

*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: Rutledge - Rezone
Petitioner: Bryan Rutledge
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 23 June 2020. The attached ordinance received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.

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 - 7A

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 Agricultural (A). This amendment is hereby enacted subject to execution and recordation of the attached zoning commitment.

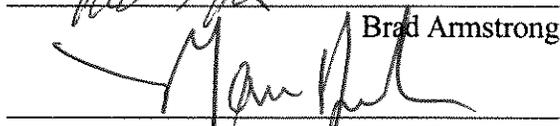
The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

ADOPTED THIS 7th DAY OF JULY 2020.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Brad Armstrong



Marc Huber



John Jessup

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Bryan Rutledge

EXHIBIT A

A part of the Southeast and Southwest Quarter of Section 1, Township 15 North, Range 6 East, in Hancock County, Indiana, being part that 506.30 acre tract of land shown on the plat of an ALTA/ASCM Land Title Survey, Retracement Survey of said tract certified by Dennis L. Grunpp, PS #S0303 on February 8, 2016 as The Schneider Geomatics project number 821.057 (all references to monuments herein are as shown on said plat of survey), described as follows:

BEGINNING at the Southeast corner of the Southwest corner of said Section 1; thence South 89 degrees 05 minutes 27 seconds West along the South line of said Southwest Quarter a distance of 455.73 feet; thence North 00 degrees 54 minutes 39 seconds West a distance of 525.55 feet; thence North 88 degrees 09 minutes 11 seconds East a distance of 449.72 feet; thence North 00 degrees 52 minutes 46 seconds West a distance of 152.92 feet; thence North 89 degrees 23 minutes 30 seconds East a distance of 592.87 feet; thence South 00 degrees 29 minutes 43 seconds East a distance of 683.79 feet to the South line of said Southeast Quarter; thence South 89 degrees 11 minutes 39 seconds West along said South line a distance of 581.91 feet to the POINT OF BEGINNING, containing 14.75 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.'s: 30-10-01-400-007.000-008 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: BRYAN RUTLEDGE - PETITION FOR REZONING**

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

In accordance with I.C. 36-7-4-1015, Bryan Rutledge ("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 Agricultural (A), the Owner hereby waives his right to remonstrate against the rezoning of the real estate adjacent to his property boundary for a period of 50 years from the date that this Commitment is executed.
- 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.

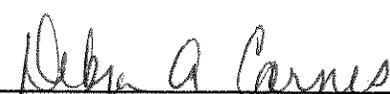
In the event it becomes necessary to enforce this Commitment in a court of competent



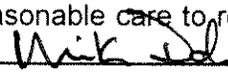
Marc Huber



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
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

DATE: June 23, 2020 TIME: 6:30 P.M.

2. Rutledge, Bryan

Approx. 0500 W 100 S

1 - 15 - 6

Industrial Business Park

Rezoning 20-2007

Center

Rezoning 14.75 acres from IBP (Industrial Business Park) to A (Agricultural) located at approximately 0500 W 100 S (part of the Elanco/Eli Lilly property). Mr. Dale stated the purpose is to establish zoning to construct single-family dwellings. He stated the area to the north and east are zoned IBP, R2.5 to the south, and to the west was rezoned last month from IBP to RR. Mr. Long questioned the difference between the RR zoning (from last month's rezoning) and the A zoning (this petition). Mr. Dale stated with regards to farming in the A zone it would allow for animal stables, nursery, and winery and those would be Special Exception uses in the RR zone. Mr. Long stated by rezoning this to A, it would be another spot rezoning and asked why Mr. Rutledge wanted the A zoning versus the RR zoning. Mr. Dale stated that would be a question for Mr. Rutledge however there may be some uses in the A zone that is not compatible with the R2.5 zoning that's across the road. Mr. Dale stated the Comp Plan designates this area for Business Park uses and any future industrial development may be constrained by buffer yard requirements and potential conflicts (light, noise, odors) with adjoining residential use. Mr. Dale stated the proposal is inconsistent with the long-range plans for the area and adjacent industrial zoning and does not support the rezoning. However, if approved, subject to a condition: Recording of zoning commitment that owner and subsequent owners waive(s) the right to remonstrate against future adjacent/nearby industrial development (same commitment that was required for last month's rezoning of the adjacent parcel). Mr. Dale stated this parcel received Plat Committee approval for two lots and a remainder this month subject to rezoning approval. Mr. Bryan Rutledge stated he just suggested A because it has been used as farm land and they may want chickens at some point. He stated he didn't really care. He stated he bought another parcel too but a farmer purchased most of the remaining ground with a few other single purchases from other individuals. There was no further discussion. There were no remonstrators. Mr. Holden made the motion for a favorable recommendation with staff's condition. Mr. Armstrong seconded. Motion carried. Seven (7) approved, Zero (0) denied.

Item 2: Rutledge

- Rezone 14.75 acres from Industrial Business Park (IBP) to Agricultural (A) zone.
- Location: Approx. 0500 W 100 S
 - ◆ Center Township
- Purpose:
 - ◆ To establish zoning to construct single-family dwellings.

7/6/2020

9

9

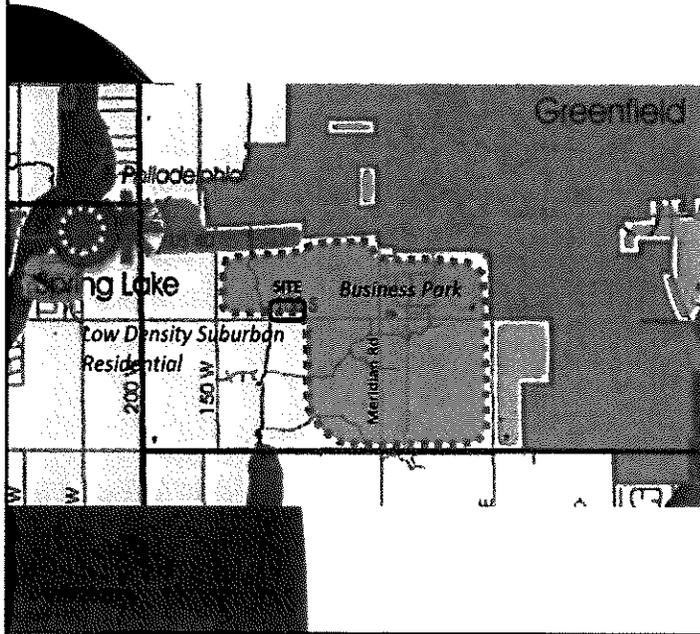
Rutledge / Vicinity



10

10

Rutledge / Comprehensive Plan

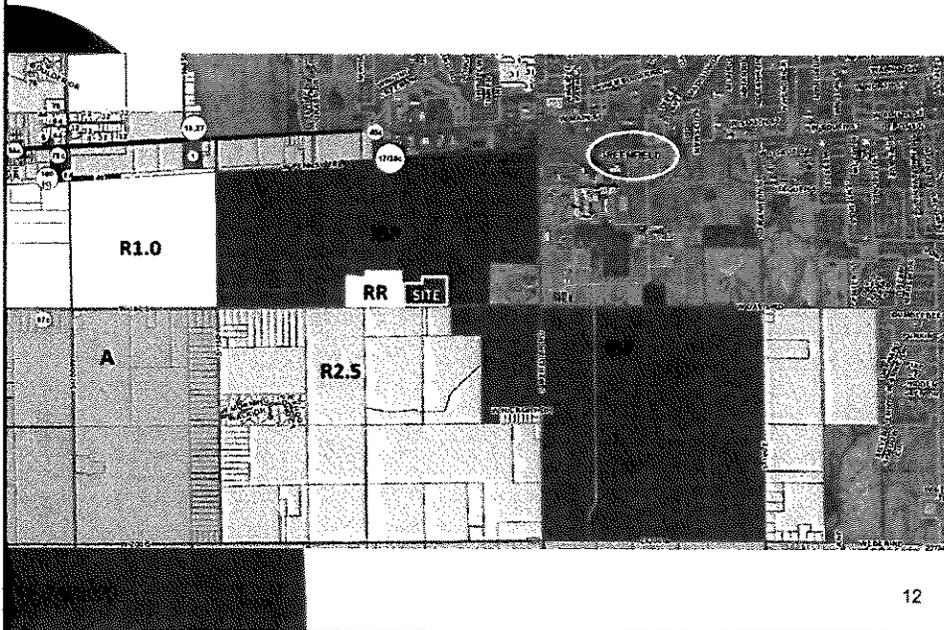


Business Park:
Intended for employment-generating businesses, such as: life sciences, biotechnology, research and development, and corporate headquarters. Also appropriate for light-industrial uses such as assembly and warehousing.

11

11

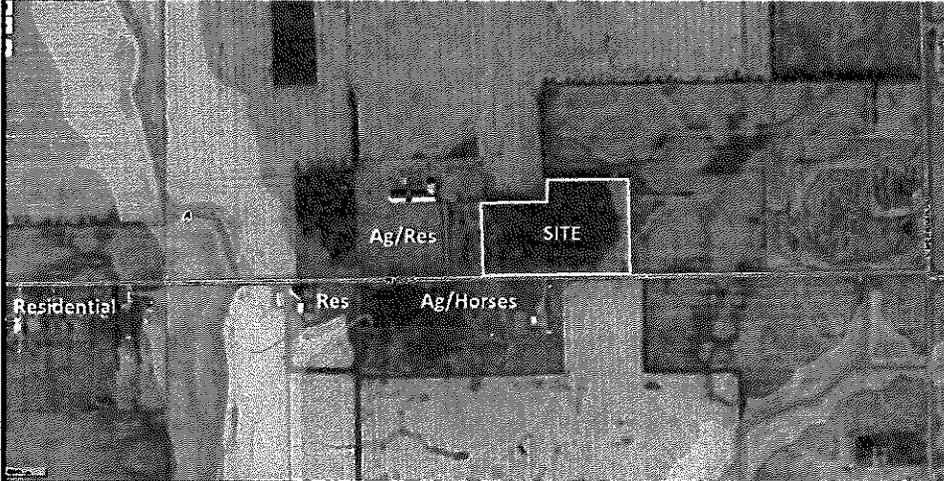
Rutledge / Zoning Map



12

12

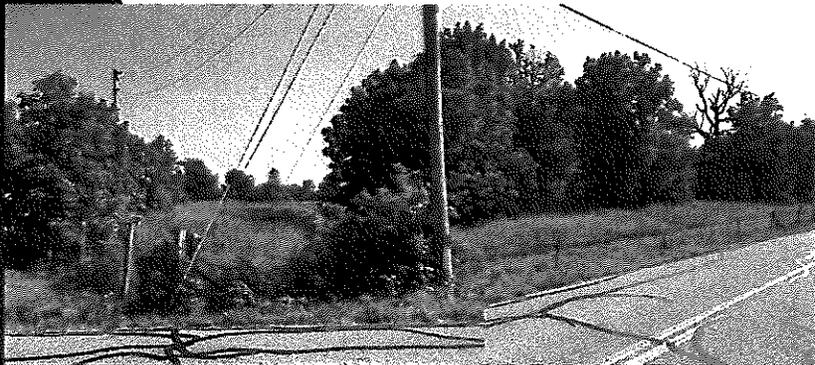
Rutledge / Neighborhood



13

13

Rutledge / Ground Photos



14

14

Rutledge / Proposal

■ **Petitioner's Statement**

- ◆ Zoning change to accommodate personal single family residence.
- ◆ Seek agricultural zoning to permit the building of my home.
- ◆ Owners of land on both sides intend to rezone their land to allow construction of single family dwellings.
- ◆ My request is in keeping with agricultural and single family uses south of the road.

7/6/2020

15

15

Rutledge / Zoning Code Permitted Uses

- The following land use categories are permitted by-right in the A zone and not in the IBP zone:
- **Agricultural Uses:** Animal stables, farm (confined feeding), grazing & pastureland, livestock raising & breeding, nursery
- **Communications/Utilities Uses:** Meteorological tower, public wellfield / water treatment facility, WECS/Non-commercial
- **Residential Uses:** Single-family dwelling, residential facility for the developmentally disabled type 1
- **Institutional Uses:** Animal shelter, cemetery, fairgrounds, library
- **Park Uses:** Golf course and/or country club (including driving range)
- **Industrial Uses:** Agricultural products terminal

7/6/2020

16

16

Rutledge / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan? No
 - ◆ The proposed A 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? Yes
 - ◆ The proposed A zoning conforms to the current use of the property.
- 3) Consistent with most desirable use of land? Yes
 - ◆ The proposed A 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. However, future adjacent industrial development may be subject to buffer yard requirements designed to protect the residential use.
- 5) Consistent with responsible growth and development? Maybe
 - ◆ Site is bordered by lands with residential and industrial zoning.

7/6/2020

17

17

Rutledge / 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 and east 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 adjacent industrial zoning.
 - ◆ Not favorable.
 - ◆ 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.

7/6/2020

18

18