

ORDINANCE NO. 2019-13

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **LI/LIGHT INDUSTRIAL DISTRICT** TO **GB/GENERAL BUSINESS DISTRICT**, COMMONLY KNOWN AS **ZA 461/19: BOSS LAND ACQUISITIONS LLC, S35-T17N-R1W, MIDDLE TOWNSHIP**, PARCEL TOTALING **37.98 ACRES**, LOCATED **ON THE EAST SIDE OF NORTH COUNTY ROAD 100 EAST BETWEEN THE RAILROAD AND US HIGHWAY 136**.

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 461/19: Boss Land Acquisitions LLC, S35-T17N-R1W, 37.98 acres, Middle Township**, located on the east side of North County Road 100 East between the railroad and US Highway 136.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of **ZA 461/19: Boss Land Acquisitions 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 23rd day of April, 2019.

Board of Commissioners

Phyllis A. Palmer
Phyllis A. Palmer, President

Matthew D. Whetstone
Matthew D. Whetstone, Vice-President

Bob Gentry
Bob Gentry, Member

Attest:

Nancy Marsh
Nancy Marsh, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 461/19: Boss Land Acquisitions

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 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 proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Commercial. Per the Comprehensive Plan, "These areas contain goods and services to serve the needs of the community such as convenience and grocery stores, shopping centers, and restaurants among others." The rezoning would allow this type of development and exclude further industrial development.

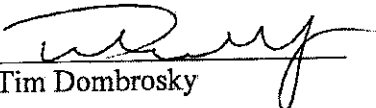
(2) Current conditions and the character of current structures and uses in each district;

The proposed zoning change will not change the current conditions or character of the property. This area is identified as "High Intensity" in the Comprehensive Plan, the intent of which is to focus on development in these areas where development is appropriate and expected.

- (3) **The most desirable use for which the land in each district is adapted;**
The most desirable use for this property would be a Commercial use or a similar compatible use. A General Business use is a better, more compatible use with the surrounding residential uses than what it is zoned currently, Light Industrial.
- (4) **The conservation of property values throughout the jurisdiction;**
Property values would not be affected negatively due to the mix of uses in the area.
- (5) **Responsible development and growth.**
The proposed rezone would be responsible development and growth as it follows a recommended pattern from the Comprehensive Plan because this area is designated as "Commercial." It has access to goods and services, transportation, parks and opens spaces and is in close proximity to incorporated towns.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 9th day of April, 2019.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA


Tim Dombrosky