

ORDINANCE NO. 2017- 20

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 446/17: NDZA, INC., S20-T15N-R2E, WASHINGTON TOWNSHIP, PARCEL TOTALING 9.55 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 1050 EAST, APPROXIMATELY 0.10 MILE SOUTH OF BRADFORD ROAD.

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 446/17: NDZA, INC., S20-T15N-R2E, 9.55 acres, Washington Township, located on the east side of County Road 1050 East, approximately 0.10 mile south of Bradford Road.

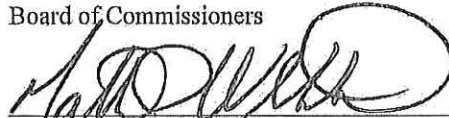
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 446/17: NDZA, INC., and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain 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.

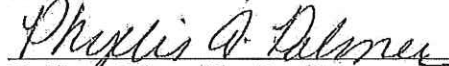
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 23rd day of May, 2017.

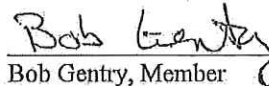
Board of Commissioners



Matthew D. Whetstone, President

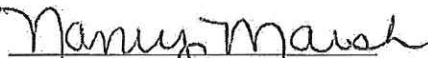


Phyllis A. Palmer, Vice-President



Bob Gentry, Member

Attest:



Nancy Marsh, Auditor

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 446/17: NDZA, 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 AGR/Agriculture Residential District 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:

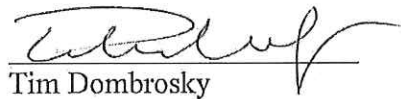
(1) The comprehensive plan;

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 Planned Business, and it is located close to a major intersection. The General Business designation will serve appropriately while this area moves toward a Planned Business park.

- (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 US 40 and Ronald Reagan, and the unique nature of the proposed use.
- (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 Ronal Reagan Corridor Plan.
- (4) **The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction by encouraging growth of local business and responding to County wide demands for more land for the service industry.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth through infill development near a principle arterial in an area 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 9th day of May, 2017.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA


Tim Dombrosky