

# Avon Town Council

## Ordinance 2022-13

### **APPROVING THE REQUEST OF DRG AND THE REZONING 16.75 ACRES OF CERTAIN PARCELS OF LAND FROM AGRICULTURAL (AG), TRANSITIONAL INDUSTRIAL DISTRICT (I-1) AND HEAVY INDUSTRIAL DISTRICT (I-3) TO HEAVY INDUSTRIAL DISTRICT (I-3)**

WHEREAS, DRG (“Petitioner”) filed a proposal to rezone from Agricultural (AG), Transitional Industrial District (I-1) and Heavy Industrial District (I-3) to Heavy Industrial District (I-3), six (6) parcels of land near 10160 Bradford Road, which is annexed into the Town of Avon, containing approximately 16.75 acres (the legal description for the parcel is attached as Exhibit A); and

WHEREAS, in its petition for rezone, the Petitioner stated that it intends to develop a portion of the properties for industrial development; and

WHEREAS, the Town of Avon Plan Commission published notice of a public hearing and conducted a public hearing on the proposal on March 28, 2022 in its case ZA 22-04; and

WHEREAS, the Plan Commission considered the Petitioner’s request, comments by the public, the case report, and comments by the Planning Director

and forwarded a favorable recommendation by a vote of 6 in favor and 0 against, on March 28, 2022; and

WHEREAS, the Plan Commission's recommendation was made with without proposed commitments:

WHEREAS, the Plan Commission properly certified its recommendation to the Avon Town Council on March 30, 2022; and

WHEREAS, the Avon Town Council, having considered the certification of the Plan Commission, presentations of the Planning Director and the Petitioner and comments from the public, and having paid reasonable regard to this evidence and

1. the Town of Avon Comprehensive Plan;
  2. the current conditions and the character of current structures and uses in each zoning district;
  3. the most desirable use for which the land in each district is adapted;
  4. the conservation of property values throughout the Town of Avon;
- and
5. responsible development and growth

now finds that the requested proposal to rezone the subject land should be granted as recommended by the Plan Commission, because (1) the approval will not be injurious to the public health, safety, morals and general welfare of the community, (2) the use and character of land and structures in the area adjacent to the subject site and in the area generally will not be affected in a substantially adverse manner; (3) the proposed rezone will not decrease the value of property in the area of the subject property; (4) the proposed rezone is consistent with the goals of the Comprehensive Plan; and (5) the approval of the requested rezone is consistent with the interests of responsible development and growth in that the development will not unduly burden local schools, local or state roads and highways, or unduly burden utility providers; and

IT IS, THEREFORE, ORDAINED that the request by DRG to rezone real estate, located near 10160 Bradford Road, containing approximately 16.75 acres and described more particularly in Exhibit A, from Agricultural (AG), Transitional Industrial District (I-1) and Heavy Industrial District (I-3) to Heavy Industrial District (I-3).

IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Heavy Industrial District (I-3) and the Planning Director is directed to change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone and to maintain a record of the conditions contained in this approval.

IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.  
Adopted: April 28, 2022.

**Avon Town Council:**

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Robert Pope, President

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Aaron Tevebaugh, Vice President

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Steve Eisenbarth, Member

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Dawn Lowden, Member

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Greg Zusan, Member

Attest: \_\_\_\_\_  
Julie Loker, Clerk-Treasurer

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

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William Paul Peeples

This instrument prepared by William Paul Peeples, AICP, Planning Director of the Town of Avon, 6570 East U. S. Highway 36, Avon, Indiana, 46123.

Part of the Southwest Quarter of Section 17, Township 15 North, Range 2 East of the Second Principal Meridian in Hendricks County, Indiana, more particularly described as follows:

Commencing at a 3/4" Iron Pipe at the Southwest Corner of said Southwest Quarter; thence North 88 degrees 57 minutes 30 seconds East (Basis of Bearings – Indiana State Plane Coordinate System – East Zone) along the South line of said Southwest Quarter, a distance of 601.03 feet; thence North 00 degrees 57 minutes 29 seconds West, a distance of 45.00 feet to a 5/8" rebar with "Kruse Consult Firm No. 78" Cap found at the Southeast corner of All Points Meadows Business Park Section 2, recorded in Instr. No. 20150224 and Kohls Department Stores, Instr. No. 201620754, said corner also being the POINT OF BEGINNING; thence continuing North 00 degrees 57 minutes 29 seconds West along the East line of All Point Meadows Business Park, a distance of 903.00 feet to a 5/8" rebar with "Kruse Consult Firm No. 78" Cap, at an angle point on the Southeast line thereof; thence along the south line of said All Point Meadows Park, North 88 degrees 57 minutes 30 seconds East, parallel to the South line of the Southwest Quarter of the Southwest Quarter, a distance of 735.50 feet, to a 5/8" rebar with "Kruse Consult Firm No. 78" Cap at the Southeast Corner of said All Points Midwest Business Park; thence North 00 degrees 57 minutes 09 seconds West, a distance of 45.72 feet, to the Southwest Corner of a parcel described to Hendricks County Board of Commissioners in Instr. No. 201204918; thence North 88 degrees 57 minutes 17 seconds East, a distance of 291.14 feet, to a point on a curve with a radius of 3105.00 feet on the Westerly Right-of-way of Ronald Regan Parkway; thence Southerly along said curve, whose chord bears South 07 degrees 45 minutes 07 seconds East and has a length of 629. 43 feet, a distance of 630.51 feet; thence leaving said westerly Right of Way line, South 88 degrees 53 minutes 12 seconds West, along the North line of parcels described to Colleen A. Rice (Instr. No. 201904005), Floyd and Donna Jaco (Instr. No. 200926376) and Tracy Skiles (Instr. No. 201828097) respectively, a distance of 365.60 feet to a 5/8" rebar with "Kruse Consult Firm No. 78" Cap; thence South 88 degrees 57 minutes 30 seconds West, along the North lines of parcels described to David and Yayoi Fox (Instr. No. 2007015451), and G and R Investments II LLC (Instr. No. 202131714) respectively to Northwest Corner of said G and R Investments parcel, a distance of 411.00 feet to a 5/8" rebar with "Kruse Consult Firm No. 78" Cap; thence South 00 degrees 57 minutes 29 seconds East, along the West line of said G and R Investments parcel, a distance of 323.17 feet to a 5/8" rebar with "Kruse Consult Firm No. 78" Cap; thence South 88 degrees 57 minutes 30 seconds West, parallel to the South line of the Southwest Quarter of the Southwest Quarter, a distance of 324.50 feet, to the Point of Beginning.

Containing 16.75 acres, more or less. Subject to all highways, rights of way, and easements.

Exhibit A

