

ORDINANCE NO. 2021- 36
AN ORDINANCE AMENDING TITLE XV, CHAPTER
156, OF THE HANCOCK COUNTY CODE

BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF HANCOCK COUNTY, INDIANA,
THAT:

SECTION 156.020 ZONING MAP OF TITLE XV, CHAPTER 156 IS AMENDED AS
FOLLOWS:

SECTION 1. Real Estate. The real estate more particularly described in the attached “Exhibit A” (the “Real Estate”), which is zoned Planned Unit Development (PUD) District, is hereby amended pursuant to the terms herein. Unless otherwise stated herein, the standards set forth in this Ordinance shall govern the use and development of the Real Estate, and these standards shall replace all other standards set forth in the Hancock County Zoning Ordinances, as amended.

SECTION 2. Preliminary Plans. The Real Estate shall be developed substantially in accordance with the Amended Preliminary Development Plans (the “Amended Plans”), a copy of which are attached as “Exhibit B”.

SECTION 3. Permitted Uses. The permitted uses for the Real Estate, except that area marked as “Open Space” on the Amended Plans, are described below:

PERMITTED USES:

1. Service Center Building and Paint Building:
 - Service Center Building and Paint Building:
 - i) Automated motor vehicle wash;
 - ii) Motor vehicle service, reconditioning, and repair center, including tire racks;
 - iii) Shop techs/warehouse staff lounge/ breakroom;
 - iv) Driver’s restrooms;
 - v) Parts warehouse;
 - vi) Office area, breakroom and restrooms;
 - vii) Connector Canopy; and
 - viii) Painting of motor vehicles.
2. The sale and leasing of motor vehicles, trailers and related equipment.
3. Motor vehicle and Trailer Storage.
4. Motor vehicle and Trailer Parking.
5. Loading and unloading of motor vehicles.
6. Truck/Fleet maintenance building.
7. Fueling station/tank

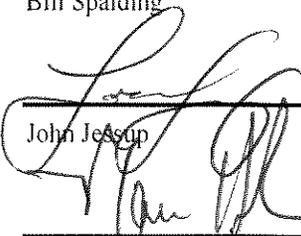
Variations to Developmental Standards may be requested pursuant to the Hancock County Zoning Ordinance.

SECTION 11. Adoption. This Ordinance is adopted this 16th day of March, 2021 and shall take effect upon its passage, as provided by law.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA:



Bill Spalding

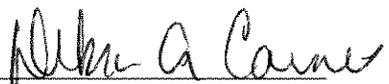


John Jessup



Marc Huber

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner, Carvana, LLC

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: _____

This document prepared by: Fredric Lawrence
Nelson & Frankenberger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

8. All permitted uses, except (unless otherwise permitted herein) the following: (a) equipment sales and rental, (b) contractor's storage yard, (c) fabrication facility, (d) food and beverage production, (e) manufacturing facility, and (f) junk yard, and truck terminal as a primary use, listed in the Industrial: Business Park (IBP), Industrial: Light (IL) and Industrial: General (IG) Zoning Districts not listed above.

SECTION 4. Special Exceptions. Special Exceptions allowed for the Real Estate will be the Special Exceptions listed in Industrial: Business Park (IBP), Industrial: Light (IL) and Industrial: General (IG) Zoning Districts.

SECTION 5. Developmental Standards. Developmental standards and requirements shall be as shown on the Amended Planned Unit Development Preliminary Plan approved by the Hancock County Commissioners, which said Plan is incorporated herein by reference.

SECTION 6. Architectural Standards. The maximum height of any building within the site shall not exceed 50 feet. Buildings shall be constructed of durable materials that are appropriate for the building type. The character of the materials for each building shall be similar to one another to tie the site together. The site may include, but is not limited to the Service Center Building, Paint Building, and Truck Maintenance Building. Each building shall be permitted to include supplementary functions which support the primary use of each building.

SECTION 7. Landscaping Standards. Landscaping standards shall be as shown on the Landscape Plan approved by the Hancock County Commissioners, which said Landscape Plan is incorporated herein by reference. The size and species shall be as provided by the Hancock County Zoning Ordinance.

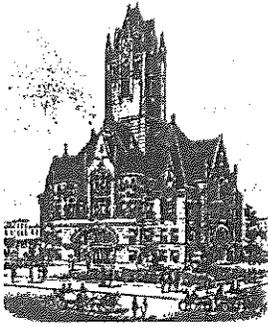
SECTION 8. Lighting Standards. Lighting standards shall be as shown on the Photometric Plans approved by the Hancock County Commissioners, which said Plans are incorporated herein by reference. The height and fixture type shall be as provided by the Hancock County Zoning Ordinance.

SECTION 9. Open Space. The development of what is marked as "Open Space" on the Amended Plans is subject to further approval by the Hancock County Commissioners.

SECTION 10. The Owner of the Real Estate will comply with the following standards of the Hancock County Zoning Ordinance:

- A. Industrial Operation Standards
- B. Environmental Standards
- C. Entrance/drive Standards
- D. Non-residential Fence Standards
- E. Non-residential Design Standards
- F. Sign Standards
- G. Parking Standards

Any entrance road shown on the approved Amended Preliminary Unit Development Plan shall be considered in compliance with all requirements of the Hancock County Zoning Ordinance regarding road frontage and access to a public road.



*The Hancock County Area Plan Commission
Court House Annex
111 American Legion Place, Suite 146
Greenfield, IN 46140
Phone: (317) 477-1134
Fax: (317) 477-1184*

CERTIFICATION

Hancock County Area Plan Commission

Project Name: Carvana – PUD Ordinance and Preliminary Plan
Petitioner: Carvana, LLC
Project Location: 6508 W FW Marks Drive
Township: Buck Creek

I, Michael Long, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached PUD ordinance and preliminary plan are true and accurate records of the meeting of the Plan Commission on 23 February 2020. The attached amendment and plan received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.

The attached ordinance and plan are hereby certified to the Board of Commissioners, Hancock County, Indiana.

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Michael Long, Secretary

EXHIBIT A

Legal Description

A part of the North Half of Section #24, Township 16 North, Range 5 East, Buck Creek Township, Hancock County, Indiana and being remaining portion of the lands described in CELADON REALTY, LLC, Instrument #201606908 and all of Parcel 1 of Instrument #201805429, described as follows:

Beginning at a 1" steel pin with a punch mark found at the Northwest corner of said Section #24, THE POINT OF BEGINNING, Thence South 89°30'36" East, a distance of 1,342.87 feet along the North line of said Section #24 to a Mag nail and collar "Isgrigg" set, THE TRUE POINT OF BEGINNING, Thence South 00°34'50" East, a distance of 784.11 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence North 89°25'10" East, a distance of 969.27 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence South 00°34'50" East, a distance of 239.55 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence North 89°25'10" East, a distance of 1,415.49 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence South 00°28'50" East, a distance of 722.16 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence along an arc to the right having a chord bearing of South 67°11'00" East, a chord distance of 81.61 feet, a radius of 506.00 feet and an arc length of 81.70 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence South 62°33'28" East, a distance of 148.26 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence along an arc to the left having a chord bearing of South 75°57'06" East, a chord distance of 75.52 feet, a radius of 163.00 feet and an arc length of 76.21 feet to a 5/8"x24" rebar and cap "Isgrigg" set. Thence South 89°20'43" East, a distance of 24.42 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence North 00°28'51" West, a distance of 7.14 feet to a point, Thence South 89°20'52" East, a distance of 899.97 feet to a point, Thence North 45°25'50" East, a distance of 35.22 feet to a point, on the West right-of-way line of N. Michael Ebert Drive, Thence North 00°12'19" East, a distance of 112.89 feet along said Drive to a 5/8"x24" rebar and cap "Isgrigg" set, Thence South 89°23'32" East, a distance of 0.06 feet to a 5/8"x24" rebar and cap "Isgrigg" set, Thence North 00°11'42" East, a distance of 331.10 feet along said Drive to a 5/8"x24" rebar and cap "Isgrigg" set, Thence North 89°23'32" West, a distance of 930.57 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section #24 witnessed by a 5/8"x24" rebar and cap "Isgrigg" found bearing North 84°53'12" East a distance of 0.16 feet, Thence North 00°28'51" West, a distance of 1,334.72 feet to a Mag nail and Collar "Isgrigg" Set at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section #24, Thence North 89°12'44" West, a distance of 1,347.66 feet along County Road W. 300 N to a 1" steel pin found at the Northeast corner of the Northwest Quarter of said Section #24, Thence North 89°30'36" West, a distance of 1,342.87 feet to THE TRUE POINT OF BEGINNING. Containing 3,123,126± Square Feet or 71.697 Acres.

EXCEPT:

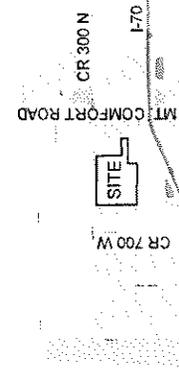
A part of the North Half of Section 24, Township 16 North, Range 5 East, Hancock County, Indiana, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section, also being the Northwest corner of a parcel to Carvana, LLC as described in Instrument Number 2019-3643 and recorded in the Office of the Recorder of Hancock County, Indiana; thence South 89 degrees 30 minutes 36 seconds East along the North line of said Northwest Quarter

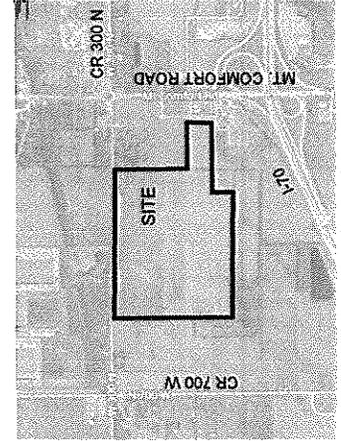
Section a distance of 1342.87 feet to the North Quarter Corner of said Section; thence South 89 degrees 12 minutes 44 seconds East along the North line of the Northeast Quarter of said Section a distance of 1347.66 feet to the Northeast corner of the Northwest Quarter of said Northeast Quarter Section, also being the Northeast corner of said Instrument Number 2019-3643; thence South 00 degrees 28 minutes 51 seconds East along the East line thereof a distance of 65.02 feet; thence North 89 degrees 12 minutes 44 seconds West parallel with and 65 feet South of said North line a distance of 1348.93 feet; thence North 89 degrees 30 minutes 36 seconds West parallel with and 65 feet South of said North line a distance of 1341.50 feet to the West line of said Instrument Number 2019-3643; thence North 00 degrees 34 minutes 50 seconds West along the West line thereof a distance of 65.01 feet to the Point of Beginning, containing 4.01 Acres, more or less.

AMENDED PRELIMINARY PLANNED UNIT DEVELOPMENT FOR CARVANA Truck Maintenance Facility

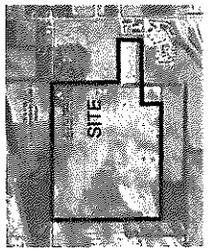
6508 WEST FW MARKS DRIVE
BUCK CREEK TOWNSHIP, HANCOCK COUNTY
GREENFIELD, INDIANA 46140



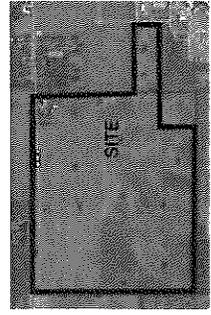
VICINITY MAP
NOT TO SCALE



LOCATION MAP
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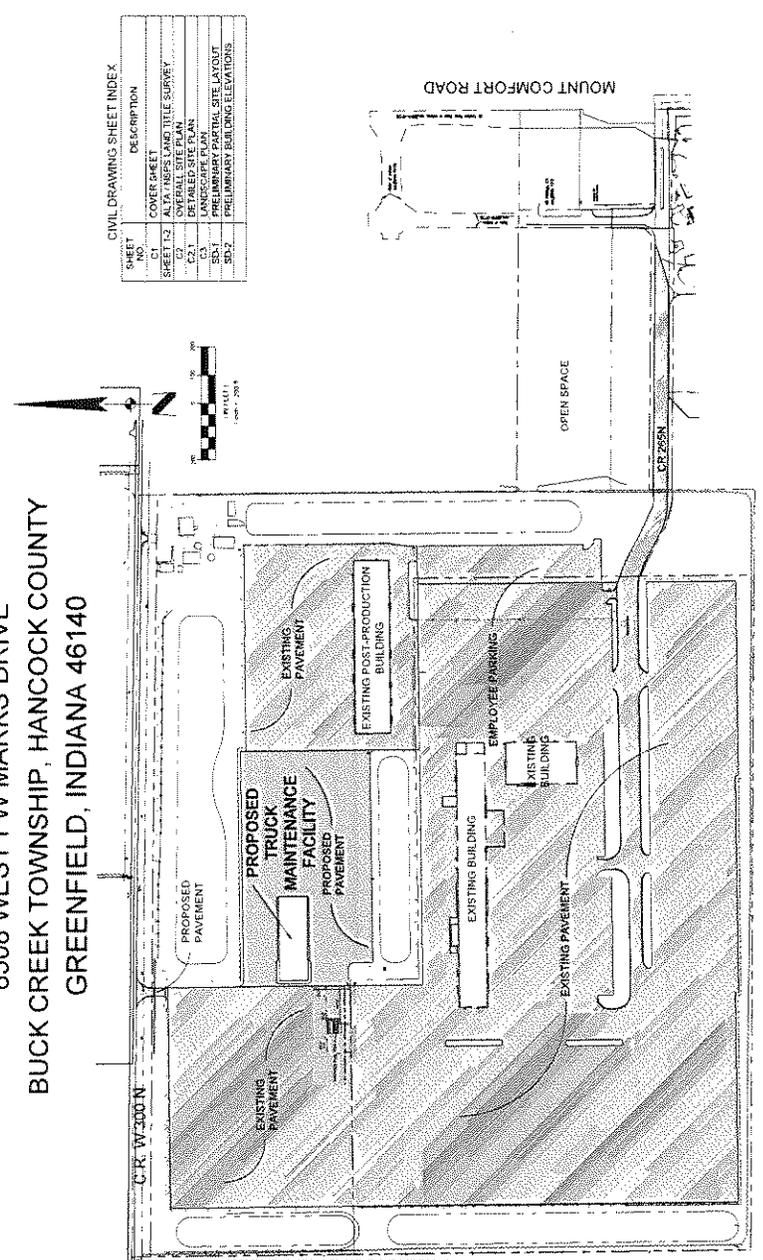


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NOT TO SCALE



SOIL MAP
NOT TO SCALE

By: [Signature]
K: [Signature]
C: [Signature]



SHEET NO.	DESCRIPTION
C1	COVER SHEET
C2	ALTA TRAPSLAND TITLE SURVEY
C3	OVERALL SITE PLAN
C4	DETAILED SITE PLAN
C5	UNDERGRIPE PLAN
C6	FINAL TRUCK SITE LAYOUT
C7	PRELIMINARY BUILDING ELEVATIONS

- DESIGN TEAM CONTACTS**
- DAVE ENGINEERS AND ARCHITECTS, LLC
1100 W. 10TH STREET
GREENFIELD, IN 46140
CONTACT: CHRIS WHITE
 - U.S. STATE CONSULTING MANAGEMENT, INC.
1000 W. 10TH STREET
GREENFIELD, IN 46140
CONTACT: STEVE COOPER
 - LEGAL SERVICES AND CONSULTING MANAGEMENT, INC.
1000 W. 10TH STREET
GREENFIELD, IN 46140
CONTACT: NICK LAWRENCE
 - AGRISET MANAGEMENT SERVICES
1000 W. 10TH STREET
GREENFIELD, IN 46140
CONTACT: CAROL ANN COOPER
 - CONTACT: CHRIS WHITE
- LOCAL CONTACTS**
- HANCOCK COUNTY ENGINEERING, LLC
1100 W. 10TH STREET
GREENFIELD, IN 46140
CONTACT: CHRIS WHITE
 - HANCOCK CO. SUBCORN
1100 W. 10TH STREET
GREENFIELD, IN 46140
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF TRANSPORTATION
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF REVENUE
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF HEALTH
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF COMMERCE
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF EDUCATION
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF LABOR
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF METALS
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF NATURAL RESOURCES
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF PUBLIC SAFETY
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF WORKFORCE DEVELOPMENT
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF WORKERS COMPENSATION
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE
 - INDIANA STATE DEPARTMENT OF WORKERS COMPENSATION
300 N. WASHINGTON STREET
INDIANAPOLIS, IN 46204
CONTACT: JERRY BRECKE

EXHIBIT B

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

DATE: February 23, 2021 TIME: 6:30 P.M.

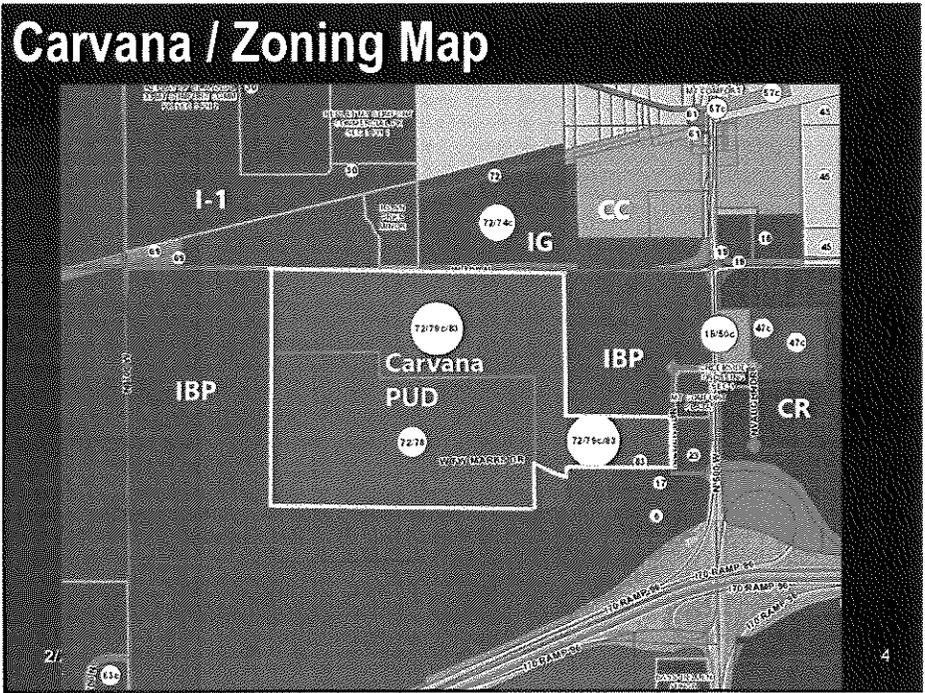
I. Carvana

6508 W FW Marks Dr.
24 - 16 - 5

Planned Unit Dev. 21-2085
Amend Preliminary PUD Plan &
Buck Creek

Amend the Preliminary PUD Plan and Ordinance for Carvana at 6508 W FW Marks Dr. on 9.0 acres. Mr. Dale stated the Technical Committee continued this to 3/11/21 as the site development plan shall be subject to the Tech Committee comments. He stated Carvana wants to add a truck maintenance building, fuel tank, additional vehicle storage, and an entrance on 300 N. He stated in 2016 the 166.36 acre site was rezoned from IBP to PUD for a trucking campus and headquarters and in 2018 the PUD was approved for an automobile inspection and reconditioning center on 141.66 acres. He said also in 2018 74 acres was rezoned from PUD to IBP and in 2019, 72 acres was rezoned from IBP to PUD and the PUD Text Amendment and the Preliminary Plan Amended on the 141.66 acres. Mr. Dale stated the site is currently accessed from 600 W. He stated the site plan shows a proposed paved entrance from 300 N, a vehicle storage area, a truck maintenance facility, and a fuel tank. He stated Caravan already has landscape buffering (and fencing) along the north and west property lines so doesn't believe additional buffering is needed. He stated the current PUD does not allow for a truck maintenance facility or a fuel tank. He said this proposal is consistent with the Comprehensive Plan, with the current conditions and character of current structures, with the most desirable use of land, with conservation of property values and with responsible growth and development. He stated staff position is for a favorable recommendation. Mr. Rick Lawrence, attorney representing Carvana and Mr. Craig McCuiston, Carvana were present. Mr. Lawrence stated Carvana wants to service their fleet of delivery vehicles at this site. He stated there are several buildings already constructed, a 95,000 sf building that contains different areas for inspecting and servicing vehicles for sale, a 75,000 sf post production area, and a 37,000 sf building for painting. He said the sight is secure with a fence surrounding the entire site and a guard at the main entrance from 600 W. He stated the employees and visitors park outside the secure area. Mr. Lawrence stated they currently employ approximately 700 people with about 280 (40%) being certified mechanics or skilled employees. He stated they are wanting to construct a 29,000 sf maintenance facility to maintain their fleet of nine carrier cars and their individual trucks that take the sold cars to individual customers homes. He said to the west of this building is where the fuel storage tank will be located. He stated the access on 300 N will be a back-up access for the fire department in the event of an emergency and at this time is not intended to be used as an ingress/egress and will have a locked gate with a Knox Box for the fire department. Mr. Lawrence stated they submitted building elevations which will match the existing structures. He said this is approximately an additional total investment of \$3,000,000.00 into this site. He stated they anticipate 20 additional employees for this building. Mr. Long asked if there was any data on the number of trucks coming and going at this site and

if approved, how many more will be added. Mr. McCuistion stated this will not increase the amount of trucks, this will only maintain the trucks they already have. Mr. Long asked if there will be an increase in the number of cars at this site. Mr. McCuistion said no. The board asked for remonstrator. Mr. Earl Fisk asked how big the fuel tank was and would it be above or below ground. Ms. Maureen Harold asked why Carvana placed the new building and fuel tank on the northwest side and not the other side of the property. Mr. Rick Legner asked how wide the entrance onto 300 N will be and does not want to see trucks on 300 N as they will destroy the road. He stated he believes the county is allowing these types of industrial businesses to invade their residential properties. Mr. McCuistion stated the fuel tank will be a 12,000 gallon above ground tank and 300 N is getting a road expansion and they have to show the 30 ft wide drive on the plans in order to obtain a curb cut from the county. He said they had to locate on the northwest side because of the drainage and pond locations on the site. Mr. Holden asked where the current maintenance was being done. Mr. McCuistion said it is all done by a third party. Mr. Long asked if there would be additional lighting. Mr. McCuistion said no. Mr. Bolander made the motion for a favorable recommendation to the County Commissioners subject to obtaining the Technical Committee approval. Mr. Holden seconded. Motion carried. Seven (7) approved the favorable recommendation, Zero (0) denied.



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Carvana / Ground Photos

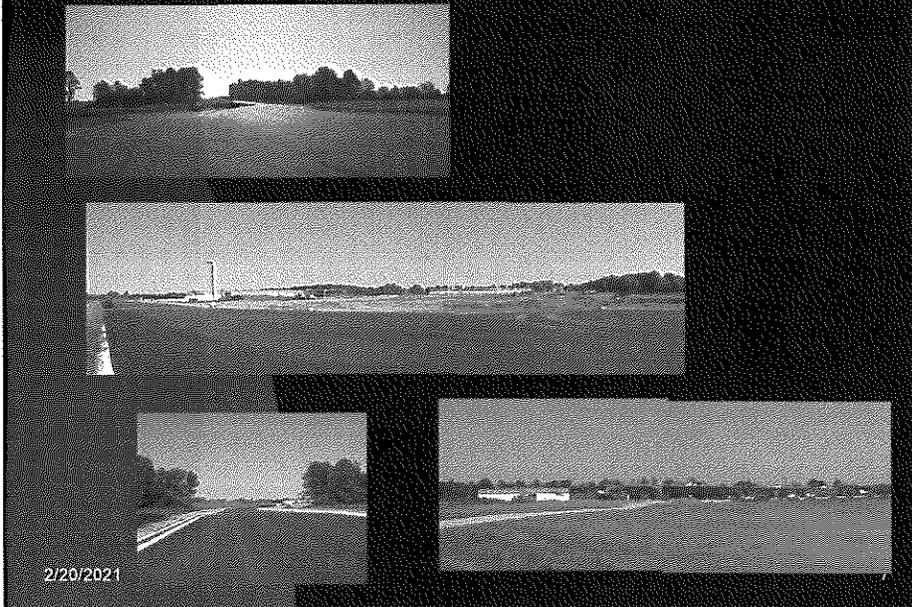


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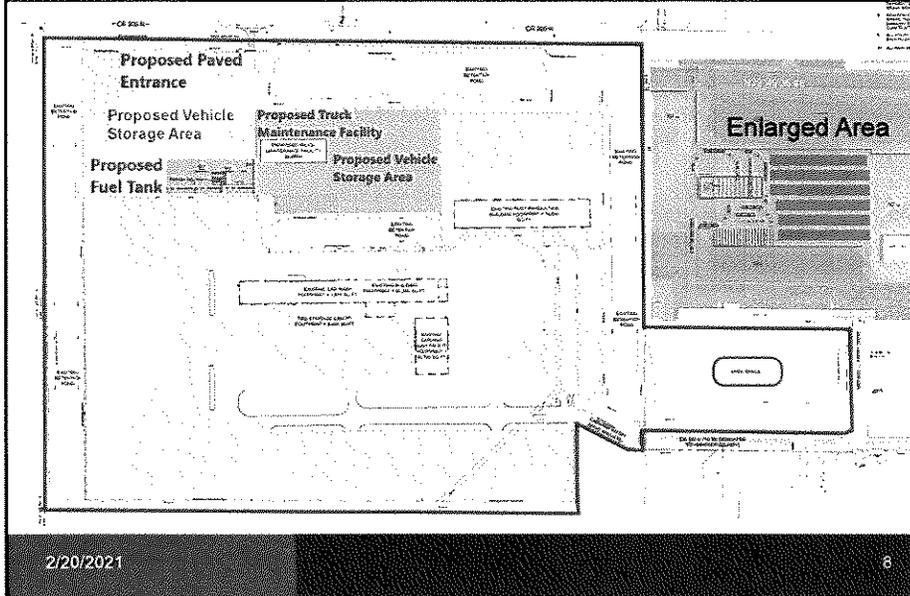
Carvana / Ground Photos, cont'd



2/20/2021

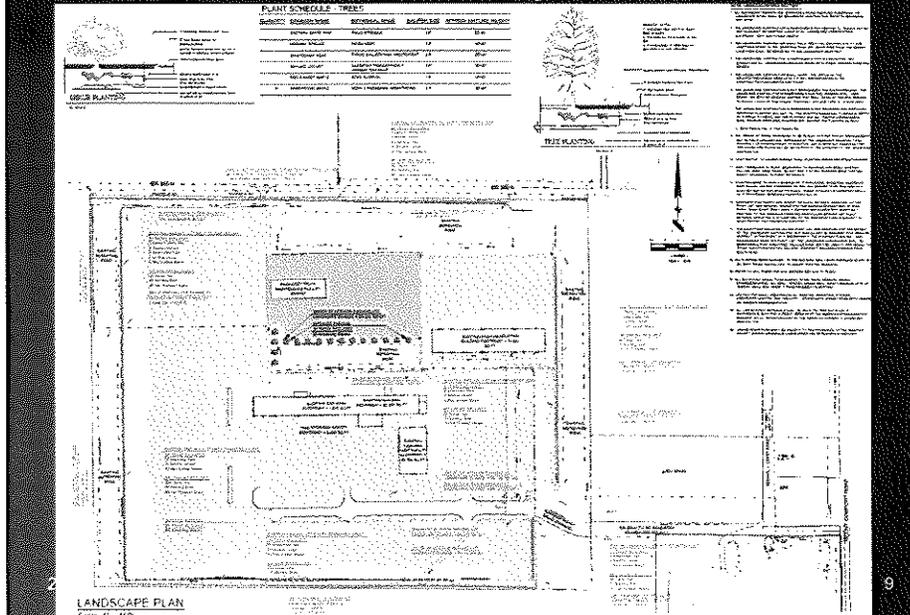
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Carvana / PUD Preliminary Plan



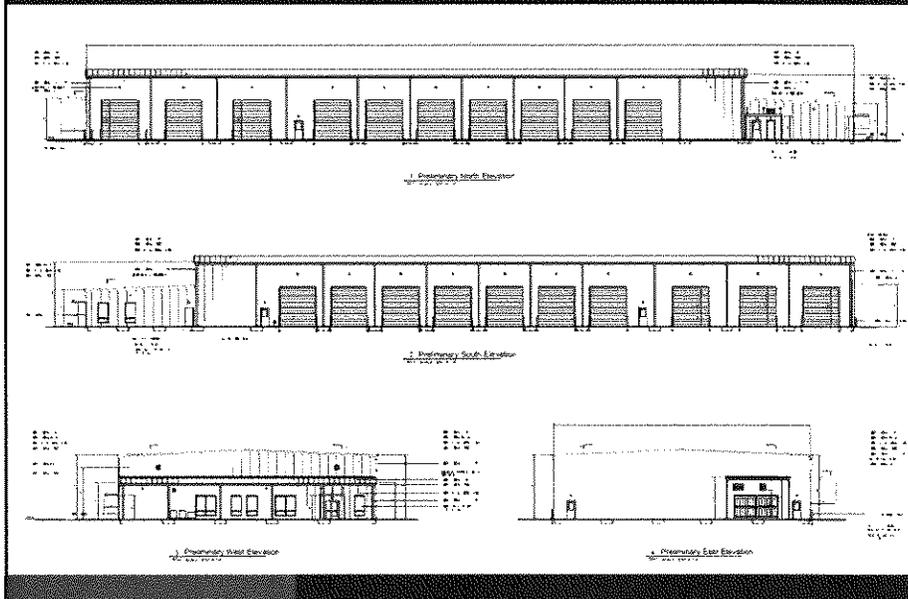
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Carvana / PUD Landscape Plan



9

Carvana / Proposed Truck Maintenance Building



10

Carvana / PUD Ordinance 2019-11A

Section 3 - Permitted Uses

- ◆ 1) Service Center Building and Paint Building
 - i) Automated motor vehicle wash
 - ii) Motor vehicle service, reconditioning, and repair center, including tire racks
 - iii) Shop techs/warehouse staff lounge/break room
 - iv) Driver's restrooms, v) Parts warehouse
 - vi) Office area, break room and restrooms, vii) Connector canopy
 - viii) Painting of motor vehicles
- ◆ 2) Sale and leasing of motor vehicles, trailers and related equipment.
- ◆ 3) Motor vehicle and trailer storage.
- ◆ 4) Motor vehicle and trailer parking.
- ◆ 5) Loading and unloading of motor vehicles.
- ◆ 6) Truck/fleet maintenance building (Amendment)
- ◆ 7) Fueling station/tank (Amendment)
- ◆ 8) All permitted uses in the IBP, IL, and IG zoning districts, except:
 - a) Equipment sales and rental, b) contractor's storage yard, c) fabrication facility, d) food and beverage production, e) manufacturing facility, f) junk yard, g) truck terminal as a primary use.

2/20/2021

11

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Carvana / PUD Ordinance, cont'd

Section 4 – Special Exceptions

- ◆ Same as listed for IBP, IL, and IG

Section 5 - Development Standards

- ◆ As shown on the Preliminary Plan

Section 6 – Architectural Standards

- ◆ Max Height = 50'
- ◆ Buildings shall be constructed of durable materials, similar to one another

Section 7 – Landscape Standards

- ◆ As shown on landscape plan

Section 8 – Lighting Standards

- ◆ As shown on photometric plan

Section 9 – Open Space

- ◆ Subject to further approval by the Hancock County Commissioners

Section 10 – Development shall comply with standards of zoning ordinance

- ◆ Industrial Operations, Environmental, Entrance/Drive, Non-Residential Fence, Non-Residential Design, Sign Standards, Parking Standards
- ◆ Proposed entrance road shall be deemed in compliance with zoning code regarding road frontage and public road access.

2/20/2021

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Carvana / Consistency with Comp Plan

Technical Committee:

- ◆ Meeting continued to Thurs 3/11; site development shall be subject to Tech Committee comments.
- 1) Consistent with the Comprehensive Plan: Yes
 - ◆ The proposed PUD amendment is consistent with the "Business Park" land use designation that promotes employment generating activities at this location.
 - 2) Consistent with current conditions & character of current structures: Yes
 - ◆ The proposed PUD amendment is in keeping with the current use of the property that is presently occupied by Carvana LLC.
 - 3) Consistent with most desirable use of land: Yes
 - ◆ The proposed PUD amendment is in keeping with the owner's intended land use and the "Business Park" designation of the Comp Plan.
 - 4) Consistent with conservation of property values? Yes
 - ◆ The proposed PUD amendment is not anticipated to adversely affect the commercial value of the surrounding land uses.
 - 5) Consistent with responsible growth and development: Yes
 - ◆ Subject to application of the county's development standards and permitting procedures.

Staff Position: Favorable

2/20/2021

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