

ORDINANCE NO. 2015-17

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM PB/PLANNED BUSINESS DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 434/15: PRESTWICK PARTNERS OF AVON, LLC, S9-T15N-R1E, WASHINGTON TOWNSHIP, PARCEL TOTALING 2.9 ACRES, LOCATED IN THE NORTHWEST CORNER OF U.S. HIGHWAY 36 AND COUNTY ROAD 525 EAST, MORE COMMONLY KNOWN AS 5250 EAST U.S. HIGHWAY 36.

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 434/15: Prestwick Partners of Avon, LLC, S9-T15N-R1E, 2.9 acres, Washington Township, located in the northwest corner of U.S. Highway 36 and County Road 525 East, more commonly known as 5250 East U.S. Highway 36.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 434/15: *Prestwick Partners of Avon, 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 26th day of May, 2015.

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 434/15: Prestwick Partners of Avon, 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 PB/Planned Business to GB/General 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.

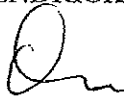
IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) **The comprehensive plan;**
The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Commercial Uses on the Land Use Plan and within the High Intensity area on the Land Use Intensity Map. The proposed GB/General Business district is consistent with the Plan's recommendation.

- (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 ranges of land uses permitted in the proposed zoning classification are similar in type, scope, and intensity with existing and permitted uses in the immediate area. The establishment of the proposed district will not substantially change the character of the area and the established land use trend.
- (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 proposed zoning district permits uses consistent and compatible with the recommended uses. Further the site is located in a well established commercial area.
- (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 GB/General Business zoning district in the area under consideration represents a reasonable and predictable expansion of the existing and approved commercial land uses.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth. The proposal is fully consistent with the Comprehensive Plan's land use recommendations for the area under consideration. Moreover, the proposed zoning classification is compatible with the existing zoning and established land use pattern.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 12th day of May, 2015.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ZONING AMENDMENT PROJECT DATA

DATE	May 5, 2015			
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission			
PROJECT	ZA 434	2015	PRESTWICK PARTNERS OF AVON, LLC, (PRESTWICK POINTE, SEC. 4)	
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION	
	PB	GB	Approval	
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST
	Commercial	Commercial	Commercial	Commercial
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST
	PB	GB	PB	PB
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER
	2.9 acres	Washington	S9-T15N-R1E	MAP 400/WA93-07 SPR 36/WA93-07 VAR 24/WA92-07 (Off-Street Parking)
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK
	N/A	N/A	N/A	N/A
SEWER AND WATER	SEWER		WATER	
	West Central Conservancy District		Citizens Energy Group	
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME	FROM	TO
	ZA 351	2005	H & M Development	OB
				GB
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.			
	This project complies with the Hendricks County Comprehensive Plan.			

Staff Comments:

The site is located on the northwest corner of County Road 525 East and U.S. Highway 36 and was previously the location for an exercise facility known as The Tower Club. The applicant proposes to rezone 2.9 acres from PB/Planned Business to GB/General Business District to establish a place of worship which includes incidental activities such as meetings, sports and recreation within the existing structure. There was a variance to permit less than the required off-street parking spaces approved in 1992. This commercial complex utilizes shared parking and a church typically has dissimilar business hours, therefore, parking will be adequate.

Compatibility with current uses. The immediate area is commercial (GB/General Business and PB/Planned Business) uses. This property is located within the Prestwick Pointe development which is comprised of retail/office businesses. Given the range of commercial zoning classifications in the area, this proposal can be considered compatible with the existing commercial zoning and uses.

Compatibility with futures uses. The Comprehensive Plan recommends this area for commercial on the Land Use Plan and within the High Intensity area on the Land Use Intensity Map. The proposed zoning is consistent with the Comprehensive Plan's recommendation for this location.

Other considerations. A Development Plan Review will not be required as there are no proposed or required site improvements. An Improvement Location Permit may be required for any interior remodeling proposed.

Staff
Recommendation:

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