

**ORDINANCE NO. 2023 - 4E**

**AMENDING**

**HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B**

**AMENDING TITLE XV, CHAPTER 156. ZONING  
OF THE HANCOCK COUNTY CODE OF ORDINANCES**

**SECTION 1**

Title XV Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map Referenced in Section 156.020 for Sugar Creek Township is hereby amended by rezoning the subject area from Residential (R1.0) to Commercial Regional (CR).

The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

**ADOPTED THIS 18th DAY OF APRIL 2023**

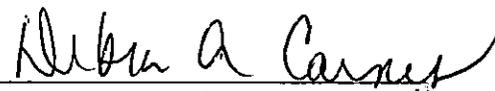
**BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA**

  
\_\_\_\_\_  
**Bill Spalding**

  
\_\_\_\_\_  
**John Jessup**

  
\_\_\_\_\_  
**Gary McDaniel**

**ATTEST:**

  
\_\_\_\_\_  
**Debra Carnes, Hancock County Auditor**

**Petitioner: Storenow-New Palestine Self Storage, LLC**

**EXHIBIT "A"**

A part of Lot Number Two of the Brad & Brian Kehrt Minor Subdivision as recorded in Plat Cabinet D, Slide 60 and Instrument Number 201908938 in the Office of the Recorder of Hancock County, Indiana, also being a part of Section 28, Township 15 North, Range 6 East in Sugar Creek Township, being more particularly described as follows:

Beginning at the Southwest corner of Lot Two; thence on an assumed bearing of South 73 degrees 09 minutes 30 seconds East along the South line thereof a distance of 250.00 feet; thence North 00 degrees 00 minutes 00 seconds West parallel with the West line of Lot Two a distance of 567.23 feet to the North line of Lot Two; thence North 73 degrees 12 minutes 09 seconds West along the said North line a distance of 171.16 feet to a point on a curve to the left having a radius of 553.69 feet; thence West along said curve and along said North line a distance of 75.63 feet, having a chord bearing of North 88 degrees 21 minutes 54 seconds West and a distance of 75.57 feet to the Northwest corner of Lot Two; thence South 00 degrees 00 minutes 00 seconds East along the West line thereof a distance of 549.05 feet to the Beginning Point, containing 3.10 acres, more or less.

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE 'COMMISSION') AND THE  
HANCOCK COUNTY BOARD OF COMMISSIONERS (THE 'COMMISSIONERS')  
RE: STORENOW-NEW PALESTINE SELF STORAGE, LLC  
PETITION FOR REZONING**

**COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE  
MADE IN CONNECTION WITH A PETITION FOR REZONING**

In accordance with I.C. 36-7-4-1015, Storenow-New Palestine Self Storage, LLC ('Owner') having heretofore agreed and consented to the Petition for Rezoning (the 'Petition') regarding the real estate located in Hancock County, Indiana at 3862 W US 52 New Palestine, Indiana, which is described in Exhibit A makes the following commitment concerning the use and development of the parcel of real estate ('Real Estate'):

Statement of Commitment: If the Real Estate is rezoned to Commercial Regional (CR) the Owner commits to the Commission and the Commissioners the following:

- A) The following uses will be prohibited: Hotel/motel, Liquor store, and Night club.
- B) Petitioner will comply with Corridor Overlay (C-OL) architectural standards for exterior colors/materials visible along US 52 Corridor
- C) Petitioner shall comply with the Subdivision Control Ordinance.
- D) Understanding that approval of this rezone does not constitute a site plan review.
- E) If there is a question of whether industrial or commercial standards apply in regards to aesthetic requirements, the Planning Director may decide.
- F) Any existing violations will be resolved before a building permit is issued
- G) Whole site landscaping will be reinspected prior to COO being issued.

The Commitment shall be binding on the Owner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein. This Commitment may be modified or terminated only in writing and only by a decision of the Commission following a public hearing for which proper notice has been given, which decision also has been approved by the Commissioners.

This Commitment may be enforced jointly or severally by:

- 1. The Commission, The Commissioners, the Hancock County Board of Zoning Appeals;
- 2. Property owners of the Real Estate; and
- 3. Any person who is aggrieved by a violation of this Commitment, including but not limited to all owners of real estate which are abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this Commitment in a court of competent jurisdiction, and the owners shall pay all reasonable costs in the enforcement of this commitment, including attorney fees.

The undersigned hereby authorizes the commission and the Commissioners to record this Commitment in the Office of the Recorder of Hancock County, Indiana upon final approval of the ordinance rezoning the property to 'Commercial Regional (CR)' by the Commissioners, the cost of which shall be paid by the Owner to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this 23 day of June, 2023.

Signed Name

Printed Name

Authorized Representative -Storenow-New Palestine Self Storage, LLC

STATE OF INDIANA )

) SS:

CCOUNTY OF HANCOCK )

Before me, a Notary Public, in and for said county and State, personally appeared \_\_\_\_\_ who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public

My Commission Expires: \_\_\_\_\_

County of Residence: \_\_\_\_\_

APPROVED THIS 18<sup>th</sup> of APRIL, 2023

Board of Commissioners  
Hancock County, Indiana

  
Bill Spalding

  
John Jessup  
  
Gary McDaniel

Attest:   
Debra Carnes, Hancock County Auditor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required law.

Kayla Brooks

This instrument prepared by: Theresa J Sweet, Office Manager, Hancock County Plan Commission.

[Signature]  
Signed Name  
Authorized Representative - Storenow-New Palerkin Self Storage, LLC

Ryan Leslie  
Printed Name

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF HANCOCK )

Before me, a Notary Public, in and for said county and State, personally appeared Ryan S. Leslie who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 23<sup>rd</sup> day of June, 2023.

[Signature]  
Notary Public

My Commission Expires: 7-20-30

County of Residence: Morgan



APPROVED THIS 18<sup>th</sup> of APRIL, 2023

Board of Commissioners  
Hancock County, Indiana

[Signature]  
Bill Spalding

[Signature]  
John Jessup  
Gary McDaniell

Attest: [Signature]  
Debra Carnes, Hancock County Auditor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required law.

[Signature]  
Kayla Brooks

This instrument prepared by: Theresa J Sweet, Office Manager, Hancock County Plan Commission.