

ORDINANCE NO. 2017- 25

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM MI/MAJOR INDUSTRIAL DISTRICT TO LI/LIGHT INDUSTRIAL DISTRICT, COMMONLY KNOWN AS ZA 447/17: NDZA, INC., S20-T14N-R2E, GUILFORD TOWNSHIP, PARCEL TOTALING 1.67 ACRES, LOCATED ON THE WEST SIDE OF UNION MILLS DRIVE AT THE INTERSECTION WITH EAST HENDRICKS COUNTY LINE ROAD, MORE COMMONLY KNOWN AS LOT 74, HEARTLAND CROSSING BUSINESS PARK, SEC. 1 OR 8966 UNION MILLS 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 LI/Light Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 447/17: NDZA, INC., S20-T14N-R2E, 1.67 acres, Guilford Township, located on the west side of Union Mills Drive at the intersection with East Hendricks County Line Road, more commonly known as Lot 74, Heartland Crossing Business Park, Section 1 or 8966 Union Mills Road.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 447/17: NDZA, 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.

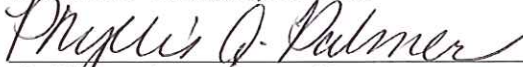
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 27th day of June, 2017.

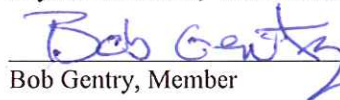
Board of Commissioners



Matthew D. Whetstone, President

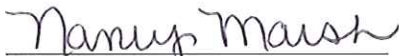


Phyllis A. Palmer, Vice-President



Bob Gentry, Member

Attest:



Nancy Marsh, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 447/17:

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 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:

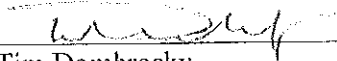
(1) The comprehensive plan;

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 Use. The Light Industrial designation will fit the current and future use of the area.

- (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 due to its similarity to the current use and the lack of proposed physical changes.
- (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, as identified in the Comprehensive Plan.
- (4) **The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction by reusing an existing business with only slight modification.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth by ensuring proper screening and location of a land use with possible negative impact.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 13th day of June, 2017.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA


Tim Dombrosky

ZONING AMENDMENT PROJECT DATA

DATE	6/13/2017				
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission				
PROJECT	ZA 447	2017	DAVID KINGEN/NDZA, INC.		
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION		
	MI	LI	Approval		
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST	
	Industrial	Residence	Self-Store	Vacant	
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST	
	LI	Morgan County	PB	GB	
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER	
	1.67 Acres	Guilford	S20-T14N-R2E	8966 Union Mills Drive, Camby	
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK	
	E Hendricks County RD	Urban Local	40' from CL	35' from ROW	
SEWER AND WATER	SEWER		WATER		
	Tri County Sewer		Citizen's Water		
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT		NAME	FROM	TO
	ZA 211	1999	Cedar Run Limited	GB	MI
	ZA 416	2012	Renk Labeco Test Systems Corp.	MI	LI
	ZA 379	2007	Access Self Storage	GB	PB
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: The request for rezoning concerns a lot in Heartland Crossing that has an existing industrial building. It was approved as a rezone with the condition that there be no outside storage. The previous owner established outside storage in a portion of the parking lot, and the current owner is using the storage. There is also a considerable amount of material and equipment outside of the fence.

Compatibility with current uses.

The north side of the lot under consideration is fenced and used for outdoor storage. The lot to the South is a residence that faces the business. The other surrounding lots are commercial or industrial and would not be negatively affected by the storage, but the home to the south deserves some consideration for adverse effect. Currently there is equipment and material left in the front yard and front drive facing the house. This should not be allowed, and the Plan Commission can expressly prohibit it to make it clear.

Compatibility with futures uses.

This area is in the light industrial section of Heartland Crossing and is identified as mixed use development in the Comprehensive Plan thanks to its proximity a major transportation route. The use of this property will essentially not change. The rest of this part of Heartland Crossing should continue to develop.

Other considerations.

Outdoor storage is generally permitted in PB, LI, and MI zoning with certain restrictions. Rezoning this property to LI will remove the previously adopted commitment that no outdoor stage be permitted.

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