

ORDINANCE NO. 2016-09

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO AGB/AGRICULTURE BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 438/16: JOSHUA & KRISTLE BEX, S36-T17N-R1E, BROWN TOWNSHIP, PARCEL TOTALING 3.78 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 850 EAST, AND NORTH OF THE INTERSECTION OF COUNTY ROAD 725 NORTH AND COUNTY ROAD 850 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 AGB/Agriculture Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 438/16: Joshua & Krystle Bex, S36-T17N-R1E, 3.78 acres, Brown Township, located on the east side of County Road 850 East, and north of the intersection of County Road 725 North and County Road 850 East.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 438/16: Joshua & Krystle Bex, and the "Findings of Fact/Law" and the "Development Commitment Recording Form" 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" and "Development Commitment Recording Form" 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 26 day of April, 2016.

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

**Hendricks County Area Plan Commission**  
Findings of Fact/Law  
ZA 438/16: Joshua & Krystle Bex

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 AGB/Agricultural 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 not 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 High Intensity on the Land Use Intensity Map. Although the proposed use does not strictly comply with the Comprehensive Plan's suburban residential recommendation, the

appearance of the property will not be significantly altered. Further, the area represents a confluence of land use trends as the Comprehensive Plan's Future Land Use Map shows industrial, planned business, and suburban residential coming together in the same area resulting in a mix of residential and non-residential land uses.

- (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 landscaping business will not substantially change the nature of the area, nor will it alter its longstanding agricultural and suburban residential land use pattern.
- (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 an established agricultural and suburban residential land use pattern. The storage of trucks, trailers, and equipment is compatible with the existing land uses and will not alter the existing, and approved agricultural uses in the immediate vicinity.
- (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 landscaping business in this area will have no substantial effect on property values.
- (5) **Responsible development and growth.**  
The Commission finds that the proposal does represent responsible development and growth. The proposed landscaping business would have the appearance similar to a farming operation. The proposed location is an appropriate one and is compatible with the surrounding land uses.

The applicant committed to the following requirements as part of this zoning request:

- 1) The residence on the property shall not be used for business activity, other than a home office for Joshua Bex.
- 2) The business use of the property shall be limited to Landscaping.
- 3) There shall be no signage on the subject property.
- 4) There shall be no retail sales on the subject site.
- 5) The petitioner shall install landscaping and mounding in substantial compliance with the landscape plan submitted with Petitioner's application. Such installation shall begin within 30 days of approval of this petition, and shall be completed within one year therefrom.
- 6) All equipment other than trucks and trailers shall be stored inside.
- 7) No dumping shall occur on the subject site.

- 8) Parking related to business activity shall be east of and behind the large pole barn on the property.
- 9) Any lighting shall be shielded and downward pointing; and any pole lighting shall be no taller than 15 feet.
- 10) Hours of operation shall be limited to 7:00 am to 7:00 pm.
- 11) There shall be no more than 7 trucks and 7 trailers operating from this site.
- 12) Lawnmower blade sharpening shall be done indoors and only between the hours of 7:00 am and 7:00 pm.
- 13) Truck traffic related to the landscape business shall enter and exit the property from the north on County Road 850 North.
- 14) Drainage concerns regarding the Quinn Legal Drain shall be addressed during the Administrative Development Plan Review approval.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 12<sup>th</sup> day of April, 2016.

AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA



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Don F. Reitz, AICP