

**ORDINANCE NO. 2020 - 10B**

AMENDING  
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

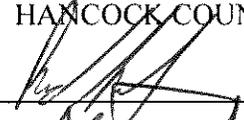
SECTION I

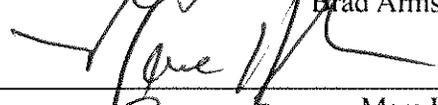
Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Center Township is hereby amended by rezoning the subject area from Residential (R1.0) and Commercial Neighborhood (CN) to Industrial General (IG).

The subject area is described herein as Exhibit A.

ADOPTED THIS 6<sup>th</sup> DAY OF OCTOBER 2020.

BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA

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

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

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

ATTEST:

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

Petitioner: CMC-Maxwell, LLC

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

**PLAN COMMISSION MINUTES**

**Tuesday, September 22, 2020**

**TIME: 6:30 PM**

1. CMC - Maxwell

East of SR 9 & South of 550 N  
4 - 16 - 7

Residential  
Rezoning 20-2032  
Center

Rezoning 11.65 acres from R1.0 (Residential) and CN (Commercial Neighborhood) to IG (Industrial: General) located in a field east of SR 9 and north of the existing CMC parking lot. Mr. Dale stated the site is located within the Mixed-Use Corridor and is intended for high-density residential, commercial, professional offices, and limited light-industrial uses (including manufacturing, warehousing, distribution, production facilities and processing plants). He stated there is Industrial zoning to the south and east, commercial to the west, and residential to the north and east. He stated the petitioner's letter of intent states the existing facility consists of 4,000 sf of office and 90,000 sf manufacturing plant that houses a pipe making machine, concrete batching, and supporting equipment using the latest technology. He stated letter says the petitioner invested approximately \$15 million in site improvements and manufacturing equipment and is now seeking to purchase 11 acres adjoining the plant to the north and to rezone the site to IG to expand the outside storage area. He state the petitioner will also be seeking BZA entitlements for concrete production, construction of new builds, and reduction of the front, side, and rear yard setbacks for the storage area. Mr. Dale stated the petitioner has submitted a landscaping plan showing mounds and a landscaping buffer along the western side of the proposal (along SR 9) and partially on the north boundary line then a berm along the rest of the northern property line. He stated he received a letter supporting the expansion from Mr. Dobbins, who farms the property to the north and per his request, did not want the trees and landscaping as the roots or overhang from trees could create a problem in his farm field. Mr. Dale stated he received a letter from the Mr. Harold Olin, Greenfield Schools Superintendent stating the site is located directly across the street from Maxwell Intermediate School and is very familiar with the business. Mr. Olin wrote that CMC has been a good neighbor to the school corporation and a valued member of the community. He further states they provide jobs that supports our school corporation and that CMC has maintained its property in excellent condition and have been responsive to the community needs and concerns. Mr. Dale stated he also received a petition signed by over 40 residents in opposition and letters from Mr. Grzych, Mr. Tiede, Mr. Thompson, Mr. George, Mr. Rodgers, and Ms. Ramo stating they strongly oppose the rezoning and does not believe it is in the best interest of the community. They stated once again the residents of Twin Oaks must defend their property from intrusion from Hancock County growth. They stated there's already too much traffic on SR 9 between Maxwell and I-70 and these types of trucks are noisy and most do not close the barrier on top to prevent windshields from being broken. They stated a similar operation is up on 96<sup>th</sup> street and it is filthy and the new road/round-about is already showing wear. They worry about this being directly across the street from the school and how this would impact their home values because

of the traffic and noise. They said there are no businesses on SR between 300 N and Maxwell yet everything added north of Maxwell is commercial and it seems the zoning board has targeted Maxwell residents and the Twin Oaks subdivision as a center of commerce and thought the board's purpose is to centralize industry away from residential areas. They stated CMC already occupies 25% of Maxwell and want more now and continues to add more large truck traffic, heavy equipment and noise. Mr. Dale stated this is consistent with the Comp Plan and with responsible growth and development but is uncertain if it is consistent with the most desirable use of the land or with the conservation of property values but is not consistent with the current conditions/character of current structures. He stated the proposed rezoning is consistent with the long-range plan for this area and the site development will be subject to the county's development standards, including buffer yard and setback requirements, unless reduced/waived by the BZA at a public hearing. He stated he would give the rezoning a favorable recommendation. Mr. Holden asked if where the pipes are currently being made zoned IG and new area would be used for storage? Mr. Dale stated that is what the petitioner proposed. Mr. Brian House, attorney representing CMC was present and stated he knows this has been a concrete plant since the early 1980's but has been told this type of business was started in the early 1940's. He stated Twin Oaks was developed in 1992. He stated since CMC has owned it is much cleaner and neater. He stated with regards to Twin Oaks, their entrance is 7/10 of a mile from CMC's office. He stated he went to Twin Oaks, which is a lovely subdivision and is very wooded, he could not see CMC from his vantage point then he went to CMC's office and could not see Twin Oaks homes. He stated employees arrive before school starts and leaves after school has ended so the main bulk of the traffic does not interfere with school hours. Mr. House stated is an enclosed operation, all the mixing takes place inside the building. He stated they supply storm water tiles and it is important to have product when needed so the area for proposed rezoning would allow CMC to store more product to have on hand when needed. Mr. House stated as the nearest neighbor, the school doesn't oppose this proposal. He stated CMC employs 70 employees, half of which lives in Hancock County. He stated this proposal doesn't increase the employees or traffic. He stated he researched the traffic count and found there were 18,000 vehicles a day traveling SR 9 from north of I-70 through Maxwell in 2013-2016 but the count declined from 2016-2019. He stated SR 9 has functional capacity, second only to interstate highway and logically this is the best place to have this type of business. He stated CMC has tried to get traffic signals but INDOT says the current traffic flow doesn't require a light. Mr. House stated also located along SR 9 are Smith projects, a self-storage facility, and a welding operation. He stated Twin Oaks is surrounded by trees and landscaping and mounds will be required at this site per county code. The board asked for remonstrators. Mr. Kevin Mitten asked what will happen to the old farmhouse, that history is being destroyed and farm fields are being eaten up by so called progress. He stated people move out here to get away from the hustle and bustle. He stated with regards to traffic, many people are using country roads to by-pass SR 9. He stated Hancock County citizens don't want to become Carmel. He stated he was concerned about how this will affect property values. Ms. Jennifer Romo stated she lives directly north of this site and she gets woken up at 4:00 am by the beeping and trucks. She stated currently the school may not hear anything but when their storage is moved, they too will begin hearing all the noise this facility makes. She stated CMC stated this area will be used for storage now but possible construction in the future. She stated the petition file has 44 petitioners against this proposal. The board asked for rebuttal. Mr. House stated they don't know what the future holds for the farmhouse as CMC doesn't own it. He stated Mr. Dobbins

owns the farm ground to the north and he requested to limit the trees because of farming issues. He stated unfortunately the back-up beeping noises that Ms. Romo hears is required by federal law. He stated they can look at the landscaping and maybe switch out some trees for pine trees so there is cover all year long. Mr. House stated with regards hurting property values, Twin Oaks sits next to Smith Projects and a self-storage and there is no evidence that their property values have been affected. He stated this proposal is in keeping with the county's Comprehensive Plan and fits in with what is already there. Mr. Long asked why the L shape. Mr. House stated there will be a detention area and the remaining space needed for functional purposes. He stated there are 25-30 trucks a day and don't believe there will be an increase. Mr. Long asked if CMC would be willing to strike all the other uses in the IG zone other than Contractor's Storage Yard. Mr. House stated he would have to speak with the owners before they could agree to that. There was no further discussion. Mr. Bolander made the motion for a favorable recommendation to the County Commissioners. Mr. Armstrong seconded. Motion carried. Seven (7) approved, Zero (0) denied.

# Item 1: County Materials Corporation

Rezone 11.65 acres from Residential (R1.0) and Commercial Neighborhood (CN) to Industrial General (IG).

Location: Approx. 205 N Main Street

- ◆ Maxwell area, Center Township

Purpose:

- ◆ To accommodate expansion of a concrete manufacturing/production facility.

9/22/2020

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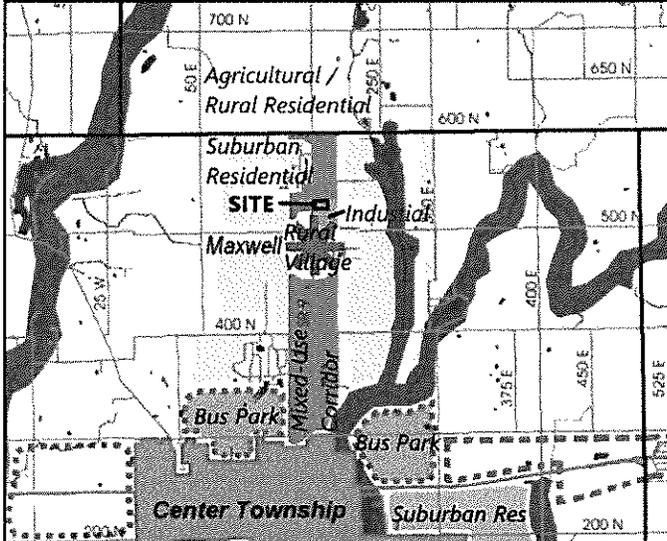
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## CMC / Vicinity



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# CMC / Comprehensive Plan



**Mixed-Use Corridor:**  
Intended for higher-intensity mixed-use development including high-density residential, commercial, professional offices, and limited light-industrial uses.

**Industrial:**  
Includes manufacturing, warehousing, distribution, production facilities and processing plants. Should occur within and around established cities and towns. Should be designed to minimize their impact on surrounding non-industrial uses.

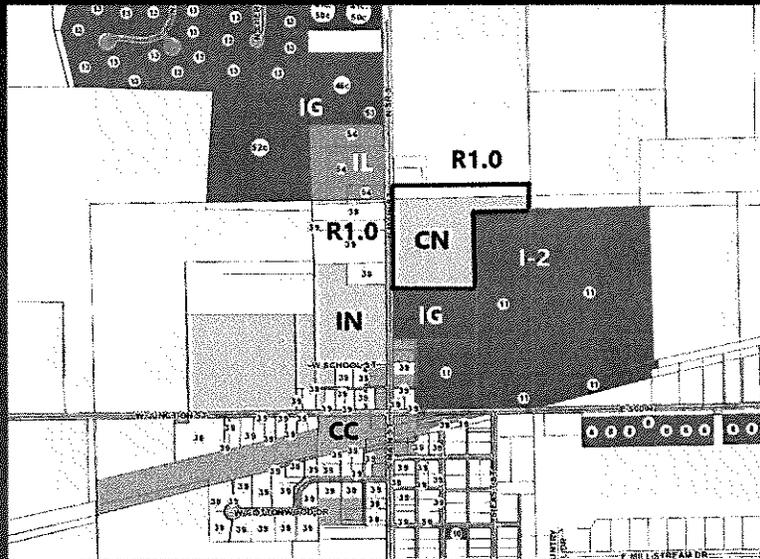
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Site is located along the north edge of Industrial designation.

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# CMC / Zoning Map



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Site is within two zoning districts.

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# CMC / Neighborhood



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# CMC / Ground Photos



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# CMC / Letter of Intent

## Petitioner's Statement

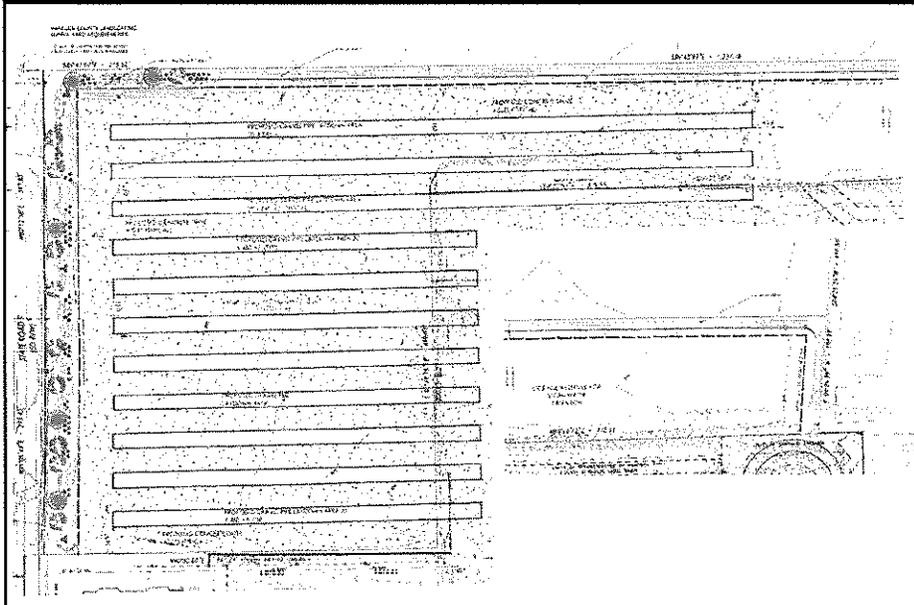
- ◆ CMC manufactures a wide variety of concrete products at over 40 locations in 6 states and employs over 1,300 people.
- ◆ The existing facility consists of a 90,000 sf manufacturing plant and 4,000 sf of office space. The facility houses a pipe making machine, concrete batching, and supporting equipment using the latest technology.
- ◆ Petitioner invested approx. \$15 million in site improvements and manufacturing equipment.
- ◆ Petitioner now seeks to purchase 11 acres adjoining the plant to the north and to rezone the site to IG to expand the outside storage area.
- ◆ Petitioner is also seeking BZA entitlements for concrete production, construction of new buildings, and reduction of the front, side, and rear yard setbacks for the storage area.

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# CMC / Landscape Plan



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## CMC / Zoning Code Permitted Uses

- The following land use categories are permitted by-right in the IG zone and not in the R1.0 or CN zones:

Agricultural Uses: Agribusiness type 1, animal stables, crop processing and storage, grazing and pastureland, nursery, seed sales/distribution/storage, winery

Communications/Utilities Uses: Communication service exchange, meteorological tower, utility substation, water tower, WECS/micro/non-commercial/small

Institutional Uses: Heliport, medical clinic, parking lot/structure, police/fire/rescue station, trade or business school

Park Uses: Park and recreation facility.

Commercial Uses: Conference center, data processing/call center, equipment sales and rental, greenhouse (commercial), pet grooming establishment, radio/TV station

Industrial Uses: Agricultural products terminal, assembly, contractor's storage yard, contractor's warehouse, fabrication, food/beverage production, lumber yard, manufacturing, mini-warehouse self-storage facility, packaging, research & development, tool/dye shop, truck freight terminal, warehousing/distribution, wholesale distribution

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## CMC / Community Response

### Support

- ◆ Greenfield-Central Community School Corporation, letter 9/18/20

From: Harold Olin, Superintendent of GCCSC for previous seven years.

Regarding the rezoning, special exception, and variance petitions submitted by County Materials

The proposed facility is located directly across the street from the Maxwell Intermediate School. Therefore, I am very familiar with the business.

County Materials has been a good neighbor to the school corporation, and they have proven to be a valued member of our community. CM's industry and the jobs it provides support the county tax base that in turn supports our school corporation.

My understanding is that CM seeks to extend its operation by constructing an open storage yard immediately to the north of the current facility. In addition, the storage yard will be landscaped along SR 9 and in part along the northern boundary of the site where it adjoins a farmhouse along on SR 9.

CM has maintained its property in excellent condition and they have been responsive to community needs and concerns. On behalf of the school corporation, I state that we have no objection to granting the requests of County Materials.

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## CMC / Community Response

### Opposed

- ◆ Grzych, email 8/31/20

Strongly oppose the rezoning.

As a resident of Twin Oaks and parent whose children will soon attend school across the street from the proposal, this is not in the best interest of the community.

- ◆ Tiede, email 8/31/20

Again, the residents of Twin Oaks must defend their property from intrusion from Hancock County "growth."

Mainly concerned with traffic: There are already too many of these types of trucks on SR 9 between Maxwell and I-70. They are noisy and almost none of them close the barrier on top of their truck – which I thought was the law. I have lost several windshields due to their carelessness. The obvious problem of their proximity to a school should also be addressed.

My office is located on 96<sup>th</sup> Street near a similar digging (industrial) operation. It is filthy and the new road/round-about is already showing wear.

I support growth in Hancock County, and even have hopes of my company's next branch on SR 9, but is sure seems like the residential area of Twin Oaks has taken the brunt of this over the last few years.

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## CMC / Community Response

### Opposed

- ◆ Thompson, email 9/8/20

Built a new house and moved-in December 2018. Our main objectives were to find a small addition away from Greenfield, and to enjoy the peace and quiet.

Rezoning this area would increase traffic and noise, and lower property values.

- Why must property owners give up our peace and quiet so that County Materials can expand? Doesn't the voice of the people most affected mean anything?

- ◆ George & Rodgers, emails 8/21 & 8/31

There are no businesses on SR 9 between 300 N and Maxwell, yet everything added north of Maxwell is commercial. It seems the zoning board has targeted Maxwell residents and the Twin Oaks subdivision as a center of commerce.

The board's purpose is to centralize industry away from residential areas, not into them. Instead the board has zoned businesses directly adjacent to residential areas like Twin Oaks. Let's not perpetuate this mistake. Limit businesses to business areas, not in residential areas like Twin Oaks.

County Materials already occupies 25% of Maxwell and now wants more. They continue to add more large truck traffic, heavy equipment, and noise. Let's return to common sense zoning and keep commercial and industrial operations away from residential areas.

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## CMC / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan? Yes
  - ◆ The proposed IG zoning conforms to the "Industrial" land use designation that promotes manufacturing, production, and processing in this area.
- 2) Consistent with current conditions/character of current structures? No
  - ◆ The proposed IG zoning is a departure from the current condition of the property.
- 3) Consistent with most desirable use of land? Uncertain
  - ◆ The proposed IG zoning is in keeping with the petitioner's goal to expand their concrete production facility at this location. However, the proposal is not in keeping with local resident concerns regarding heavy industrial activity near their homes and local school.
- 4) Consistent with conservation of property values? Uncertain
  - ◆ The proposed IG zoning is anticipated to retain or increase the petitioner's property values, but it may adversely affect nearby residential land values.
- 5) Consistent with responsible growth and development? Yes
  - ◆ The proposed IG zoning is compatible with the "Industrial" land use designation of the Comprehensive Plan. If the rezoning is approved, the proposal will require further BZA approval of a special exception to expand the concrete production facility.

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## CMC / Staff Position

### Summary

- ◆ Comp Plan designates this area for industrial uses.
- ◆ The proposal is adjacent to an existing industrial use with industrial zoning.
- ◆ Local residents assert the proposed industrial use and zoning would be harmful to their property values and lifestyle.
- ◆ The site boundary is situated at the northern edge of the industrial Comp Plan designation. Industrial development further north along SR 9 is not anticipated.

### Staff Position

- ◆ Proposed rezoning is consistent with the long-range plan for this area.
- ◆ Site development will be subject to the county's development standards, including buffer yard and setback requirements, unless reduced/waived by the county board of zoning appeals at a public hearing.
- ◆ Favorable

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# CMC / Petitioner's Exhibits

9/21/2020 Indiana Department of Transportation Traffic Count Database System (TCDS) MS2 Traffic Count Database System (TCDS)

Location ID: 202239  
 Type: SDCPT  
 On RKS No:   
 LRS ID: 1600000010000001  
 SF Group: 112 DWG  
 AP Group: 110 A  
 OF Group:   
 Class Div Gr:   
 Break Class Gr:   
 MSF Group:   
 DC Group: Default  
 Fact Class:   
 Location On: SR 9 S 17 40 N CP 1 70 / BR S 30  
 Len On Akm:   
 More Detail:   
 Directions: 1 2 3 4 5 6 7 8 9 10 11 12

Year	AAFT	DIV-36	K %	D %	PA	DC	Sic
2019	16,857	1,734	10	52	15,702 (93%)	1,154 (7%)	
2016	16,744 <sup>2</sup>		10	63	17,437 (93%)	1,306 (7%)	Grown from 2015
2015	16,686 <sup>3</sup>		10	63	17,369 (92%)	1,322 (7%)	Grown from 2014
2014	18,286 <sup>3</sup>	1,807	10	63	17,011 (93%)	1,274 (7%)	Grown from 2013
2013	18,105	1,700	10	62	16,843 (93%)	1,261 (7%)	

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Model Year	Model AADT	AM PIV	AE PIV	MD PIV	ME PIV	PE PIV	PT PIV	MT PIV
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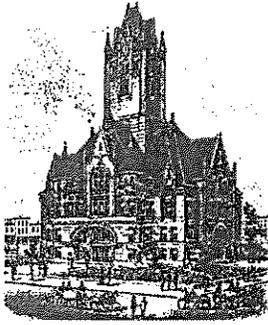
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# CMC / Petitioner's Exhibits, cont'd

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*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: CMC-Maxwell - Rezone  
Petitioner: CMC-Maxwell, LLC  
Project Location: Approx. 205 N Main Street  
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 is a true and accurate record of the meeting of the Plan Commission on 22 September 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