



ORDINANCE NO. 2020 - 7B

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 Residential (R2.5) to Industrial Business Park (IBP). This amendment is hereby enacted subject to execution and recordation of the attached zoning commitment.

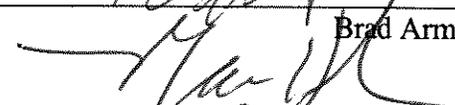
The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

ADOPTED THIS 7th DAY OF JULY 2020.

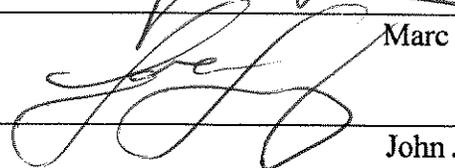
BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Brad Armstrong



Marc Huber



John Jessup

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Lauth Group, Inc.

Carol J. Lucas
HANCOCK COUNTY RECORDER

0207894

02 MAY 17 AM 8:57

EXHIBIT A

THE FOLLOWING DESCRIBED REAL ESTATE IN HANCOCK COUNTY IN THE STATE OF INDIANA, TO-WIT:

A PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 5 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING 26 RODS AND 5 FEET EAST OF THE SOUTHWEST QUARTER CORNER OF SAID QUARTER SECTION; THENCE RUNNING NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 160 RODS OR TO THE NORTH LINE OF SAID SECTION; THENCE EAST ON THE NORTH LINE OF SAID SECTION 19 RODS 6 2/3 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 160 RODS OR TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE WEST ON THE SOUTH LINE OF SAID QUARTER SECTION, 19 RODS 5 1/2 FEET TO THE PLACE OF BEGINNING, CONTAINING 19 ACRES, MORE OR LESS.

A PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 5 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 45 RODS 11 2/3 FEET EAST OF THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE RUNNING NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 125 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER 80 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER 125 FEET; THENCE EAST ON THE SOUTH LINE OF SAID QUARTER 80 FEET TO THE PLACE OF BEGINNING.

Permanent Parcel Number: 004-30584-00
LOIS B. GIRT AND JAMES T. GIRT, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP

7366 WEST 350 NORTH, GREENFIELD IN 46140
Loan Reference Number : 304762192
First American Order No: 3282840

LEGAL DESCRIPTIONS FOR REZONE TO IBP

May 28, 2020

PARCEL #1: Dennis Fry – W 350 N Greenfield, IN 46140

A WEST MIDDLE DIVISION OF THE NORTHEAST QUARTER OF SECTION FOURTEEN (14) TOWNSHIP SIXTEEN (16) NORTH, RANGE FIVE (5) EAST. COMMENCING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION 753 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 14 TOWNSHIP 16 NORTH, RANGE 5 EAST. WHICH IS THE BEGINNING OF THIS SURVEY, THENCE NORTH AND MEASURING A DISTANCE OF 2686.5 FEET TO THE NORTH LINE OF SAID QUARTER, THENCE EAST AND MEASURING A DISTANCE OF 937.50 FEET, THENCE SOUTH AND MEASURING A DISTANCE OF 2687 FEET TO THE SOUTH LINE OF SAID QUARTER; THENCE WEST ON THE SOUTH LINE 938 FEET TO THE PLACE OF THE BEGINNING. CONTAINING 57.48 ACRES MORE OR LESS.

PARCEL #2: James A Girt - 7366 W 350 N Greenfield, IN, 46140

PARCEL #3: Christopher Girt - 7408 W 350 N Greenfield, IN, 46140

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: LAUTH GROUP, INC. - 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, Lauth Group, Inc ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at 7324-7408 W 350 N, Greenfield, 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) Parking lot or structure (as a primary use) | C) Boat / RV Storage |
| B) Hotel / Motel | D) Mini-Warehouse Self Storage |

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 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.

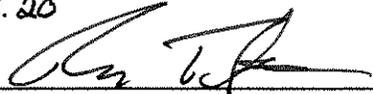
This Commitment may be enforced jointly or severally by:

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 "Industrial Business Park (IBP)" 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 14 day of JULY, 2019. 20

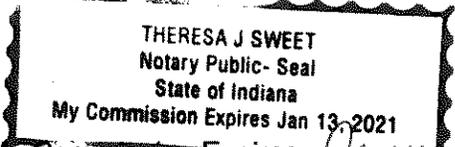


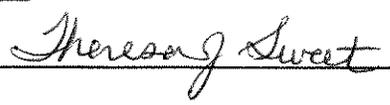
Lauth Group, Inc. c/o Ryan Thomas

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said county and State, personally appeared Ryan Thomas 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 14 day of July, 2020.

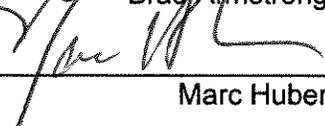

My Commission Expires: January 13, 2021
County of Residence: Hancock



Notary Public

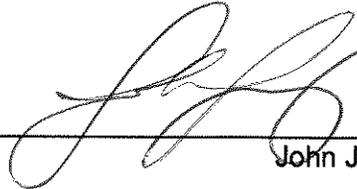
Approved this 7th day of July 2020.

Board of Commissioners
Hancock County, Indiana


Brad Armstrong


Marc Huber

END OF DOCUMENT

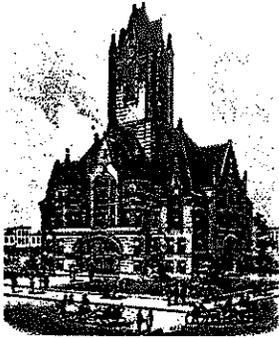


John Jessup

Attest: Debra A. Carnes
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. Mik Dale

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



*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: Lauth - Rezone
Petitioner: Lauth Group, Inc.
Project Location: 7408, 7366, 7324 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 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

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

PLAN COMMISSION MINUTES

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

6.Lauth Group, Inc.
7408, 7366, & 7324 W 350 N
14 - 16 - 5

Residential
Rezoning 20-2016
Buck Creek

Rezoning 76.48 acres from R2.5 (Residential) to IBP (Industrial Business Park) at 7408, 7366, and 7324 W 350 N. Mr. Dale stated the petitioner wishes to construct a single building at this site. He stated there is I-1 zoning to the east, IBP to the south and R2.5 to the west and north. He stated there are a few residential homes across the road. He stated there is floodway on the north end of this parcel. He stated the petitioner stated they wish to develop one million square foot building (s) with a 32 ft – 36 ft clear height, steel frame structure with insulated precast walls, a 0.060 MTPC roof, an ESFR fire suppression system and multiple mechanical, electrical and plumbing systems for multiple tenants. He stated permitted uses within the IBP zone that should be prohibited are parking lot/structure (as a primary use), hotel/motel, boat/RV storage (outdoor), and mini-warehouse self-storage. Mr. Dale stated this proposal is consistent with the Comp Plan and responsible growth and development and maybe consistent with the most desirable use of land and conservation of property values, but is not consistent with the current conditions and character of current structures. Mr. Dale stated if approved it should be subject to prohibiting the above mentioned uses. Mr. Ryan Thomas, Lauth Group and Mr. Mike Jones, Lauth Group president and CEO were present and stated they are fine with Mr. Dale's use exceptions. Mr. Thomas stated they have two layouts, one with one large building laying north/south or two smaller building laying east/west. He stated they are not planning to do any type of development on the north side of the existing ditch but may add additional drainage back there. He stated the east/west buildings will drain back to the ditch. He stated they may install an L shaped pond if it's the single building. He stated they currently have a building under construction next door (70 Connect 1). He stated 70 Connect 2 will be across the street from this site (speculating) and this will be 70 Connect 3. Mr. Thomas stated they have had extensive conversations with Susan Bodkin, County Surveyor and Gary Pool, Highway Engineer regarding drainage and roads and will continue to discuss this project with them in order to obtain their approvals. Mr. Randy Sorrell, Hancock County Economic Development Director was present and stated the building to the east of this site is 289,000 SF and the other sites for 70 Connect have gone before the County Council for abatement earlier this month and have a preliminary abatement on that. He stated the developer has been in constant contact with the County Surveyor's office and the Highway Engineer regarding the Thoroughfare plan and a master drainage plan. There was no further discussion. There were no remonstrators. Mr. Bolander made the motion for a favorable recommendation subject to the commitment to prohibit the above mentioned uses. Mr. Armstrong seconded. Motion carried. Seven (7) approved, Zero (0) denied.

Item 6: Lauth

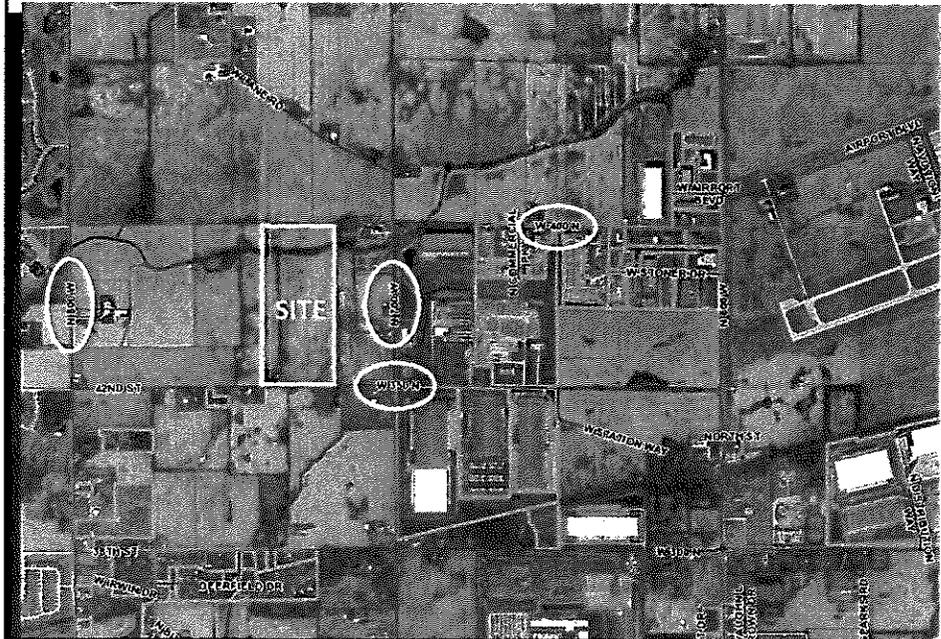
- Rezone 76.48 acres from Residential (R2.5) to Industrial Business Park (IBP) zone.
- Location: 7408, 7366, and 7324 W 350 N
 - ◆ Buck Creek Township
- Purpose:
 - ◆ To accommodate construction of industrial building(s) on the site.

7/6/2020

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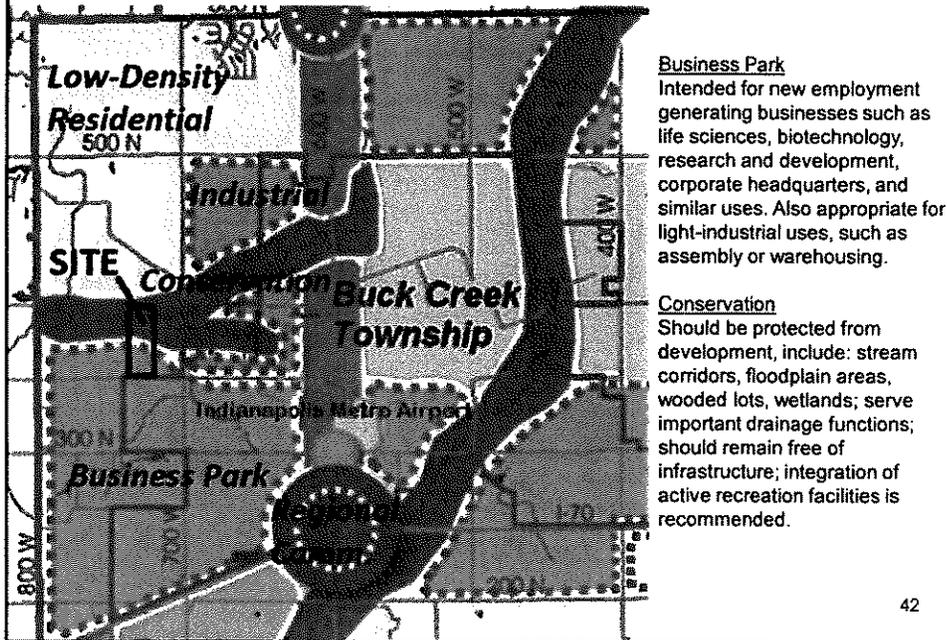
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Lauth / Vicinity



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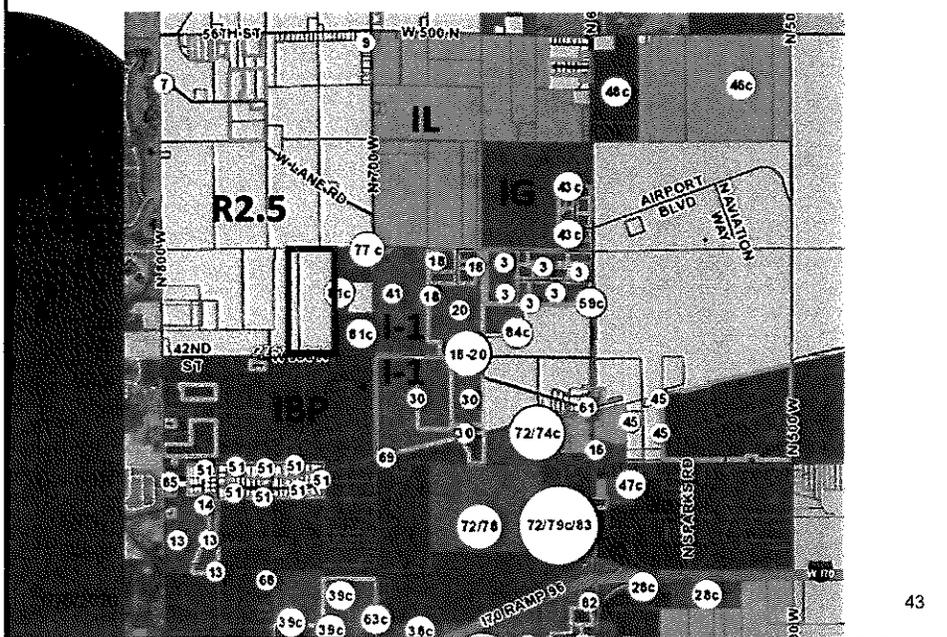
Lauth / Comprehensive Plan



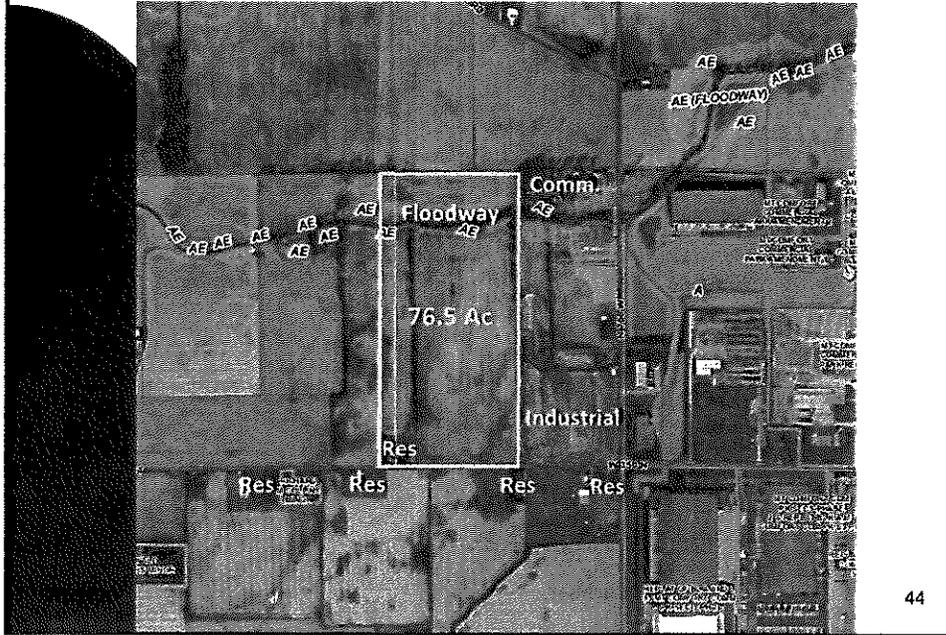
Business Park
Intended for new employment generating businesses such as life sciences, biotechnology, research and development, corporate headquarters, and similar uses. Also appropriate for light-industrial uses, such as assembly or warehousing.

Conservation
Should be protected from development, include: stream corridors, floodplain areas, wooded lots, wetlands; serve important drainage functions; should remain free of infrastructure; integration of active recreation facilities is recommended.

Lauth / Zoning Map



Lauth / Neighborhood



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Lauth / Ground Photos



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Lauth / Statement of Intent

■ Petitioner's Statement

- ◆ Development of one million square feet of industrial building(s).
- ◆ Building characteristics:
 - ★ Institutional Investor-Grade Construction
 - ★ 32' – 36' Clear Height
 - ★ Conventional Steel Frame Construction
 - ★ Insulated Precast Concrete Walls
 - ★ 0.60 M TPO Roof
 - ★ Multiple Mechanical, Electrical & Plumbing Systems for Multiple Tenants
 - ★ ESFR Fire Suppression System

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Lauth / Permitted Uses

- The following is a list of land uses that are permitted by-right in the IBP zone and not in the R2.5 zone. Staff is non-supportive of underlined uses.
 - ◆ Agriculture Uses
 - ★ Agribusiness Type 1, farm equipment sales & services, winery
 - ◆ Communications/Utilities Uses
 - ★ Communication service exchange, utility substation, water tower, WECS/micro, WECS/small
 - ◆ Institutional/Public Uses
 - ★ Church or other place of worship, funeral home, government facility, government office, heliport, hospital/medical center, medical clinic, parking lot/structure (as a primary use), police/fire/rescue station, post office, trade/business school, university/college
 - ◆ Park Uses
 - ★ Nature preserve/center, park & recreation facility

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Lauth / Permitted Uses, cont'd

- The following is a list of land uses that are permitted by-right in the IBP zone and not in the R2.5 zone. Staff is non-supportive of underlined uses.
 - ◆ Commercial Uses
 - ★ Administrative/professional office, auction facility, bakery, barber/beauty shop, building finishes shop, building supply store, business/financial services office, conference center, dance/martial arts studio, data processing/call center, deli, dry cleaners, fitness center, greenhouse, 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 (outdoor), contractor's warehouse, fabrication, lumber yard, manufacturing, mini-warehouse self-storage, packaging, printing/publishing, research & development, tool/dye shop, warehouse & distribution, wholesale distribution facility

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Lauth / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan: Yes
 - ◆ The proposed IBP zoning conforms to the "Business Park" designation that promotes employment-generating businesses and light industrial uses.
- 2) Consistent with current conditions & character of current structures: No
 - ◆ The proposed IBP zoning does not conform to the current agricultural and residential uses of the property.
- 3) Consistent with most desirable use of land: Maybe
 - ◆ The proposed IBP zoning conforms to the owner's intended land use and "Business Park" designation of the Comp Plan.
- 4) Consistent with conservation of property values? Maybe
 - ◆ The proposed IBP zoning may negatively impact the value of nearby residential properties and positively impact the value of non-residential properties.
- 5) Consistent with responsible growth and development: Yes
 - ◆ Subject to application of the county's development standards, zoning commitment, and permitting procedures.
- Staff Position:
 - ◆ Favorable
 - ◆ Subject to the recording of a zoning commitment that prohibits the underlined uses referenced in the previous slides.

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