

AMENDED SPECIAL ORDINANCE NO. 39, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

921 N. 8th St., Terre Haute, IN 47807
Parcel No. 84-06-15-358-008.000-002

Rezone From: R-2 Two Family Residence District

Rezone To: R-2 Planned Development

Proposed Use: Multi-Family Housing

Name of Owner: 7th St. LLC
Address of Owner: 2901 Ohio Blvd, Suite 121
Terre Haute, Indiana 47803

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II

Address of Attorney: Wright, Shagley & Lowery , P.C.
500 Ohio Street, Terre Haute, IN 47807

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Neil Garrison

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED
NOV 4 2021
CITY CLERK

AMENDED SPECIAL ORDINANCE NO. 39, 2020

An Amended Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Part of Lot Number Three (3) in Block Number Four (4) in Early's Addition to the Town (now City) of Terre Haute, Indiana, described as follows: Beginning at a point on the West line of said Lot Number Three (3) one hundred ninety-five and six-tenths (195.6) feet North of the center line of Locust Street as the same is now located in the City of Terre Haute, and running East one hundred sixty-eight (168) feet and eight (8) inches to the West line of an alley running North and South through said Block No. 4, thence North along the West line of said alley forty-seven and five-tenths (47.5) feet to a point six (6) feet South of the North line of Lot Number Three (3); thence West one hundred sixty-eight (168) feet and eight (8) inches to the West line of said Lot Number Three (3); thence South forty-seven and five-tenths (47.5) feet to the place of beginning.

Parcel No. 84-06-15-358-008.000-002

Commonly known as: 921 N. 8th St., Terre Haute, IN 47807.

be and the same is, hereby established as a R-2 Planned Development, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate described shall be a Planned Development in a R-2 Two Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of

Terre Haute, Indiana, subject to the terms and condition set forth herein.

- (a) That the real estate shall be used for any use permitted in a R-2 Two Family Residence District and a multi-family housing structure containing four (4) one (1) bedroom units.
- (b) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.
- (c) A variance is hereby granted from Section 10-113 a (1) and 10-113 a (2) which states in part:

a (1) "Set back requirements", there shall be a zero setbacks required for the property and
- (d) All such rights granted herein shall be fully transferable.
- (e) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of the approval by the Council.

That the owners have met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Amended Special Ordinance No. 39, 2021, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Amended Special Ordinance No. 39, 2021, has been held pursuant to Section 10 of said Ordinance and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of

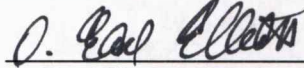
said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorizes and approves the uses of the real estate described as a R-2 Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest and that substantial justice will be done.

SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, 

Neil Garrison, Councilperson

Passed in open Council this 4TH day of NOVEMBER, 2021.



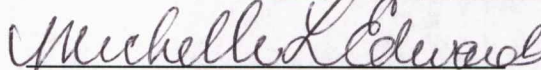
O. Ear Elliott, President

ATTEST:



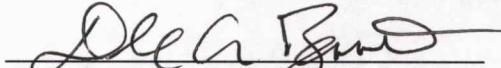
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 5TH day of NOVEMBER, 2021.



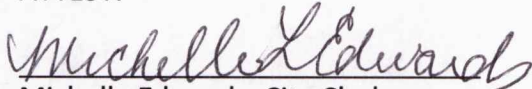
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 5TH day of NOVEMBER, 2021.



Duke A. Bennett, Mayor

ATTEST:



Michelle Edwards, City Clerk

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.



Richard J. Shagley, II

This instrument prepared by Richard J. Shagley, II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SPECIAL ORDINANCE NO. 39, 2021

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Attorney Representing Owner: Richard J. Shagley, II

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For Information Contact: ☐ Owner ☒ Attorney

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OCT 05 2021

CITY CLERK

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BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

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That the real estate described shall be a Planned Development in a R-2 Two Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of

Terre Haute, Indiana, subject to the terms and condition set forth herein.

- (a) That the real estate shall be used for any use permitted in a R-2 Two Family Residence District and a multi-family housing structure containing four (4) one (1) bedroom units.
- (b) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.
- (c) A variance is hereby granted from Section 10-113 a (1) and 10-113 a (2) which states in part:
 - a (1) "Set back requirements", there shall be a zero setbacks required for the property and
 - a (2) "off street parking requirements", there shall be no requirements beyond the exiting off street parking places
- (d) All such rights granted herein shall be fully transferable.
- (e) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of the approval by the Council.

That the owners have met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

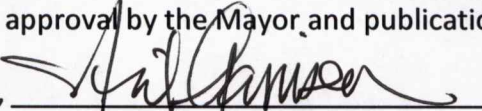
WHEREAS, Special Ordinance No. 39, 2021, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Special Ordinance No. 39, 2021, has been held pursuant to Section 10 of said Ordinance and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorizes and approves the uses of the real estate described as a R-2 Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest and that substantial justice will be done.

SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,


Neil Garrison, Councilperson

Passed in open Council this ____ day of _____, 2021.

O. Ear Elliott, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

Michelle Edwards, City Clerk

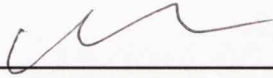
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards, City Clerk

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.



Richard J. Shagley, II

This instrument prepared by Richard J. Shagley, II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, 7th St. LLC, by member, Christopher T. Senesac, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Part of Lot Number Three (3) in Block Number Four (4) in Early's Addition to the Town (now City) of Terre Haute, Indiana, described as follows: Beginning at a point on the West line of said Lot Number Three (3) one hundred ninety-five and six-tenths (195.6) feet North of the center line of Locust Street as the same is now located in the City of Terre Haute, and running East one hundred sixty-eight (168) feet and eight (8) inches to the West line of an alley running North and South through said Block No. 4, thence North along the West line of said alley forty-seven and five-tenths (47.5) feet to a point six (6) feet South of the North line of Lot Number Three (3); thence West one hundred sixty-eight (168) feet and eight (8) inches to the West line of said Lot Number Three (3); thence South forty-seven and five-tenths (47.5) feet to the place of beginning.

Parcel No. 84-06-15-358-008.000-002

Commonly known as: 921 N. 8th St., Terre Haute, IN 47807.

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as R-2 Two Family Residence District.

Your Petitioner would respectfully state that the real estate is now current a two (2) unit multifamily home. The Petitioner intends to convert this home into four (4) one (1) bedroom unit multifamily home.

Your Petitioner would request that the real estate described herein shall be zoned as a R-2 Planned Development to allow for the use as proposed by Petitioner. Your Petitioner would allege that the R-2 Planned Development would not alter the general characteristics of this neighborhood.

Your Petitioner would allege that there is a hardship due to: 1) improvements on the

real estate (nature of structure in a mixed use neighborhood; 2) the physical characteristics of the land (the shape of Petitioner's parcel); and 3) the parcel is located near district boundary lines (the other parcels owned by Petitioner in the area are zoned commercial).

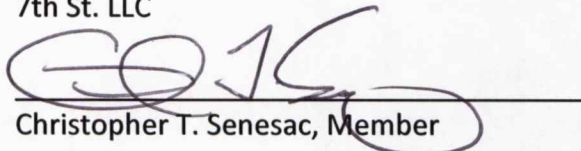
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-2 Planned Development of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

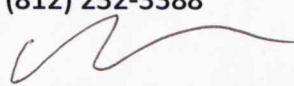
IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 1st day of October, 2021.

PETITIONER:

7th St. LLC


Christopher T. Senesac, Member

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 
Richard J. Shagley, II #23135-84
Attorneys for Petitioner

The owner and mailing address: 7th St. LLC, 2901 Ohio BLVD Suite 121,
Terre Haute, IN 47803.

This instrument prepared by Richard J. Shagley, II. Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN

SPECIAL ORDINANCE NO. 39, 2020

921 N. 8th Street, Terre Haute, IN 47807

R-2 Two Family Residence District to R-2 Planned Development

Proposed Use: Multifamily Housing

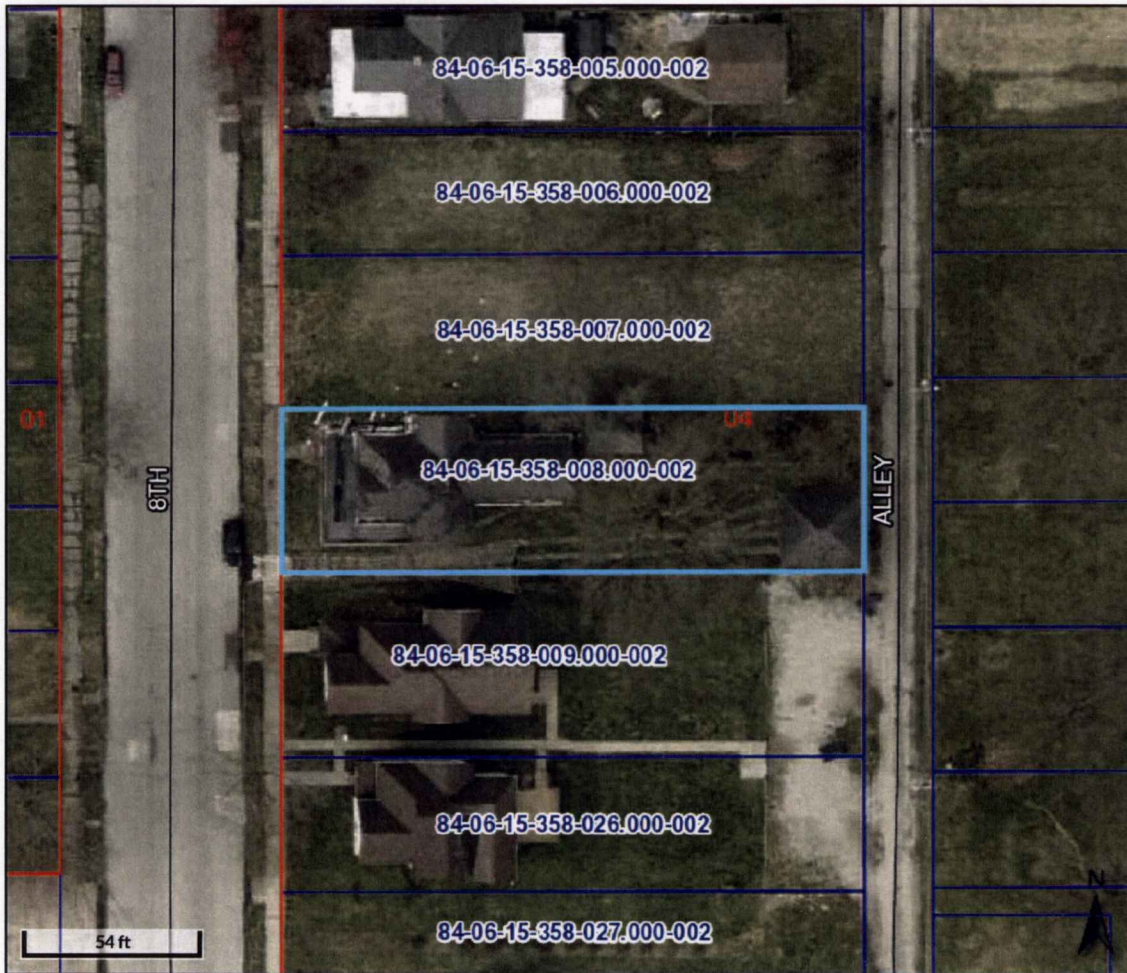
Site Plan
921 N. 8th ST

4 N

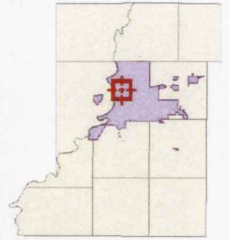


Beacon™

Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2021 Sales

| | | | | | |
|-----------------------|---|--------------|--------------------------------|---------------|------------------------|
| Parcel ID | 84-06-15-358-008.000-002 | Alternate ID | 84-06-15-358-008.000-002 | Owner Address | 7Th St Llc |
| Sec/Twp/Rng | 15 | Class | Res 3 fam dwelling platted lot | | 2901 Ohio Blvd Ste 121 |
| Property Address | 921 N 8TH ST | Acreage | n/a | | Terre Haute, IN 47803 |
| | TERRE HAUTE | | | | |
| Neighborhood | 118520 - HARRISON | | | | |
| District | 002 HARRISON | | | | |
| Brief Tax Description | EARLYS ADD 48'1-1/2" MID PRT (921 N 8TH ST) | | | | |
| | 2004027769 15-12-9 LOT 3 BLK 4 | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 10/1/2021
Last Data Uploaded: 10/1/2021 6:30:37 AM

Developed by Schneider
GEOSPATIAL

R-2 to R-2 Planned Development

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Christopher T. Senesac, Member of 7th St. LLC, being duly sworn upon his oath, deposes and says:

1. That 7th St. LLC is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Part of Lot Number Three (3) in Block Number Four (4) in Early's Addition to the Town (now City) of Terre Haute, Indiana, described as follows: Beginning at a point on the West line of said Lot Number Three (3) one hundred ninety-five and six-tenths (195.6) feet North of the center line of Locust Street as the same is now located in the City of Terre Haute, and running East one hundred sixty-eight (168) feet and eight (8) inches to the West line of an alley running North and South through said Block No. 4, thence North along the West line of said alley forty-seven and five-tenths (47.5) feet to a point six (6) feet South of the North line of Lot Number Three (3); thence West one hundred sixty-eight (168) feet and eight (8) inches to the West line of said Lot Number Three (3); thence South forty-seven and five-tenths (47.5) feet to the place of beginning.

Parcel No. 84-06-15-358-008.000-002

Commonly known as: 921 N. 8th St., Terre Haute, IN 47807.

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Chosen Terre Haute, LLC is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that he is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by 7th St., LLC

4. Further, Affiant saith not.

Dated this 17 day of October, 2021.

7th St., LLC



Christopher T. Senesac, Member

STATE OF Indiana)
) SS:
COUNTY OF Vigo)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of October, 2021.

Marcia N. Childs
Marcia N. Childs, Notary Public


My Commission expires:
02-26-2028



My County of Residence:
Parke

This instrument prepared by Richard J. Shagley, II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

NOV 24 2020

2020015546 WD \$25.00
11/24/2020 09:12:18A 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented


LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That Grant Line Road Properties, LLC, a limited liability company organized and existing under the laws of the State of Indiana (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to 7TH ST LLC, a limited liability company organized and existing under the laws of the State of Indiana, (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Part of Lot Number Three (3) in Block Number Four (4) in Early's Addition to the Town (now City) of Terre Haute, Indiana, described as follows: Beginning at a point on the West line of said Lot Number Three (3) one hundred ninety-five and six-tenths (195.6) feet North of the center line of Locust Street as the same is now located in the City of Terre Haute, and running East one hundred sixty-eight (168) feet and eight (8) inches to the West line of an alley running North and South through said Block No. 4, thence North along the West line of said alley forty-seven and five-tenths (47.5) feet to a point six (6) feet South of the North line of Lot Number Three (3); thence West one hundred sixty-eight (168) feet and eight (8) inches to the West line of said Lot Number Three (3); thence South forty-seven and five-tenths (47.5) feet to the place of beginning.

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Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

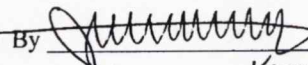
As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed, that they are either (*mark applicable option*):

- ☐ 1. all of the Members of Grantor
Or
☒ 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.

IN WITNESS WHEREOF, Grant Line Road Properties, LLC has caused this deed to be executed in its name and on its behalf by its undersigned Members or its duly authorized Manager, this 23rd day of November, 2020.

Grant Line Road Properties, LLC

By 
Kennedy

And by _____

Jeffrey W. Kennedy, member/manager
(Printed Name and Title) (Printed Name and Title)

And by _____ And by _____

(Printed Name and Title) (Printed Name and Title)

Executed in my Presence:

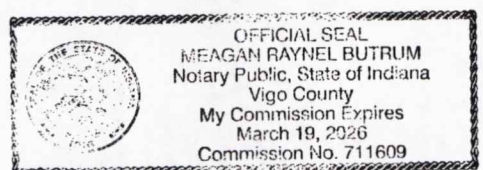
Debra S Keller
Signature

Debra S Keller
Printed Name

STATE OF Indiana)
) SS:
COUNTY OF Vigo)

I, MEAGAN RAYNEL BUTRUM, a Notary Public in and for said County and State, do hereby certify that Jeffrey W. Kennedy, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument as Member(s) or Manager of Grant Line Road Properties, LLC appeared before me this day in person and, being first duly sworn said that the statements and representations contained in said instrument are true and that said person(s) signed and delivered said instrument as a free and voluntary act of said Grant Line Road Properties, LLC and as said person(s) own free and voluntary act as such Member(s) or Manager for the use and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of November, 2020.



Meagan Raynel Butrum
Notary Public
Meagan Raynel Butrum
(Printed Name)

My Commission Expires:
3-19-2026

My County of Residence:
Vigo

STATE OF Indiana)
) SS:
COUNTY OF Vigo)

Before me, a Notary Public in and for said County and State, on November 23, 2020, personally appeared the above named WITNESS to the foregoing

instrument, who, being duly sworn by me, did depose and say that he/she knows Jeffrey W. Kennedy and _____ as the Member / Manager and _____ of Grant Line Road Properties, LLC, to be the individual(s) described herein and who executed the foregoing instrument; that said WITNESS was present and saw said Jeffrey W. Kennedy and _____, of Grant Line Road Properties, LLC, execute the same; that said WITNESS at the same time subscribed his/her name as a witness thereto; and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

WITNESS my hand and Notarial Seal.

| | | |
|---|---|--|
| My Commission Expires: <u>3-19-2026</u> | OFFICIAL SEAL MEAGAN RAYNEL BUTRUM Notary Public, State of Indiana Vigo County My Commission Expires March 19, 2026 Commission No. 711609 | <u>Megan Raynel Butrum</u> _____ Typewritten or printed name of notary |
| My County of residence is <u>Vigo</u> | | |

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.

Megan Raynel Butrum
Signature
Megan Raynel Butrum
Printed Name

This instrument prepared by Donald J. Bonomo, Attorney at Law, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 2901 Ohio Blvd. Suite 121 Terre Haute, IN 47803
MAIL TAX STATEMENTS TO: Same



RECEIPT

The following was paid to the City of Terre Haute, Controller's Office.

Date: 10-5-2021

Name: 7th St. LLC

Reason: Filing notice of Peling \$25.00
Removing petition \$20.00
\$45.00

Cash: _____

Check: 45.00 6471945

Credit: _____

TOTAL: 45.00

TERRE HAUTE, INC.
PAID

OCT 05 2021

CONTROLLER

Received By: [Signature]



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: November 4, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 39-21

CERTIFICATION DATE: November 3, 2021

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 39-21. This Ordinance is a rezoning of 921 N. 8th Street. The Petitioner, 7th Street LLC, petitions the Plan Commission to rezone said multi-family housing from zoning classification R-2 Two Family Residence to R-2 Planned Unit Development.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 39-21 at a public meeting and hearing held Wednesday, November 3, 2021. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 39-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 39-21 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 39-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) The rezoning must be recorded within 90 days. 2) That the existence of a hardship be demonstrated. 3) The variance for parking be removed.

A handwritten signature in black ink, appearing to read "Fred L. Wilson", is written over a horizontal line.

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler", is written over a horizontal line.

Jared Bayler, Executive Director

Received this 4th day of November, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #39-21

Doc: # 64

Date: November 2021

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APPLICATION INFORMATION

Petitioner: 7th St. LLC

Representative: Richard Shagley II

Proposed Use: Multi-Family Housing

Proposed Zoning: R-2, Planned Development District

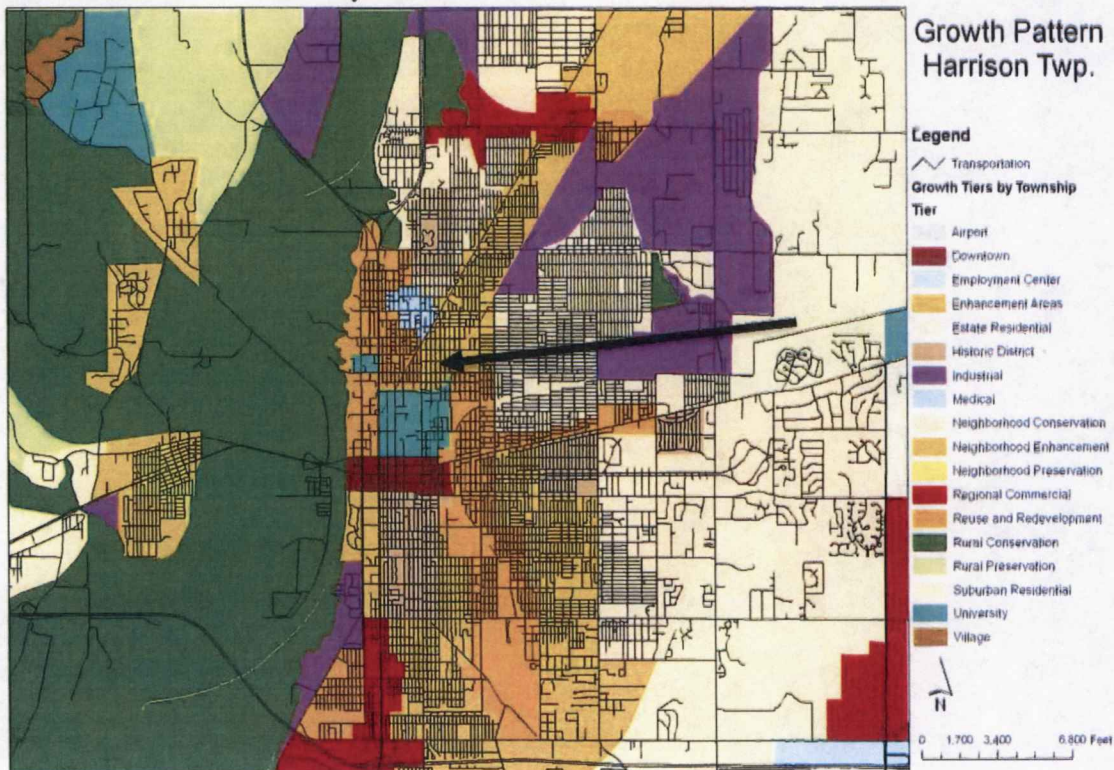
Current Zoning: R-2, Two-Family Residence District

Location: The property located on the east side of N. 8th Street approximately 162 ft. north of the intersection of Locust Street and N. 8th Street.

Common Address: 921 N. 8th Street, Terre Haute, IN/ 84-06-15-358-008.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



ZONING COMPATIBILITY

Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Sur. Zones and Uses: **North** – R-2

East – R-2

South – R-3

West – R-2

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #39-21

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ZONING REGULATIONS

R-2 Two Family Residence District

Uses, Permitted - R-2 Two-Family Residence District.

- (1) Any use permitted in the R-1 District.
- (2) Dwellings - one and two family attached or detached.

Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.
Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #39-21

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FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting that the property be rezoned to R-2PD for the use as four (4) one-bedroom units. In order to receive the PD zoning a hardship as listed above must be present. Staff is unsure why R-2PD was chosen for this property as R-2 is considered a "Two-Family Residence District" and defined as allowing one and two family attached or detached dwellings (§10-180(c)(2)). Staff believes that R-3 or R-3PD would be a better fit for this application. The lots to the south are zoned R-3.

They are requesting a variance from §10-113(a)(1) to allow for zero setbacks required for the property and from §10-113(a)(2) for no required off-street parking. Otherwise, a minimum of 6 parking spaces would be required. There is an existing shed or garage in the corner on the rear and south property line.

The City Engineering Department has reviewed the rezoning request (see letter) and agrees that R-2PD is an inappropriate zoning change. They also state that allowing the parking variance from off-street parking would "place an undue burden on public streets, the residents of the proposed units, and is not consistent with similar properties within the area". It is their recommendation to deny the request.

Recommendation:

Staff has an Unfavorable Recommendation for the R-2PD zoning request. Staff would offer a favorable recommendation for R-3PD with a variance from §10-113(a)(1) for setbacks only and the following conditions:

1. The rezoning must be recorded within 90 days.
2. That the existence of a hardship be demonstrated.