

**ORDINANCE NO. 2021 - 3K**

AMENDING  
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

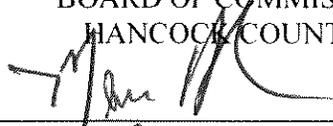
SECTION I

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 Business (B-1) to Industrial Business Park (IBP). This amendment is hereby enacted subject to execution and recording of the attached zoning commitment.

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

ADOPTED THIS 16<sup>th</sup> DAY OF MARCH 2021.

BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA



Marc Huber

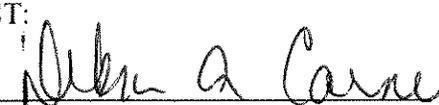


John Jessup



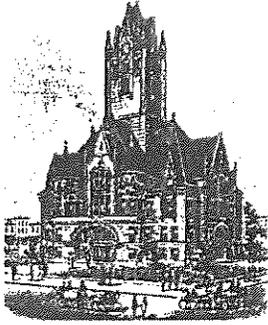
Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Opus Development Company, LLC



*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: Opus Development - Rezone  
Petitioner: Opus Development Company, LLC  
Project Location: Northeast Corner / Interstate-70 / CR 700 W  
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 rezoning ordinance and related commitment are true and accurate records of the meeting of the Plan Commission on February 23 2021. The attached ordinance received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.

The attached ordinance and related commitment 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 - TRACT G

Part of the south half of the southwest quarter of Section 24, Township 16 North, Range 5 East in Hancock County, Indiana, described as follows:

Commencing at the southwest corner of said half quarter section; thence North 01 degrees 12 minutes 01 seconds West (assumed bearing) along the west line thereof a distance of 1339.48 feet to the northwest corner of said half quarter section; thence North 89 degrees 43 minutes 03 seconds East along the north line thereof a distance of 16.50 feet to the Point of Beginning; thence continuing North 89 degrees 43 minutes 03 seconds East along said north line a distance of 2052.03 feet to the northerly right of way line of Interstate Highway 70; thence South 65 degrees 11 minutes 16 seconds West along said right of way line a distance of 2130.16 feet to the east right of way line of County Road 700 West; thence North 07 degrees 46 minutes 01 seconds West along said right of way line a distance of 873.99 feet to a point 16.50 feet east of the west line of the aforesaid half quarter section; thence North 01 degrees 12 minutes 01 seconds West parallel with said west line a distance of 17.83 feet to the Point of Beginning, containing 20.85 acres, more or less.

ALSO EXCEPTING FROM THE ABOVE DESCRIBED TRACTS ALL REAL ESTATE PREVIOUSLY CONVEYED TO THE STATE OF INDIANA FOR CONSTRUCTION OR IMPROVEMENT OF INTERSTATE HIGHWAY 70.

FILED

JAN 29 2021

HANCOCK COUNTY  
PLAN COMMISSION

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")  
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")  
RE: OPUS DEVELOPMENT COMPANY- 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, Opus Development Company, LLC. ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at the northeast corner of I-70 & CR 700 W in Vernon Township, Hancock County, Indiana, which is described in Exhibit A make(s) the following commitment concerning the use and development of the parcel(s) of the real estate ("Real Estate"):

Statement of Commitment: If the Real Estate is rezoned to "Industrial Business Park (IBP)" the Owner commits to the Commission and the Commissioners that the following types of land use will not be permitted:

- A) Boat & RV Storage for the entire contiguous 166.4-acre development as shown and described in Exhibit C.

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 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 Owner of the Real Estate is found to be in violation of this Commitment, the Owner shall pay all reasonable costs in the enforcement of this Commitment, including attorney fees.

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")  
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")  
RE: OPUS DEVELOPMENT COMPANY, L.L.C.- 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, Opus Development Company, L.L.C. ("Owner"), having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at the northeast corner of I-70 & CR 700 W in Buck Creek Township, Hancock County, Indiana, which is described on Exhibit A attached hereto ("Real Estate"), makes the following commitment concerning the use and development of the Real Estate:

Statement of Commitment: If the Real Estate is rezoned to "Industrial Business Park (IBP)", the Owner commits to the Commission and the Commissioners that the following types of land use will not be permitted:

- A. Boat & RV Storage for the entire contiguous 166.4-acre development as shown and described on Exhibit C attached hereto.

This Commitment shall be binding upon 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 in writing 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 Owner of the Real Estate is found to be in violation of this Commitment, the

Owner shall pay all reasonable costs in the enforcement of this Commitment, including attorneys' 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 "Industrial Business Park (IBP)" 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 15 day of March, 2021.



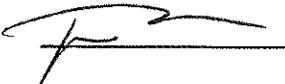
\_\_\_\_\_  
Douglas Swain, Vice-President, General Manager  
Opus Development Company, L.L.C.

STATE OF INDIANA            )  
  )        SS:  
COUNTY OF Marion        )

Before me, a Notary Public, in and for said county and State, personally appeared Douglas Swain, authorized representative of Opus Development Company, L.L.C., Owner of the Real Estate, 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 15<sup>th</sup> day of March, 2021.

Tonia Madden

 Notary Public

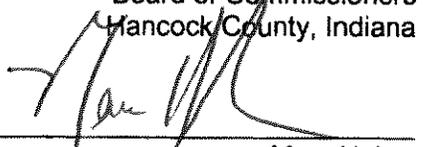
My Commission Expires: September 28, 2024

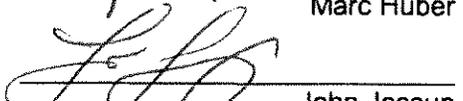
County of Residence: Marion



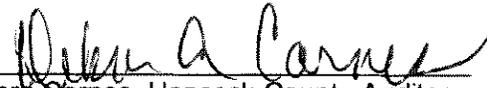
Approved this 16<sup>th</sup> day of March, 2021.

Board of Commissioners  
Hancock County, Indiana

  
\_\_\_\_\_  
Marc Huber

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

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

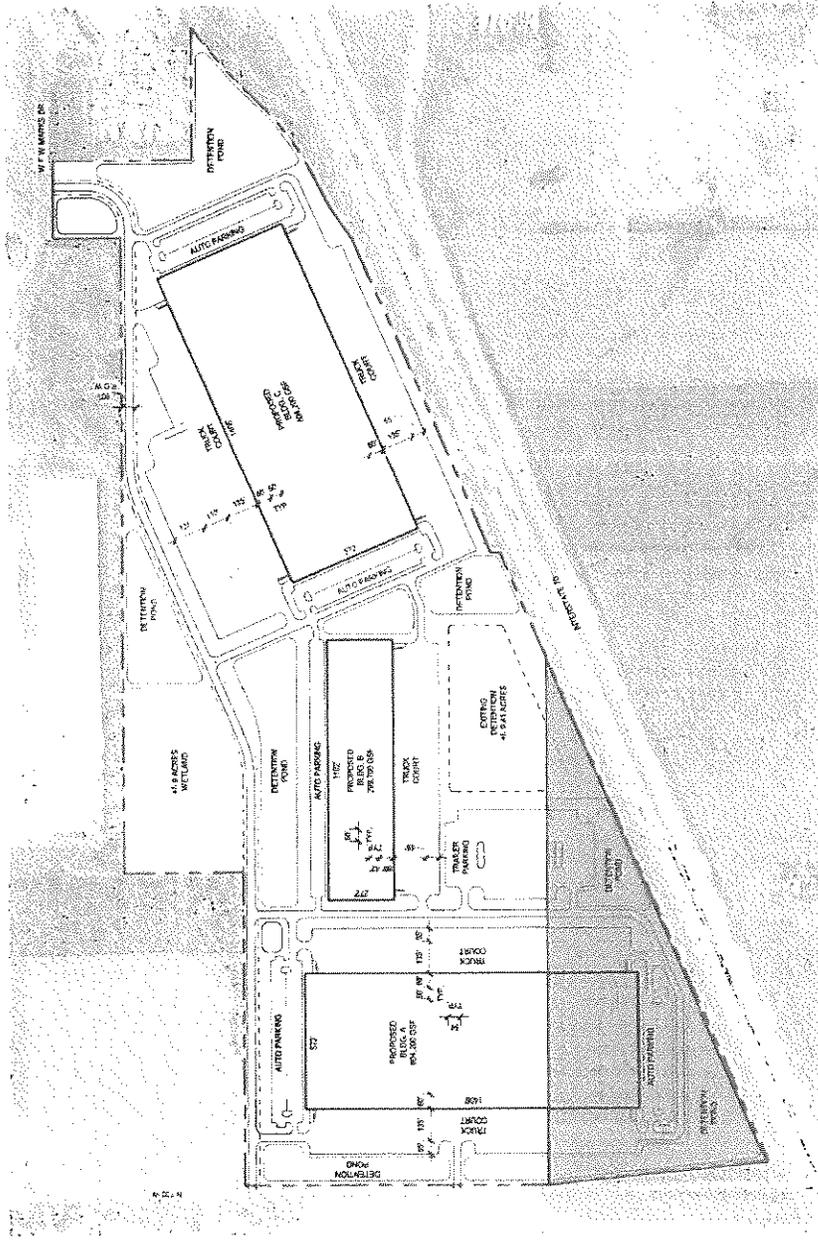
Attest:   
\_\_\_\_\_  
Debra Carnes, Hancock County Auditor

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

This instrument prepared by Michael T. Dale, Executive Director, Hancock County Plan Commission.

**PROJECT INFORMATION**

<b>Total Site Area</b>	<b>+/- 186.4 Acres</b>
<b>Wetland Area</b>	<b>+/- 9.0 GSF</b>
<b>Existing Detention Area</b>	<b>+/- 9.4 Acres</b>
<b>Developable Area</b>	<b>+/- 148 Acres</b>
<b>Total Building Area</b>	<b>1,952,200 GSF</b>
<b>Total F.A.R. (Developable Area Only)</b>	<b>0.303</b>
<b>Building A</b>	
<b>Site Area</b>	<b>+/- 60.4 Acres</b>
<b>Building Area</b>	<b>804,200 GSF</b>
<b>Detention</b>	<b>13.9 %</b>
<b>Building B</b>	
<b>Site Area</b>	<b>+/- 27.2 Acres</b>
<b>Building Area</b>	<b>289,700 GSF</b>
<b>Detention</b>	<b>26.5 %</b>
<b>Building C</b>	
<b>Site Area</b>	<b>+/- 60.4 Acres</b>
<b>Building Area</b>	<b>804,200 GSF</b>
<b>Detention</b>	<b>15.0 %</b>



**Concept Site Plan - Option 2**  
10/14/20

**Mount Comfort II**  
Greenfield, IN



*Exhibit C*

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

**PLAN COMMISSION MINUTES**

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

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7.Opus Development

I-70 & 700 W northeast corner  
24 - 16 - 5

Business

Rezoning 21-2100  
Buck Creek

Rezoning 20.85 acres from B-2 (Business 2) to IBP (Industrial Business Park) on the northeast corner of I-70 and 700 W. Mr. Dale stated the 20.85 triangular piece along I-70 was rezoned in 2005 from A-1 to B-2 subject to zoning commitments. He stated the Comp Plans shows the site as Business Park and the site has IBP to the north and west with I-70 to the south. He stated there are three billboard signs currently located on this site. Mr. Dale stated the petitioner submitted a statement of intent saying the rezoning is requested for the construction of 600,000 sf of facilities and the 20.85 acre site is immediately south of an existing Opus site, which already has an approved tax abatement as of February 2020 and this site will be rolled into that adjacent site and allow for additional development opportunities in a cohesive development pattern for speculative office/flex-distribution project. Mr. Dale stated Opus submitted a concept plan showing three structures and trailer parking. He stated there are many uses permitted within the IBP zoning district but boat/RV storage facility (outdoor) should be stricken from the permitted uses. Mr. Dale stated the proposal is consistent with the Comp Plan, most desirable use of land, with conservation of property values, and with responsible growth and development but is not consistent with the current conditions and character of current structures. He said staff position is favorable subject to a zoning commitment prohibiting outdoor boat/R storage for the entire 166.4 acre development site. Mr. Andy Buroker, attorney representing Opus Development for the projects located in Indiana and Mr. Todd Davis, Opus Development were present. Mr. Buroker stated they are combining this 20.85 acre parcel with the 166 acre parcel they already own to round out their development going all the way down to I-70 and to 700 W. He stated by adding this acreage it fills out the larger portion and to allow them to increase the proposed 600,000 sf building to 804,000 sf. He said eventually there will be another building of similar size and in between these large buildings a smaller building of 300,000 sf for a little over 1.9 million total square feet for this development. He stated they are agreeable to the commitment for no outdoor boat/RV storage. He stated Opus is a national developer of logistics flex office/warehouse distribution type facilities and that is what they are proposing for this site. He stated they have been approved for tax abatement for this overall project and have granted land for right-of-way to establish an east/west road between 700 W and 800 W (per County Surveyor and Highway Engineer). Mr. Holden asked if this parcel has already been approved for tax abatement? Mr. Buroker stated the large area was approved in February 2020 and this triangular area will be heard this March. Mr. Holden asked if Opus would be leasing the buildings or selling them. Mr. Davis stated typically Opus Development would sell them but they are partnering with Clarian and Clarian will actually hold all three buildings in one of their funds, this is a joint venture. He said tax

abatement is passed through to the tenant so it is not going into the owner's pockets at all. There were no remonstrators. Mr. Bolander made the motion for a favorable recommendation to the County Commissioners subject to the zoning commitment regarding boat/RV storage. Mr. Spalding seconded. Motion carried. Seven (7) approved, Zero (0) denied.

# Item 7: Opus Development

Rezone 20.85 acres from Business (B-1) to Industrial Business Park (IBP).

Location: NEC / I-70 / CR 700 W

- ◆ Buck Creek Township

Purpose:

- ◆ To accommodate future residential development.

History:

- ◆ 2005: Rezoned from A-1 to B-2, subject to zoning commitments.

2/23/2021

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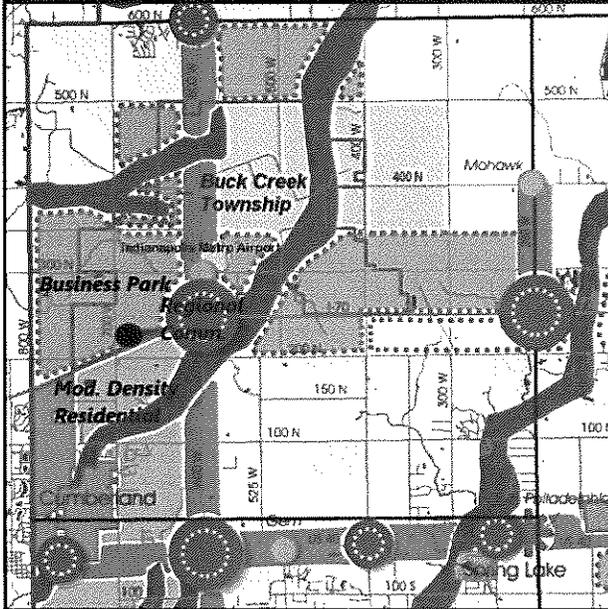
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# Opus / Vicinity



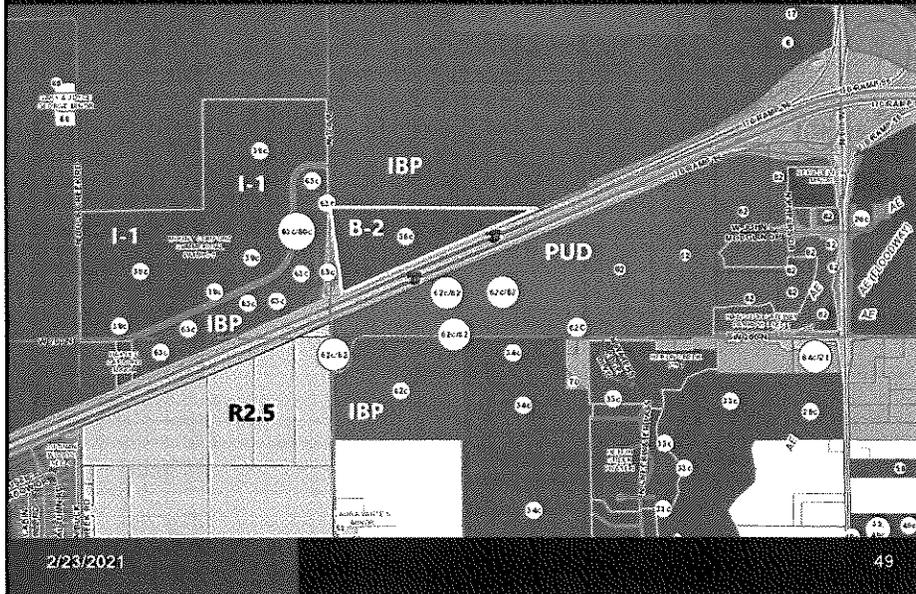
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# Opus / Comprehensive Plan

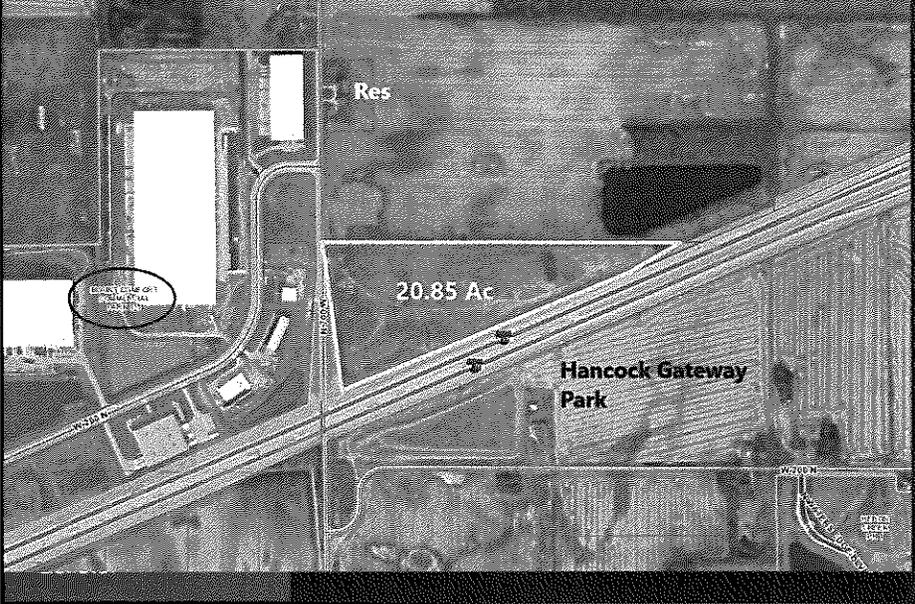


**Business Park**  
 Intended for new employment generating businesses such as: life sciences, biotechnology, research & development, and corporate headquarters. Also appropriate for light industrial uses such as assembly facilities or warehousing. Not intended for heavy industrial, production based uses.

# Opus / Zoning Map

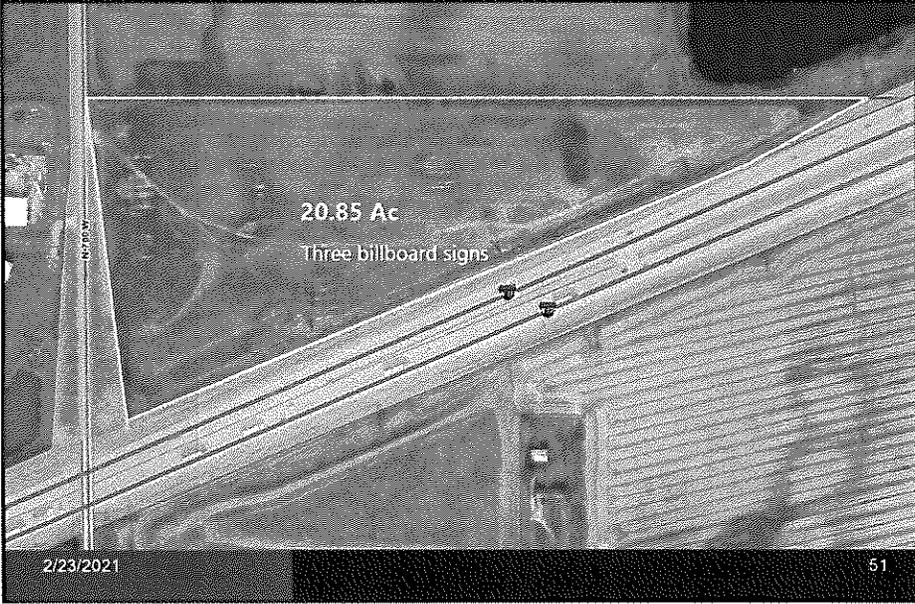


# Opus / Neighborhood



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# Opus / Site



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# Opus / Statement of Intent

## Petitioner's Statement

- ◆ Rezoning requested for construction of 600,000 sf of facilities.
- ◆ The site is immediately south of an Opus site, which has an approved tax abatement as of February 2020.
- ◆ The additional site will be rolled into the adjacent site and allow for additional development opportunities in a cohesive development pattern.
- ◆ The site is a speculative office/flex-distribution project.

## Development Standards - *paraphrased*

- ◆ HCC 156.021(C): Industrial uses in the IBP District are subject to the following additional standards:

**Floor Area:** Maximum floor area dedicated to fabrication and/or manufacturing operations shall not exceed 75%.

**Outdoor Storage:** Permanent or temporary outdoor storage shall not be allowed.

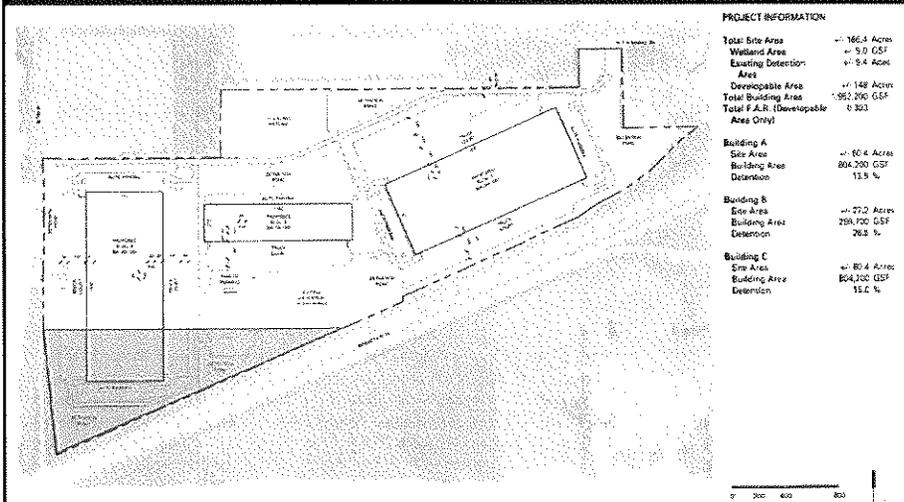
**Loading and Service Areas:** Areas for truck parking, loading and unloading, service bays, or other such areas shall be screened in accordance with the Buffer Yard Type 3 requirements.

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# Opus / Concept Plan



### PROJECT INFORMATION

Total Site Area	≈ 166.4 Acres
Wetland Area	≈ 9.0 Acre
Existing Detention Area	≈ 0.4 Acres
Developable Area	≈ 148 Acres
Total Building Area	1,952,200 GSF
Total F.A.R. (Developable Area Only)	0.303
<b>Building A</b>	
Site Area	≈ 60.4 Acres
Building Area	804,200 GSF
Detention	11.9 %
<b>Building B</b>	
Site Area	≈ 27.2 Acres
Building Area	259,700 GSF
Detention	26.8 %
<b>Building C</b>	
Site Area	≈ 88.8 Acres
Building Area	888,300 GSF
Detention	15.6 %

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# Opus / Permitted Uses

## Permitted Uses in the IBP District:

- ◆ Agriculture Uses  
Agribusiness type 1, crop production, farm equipment sales/service, winery
- ◆ Communications/Utilities Uses  
Communication service exchange, utility substation, water tower, WECS/micro, WECS/small
- ◆ Institutional Uses  
Church or other place of worship, funeral home, government facility, government office, heliport, hospital/medical center, medical clinic, parking lot/structure, police/fire/rescue station, trade/business school, university/college
- ◆ Park Uses  
Nature preserve/center, park & recreation facility
- ◆ Continued next slide...

2/23/2021

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# Opus / Permitted Uses

## Permitted Uses in the IBP District:

- ◆ Commercial Uses  
Administrative/professional offices, auction facility, bakery (retail), barber/beauty shop, building finishes shop, building supply store, business/financial services office, conference center, dance/martial arts center, data processing/call center, fitness center, greenhouse (commercial), gymnastics center, health spa, hotel/motel, ice cream shop, investment firm, pet grooming establishment, photographic studio, print shop/copy center, radio/TV station, restaurant, self-service laundry, shoe repair/tailor shop, tanning salon, veterinary office / animal clinic (without outdoor kennels)
- ◆ Industrial Uses  
Assembly facility, boat/RV storage facility (outdoor), contractor's warehouse, fabrication facility, lumber yard, manufacturing facility, mini-warehouse self-storage facility, packaging facility, printing/publishing facility, research & development facility, tool & dye shop, warehouse and distribution facility, wholesale distribution facility

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## Opus / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan.
  - ◆ The proposed IBP zoning conforms to the "Business Park" designation that promotes light-industrial uses in this area.
- 2) Not consistent with current conditions & character of current structures.
  - ◆ The proposed IBP zoning does not match the current use of the property.
- 3) Consistent with most desirable use of land.
  - ◆ The proposed IBP zoning conforms to the petitioner's goal to accommodate future industrial development of the site. Staff has not received notice of opposition to the proposal.
- 4) Consistent with conservation of property values.
  - ◆ The proposed IBP zoning is not anticipated to adversely affect the value of nearby properties.
- 5) Consistent with responsible growth and development.
  - ◆ The site is bordered by agricultural and industrial land uses.

Staff Position: Favorable, subject to condition.

- ◆ 1) Zoning commitment prohibiting outdoor boat/RV storage for the entire 166.4-acre development site.

2/23/2021

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