

ORDINANCE NO. 2017-33

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, INDIANA, FROM ARG: AGRICULTURE RESIDENTIAL DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT, COMMONLY KNOWN AS ZA451/17; PYRAMID ENTERPRISES, LLC; SECTION 8, TOWNSHIP 14 NORTH, RANGE 2 EAST, GUILFORD TOWNSHIP, PARCEL TOTALING 51.817 ACRES, LOCATED AT 10714 EAST COUNTY ROAD 700 SOUTH, AND 6898 SOUTH RACEWAY ROAD, CAMBY, INDIANA,

SECTION 1. Be it ordained by the Board of Commissioners of Hendricks County, 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 PUD: Planned Unit Development District, the following described real estate located in the County of Hendricks, State of Indiana, namely: ZA451/17; Pyramid Enterprises, LLC; Section 8, Township 14 North, Range 2 East, 51.817 acres, Guilford Township, located at 10714 East County Road 700 South, and 6898 South Raceway Road, Camby, Indiana.

SECTION 2. As inducement for this Zoning Map Amendment, all terms and conditions found in the conditions for approval of ZA451/17; Pyramid Enterprises, 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 "Development Commitment-Recording Form" as a part of this Ordinance.

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

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

Approved by the Board of County Commissioners of Hendricks County, Indiana, this 12th day of September, 2017.

Board of Commissioners

Bob Gentry
Bob Gentry

Phyllis A. Palmer
Phyllis A. Palmer

Matthew Whetstone
Matthew Whetstone

Attest:

Nancy D. Marsh
Nancy Marsh, Auditor

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 451/17: Pyramid Enterprises, LLC

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 MI to LI. Acting in its role as staff to the Hendricks County Area Plan Commission (the 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 HCAPC 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 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 rezoning 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 Hendricks County Comprehensive Plan. The use will serve as a buffer between land use recommendations.

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

The Commission finds that the proposed use will not negatively impact the district. The change in use will be minor and affect little change, and the physical conditions will not change.

(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 multiple constraints on the subject property limit development potential.

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

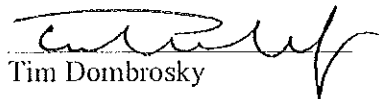
The Commission finds that the proposal does conserve property values in the jurisdiction as the restrictions and diversity of uses mitigate possible negative effects.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth as this encourages mixed reuse of existing structures on a challenging property.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 8th day of August, 2017.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA


Tim Dombrosky

ZONING AMENDMENT PROJECT DATA

DATE	August 8, 2017				
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission				
PROJECT	ZA 451	2017	PYRAMID ENTERPRISES, LLC		
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION		
	AGR	PUD	Approval		
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST	
	Agriculture	Residential	Residential	Church	
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST	
	AGR	AGR	Marion County	AGR	
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER	
	53.56 Acres	Guilford	S8-T14N-R2E	'Camp Camby'	
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK	
	S Raceway RD E 700 S	Urban Local Urban Local	40' from CL 40' from CL	35' from ROW 35' from ROW	
SEWER AND WATER	SEWER		WATER		
	Existing Onsite Sewage Treatment		Existing Groundwater Wells		
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	DETAILS		FROM	TO
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.				
	This project does comply with the Hendricks County Comprehensive Plan.				

-Staff Comments-**Background;**

The request concerns property commonly known as Camp Camby. It is an existing Church, camp, and retreat center with legal non-conforming uses that are listed in the applicants provided material. The applicant wishes to establish institutional uses and multi-family residential uses in conjunction with the other uses. In order to permit that, a rezone is necessary. The rezone also serves to legitimize the non-conforming uses. All of these uses together necessitate a PUD or Planned Unit Development zoning district, as they are not all permitted in any one single district. **The PUD only permits the uses listed, and only in the form and function stated.** The residential is intended to provide permanent housing for non-profit groups, guests of the retreat center, and students and faculty for the institution. The latter two groups are included in the definitions for their respective uses, but the PUD ordinance clarifies that they are permitted. The non-profit clause is unique to this PUD, as there is no distinction in housing types made by the zoning ordinance based on the occupant's financial status. The petitioner is volunteering this information and imposing it as a restriction.

The comprehensive plan;

The Comprehensive Plan shows this area as Industrial, bordering on Open Space/Conservation. The recommendation for the Conservation land use states, "Adjacent land use designations should provide areas of transition or buffers between these sorts of lands and more intense development." This request represents that transition between potential industrial uses recommended nearby, and the more sensitive existing uses.

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

The current conditions of the area will change very little as part of this request. Single family residential is already permitted here. The single family homes on the property line the perimeter, and mirror the residences bordering to the east and south. The only real change in the character of the uses will be the ability to house families year-round, and not just for retreats. The PUD Ordinance addresses who can stay in the housing.

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

The property under consideration is surrounded by agriculture, rural density housing, significant natural topography and waterways, as well as large tracts of land controlled by the Indianapolis Airport Authority. The existing use will be hard to completely convert to an industrial use or a residential subdivision. Its highest and best use is some version of its current use like the one proposed that takes advantage of natural conditions.

The conservation of property values throughout the jurisdiction;

There can be a negative effect from a concentration of any single land use type. In this case, I recommend that the diversity of uses on the site will protect from potential negative effects of the multi-family dwellings. The only other concern for property values throughout the jurisdiction is the reduced amount of available land recommended for industrial development. This only represents an adaptation of an existing use on a challenging property, and has no effect on the Comprehensive Plan or the market.

Responsible development and growth;

The adaptive reuse of this established legal non-conforming property will serve to provide a needed service, while remaining consistent with the character of the area.

Other considerations;

The proposal would not require development plan approval, as there are no plans for improvement at this time.

-Staff Recommendation-

Based on the information provided, staff recommends the Plan Commission recommend: **APPROVAL.**