM/THE ORIGINAL VINCENT'S, INC., S19 & 20-T14N-R2E, GUILFORD TOWNSHIP, PARCEL TOTALING 2.09 ACRES, LOCATED ON THE SOUTHEAST SIDE OF STATE ROAD 67, APPROXIMATELY 0.10 MILE NORTHEAST OF HENDRICKS COUNTY ROAD.

**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 425/14: Vincent H. Schelm/The Original Vincent's, Inc., S19&20-T14N-R2E, 2.09 acres, Guilford Township, located on the southeast side of State Road 67, approximately 0.10 mile northeast of Hendricks County Road.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 425/14: Vincent H. Schelm/The Original Vincent's, 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 25<sup>th</sup> day of November, 2014.

Board of Commissioners

  
Phyllis A. Palmer, President

  
Bob Gentry, Vice-President

  
Matthew D. Whetstone, Member

Attest:

  
Cinda Kattau, Auditor

## ZONING AMENDMENT PROJECT DATA

<b>DATE</b>	November 5, 2014				
<b>AGENCY REVIEWS</b>	Hendricks County Board of Commissioners Hendricks County Area Plan Commission				
<b>PROJECT</b>	<b>ZA 425</b>	<b>2014</b>	<b>VINCENT H. SCHELM</b>		
<b>REQUEST</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>STAFF RECOMMENDATION</b>		
	AGR	GB	Approval		
<b>SURROUNDING LAND USE</b>	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>	
	Agriculture	Residential	Residential	Commercial (Auto Sales)	
<b>SURROUNDING ZONING</b>	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>	
	AGR	AGR	AGR	AGR	
<b>DESCRIPTION</b>	<b>AREA</b>	<b>TOWNSHIP</b>	<b>SECTION</b>	<b>OTHER</b>	
	2.09 acres	Guilford	S19&20-T14N-R2E	N/A	
<b>ROAD</b>	<b>ROAD</b>	<b>FUNCTIONAL CLASS</b>	<b>R/O/W</b>	<b>SETBACK</b>	
	S.R. 67	Urban Principal Art.	Existing	150' from centerline	
<b>SEWER AND WATER</b>	<b>SEWER</b>		<b>WATER</b>		
	Existing Septic System		Existing Well		
<b>RECENT ZONING AMENDMENTS IN THIS AREA</b>	<b>ZONING AMENDMENT</b>	<b>NAME</b>		<b>FROM</b>	<b>TO</b>
	ZA 421	2013	PP Enterprises, LLC	AGR	NB
	ZA 416	2012	Renk Labeco Test Systems Corp	LI&MI	LI
<b>COMPLIANCE</b>	This project has complied with the applicable application and/or notification requirements.				
	This project complies with the Hendricks County Comprehensive Plan.				

Staff Comments: The site is located on the southeast side of S.R. 67, approximately one tenth of a mile southwest of County Road 1025 East. The applicant proposes to rezone 2.09 acres from AGR/Agriculture Residential District to GB General Commercial District. This property was rezoned to LB Local Business District in 1965 (RZ 62). In 1992, Hendricks County adopted the new zoning map which changed the commercial classification to a residential classification. The existing use at the time was Vincent Furs and would have been considered legal nonconforming as long as the use did not cease for more than 12 months. The business closed for more than a year, therefore removing its legal nonconforming status, which is the purpose for this rezoning request. There are existing structures located on this parcel that were used for the previous business.

Compatibility with current uses. The proposal is compatible with the existing commercial zoning and uses in this area and will not alter the appearance of the neighborhood. Further, this property is within 500 feet of the Heartland Crossing Business Park.

Compatibility with futures uses. The Comprehensive Plan recognizes this area as Mixed Development on the Land Use Plan and within the High Intensity area on the Land Use Intensity Map. The proposed commercial land use is consistent with the Comprehensive Plan's recommendation of mixed land uses in this area.

Other considerations. Given this parcel is located within an area where commercial uses already exist, the previous longstanding Vincent Fur business on this parcel and the Heartland Crossing Business Park to the northeast, this request can be considered a reasonable and expected expansion of the existing commercial land uses. A development plan review may be necessary prior to the occupancy of any buildings addressing parking, landscaping, lighting, etc.

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

## **Hendricks County Area Plan Commission**

Findings of Fact/Law

ZA 425/14: Vincent H. Schelm

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 District to GB/General Business District. 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. 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 the continued commercial use of the property.

**(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.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 12th day of November, 2014.

AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA



---

Don F. Reitz, AICP