

ORDINANCE NO. 2018-04

AN ORDINANCE TO AMEND AND REMOVE THE PREVIOUS ORDINANCE 2000-29 COMMITMENTS TO THE ZONING MAP OF HENDRICKS COUNTY, IN THE **GB/GENERAL BUSINESS DISTRICT**, COMMONLY KNOWN AS **ZA 454/18**: **HENDRICKS COUNTY HUMANE SOCIETY ARK, INC.**, S07-T15N-R1E, CENTER TOWNSHIP, PARCEL TOTALING 1.73 ACRES, LOCATED ON THE **SOUTHEAST SIDE OF THE INTERSECTION OF EAST MAIN STREET AND SOUTH COUNTY ROAD 300 EAST AND MORE COMMONLY KNOWN AS 3033 EAST MAIN STREET.**

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November in the year 2001, be amended so as to remove the previous commitments in the GB/General Business District for the following described real estate located in the County of Hendricks, Indiana, namely: ZA 454/18: Hendricks County Humane Society Ark, Inc., S07-T15N-R1E, 1.73 acres, Center Township, located on the southeast side of the intersection of East Main Street and South County Road 300 East and more commonly known as 3033 East Main Street, Danville.

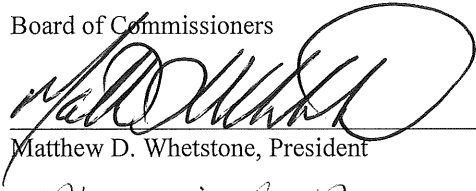
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 454/18: *Hendricks County Humane Society Ark, Inc.*, the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

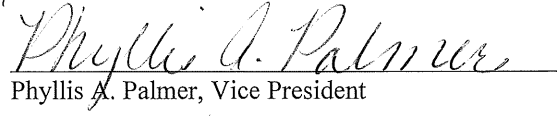
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

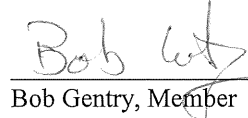
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 27th day of February, 2018.

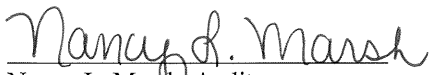
Board of Commissioners


Matthew D. Whetstone, President


Phyllis A. Palmer, Vice President


Bob Gentry, Member

Attest:


Nancy L. Marsh, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 454/17: Hendricks County Humane Society Ark, Inc.

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 GB with conditions to GB. 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:

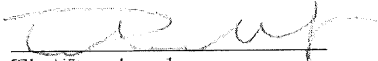
- (1) **The comprehensive plan;**
The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates does not annotate this area. The intent was for the property to be annexed by the Town of Danville. However, this property is surrounded by similar uses and zones.
- (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 by providing quality kennel and nonprofit entities for the County.
- (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 and by market conditions.
- (4) **The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction by meeting demand for a piece of property that has few alternatives.

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

The Commission finds that the proposal does represent responsible development and growth by encouraging commercial uses.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 13th day of February, 2018.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA


Tim Dombrosky

ZONING AMENDMENT PROJECT DATA

DATE	February 13, 2017				
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission				
PROJECT	ZA 454	2018	HUMANE SOCIETY OF HENDRICKS COUNTY		
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION		
	GB WITH PERMITTED USE CONDITIONS	GB	Approval		
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST	
	Undeveloped, Self Storage, Salon	Self Storage	Retail	Educational Institution- Preschool	
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST	
	Town of Danville	Town of Danville	PB	Town of Danville	
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER	
	1.73 ACRES	Center	0007-0015-1E		
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK	
	E Main St/ Old US 36 S 300 E	Urban Collector Urban Collector	50' from CL 50' from CL	45' from ROW 45' from ROW	
SEWER AND WATER	SEWER		WATER		
	Septic		Existing Groundwater Well		
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT		DETAILS	FROM	TO
	251	2000	Property was rezoned from Research/Office Industrial District to General Commercial- only permitting-office and auto dealership uses.	1-1	C-2 (GB)
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-

Background;

The request concerns a property requesting to be rezoned from GB (with conditions) to GB. The applicant is requesting that 1.73 acres be rezoned back to GB and to allow all permitted uses. When the property was rezoned from I-1 to C-2 in 2000, a condition was put in place to rezone the property but to only allow for a car dealership and office. The Humane Society of Hendricks County purchased the property in 2011 and it was mostly used for an office. However, they more recently have been needing to board animals, so the use will be a "kennel." A kennel is currently not permitted on this property but is permitted in GB.

The comprehensive plan;

The Comprehensive Plan designates does not annotate this area. The intent was for the property to be annexed by the Town of Danville. However, this property is surrounded by similar uses and zones.

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

The proposed use will not negatively impact the district due to its proximity to surrounding similar uses.

The most desirable use for which the land in each district is adapted;

The proposal does represent the most desirable use for which the land is adapted. The property is currently zoned GB just with two allowed uses. This commercial area is zoned PB and has similar uses in the corporate limits of Danville.

The conservation of property values throughout the jurisdiction;

The proposal does conserve property values in the jurisdiction by maintaining the same zoning but lessening arbitrary restrictions.

Responsible development and growth.

The proposal does represent responsible development and growth through general businesses practices.

-Staff Recommendation-

Based on the information provided, staff recommends the Plan Commission recommend: **APPROVAL.**