

ORDINANCE NO. 2020 - 10D

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 Sugar Creek Township is hereby amended by rezoning the subject area from Business (B-1), Commercial Neighborhood (CN), and Residential (R2.5) to Institutional (IN).

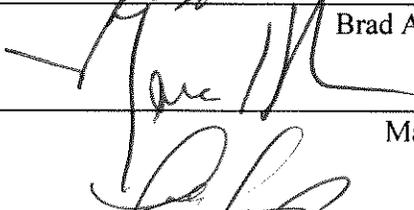
The subject area is described herein as Exhibit A.

ADOPTED THIS 20th DAY OF OCTOBER 2020.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Brad Armstrong

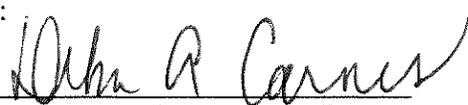


Marc Huber



John Jessup

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Crossroad Engineers, PC

EXHIBIT A

The land is situated in the County of Hancock, State of Indiana, as follows:

Tract I: 30-10-06-100-007.000-012

A part of the Southeast Quarter of Section 6, Township 15 North, Range 6 East in Hancock County, Indiana. Said part being more particularly described as follows:

COMMENCING at the Northeast corner of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) along the East line of said Quarter Section a distance of 542.50 feet to the POINT OF BEGINNING, THENCE continuing South 00 degrees 00 minutes 00 seconds West along said East line 96.00 feet; thence South 87 degrees 36 minutes 12 seconds West parallel to the North right-of-way line of the P.C.C. and St. Louis Railway, 467.50 feet; thence South 00 degrees 00 minutes 00 seconds West 81.00 feet deed (80.54 feet measured) to a point on the said North right-of-way line; thence South 87 degrees 36 minutes 12 seconds West on and along said right-of-way line 214.27 feet; thence North 00 degrees 00 minutes 00 seconds East 184.44 feet; thence North 88 degrees 16 minutes 01 seconds East 681.50 feet to the POINT OF BEGINNING, containing 1.971 acres, more or less.

Tract II: 30-10-06-100-009.000-012 and Tract III 30-10-06-100-008.001-012

A part of the Southeast Quarter of Section 6, Township 15 North, Range 6 East in Hancock County, Indiana. Said part being more particularly described as follows:

Commencing at the Northeast corner of said quarter section; thence South 00 degrees 00 minutes 00 seconds West on and along the East line of said quarter section 638.50 feet to the POINT OF BEGINNING; thence continuing South 00 degrees 00 minutes 00 seconds West, 81.00 feet to a point on the North right-of-way line of the P.C.C. and St. Louis Railroad; thence South 87 degrees 37 minutes 30 seconds West on and along said right-of-way line 467.50 feet; thence North 00 degrees 00 minutes 00 seconds East 81.00 feet; thence North 87 degrees 37 minutes 30 seconds East 467.50 feet to the POINT OF BEGINNING. Containing .749 acres, more or less

Tract IV: 30-10-06-400-043.001-012

A part of the Southeast Quarter of Section 6, Township 15 North, Range 6 East in Hancock County, Indiana. Said part being more particularly described as follows:

COMMENCING at the Northeast corner of said quarter section; thence South 00 degrees 00 minutes 08 seconds West (assumed bearing) along the East line of said quarter section a distance of 719.04 feet to the North right-of-way line of the P.C.C. and St Louis Railroad and being the POINT OF BEGINNING; thence South 87 degrees 36 minutes 20 seconds West along the North right-of-way of said railroad a distance of 681.77 feet to a 5/8" rebar; thence South 00 degrees 00 minutes 08 seconds West a distance of 85.07 feet to the South right-of-way line of said railroad (the next 3 calls are along the right-of-way line of said railroad); North 87 degrees 36 minutes 20 seconds East a distance of 474.15 feet; South 02 degrees 23 minutes 40 seconds East a distance of 89.00 feet; North 87 degrees 36 minutes 20 seconds East a distance of 203.89 feet to a railroad spike on the East line of said quarter section that is North 00 degrees 00 minutes 08 seconds East a distance of 1790.75 feet from a brass monument marking the Southeast corner of said quarter section; thence North 00 degrees 00 minutes 08 seconds East along said East line a distance of 174.15 feet to the POINT OF BEGINNING, containing 1.751 acres, more or less.

Commonly Known As: South 500 West, Greenfield, IN 46140

ATA TITLE AGENCY OF INDIANA, LLC
8335 Keystone Crossing, Ste. 104
Indianapolis, IN 46240
Ph:(317) 808-9600 Fax:(317) 808-9619

DULY ENTERED
FOR TAXATION

AUG 25 1994

SPECIAL WARRANTY DEED

Marilyn W. Coe
Auditor of Hancock County

9:38
Jane L. Coe
HANCOCK COUNTY RECORDER

94 AUG 25 11 09 AM '94
THIS INDENTURE WITNESSETH, That Darrel Cohron and Harrel Cohron, as joint tenants with rights of survivorship ("Grantor") convey to Randy L. Hood and Barbara L. Hood, as joint tenants with rights of survivorship ("Grantee") for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hancock County, in the State of Indiana:

A part of the Southeast Quarter of Section 6, Township 15 North, Range 6 East, described as follows:

BEGINNING at a point on the East line of the Southeast Quarter of said Section 6, 468 feet South of the Northeast Corner thereof; thence South 88 degrees 15 minutes West 182.5 feet; thence South parallel with the East line of said Quarter Section 24.5 feet; thence South 88 degrees 15 minutes West 189 feet; thence North 00 degrees 00 minutes East 548 feet to the South right of way line of U.S. Highway #40; thence South 87 degrees 49 minutes West 310 feet; thence South 00 degrees 00 minutes West 590.34 feet; thence North 88 degrees 15 minutes East 681.5 feet to the East line of the Southeast Quarter of said Section 6; thence North on said East line 74.5 feet to the place of beginning.

Containing 4.1760 Acres, more or less.

The Grantor will WARRANT SPECIALLY the title to the real estate conveyed hereby against the acts of the Grantor and the rights or claims of parties claiming by, through or under the Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 22 day of August, 1994.

Darrel Cohron

Darrel Cohron

Harrel Cohron

Harrel Cohron

STATE OF INDIANA)
COUNTY OF Marion) SS:

Before me, a Notary Public in and for said County and State, personally appeared Darrel Cohron and Harrel Cohron, as joint tenants right rights of survivorship, who acknowledged the execution of the foregoing Special Warranty Deed, and who, having been

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

PLAN COMMISSION MINUTES

DATE: July 28, 2020 TIME: 6:30 P.M.

3. Crossroad Engineers - Real Life Church
5151 W US 40
6 - 15 - 6

Commercial Neighborhood
Rezoning 20-2022
Sugar Creek

Rezoning 9.1 acres from CN (Commercial Neighborhood) to IN (Institutional) for a church at 5151 W US 40. Mr. Dale stated the purpose for this rezoning is to allow a place of worship as a permitted primary use. He stated there are three different zoning classifications (CN, B-1, and R2.5) on six different parcels. He stated the parcels will be combined under one parcel number. He stated the Comprehensive Plan shows US 40 as a Mixed-Use Corridor and believes the proposal is consistent with that designation. Mr. Dale stated the petitioner proposes to repurpose the existing two 30,000 sf buildings for Realife Church, to reorient the existing parking lot north of the existing buildings to produce a more efficient layout and to install landscape islands (see proposal in folder), install additional parking spaces south of the existing buildings, construct a detention pond in the southwest corner of the project site, and rezone the entire site to IN rather than seek a special exception so that the church use would be a permitted primary use at this location. Mr. Dale stated there are several uses allowed within the IN zoning and believes those uses would cause no issues at this location. He stated the proposal is consistent with the long-range plan for this area and supports a favorable recommendation subject to: A) The site shall be improved according to the North Concept and South Concept Plans submitted by the petitioner, B) The owner shall seek and obtain permits for a change-of-use, C) the driveway along 500 W shall be reviewed/approved by the county highway department prior to issuance of the improvement location permit, D) The parcels shall be combined into one parcel and legal description, and E) Trees and shrubs shall be installed in the proposed parking lot planter areas to the satisfaction of the planning director. Mr. Dale stated the building in the north parking lot and the grain bins and structure south of the buildings will all be demolished. He stated he believes the church will improve the property site. Mr. Long asked if this proposal would create any issues with the Trail along the south side of the property. Mr. Dale stated zoning does not affect the trail. Mr. Holden asked if Realife Church was leasing or owning this. Mr. Dale said he didn't know. Mr. Michael Kalberg, Crossroad Engineers was present and stated his client wants to own these parcels. He stated there will be additional parking where the silos/structures are currently located and would not have any impact on the trail. Mr. Dale stated the proposed south parking area will be required to meet the current standards but the north parking lot will be grandfathered. The board asked for remonstrators. Mr. James Bennett stated he owns the property to the west (motel/apartments) and stated he is concerned about adding even more parking as the front parking lot goes under water with a heavy rain. He stated on the northeast corner of his property there is a tile that goes under US 40 but it is not big enough to take all the water away and the area backs up with water and wanted to know what can be done about it. Mr. Dale stated if this rezoning is approved, obtaining permits would require the Surveyor's office to review drainage. Mr. Armstrong asked wouldn't platting require drainage review. Mr. Dale

stated this project would not require platting. Mr. Armstrong stated adding a detention pond should help with water standing in the parking lots. Mr. Kalberg stated they will be directing water to the detention pond and the impervious area will be the same on the north side. He stated he has spoken to Susan Bodkin, County Surveyor regarding drainage and will create a drainage report. He stated there were a couple of options for drainage mentioned by Ms. Bodkin for outlets. There was no further discussion. Mr. Bolander made the motion for a favorable recommendation with staff recommendations and drainage report. Mr. Holden seconded. Motion carried. Six (6) approved, Zero (0) denied.

Item 3: Realife Church

Rezone 9.1 acres from Commercial Neighborhood (CN) to Institutional (IN).

Location: Approx. 5151 W US 40

- ◆ Sugar Creek Township

Purpose:

- ◆ To allow a place of worship as a permitted primary use at this location.

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RC / Vicinity

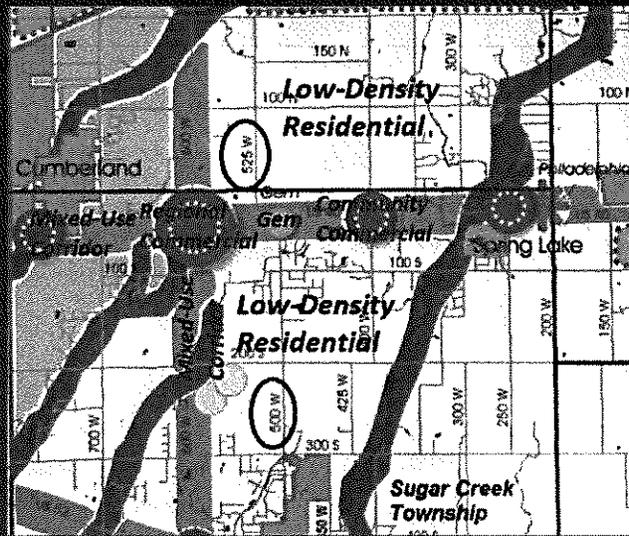


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RC / Comprehensive Plan



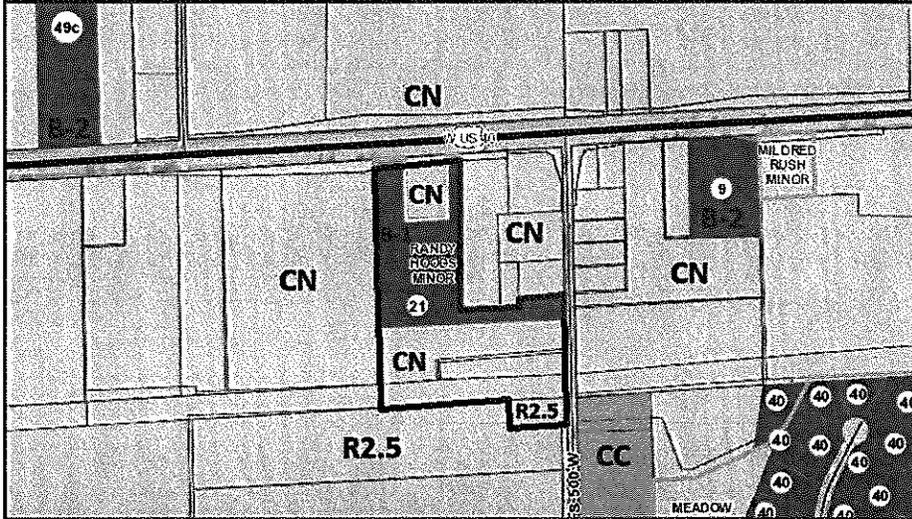
Mixed-Use Corridor:
 Intended for higher-intensity mixed-use development including high-density residential, commercial, professional offices, and limited light-industrial uses.

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RC / Zoning Map



Site is within three zoning districts and consists of six parcels

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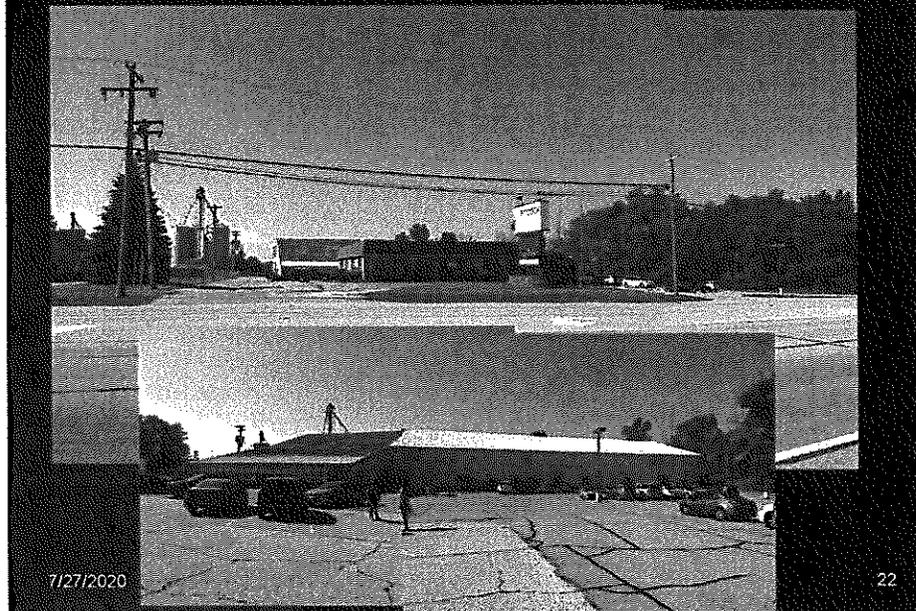
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RC / Neighborhood



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RC / Ground Photos / US 40



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RC / Ground Photos / 500 W



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RC / Proposal

Petitioner's Statement

- ◆ Re-purpose the existing two 30,000 sf buildings as a church use for Realife Church
- ◆ Reorient the existing parking lot north of the existing buildings to produce a more efficient layout
- ◆ Install additional parking spaces south of the existing buildings
- ◆ Construct a detention pond in the southwest corner of the project site
- ◆ Rezone to IN rather than seek a special exception so that the church use would be a permitted primary use at this location

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RC / Parking Concept Plans



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RC / Zoning Code Permitted Uses

The following land use categories are permitted by-right in the IN zone and not in the CN zone:

Agricultural Uses: Animal stables, livestock raising & breeding, nursery, seed sales/distribution/storage

Communications/Utilities Uses: Communication service exchange, public wellfield / water treatment facility, utility substation. Permitted in B-1

Residential Uses: Nursing/assisted living facility, residential facility for the developmentally disabled, residential facility for the mentally ill, retirement facility

Institutional Uses: Airport, cemetery, church or other place of worship (permitted in B-1), community center, commercial bus/train terminal, fairgrounds, funeral home, residential treatment center, government facility, hospital/medical center, institution for the developmentally disabled/mentally ill, medical clinic, museum or gallery, post office, school (P-12), trade or business school, university or college. Permitted in B-1

Park Uses: Park and recreation facility. Permitted in B-1

Commercial Uses: Greenhouse

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RC / Zoning Code Permitted Uses

The following land use categories are permitted by-right in the IN zone and not in the B-1 or CN zones:

Park Uses: Park and recreation facility

Commercial Uses: Greenhouse

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RC / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan? Yes
 - ◆ The proposed IN zoning conforms to the "Mixed-Use Corridor" land use designation that promotes more intensive land uses.
- 2) Consistent with current conditions/character of current structures? Yes
 - ◆ The proposed IN zoning is compatible with the existing buildings and site improvements.
- 3) Consistent with most desirable use of land? Yes
 - ◆ The proposed IN zoning is in keeping with the petitioner's goal to establish a place of worship at this location.
- 4) Consistent with conservation of property values? Yes
 - ◆ The proposed IN zoning is not anticipated to adversely affect the nearby commercial and residential land uses.
- 5) Consistent with responsible growth and development? Yes
 - ◆ The proposed IN zoning will accommodate development of a church campus that utilizes existing infrastructure and will enhance the appearance of the US 40 corridor.

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RLC / Staff Position

Summary

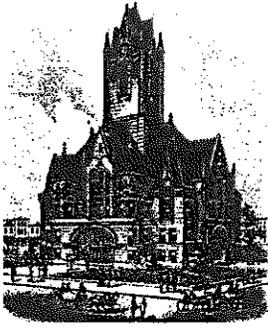
- ◆ Comp Plan designates this area for intensive commercial uses. The site is sufficiently large, designed, and oriented to accommodate a church at this location.
- ◆ Proposal is compatible with nearby agricultural, commercial, and residential uses.

Staff Position

- ◆ Proposal is consistent with the long-range plan for this area.
- ◆ Favorable
- ◆ If approved, subject conditions:
 - A) The site shall be improved according to the North Concept and South Concepts Plans submitted by the petitioner.
 - B) The owner shall seek and obtain permits for the change-of-use.
 - C) The driveway along CR 500 shall be reviewed/approved by the county highway department prior to issuance of the improvement location permit.
 - D) The parcels shall be combined into one parcel and legal description.
 - E) Trees and shrubs shall be installed in the proposed parking lot planter areas to the satisfaction of the planning director.

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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: Realife Church - Rezone
Petitioner: Crossroad Engineers, PC
Project Location: 5151 W US 40
Township: Sugar 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 is a true and accurate record of the meeting of the Plan Commission on 28 July 2020. The attached ordinance received a favorable recommendation by a vote of six (6) ayes and zero (0) naves.

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