

**ORDINANCE NO. 2017-87**

**AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM MI/MAJOR INDUSTRIAL DISTRICT TO LI/LIGHT INDUSTRIAL DISTRICT, COMMONLY KNOWN AS ZA 449/17: DUANE R. & PATRICIA J. LANE, S11-T15N-R1W, CENTER TOWNSHIP, PARCEL TOTALING 10 ACRES, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 75 SOUTH, APPROXIMATELY 0.10 MILE WEST OF COUNTY ROAD 200 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 LI/Light Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 449/17: Duane R. & Patricia J. Lane, S11-T15N-R1W, 10 acres, Center Township, located on the south side of County Road 75 South, approximately 0.10 mile west of County Road 200 East.


**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 449/17: *Duane R. & Patricia J. Lane*, 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.

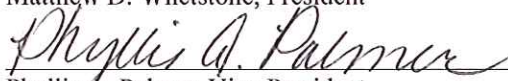
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

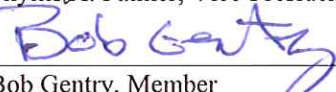
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 27<sup>th</sup> 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 449/17:

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 Industrial growth. The Light Industrial designation will serve appropriately while this area moves toward a more industrial development.

**(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 current zoning and the reduction in intensity that will result from the rezoning.

**(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;**

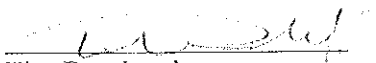
The Commission finds that the proposal does conserve property values in the jurisdiction by encouraging productive reuse of underused land near negative effect generators, and by responding to County wide demands for more land for the service industry.

**(5) Responsible development and growth.**

The Commission finds that the proposal does represent responsible development and growth in an area identified for commercial growth in the Comprehensive Plan.

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

AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA

  
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Tim Dombrosky

**ZONING AMENDMENT  
PROJECT DATA**

<b>DATE</b>	6/13/2017				
<b>AGENCY REVIEWS</b>	Hendricks County Board of Commissioners Hendricks County Area Plan Commission				
<b>PROJECT</b>	ZA 449	2017	DUANE R. & PATRICIA J. LANE		
<b>REQUEST</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>STAFF RECOMMENDATION</b>		
	MI	LI	Approval		
<b>SURROUNDING LAND USE</b>	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>	
	Residence	Agriculture	Residence	Residence	
<b>SURROUNDING ZONING</b>	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>	
	MI	AD	AGR	MI	
<b>DESCRIPTION</b>	<b>AREA</b>	<b>TOWNSHIP</b>	<b>SECTION</b>	<b>OTHER</b>	
	10 Acres	Center	S11-T15N-R1W	1803 E CR 75S	
<b>ROAD</b>	<b>ROAD</b>	<b>FUNCTIONAL CLASS</b>	<b>R/O/W</b>	<b>SETBACK</b>	
	East CR 75 S	Urban Local	40' from CL	35' from ROW	
<b>SEWER AND WATER</b>	<b>SEWER</b>		<b>WATER</b>		
	N/A		N/A		
<b>RECENT ZONING AMENDMENTS IN THIS AREA</b>	<b>ZONING AMENDMENT</b>		<b>NAME</b>	<b>FROM</b>	<b>TO</b>
	ZA 367	2006	Airport Development District (South)	RA	AD
	ZA 285	2002	Matthew Burkert (East)	MI	RA
<b>COMPLIANCE</b>	This project has complied with the applicable application and/or notification requirements.				
	This project does not comply with the Hendricks County Comprehensive Plan.				

Staff Comments:

The request for rezoning concerns a lot near Danville that has existing residential and agricultural buildings. It is in an area between the airport, the dump, and US 36 that was zoned Major Industrial during the county's last comprehensive rezone.

Compatibility with current uses.

The other lots in the immediate vicinity are used for agriculture and residential. This would increase the screening requirements for a new industrial use. This screening along with the normal limits on lighting should ensure a minimal impact on existing residences.

Compatibility with futures uses.

This area was identified as an area ready for industrial growth in the Comprehensive Plan and was subsequently rezoned to prepare for that. This would be the first property to take advantage of the zoning change.

If the other uses in the immediate area change, it is unlikely that they will be anything other than industrial considering the proximity to the dump, airport, and train tracks.

Other considerations.

This is considered a down-zoning. The MI zoning for the area means that a permitted MI use is permitted by right today. The rezone to LI would permit self-storage, and would no longer a list of other things deemed more intense that are currently permitted.

The proposed use will require development plan approval. This will include all of the required screening and buffering standards, as well as the businesses entrance and exit. It may also include discussion on the condition of the County Road.

Staff  
Recommendation:

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