

ORDINANCE NO. 2015-22

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO PB/PLANNED BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 436/15: SEVENTY THIRTY NINE COMMERCE PARK ASSOCIATES, LLC, S36-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 0.69 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 39 AND SOUTH OF INTERSTATE 70.

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 436/15: Seventy Thirty Nine Commerce Park Associates, LLC, S36-T14N-R1W, 0.69 acres, Liberty Township, located on the west side of State Road 39 and south of Interstate 70.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 436/15: *Seventy Thirty Nine Commerce Park Associates, 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 28th day of July, 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 436 /15: 70/39 COMMERCE PARK ASSOCIATES, 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 AGR/Agriculture-Residential and HB/Highway Business to PB/Planned 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 Planned Business which includes a mix of office, light industrial and flex-tenant type businesses located in campus type settings.

(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 distribution and warehousing center is an appropriate land use at this developing interchange area. Further, zoning standards applied to the development will ensure its compatibility with the proposed uses on the northeast and northwest quadrant of this interstate interchange.

(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 land uses anticipated by this rezoning are compatible with the Comprehensive Plan's expectations about how the interchange should develop.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The proposed zoning is an appropriate and desirable classification for this interchange area. Further, the proposed use is consistent with the long-established land use recommendation for the area.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. Warehouse and distribution center uses and mixed uses are consistent with the county's economic development policy for this area, and consistent with the Comprehensive Plan.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of July, 2015.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ZONING AMENDMENT PROJECT DATA

DATE	July 7, 2015					
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission					
PROJECT	ZA 436	2015	70/39 COMMERCE PARK ASSOCIATES, LLC			
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION			
	AGR	PB	Approval			
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST		
	TA Truck Stop	Agriculture	Agriculture	Agriculture		
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST		
	PB	PB	HB	PB		
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER		
	0.69 acres	Liberty	S36-T14N-R1W	N/A		
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK		
	S.R. 39	Rural Principal Art.	Existing	180 feet from centerline		
SEWER AND WATER	SEWER		WATER			
	Hendricks County Regional Sewer District		Citizens Water			
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME		FROM	TO	
	ZA 387	2007	MES Properties, LLC		RA	MI
	ZA 420	2013	70/39 Commerce Partners, LLC		AGR & HB	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 0.69 acre parcel is located on the west side of State Road 39, 0.45 mile north of East Hendricks County Road (Morgan County Line). The site consists of an existing residence and was recently acquired to be included in the approximately 214 acre commercial/industrial development known as Crossroads Commerce Park. The applicant is requesting the property be rezoned to PB/Planned Business District stating this request would remove a gap of AGR/Agriculture Residential zoned land that would otherwise be surrounded by future commercial/industrial land uses.

Compatibility with current uses. The Exit 59 area is a wide-ranging mix of rural residential, agricultural, distribution/warehouse, and highway business uses. On the south side of the Exit 59 interchange is the operating TA truck stop. On the north side of the interchange, land in the northwest and northeast quadrants has been rezoned to PB/Planned Business and GB/General Business for the purpose of developing a mix of distribution/warehouse and limited service and retail uses to meet the needs of the district's employees.

Compatibility with futures uses. Exit 59 has received a lot of attention because of the location's economic development potential. The 2006 Comprehensive Plan pays special attention to the area by designating it as Planned Business on the Land Use Plan which includes a mix of office, light industrial and flex-tenant type businesses located in campus type settings. This proposal is consistent with the Comprehensive Plan and the recently rezoned property that surrounds this site.

Other considerations. This parcel is part of the overall development known as Crossroads Commerce Park and will be included in the development plan review approval for design and construction.

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