

*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: ATMI - Rezone
Petitioner: ATMI Indy Properties, LLC
Project Location: Approx. 6100 W 350 N
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 ordinance and zoning commitment are true and accurate records of the meeting of the Plan Commission on January 28, 2020. The attached ordinance received a favorable recommendation by a vote of four (4) ayes, zero (0) nays, and two (2) absent. Michael Long recused himself.

The attached ordinance is hereby certified to the Board of Commissioners, Hancock County, Indiana.

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Michael Long, Secretary

ORDINANCE NO. 2020 - 2A

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 Institutional (IN) to Industrial General (IG). This amendment is hereby enacted subject to execution and recordation 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 ^{FEBRUARY} 4th DAY OF ~~JANUARY~~, 2020.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Brad Armstrong



Marc Huber



John Jessup

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: ATMI Indy Properties, LLC

“EXHIBIT A”

PROPERTY LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 13, Township 16 North, Range 5 East, Second Principal Meridian, located in Hancock County, Indiana, more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter; thence along the East line of said Northeast Quarter, North 00 degrees 10 minutes 54 seconds West a distance of 1330.22 feet to the northeast corner of the South Half of said Northeast Quarter; thence along the North line of said South Half Quarter, North 88 degrees 57 minutes 58 seconds West a distance of 1718.88 feet to the Point of Beginning; thence continue along the North line of said South Half Quarter, North 88 degrees 57 minutes 58 seconds West a distance of 1000.00 feet to the northwest corner of said South Half Quarter; thence along the West line of said Northeast Quarter, South 00 degrees 13 minutes 48 seconds East a distance of 784.08 feet; thence parallel with the North line of said South Half Quarter, South 88 degrees 57 minutes 58 seconds East a distance of 1000.00 feet; thence parallel with the West line of said Northeast Quarter, North 00 degrees 13 minutes 48 seconds West a distance of 784.08 feet to the Point of Beginning. Containing 18.00 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: ATMI INDY PROPERTIES, 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, ATMI Indy Properties, LLC ("Petitioner"), having heretofore filed a Petition for Rezoning (the "Petition") regarding real estate located in Hancock County, Indiana, which is described in the attached "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 Industrial: General (IG), the Petitioner commits to the Commission and the Commissioners that the Real Estate will not be used for a truck terminal.

This Commitment shall be binding on the Petitioner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein.

This Commitment only 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 is 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.

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: General (IG) by the Commissioners, the cost of which shall be paid by the Petitioner to the Commission prior to recording.

In Witness Whereof, ATMI Indy Properties, LLC having executed this instrument this _____ day of _____, 2020.

ATMI INDY PROPERTIES, LLC

BY: _____

ITS: _____

STATE OF INDIANA)

)

SS:

COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said County and State, personally appeared _____, Member of ATMI Indy Properties, LLC, Owner of 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 ____ day of _____, 2020.

_____, Notary Public

My Commission Expires:

County of Residence:

Approved this ____ day of _____, 2020

Board of Commissioners
Hancock County, Indiana

Brad Armstrong

John Jessup

Mark Huber

Attest: _____
Deb 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. -- Ronald R. Pritzke
This instrument prepared by: Ronald R. Pritzke, Attorney at Law.

S:\ZONING\ATMI\zoning commitment bib 1-29-20.docx

“EXHIBIT A”

PROPERTY LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 13, Township 16 North, Range 5 East, Second Principal Meridian, located in Hancock County, Indiana, more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter; thence along the East line of said Northeast Quarter, North 00 degrees 10 minutes 54 seconds West a distance of 1330.22 feet to the northeast corner of the South Half of said Northeast Quarter; thence along the North line of said South Half Quarter, North 88 degrees 57 minutes 58 seconds West a distance of 1718.88 feet to the Point of Beginning; thence continue along the North line of said South Half Quarter, North 88 degrees 57 minutes 58 seconds West a distance of 1000.00 feet to the northwest corner of said South Half Quarter; thence along the West line of said Northeast Quarter, South 00 degrees 13 minutes 48 seconds East a distance of 784.08 feet; thence parallel with the North line of said South Half Quarter, South 88 degrees 57 minutes 58 seconds East a distance of 1000.00 feet; thence parallel with the West line of said Northeast Quarter, North 00 degrees 13 minutes 48 seconds West a distance of 784.08 feet to the Point of Beginning. Containing 18.00 acres, more or less.

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

PLAN COMMISSION MINUTES

DATE: January 28, 2020

TIME: 6:30 P.M.

2. ATMI Indy Properties
Approx. 6100 W 350 N
13 - 16 - 5

Institutional
Rezoning 20-1962
Buck Creek

Mr. Michael Long recused himself from the discussion and voting. Mr. Dale presented a staff report with a recommendation to restrict truck terminal as a use permitted if rezoned. Mr. Ron Pritzke, attorney representing Mr. John Gress with ATMI Indy Properties and Mr. Larry Siegler with the Peterson Group, were present to request rezoning approval to expand the current operation. Mr. Pritzke said they commit and agree to not allow truck terminal use on the property. He said ATMI Indy has been operating there for over 20 years. He said they manufacture the large concrete panels used for walls on commercial/ industrial buildings. Mr. Pritzke said they have provided pre-cast concrete panel walls to many well known companies. He said they target the market within a 300 mile radius. Mr. Pritzke said in the last 2 years the company has invested over \$5.5 million in the site with the construction of the new Batch Plant. He said they went from 85 employees to currently 125 and expect to hire several more as they expand. Mr. Pritzke said the area they plan to expand to is owned by the Airport Authority and only a corner of the lot would be in the flight path. He said they do not plan to build any structures on the property so it will not affect the flight path. Mr. Pritzke said the proposed use is consistent with the comprehensive plan and will increase the county tax base. He said this is a quality business who has worked hard to bring jobs to the county and wants to expand to offer more employment opportunities. Mr. Armstrong asked if the remaining property adjacent to the site could be used for purposes that would add value to the tax base? Mr. Pritzke answered he is unsure and said the flight path was not an issue since they were not constructing any buildings. Mr. Armstrong asked what sides of the lot was the buffer yard proposed? Mr. Dale answered the proposed buffer yard will be on the south and east sides of the proposed property boundary. He said they will be requesting a variance to reduce the buffer yard requirement from the BZA. Mr. Nigh asked for remonstrators and none were present. Mr. Holden moved to forward a favorable recommendation to the County Commissioners with the commitment to restrict a truck terminal. Mr. Armstrong seconded. Motion carried. Four (4) approved and one (1) recused (Michael Long).

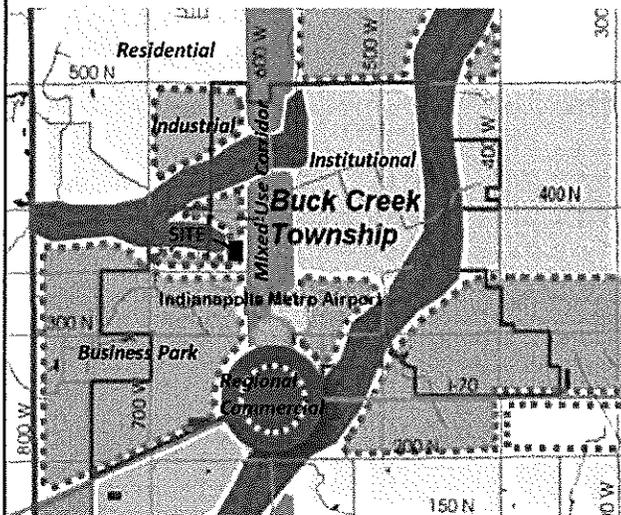
Item 2: ATMI Indy Properties, LLC

- Rezone 18.0 acres from Institutional (IN) to Industrial General (IG).
- Location: Approx. 6100 W 350 N
 - ◆ Buck Creek Township
- Purpose: To expand a precast concrete wall manufacturing facility and storage yard.
- History:
 - ◆ 2007: Rezoned from Agriculture (A) to Institutional (IN)

2/3/2020

2

ATMI / Comprehensive Plan



Industrial Designation:
Encompasses manufacturing, warehousing and distribution, production facilities, processing plants, and similar uses.

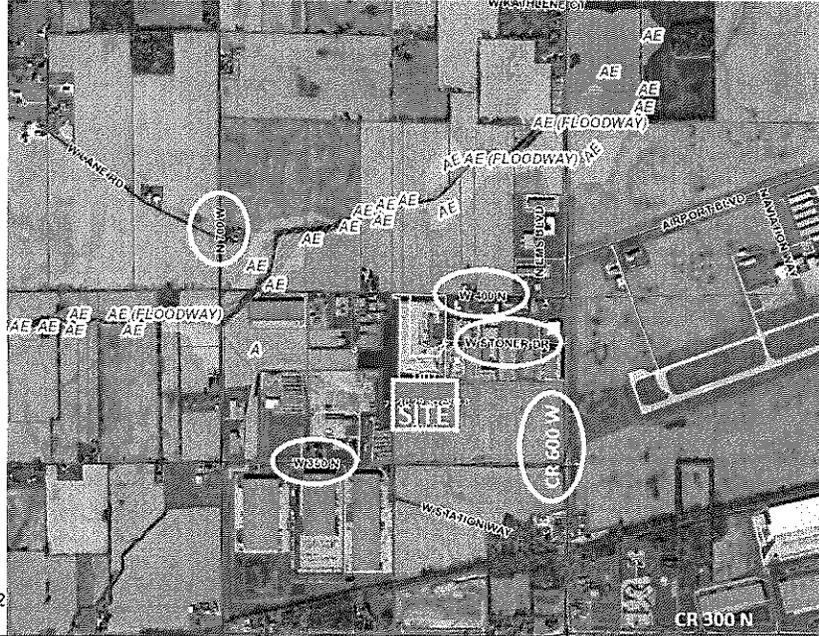
Infrastructure Requirements:
Industrial uses need significant infrastructure and services in proximity to major transportation corridors.

Design Focus:
Manage access to the street network; minimize environmental impacts and impact on nearby non-industrial uses.

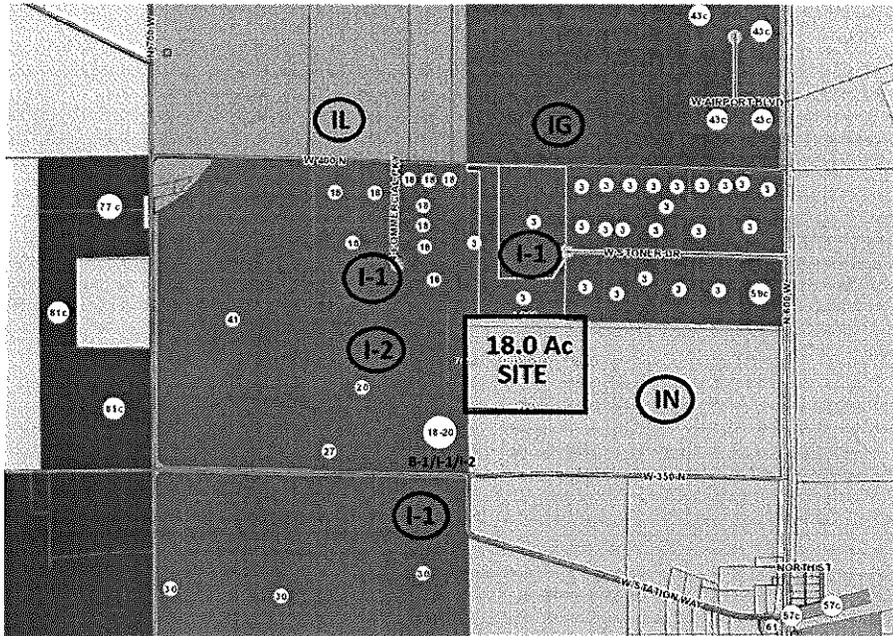
2/3/2020

3

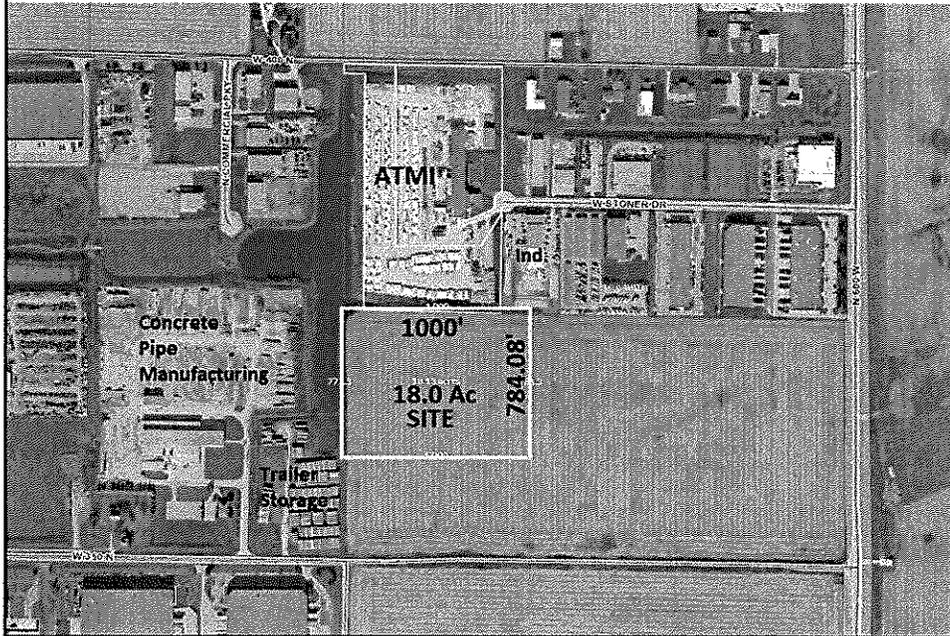
ATMI / Vicinity



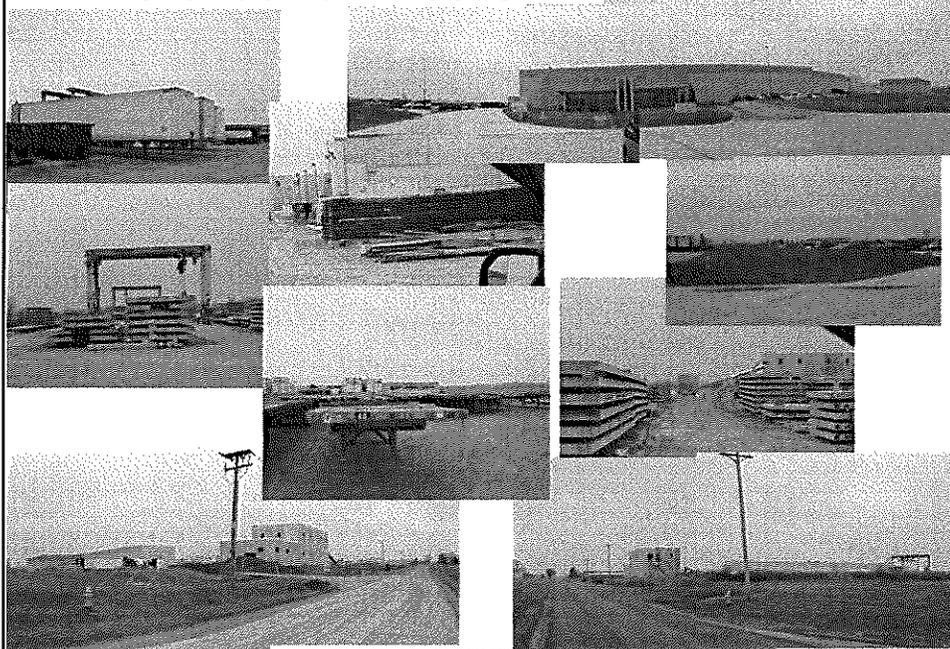
ATMI / Zoning Map

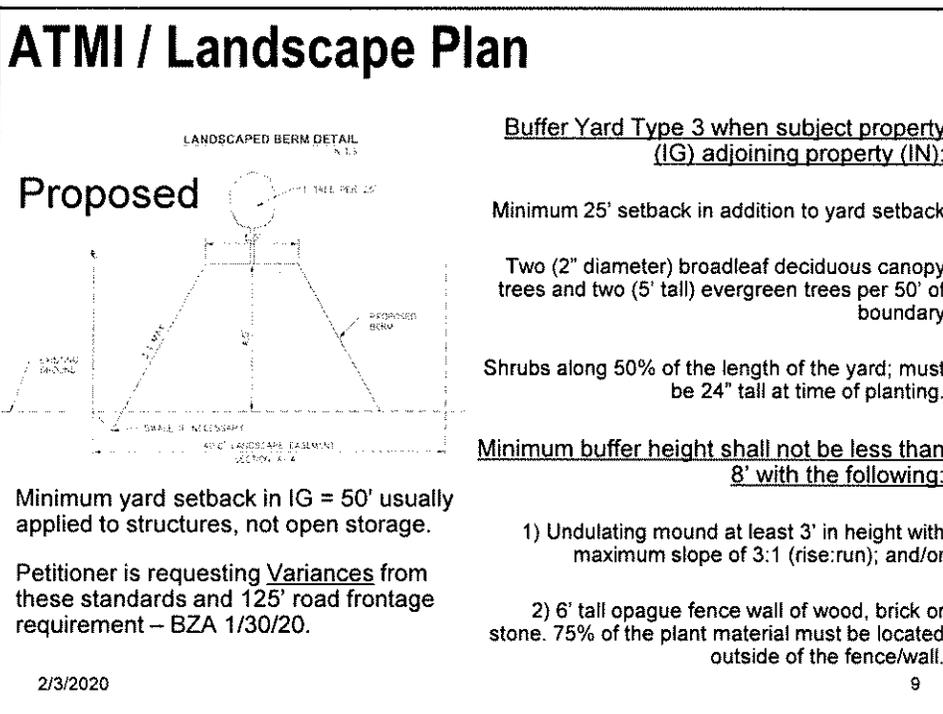
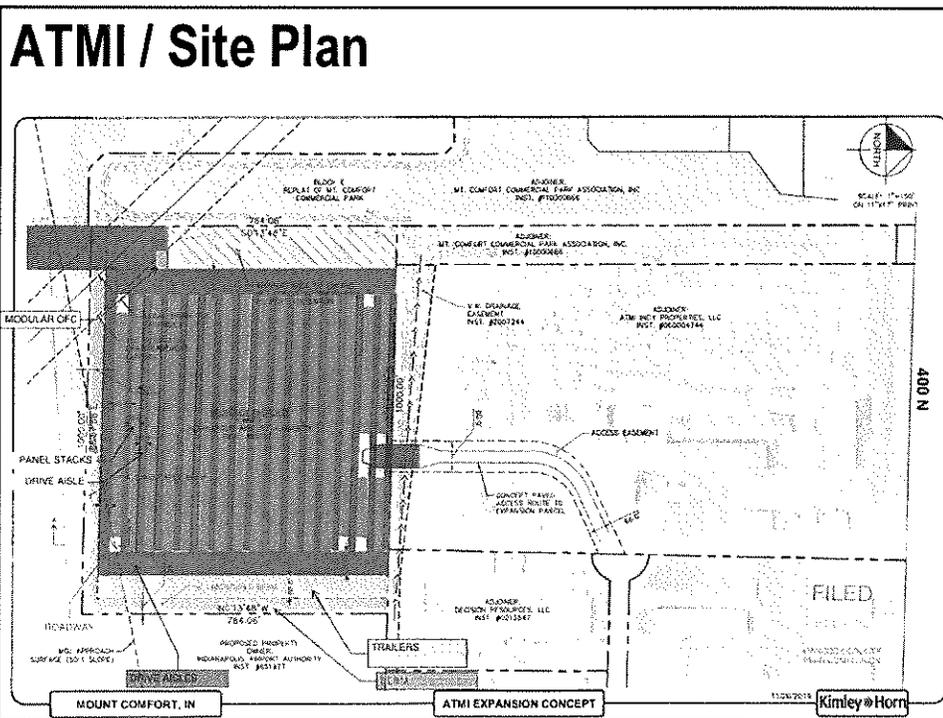


ATMI / Site



ATMI / Ground Photos





ATMI / IG Permitted Uses

- IG permitted uses not allowed by-right in IN zone
 - ◆ Agricultural
 - ★ Agribusiness type 1, crop processing/storage, winery
 - ◆ Communications/Utilities
 - ★ Meteorological tower, WECS - micro/noncommercial/small
 - ◆ Institutional/Public
 - ★ Heliport, parking lot or structure (as a primary use)
 - ◆ Commercial
 - ★ Administrative / professional offices, conference center, data/processing/call center, equipment sales & rental, pet grooming, radio/TV station
- Continued next slide...

2/3/2020

10

ATMI / IG Permitted Uses

- IG permitted uses not allowed by-right in IN zone
 - ◆ Industrial
 - ★ Agricultural products terminal, assembly facility, contractor's storage yard, contractor's warehouse, fabrication, food/beverage production, lumber yard, manufacturing, mini-warehouse self-storage facility, packaging, print/publishing, research/development, tool/dye shop, truck freight terminal, warehouse / distribution, wholesale distribution
 - ★ Note: Staff recommends commitment to prohibit truck freight terminal.

2/3/2020

11

ATMI / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan: Yes
 - ◆ The proposed IG rezoning is consistent with the "Industrial" land use designation that promotes manufacturing, distribution, production facilities, and similar uses at this location.
- 2) Consistent with current conditions & character of current structures: No
 - ◆ The proposed IG rezoning is not in keeping with the current agricultural use of the property.
- 3) Consistent with most desirable use of land: Yes
 - ◆ The proposed IG rezoning is in keeping with the petitioner's intended land use.
- 4) Consistent with conservation of property values? Maybe
 - ◆ The proposed IG rezoning is not anticipated to adversely effect the commercial value of the surrounding land uses.
- 5) Consistent with responsible growth and development: Yes
 - ◆ The proposed IG zone is consistent with the anticipated future development of the area.
- Staff Recommendation: Yes

2/3/2020

12