

# **MONTGOMERY COUNTY BOARD OF COMMISSIONERS**

## **ORDINANCE 2023-29**

### **APPROVING THE REQUEST OF NUCOR CORPORATION AND REZONING CERTAIN PARCELS OF LAND AT 4259 EAST LADOGA ROAD FROM AGRICULTURAL AND COMMERCIAL TO INDUSTRIAL**

WHEREAS, Nucor Corporation (Nucor) filed a proposal to rezone from Agriculture and Commercial to Industrial certain parcels of land located at 4259 East Ladoga Road (Parcels No. 54-10-36-200-003.000-025, 54-10-35-800-028.000-025, 54-10-36-200-003.003-025, and 54-10-35-100-021.001-025) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, the subject parcels are is currently zoned Agricultural and Commercial, and Nucor intends to develop a site for industrial manufacturing; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2023-4 and conducted a public hearing on the proposal on October 25, 2023; and

WHEREAS, the Plan Commission considered Nucor's request, comments by the public, the case report and comments by the Zoning Administrator and approved a favorable recommendation on October 25,

2023, subject only to the condition that Nucor develop the site such that there is no light trespass and no outdoor public address systems on the site; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on October 26, 2023, and this certification included a favorable recommendation for the rezone of the parcel from Agricultural and Commercial to Industrial, subject only to the condition of Nucor preventing light trespass and having no outdoor public address system on the site; and

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on November 13, 2023; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and Nucor, and comments from the public, and having paid reasonable regard to this evidence and

1. the Montgomery County Comprehensive Plan;
2. the current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each district is adapted;

4. the conservation of property values throughout the unincorporated area of Montgomery County; and

5. responsible development and growth

now finds as follows:

1. rezoning this real estate from Agriculture and Commercial to Industrial is consistent with the Comprehensive Plan because the site is located in an area designated for industrial development;

2. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

3. the use and character of land and structures in the area adjacent to the subject site and in the area generally is industrial and agricultural and will not be affected in a substantially adverse manner by development of the intended industrial manufacturing facilities;

4. the approval of the rezone request will likely increase the value of surrounding agricultural property and will not substantially and adversely impact the value property in the area of the subject property;

5. the approval of the requested rezone is consistent with the interests of responsible development and growth in that the approval will not unduly burden the schools, County or State roads and highways, or unduly burden utility providers;

6. the proposed use of the property for industrial development is consistent with the most desirable use of the property in the district given that the site is in the area designated for industrial development in Montgomery County; and

7. that the requested proposal to rezone the subject land from Agricultural and Commercial to Industrial should be granted, with the condition proposed by the Plan Commission; and

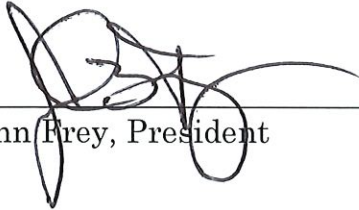
IT IS, THEREFORE, ORDAINED that the request by Nucor Corporation to rezone certain parcels of real estate, located at 4259 East Ladoga Road, specifically parcels numbered 54-10-36-200-003.000-025, 54-10-35-800-028.000-025, 54-10-36-200-003.003-025, and 54-10-35-100-021.001-025, in Montgomery County, and described more particularly in Exhibit A, from Agricultural and Commercial to Industrial is hereby approved, subject only to the following condition: Nucor will develop the site such that there is no light trespass and no outdoor public address systems at the site.

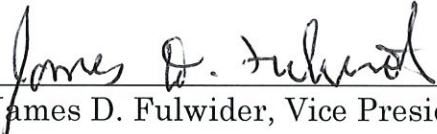
IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Industrial, and the Zoning Administrator is directed to record this ordinance, change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone, and to maintain a record of the conditions contained in this approval.

IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: November <sup>27</sup>~~13~~, 2023

Montgomery County Board  
of Commissioners

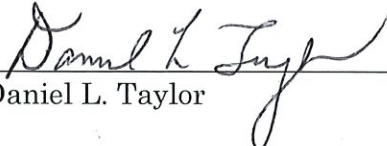
  
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John Frey, President

  
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James D. Fulwider, Vice President

  
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Dan Guard, Member

Attest:   
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Mindy Byers, Auditor

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

  
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Daniel L. Taylor

This instrument prepared by Daniel L. Taylor, Indiana Supreme Court #11337-54, Taylor, Minnette, Schneider & Clutter, P.C., 105 North Washington Street, Crawfordsville, Indiana 47933. Telephone 765-361-9680.

# EXHIBIT A