

ORDINANCE NO. 2017- 26

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO PB/PLANNED BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 448/17: I-70 WEST, LLC, S26,35-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 92.65 ACRES, LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF STATE ROAD 39 AND INNOVATION BOULEVARD AND NEAR THE SOUTHEAST CORNER OF EAST COUNTY ROAD 1000 SOUTH AND SOUTH COUNTY ROAD 100 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 PB/Planned Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 448/17: I-70 West, LLC, S26,35-T14N-R1W, 92.65 acres, Liberty Township, located near the northwest corner of the intersection of State Road 39 and Innovation Boulevard and near the southeast corner of East County Road 1000 South and South County Road 100 East.

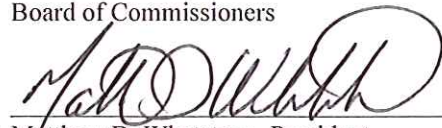
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 448/17: I-70 West, LLC, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this ordinance.

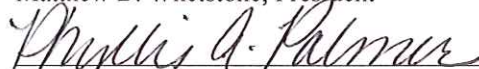
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

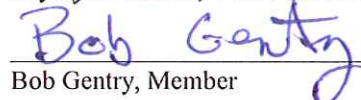
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 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 448/17:

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 AGR to PB. 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 Planned Business, and it is located close to a major intersection. The proposal represents the County's Plans.

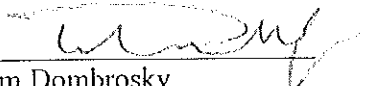
(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposed use will not negatively impact the district due to its proximity to the development area of SR 39 and I-70, and the extensive screening requirements.

- (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 responding to development requests on private property and allowing land to be used for the use identified in the County Plans.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth by locating major centers of commerce near major transportation routes and in areas 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 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 448	2017	I-70 WEST, LLC			
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION			
	AGR	PB	Approval			
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST		
	Residence	Warehouse	Warehouse	Residence		
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST		
	AGR	PB	PB	AGR		
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER		
	92.65 Acres	Liberty	S26-T14N-R1W	9371 S CR 100E		
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK		
	South CR 100 E East CR 900S	Urban Local Rural Collector	40' from CL 50' from CL	35' from ROW 45' from ROW		
SEWER AND WATER	SEWER		WATER			
	Hendricks County Regional Sewer District		Citizens Water			
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME		FROM	TO	
	ZA 371	2006	Sanders Dev Corp. (South)		RA	HB
	ZA 391	2008	KS Hendricks LLC (South)		AG	GB
	ZA 398	2009	KS Hendricks Partners LLC (South)		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 land near the intersection of SR 39 and I-70. The land is in the center of the County block between 900 and 1000 South, and 100 East and SR 39. It also includes a small parcel on the south side of 1000 South. The 92 acres is mostly farm ground and includes two homes. The PB Planned Business designation would allow for the expansion of the warehouse park on Innovation Blvd.

Compatibility with current uses.

The subject property is partially adjacent to existing PB zoning, but the majority of the surrounding uses are agricultural residential. Development on this property is subject to the screening requirements which are significant when adjacent to residential uses.

Traffic from the development would follow the existing traffic plan which accounted for development in this area. There will be access through Innovation Blvd onto SR 39.

Compatibility with futures uses.

This area is in the Exit 59 development area and is identified as potential Planned Business development area in the Comprehensive Plan thanks to its proximity to two major transportation routes.

There will likely be concerns about traffic as this area develops. This request does not represent a significant change in the current traffic needs, but will be part of the consideration for traffic improvements in the future.

Other considerations.

Any development will require development plan approval. This will include all of the required screening and buffering standards, as well as the businesses entrance and exit.

Staff

Recommendation:

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