

ORDINANCE NO. 2016-20

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RB/SINGLE FAMILY RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 440/16: REDBIRD GROUP, LLC, S2-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 2.6 ACRES, LOCATED ON THE NORTH SIDE OF CHURCH STREET, APPROXIMATELY 0.15 MILE SOUTH OF U.S. HIGHWAY 40 AND 0.04 MILE WEST OF STATE ROAD 39 IN THE TOWN OF BELLEVILLE.

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 440/16: REDBIRD GROUP, LLC, S2-T14N-R1W, 2.6 acres, Liberty Township, located on the north side of Church Street, approximately 0.15 mile south of U.S. Highway 40 and 0.04 mile west of State Road 39 in the Town of Belleville.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 440/16: Redbird Group, LLC, 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 28th day of June, 2016.

Board of Commissioners

Bob Gentry

Bob Gentry, President

Phyllis A. Palmer

Phyllis A. Palmer, Vice-President

Matthew D. Whetstone, Member

Attest:

Cinda Kattau

Cinda Kattau, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 440/16: Redbird Group, 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 RB/Single Family Residential 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 Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Small Town Mixed Use on the Land Use Plan and among other things, encourages new development be oriented toward the street with sidewalks and landscaping as pedestrian buffers.

(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 Self-Service Storage Facility will not substantially change the nature of the area considering the low intensity and the mix of commercial and residential uses that exist.

(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. This site is within the unincorporated area of Belleville with a mix of uses and is not likely to change. The proposed commercial use will not alter the existing, and proposed 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 Self-Service Storage Facility 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 location is an appropriate one where neighborhood-serving businesses are encouraged.

Also subject to Petitioner's Exhibit "B" list of excluded uses permitted on this parcel.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of June, 2016.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

A. DISTRICT INTENT:

The purpose of the General Business (GB) District is to encourage well-planned commercial uses (retail, service, office, personal and professional services) on visually prominent and high use corridors to meet the needs of a community market area. These developments should provide unified design, safe ingress and egress, adequate and properly located parking and service facilities, and convenient and safe pedestrian accessibility.

B. PERMITTED USES

- Agricultural
winery
- Residential
dwelling, part of mixed-use structure
nursing home, assisted living, or retirement facility
- Communications / Utilities
essential services, minor
essential services, major
- Institutional
educational inst, excluding p-12, private
educational inst, p-12 only, private
- bus/train terminal
- parking lot or structure (as a primary use)
- clinic
- health care facilities, medical and emergency
- lodge or private club
- penal or correctional institution, private
places of worship
publicly-owned buildings and facilities
- Parks & Recreation
- driving range (as a primary use)
- golf course
- nature preserve
- Commercial
- car wash
- filling station
motor vehicle parts sales (without on-site repair)
- motor vehicle repair and service, minor
- motor vehicle sales, small
- banquet or assembly hall
- conference / convention center
retreat center
commercial services
day care center (child / adult)
- fitness center
- hotels / motels

- kennel, inside runs
- lawn care/landscaping business
- storage, self-service
- administrative/professional office
- bank / financial/ investment institution
- data processing / call center
- employment service
- medical and dental laboratories
- radio / tv station
- veterinarian clinics and animal hospitals (special exception required if outside runs exist).
- bar / tavern
- coffee shop
- microbrewery / brew-pub
- restaurants
- restaurants, fast food
- retail small-scale (less than 15,000sf)
- retail medium-scale (greater than 15,000sf, less than 35,000sf)
- retail large-scale (greater than 35,000sf)
- Light and Heavy Industrial
tool and die shop

C. SPECIAL EXCEPTION

- Agricultural
farm equipment sales and service
- Institutional
community center
funeral home / mortuary / crematory
- Commercial
impound facility
kennel, outside runs
motor vehicle repair and service, major
storage, rv and boat
entertainment complex
storage, contractor

Excluded uses