

**ORDINANCE NO. 2020 - 6D**

AMENDING  
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

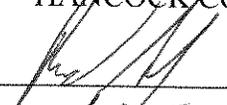
SECTION I

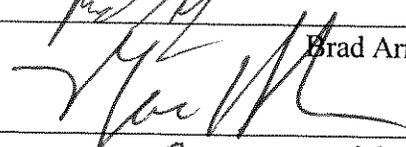
Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Center Township is hereby amended by rezoning the subject area from Industrial Business Park (IBP) to Rural Residential (RR). This amendment is hereby enacted subject to execution 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 16<sup>th</sup> DAY OF JUNE, 2020.

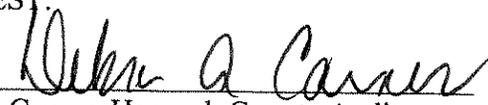
BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA

  
\_\_\_\_\_  
Brad Armstrong

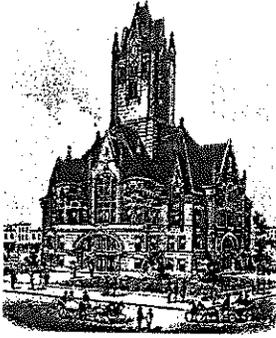
  
\_\_\_\_\_  
Marc Huber

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

ATTEST:

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

Petitioner: David Hedge



*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: Hedge - Rezone  
Petitioner: David Hedge  
Project Location: Approx. 0500 W 100 S  
Township: Center

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 26 May 2020. The attached ordinance received a favorable recommendation by a vote of six (6) ayes and one (1) absent.

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

HANCOCK COUNTY AREA PLAN COMMISSION  
HANCOCK COUNTY, INDIANA

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Michael Long, Secretary

## Exhibit A

### LAND DESCRIPTION

Part of the Southwest Quarter of Section 1, Township 15 North, Range 6 East, in Hancock County, Indiana, being a part of that 506.36 acre tract of land shown on the plat of an ALTA/ASCM Land Title Survey, Retracement Survey of said tract certified by Dennis L. Grumpp, PS #SO303 on February 8, 2016 as The Schneider Corporation project number 821.057 (all references to monuments and courses herein are as shown on said plat of survey), described as follows:

**Commencing** at the Southeast corner of said Southwest Quarter; thence South 89 degrees 05 minutes 27 seconds West (basis of bearing is per Indiana State Plane Coordinate System-East Zone) along the South line of said Southwest Quarter a distance of 455.73 feet to the **Point of Beginning**; thence continuing South 89 degrees 05 minutes 27 seconds West along said South line a distance of 1,300.34 feet; thence North 00 degrees 54 minutes 33 seconds West a distance of 741.50 feet; thence North 89 degrees 42 minutes 56 seconds East a distance of 443.62 feet; thence North 00 degrees 42 minutes 17 seconds West a distance of 106.00 feet; thence North 89 degrees 17 minutes 43 seconds East a distance of 856.35 feet; thence South 00 degrees 54 minutes 39 seconds East a distance of 839.62 feet to the South line of said Southwest Quarter and the **Point of Beginning**, containing 24.07 acres, more or less.

The above described real estate is a part of, and wholly contained within, it's parent tract as described in a Corporate Quitclaim Deed to Elanco US Inc, recorded as Instrument No. 201800867 in the Office of the Recorder of Hancock County, Indiana, and containing or being a part of Tax Parcel No.: 30-10-01-600-001.000-008 and 30-10-01-600-004.000-008 as registered with the Hancock County Auditor's Office.

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")  
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")  
RE: DAVID HEDGE - PETITION FOR REZONING**

**COMMITMENT CONCERNING NON-REMONSTRANCE  
MADE IN CONNECTION WITH A PETITION FOR REZONING**

In accordance with I.C. 36-7-4-1015, David Hedge ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at \_\_\_\_\_ W 100 S, Greenfield, Indiana, which is described in Exhibit A, after having had an opportunity to consult with an attorney of his choosing, hereby voluntarily and without duress enters into this Commitment with the County of Hancock, Indiana, as follows:

- A) The Owner is the fee simple owners of certain real estate (hereafter "Real Estate"), which is described on the attached Exhibit A, incorporated herein by this reference.
- B) In consideration of the County approving a rezoning of the site to Rural Residential (RR), the Owner hereby waives his right to remonstrate against the industrial development of the real estate adjacent to his property boundary for a period of 50 years from the date that this Commitment is executed, provided that such development is consistent with the then-existing County zoning ordinance. Owner reserves the right to remonstrate against variance requests that would deviate from the County Industrial Business Park zoning and development standards.
- C) This Commitment shall be effective as of the date executed by a party hereto.

This Commitment shall be binding upon and inure to the Owner, its successors and assigns, subsequent owners of the Real Estate and other persons acquiring an interest therein for the duration of this 50 year waiver period. 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 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 Rural Residential (RR) by the Commissioners, the cost of which shall be paid by the Owner(s) to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
David Hedge, Owner

STATE OF INDIANA            )  
  )        SS:  
COUNTY OF HANCOCK        )

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

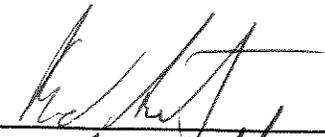
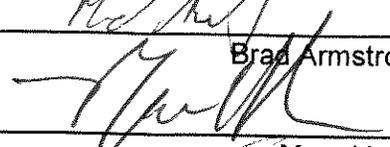
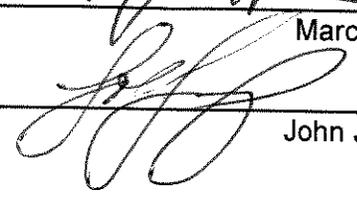
Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

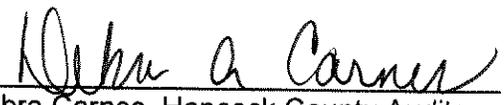
\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
My Commission Expires: \_\_\_\_\_

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

Approved this 16<sup>th</sup> day of June, 2020.

Board of Commissioners  
Hancock County, Indiana

  
\_\_\_\_\_  
Brad Armstrong  
  
\_\_\_\_\_  
Marc Huber  
  
\_\_\_\_\_  
John Jessup

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. \_\_\_\_\_

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

**HANCOCK COUNTY AREA PLAN COMMISSION  
111 AMERICAN LEGION PLACE, SUITE 146  
GREENFIELD, IN 46140**

**PLAN COMMISSION MINUTES**

**Tuesday, May 26, 2020**

**TIME: 6:30 PM**

5.Hedge, David

Approx. 0500 W 100 S  
1 - 15 - 6

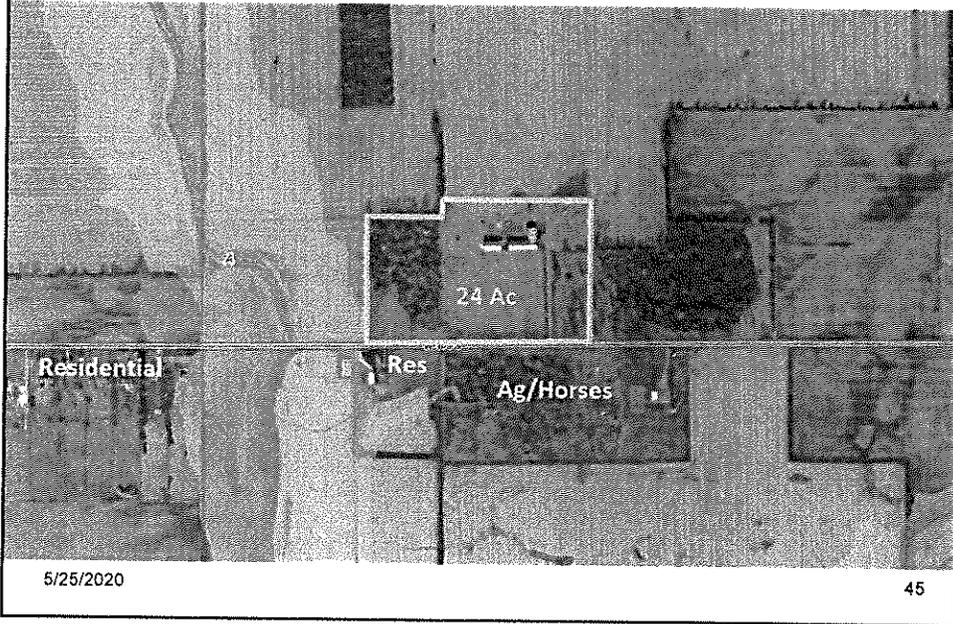
Industrial Business Park  
Rezoning 20-1999  
Center

Rezoning 24.0 acres from IBP (Industrial Business Park) to RR (Rural Residential) located approximately 0500 W 100 S for a proposed single family dwelling. Mr. Dale stated this parcel was part of Elanco (old Eli Lilly) farm ground which is being auctioned off. He stated he believes there will be another petition regarding this land next month. Mr. Dale stated the site is zoned IBP to the east, west, and north and R2.5 to the south. He stated the Comp Plan shows this area as Business Park. He stated the 24 acre site is large enough to accommodate non-residential uses and believes future industrial development may be constrained by buffer yard requirements and potential conflicts (light, noise, odors) with adjoining residential use. He said staff 's position is to deny the rezoning however if approved, subject to condition: A) Recording of zoning commitment that owner and subsequent owners waive(s) their right to remonstrate against future adjacent/nearby industrial development. Mr. David Hedge was present and stated he is a little taken aback by Mr. Dale's report. He stated this property was advertised for farm/dwelling. He stated there are a couple of structures already on the lot but have been empty for at least 10 years. He stated he and his wife were going to convert the office building into their home however there is a lot of black mold and believe they will be demolishing that building instead and then build their home at the same location. Mr. Dale asked if they were going to further subdivide. Mr. Hedge said yes for their son and his wife to build a home. He stated they sold their current home last Thursday after only being on the market for a few days. Ms. Sweet asked if there were public utilities. Mr. Hedge said no. The board asked if he would agree to Mr. Dale's condition. He stated he wasn't worried about Industrial. He stated another person next to him will be asking to rezone for a home and the land behind him has no access and to the west is floodplain. Mr. Hedge asked to explain the language needed for commitment. Mr. Dale stated it was standard language and would write the commitment. Mr. Hedge stated the remaining land is owned by Gary Edwards. Mr. Armstrong asked if single family homes can be built in the IBP zone. Mr. Dale said no. There was no further discussion. There were no remonstrators. Mr. Armstrong made the motion for a favorable recommendation with commitments to the County Commissioners. Mr. Bolander seconded. Motion carried. Six (6) approved, Zero (0) denied.

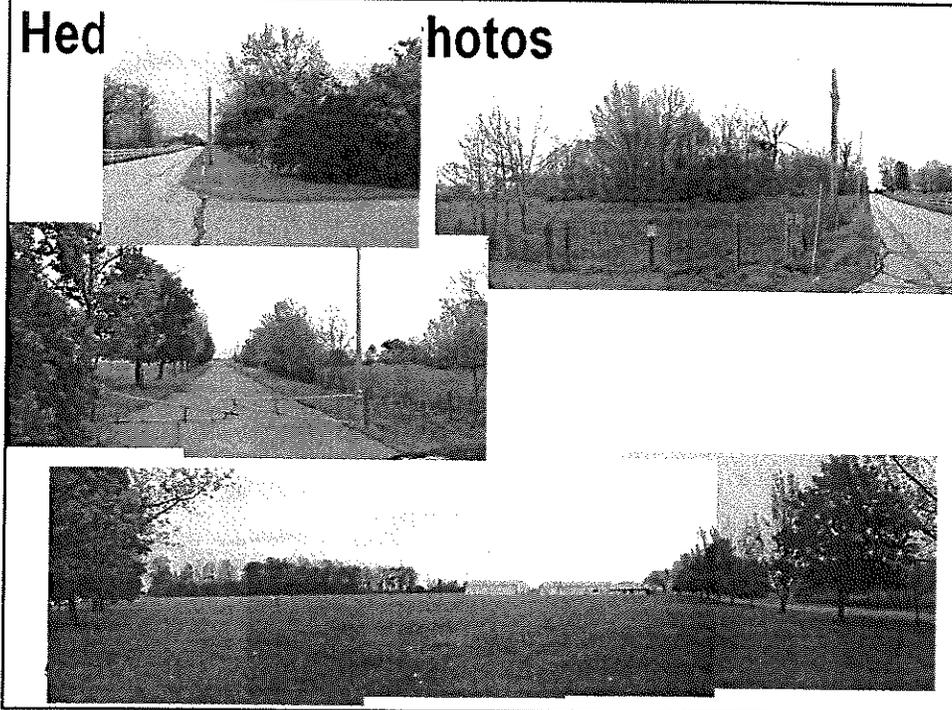




# Hedge / Neighborhood



# Hed photos



## Hedge / Proposal

### ■ Petitioner's Statement

- ◆ Purchased at auction 3/4/2020
- ◆ Tract 7 approximately 24 acres with buildings
- ◆ Seek to rezone to RR.
- ◆ Intend to remodel the existing office building into a residence for myself and my family. Do not plan to increase the current footprint of the building, will use much of the current infrastructure as possible.

### ■ Tract 7

- ◆ 24 acres with 56'x72' office building, storage building, attached building, 52'x100' shop/building

5/25/2020

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## Hedge / Zoning Code Permitted Uses

- The following land use categories are permitted by-right in the RR zone, and not in the IBP zone:
  - Agricultural Uses
    - ◆ Grazing & pastureland, livestock raising & breeding
  - Communications/Utilities Uses
    - ◆ Public wellfield/water treatment facility
  - Residential Uses
    - ◆ Single-family dwelling, residential facility for the developmentally disabled type 1
  - Institutional Uses
    - ◆ Library
  - Park Uses
    - ◆ Golf course and/or country club (including driving range)

5/25/2020

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## Hedge / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan? No
  - ◆ The proposed RR zoning does not conform to the "Business Park" land use designation that promotes employment-generating businesses.
- 2) Consistent with current conditions/character of current structures? No
  - ◆ The proposed RR zoning does not conform to the current use of the property that is presently occupied by commercial structures.
- 3) Consistent with most desirable use of land? Yes
  - ◆ The proposed RR zoning is in keeping with the petitioner's goal to establish a residence at this location. The land has remained undeveloped for many years.
- 4) Consistent with conservation of property values? Maybe
  - ◆ The proposal is not anticipated to adversely affect the nearby agricultural and residential land uses. Future adjacent industrial development will be subject to buffer yard requirements that protect the residential use.
- 5) Consistent with responsible growth and development? No
  - ◆ Site is bordered by lands with industrial zoning.

5/25/2020

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## Hedge / Staff Position

- Summary
  - ◆ Comp Plan designates this area for business park uses. Site is sufficiently large to accommodate non-residential uses.
  - ◆ Proposal is compatible with nearby agricultural and residential uses.
  - ◆ Site is bordered to north, east, and west by industrial zoning.
  - ◆ Future industrial development may be constrained by buffer yard requirements and potential conflicts (light, noise, odors) with adjoining residential use.
- Staff Position
  - ◆ Proposal is inconsistent with long-range plan for the area and adjoining zoning.
  - ◆ Denial of the proposal.
  - ◆ If approved, subject condition:
    - \* A) Recording of zoning commitment that owner and subsequent owners waive(s) right to remonstrate against future adjacent/nearby industrial development.

5/25/2020

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