



ORDINANCE NO. 2025-5A

AMENDING
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B
AMENDING TITLE XV, CHAPTER 156, ZONING
OF THE HANCOCK COUNTY CODE OF ORDINANCES
AND
AMENDING AND RESTATING ORDINANCE NO. 2022-7E

SECTION I

Hancock County Zoning Ordinance No. 2007-1B is amended by this ordinance which amends and restates Ordinance No. 2022-7E.

SECTION II

Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Buck Creek Township is hereby amended by rezoning the subject area from Agricultural (A) to Industrial General (IG). The amendment is hereby enacted subject to the execution and recording of the attached zoning commitment, inclusive with Exhibits A-C.

BOARD OF COMMISSIONERS
HANCOCK COUNTY, INDIANA



Jeannine Gray



Gary McDaniel



William Spalding

Attest: 

Debra Carnes, Hancock County Auditor

**THE HANCOCK COUNTY AREA PLAN COMMISSION (THE “COMMISSION”) AND THE
HANCOCK COUNTY BOARD OF COMMISSIONERS (THE “COMMISSIONERS”)**

**RE: STONELAND, LLC
PETITION FOR REZONING**

**AMENDING AND RESTATING THE PREVIOUS 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, Stoneland, LLC (“Owner”) having heretofore agreed and consented to the Petition for Rezoning (the “Petition”) on July 19, 2022, as set forth in Hancock County Ordinance 2022-7E (“Ordinance”), regarding the real estate located in Hancock County, Indiana at the northwest and southwest corners of Interstate-70 and County Road 200 West, Greenfield, Indiana, which is described in Exhibit A, makes the following amended and restated commitment (“Commitment”) concerning the use and development of the parcels of the real estate (“Real Estate”).

Statement of Commitment: If the Real Estate is rezoned to “Industrial General (IG)” the Owner commits to the Commission and the Commissioners the following:

- A) Only the following type of land uses shall be permitted at the location as was approved by a special exception granted by the Hancock County Board of Zoning Appeals (“BZA”) on September 29, 2022: Temporary concrete mixer plant and activities related to operations of such temporary plant for Owner’s construction project along Interstate 70 that Owner is performing on behalf of the Indiana Department of Transportation as more particularly described in Owner’s Statement of Intent as filed with the Commission on May 27, 2022 and attached herein as Exhibit B.
- B) Owner previously agreed that operation of the specific and above-referenced land use shall terminate at the end of Owner’s project and in any event, no later than 31 December 2024 unless extended by the Commissioners. (Commissioners did not grant Owner’s request for an extension. Modification to the previous commitment as set forth in the Ordinance was sought by the Owner and granted under the terms of this amended and restated Commitment). Under this Commitment, Owner agrees to terminate the operation of the specific and above-referenced land use by 31 December 2025 and agrees to the conditions for the time extension as set forth in Exhibit C incorporated herein.
- C) The Owner shall petition to rezone the site to Agricultural (A) as set forth in Exhibit C or as otherwise directed by the Commissioners.

D) Upon termination of the land use set forth above, the Owner shall restore the property for agricultural purposes. Sampling of the soils shall be performed to ensure the soils are not contaminated; provided, however, that the Commission and the Commissioners acknowledge and agree that the soil of the Real Estate, by virtue of being used for agricultural purposes prior to the Owner's ownership and operation of it, are likely to contain levels of pesticides and other agricultural/farming chemicals not sued in Owner's operations described herein and as such, sampling will be limited to determine whether there is Diesel fuel contamination in violation of applicable laws.

This 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 the commitment, including but not limited to, all owners of real estate which are abutting or adjoining the Real Estate.

In the event it comes necessary to enforce this Commitment in court of competent jurisdiction, and the owner of the Reals Estate are found to be in violation of the commitment, the Owner 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 approving this Commitment, 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 9th day of May, 2025.



Authorized Representative of Stoneland, LLC

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

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

Witness my hand and Notarial Seal this 9 day of May, 2025.

Corinne Shambaugh
Corinne Shambaugh, Notary Public

My Commission Expires: 9-7-2032

County of Residence: Hancock

APPROVED THIS 9th DAY OF May, 2025



BOARD OF COMMISSIONERS
HANCOCK COUNTY, INDIANA

Jeannine Gray
Jeannine Gray

Gary McDaniel
Gary McDaniel

Bill Spalding
William Spalding

Attest: Debra A Carnes
Debra Carnes, Hancock County Auditor

This instrument was prepared by Rhonda Cook, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

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. Rhonda Cook.

EXHIBIT A

Page 1 of 2

PROPERTY DESCRIPTION

Tract I:

Part of the Northeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, more particularly described as follows:

Considering the East line of the Northeast Quarter of Section 22, Township 16 North, Range 6 East as bearing South 00 degrees 33 minutes 49 seconds East with all other bearings herein contained relative thereto; Commencing at the Northeast corner of said Northeast Quarter, marked by a Hancock County Section Corner Monument; thence South 00 degrees 33 minutes 49 seconds East on the East line of said Northeast Quarter a distance of 1721.09 feet to the PLACE OF BEGINNING, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence South 89 degrees 23 minutes 50 seconds West a distance of 995.10 feet to the West line of the land described in Instrument #201700136, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 00 degrees 36 minutes 06 seconds East on said West line a distance of 916.20 feet to the North limited access right of way line for Interstate 70, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 23 minutes 50 seconds East on said limited access right of way line a distance of 294.14 feet to the point of curvature of a tangent curve with an interior angle of 00 degrees 06 minutes 15 seconds and a radius of 343643.72 feet, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence on the arc of said curve to the left a distance of 624.72 feet continuing on said limited access right of way line and being subtended by a chord bearing North 89 degrees 20 minutes 42 seconds East and a chord distance of 624.72 feet to the point of tangency, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 03 degrees 19 minutes 32 seconds East on the limited access right of way line a distance of 871.57 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 26 minutes 20 seconds East on said right of way line a distance of 16.52 feet to the East line of said Northeast Quarter, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence North 00 degrees 33 minutes 49 seconds West on the East line of said Northeast Quarter a distance of 46.12 feet to the PLACE OF BEGINNING.

Being a part of the Northeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, containing 20.00 acres, more or less.

Commonly known as 2770 North 200 West, Greenfield, IN 46140
Tax Parent Parcel #30-06-22-100-018.000-006

Tract II:

Part of the Southeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, more particularly described as follows:

NWC

EXHIBIT A

Page 2 of 2

PROPERTY DESCRIPTION

Considering the East line of the Southeast Quarter of Section 22, Township 16 North, Range 6 East as bearing North 00 degrees 27 minutes 31 seconds West with all other bearings herein containing relative thereto; Commencing at the Southeast corner of said Southeast Quarter, marked by a Hancock County Section Corner Monument; thence North 00 degrees 27 minutes 31 seconds West on the East line of said Southeast Quarter a distance of 1325.35 feet to the Southeast corner of the land described in Instrument #201700136 and the PLACE OF BEGINNING, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence South 89 degrees 25 minutes 56 seconds West on said South line, a distance of 1002.01 feet to the Southwest corner of the land described in said Instrument #201700136, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 00 degrees 07 minutes 58 seconds West on said West line a distance of 1079.88 feet to the South limited access right of way line for Interstate 70, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 23 minutes 50 seconds East on said limited access right of way line a distance of 296.14 feet to the point of curvature of a tangent curve with an interior angle of 00 degrees 05 minutes 57 seconds and a radius of 343903.72 feet, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence on the arc of said curve to the left a distance of 595.07 feet continuing on said limited access right of way line and being subtended by a chord bearing North 89 degrees 20 minutes 51 seconds East and a chord distance of 595.07 feet to the point of tangency, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 04 degrees 40 minutes 13 seconds East on the limited access right of way line a distance of 471.53 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 04 degrees 29 minutes 56 seconds East on said right of way line a distance of 426.06 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 17 degrees 51 minutes 31 seconds East on said right of way line a distance of 78.60 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 32 minutes 20 seconds East on said right of way line a distance of 16.50 feet to the East line of said Southeast Quarter, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence South 00 degrees 27 minutes 31 seconds East on the East line of said Southeast Quarter a distance of 110.46 feet to the PLACE OF BEGINNING.

Being a part of the Southeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, containing 23.25 acres, more or less.

Commonly known as West 200 North, Greenfield, IN 46140
Tax Parcel #30-06-22-400-025-000-006

SWE

OWNER'S STATEMENT OF INTENT

FILED

DEC 13 2022

Original
STATEMENT OF INTENT

HANCOCK COUNTY
PLAN COMMISSION

The property will serve as an access point for construction vehicles to ingress and egress from the Interstate 70 construction site, thus reducing the overall number of construction vehicles that need to enter and exit the project limits via the interstate system. The intent of the rezoning is to set a portable concrete mixer on the south property, for approximately two years or as otherwise necessary to support Interstate 70 construction for the duration of the project. For flexibility purposes, the north property will be rezoned to accommodate material processing activities. This will reduce the amount of construction traffic, namely dump trucks and other large construction vehicles, utilizing the interstate and the surrounding county infrastructure, specifically and especially during the reconstruction of Interstate 70. Approval of the requested rezone will ease the congestion on all roadways along the 10 mile stretch of highway undergoing construction, and improve the overall safety for the construction personnel performing work and the motoring public.

Both the southern and northern properties will serve as an unloading and storage area for various construction materials, equipment, and personnel. It will also serve as a parking area for employees, allowing them to safely access the site without impacting traffic. Each site will also provide temporary access for emergency responders, in the event of an accident that precluded such. In addition to the positive effects on the interstate system, the rezone reduces the impact on the small business owners around both the Mt Comfort and State Road 9 interchanges by reducing the amount of construction traffic at each. Upon successful completion of the highway project, the intent is to remove the portable concrete mixer and eliminate the first responder access points.

The rezone request is *temporary in nature*. Petitioner agrees to file a second petition after the complete conclusion of work. IG zoning shall remain in place so long as the sites are supporting construction in any way or are involved in post construction activities including any use, storage, delivery, and/or removal of equipment, aggregates or any other construction related materials. At such time a petition may be filed to restore the land to a zoning classification more in keeping with the then adopted Comprehensive Plan.

EXHIBIT C

CONDITIONS FOR TIME EXTENSION

As conditions to the granting of a time extension under section B of the Commitment, Owner agrees to the following:

1. Owner shall cease all operations other than clean up on the Real Estate and as such operations relate to Owner's current INDOT project it is completing on I-70 in Hancock County (the "Project") and any other project no later than December 31, 2025.

All restoration directives described in Section D of the Commitments shall be completed by December 31, 2027. Owner shall be allowed to operate on the Real Estate for the sole purposes of removing all equipment, structures, vehicles, materials stockpiles, debris, waste or any other items that were not present prior to the initiation of the Project, including processing and moving the materials that are on the Real Estate as a result of the Project, and including activities that are permitted uses included in the Agricultural (A) zoning district per Hancock County Code §156.023.

2. All restoration directives described in Section D of the Commitment shall occur not later than December 31, 2027. Also, not later than December 1, 2027, Owner shall provide the Board of Commissioners with soil sample reports showing no contamination as described in section D of the Commitment.
3. Owner shall conduct soil testing in a time interim which will allow for completed remediation of any contamination prior to December 31, 2027 as described in section D of the Commitment,
4. The results of any and all soil tests that are done on the Real Estate shall be provided to the Commissioners by sending the reports to the County Attorney.
5. The Real Estate shall return to Agricultural (A) zoning designation, not later than December 1, 2026.
6. By October 1, 2026, Owner shall petition the Plan Commission to be placed on the agenda for the November 2026 Plan Commission meeting, requesting that the Real Estate be rezoned from Industrial General (IG) to Agricultural.
7. No further concrete nor other debris or materials shall be added to the current stock piles on the Real Estate and no new stock piles shall be created; provided, however, that Owner shall be allowed to move materials from the Real Estate to the Project for completion of the Project; and provided further, that Owner shall be entitled to

remove dirt from the Project and place such dirt on existing piles on the Real Estate while Owner is completing the Project and until: (1) the Project is completed; or (2) December 31, 2025, whichever is sooner. Except as provided in Section 8 below, any and all piles of dirt (and any other debris) remaining upon Project completion shall be removed in accordance with Sections 1 and 2 above.

8. After operations have ceased on the Real Estate as of December 31, 2025 in accordance with Section 1 above and after the Real Estate is rezoned to Agricultural (A) in accordance with Section 5 above, if there are remaining stock piles on the Real Estate, the stock piles shall be considered a nonconforming use until December 31, 2027.
9. The time extension permitted in section B of the Commitment is valid only if the Owner executes the Commitment, of which this Exhibit C is part of, within thirty (30) days of the Board of Commissioners' approval of Ordinance No. 2025-5A.