

SPECIAL ORDINANCE NO. 5, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1728 N. 8th Street, Terre Haute, IN 47804
Parcel No. 84-06-15-151-012.000-002

Rezone From:	<u>R-2 Two Family Residential District</u>
Rezone To:	<u>R-3 General Residence District</u>
Proposed Use:	<u>Multi-Family Housing</u>
Name of Owners:	<u>Terre Haute Land Company, LLC</u>
Address of Owners:	<u>27 Potomac Ave</u> <u>Terre Haute, IN 47803</u>
Phone Number of Owners:	<u>c/o Richard J. Shagley II</u> <u>812-232-3388</u>
Attorney Representing Owners:	<u>Richard J. Shagley II</u>
Address of Attorney:	<u>Wright, Shagley & Lowery , P.C.</u> <u>PO Box 9849, Terre Haute, IN 47808</u>
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	<u>Neil Garrison</u>

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

FEB 07 2022

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 5, 2022

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

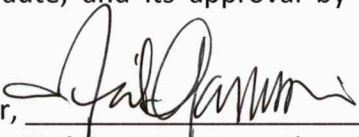
Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.

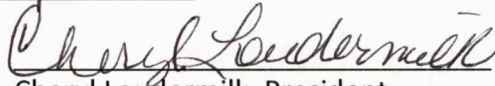
Parcel No. 84-06-15-151-012.000-002

Be and the same is hereby established as an R-3 General Residence District, together with all rights and privileges that may insure 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."

SECTION II. 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 required by law.

Presented by Council Member, 
Neil Garrison, Councilperson

Passed in open Council this 14th day of April, 2022.


Cheryl Loudermilk, President

ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 18th day of April, 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 18th day of April, 2022.

Duke A Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle L Edwards
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.

/s/ Richard J. Shagley II
Richard J. Shagley II

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.

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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Connie Turner, Managing Member of Terre Haute Land Company, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.

Parcel No. 84-06-15-151-012.000-002

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2 Two-Family Residential District.

This real estate is now vacant, and Petitioner is seeking to rezone the real estate to build multi-family housing. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District.

Your Petitioner would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood.

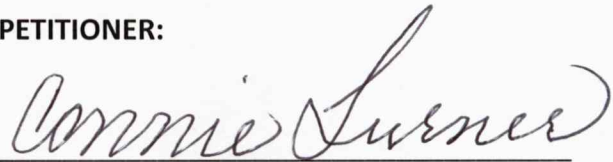
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning

Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the an R-3 General Residence District t of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed this 1st day of February, 2022.

PETITIONER:

A handwritten signature in dark ink, reading "Connie Turner", written over a horizontal line.

Connie Turner, Managing Member of
Terre Haute Land Company, LLC

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.

[illegible]

ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"

Proposed Use: Multi-Family Housing

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Connie Turner, Managing Member of Terre Haute Land Company, LLC, being duly sworn upon her oath, deposes and says:

1. That Terre Haute Land Company, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.

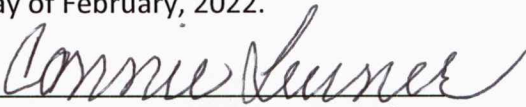
Parcel No. 84-06-15-151-012.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, 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 Terre Haute Land Company, LLC 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 Connie Turner, Managing Member of Terre Haute Land Company, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 1st day of February, 2022.



Connie Turner, Managing Member
of Terre Haute Land Company, LLC

STATE OF Indiana)
COUNTY OF Vigo) :SS

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of February, 2022.



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, P.O. Box 9849, Terre Haute, Indiana 47807.

MAY 30 2008


VIGO COUNTY AUDITOR

WARRANTY DEED

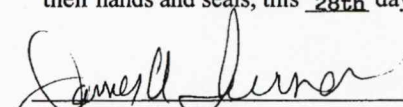
THIS INDENTURE WITNESSETH, THAT James A. Turner and Connie S. Turner, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEY AND WARRANT unto Terre Haute Land Company, LLC, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

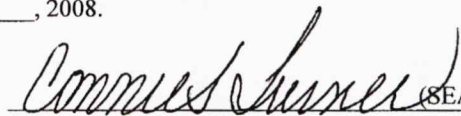
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Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to James A. Turner and Connie S. Turner have hereunto set their hands and seals, this 28th day of May, 2008.

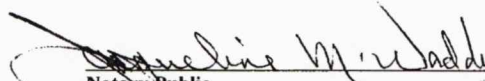

James A. Turner (SEAL)
STATE OF Indiana, Vigo COUNTY, SS:


Connie S. Turner (SEAL)

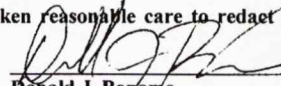
Before me, the undersigned, a Notary Public in and for said county and state, this 28th day of May, 2008, personally appeared James A. Turner and Connie S. Turner and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: 01/12/2011
My County of residence is: Vigo


Notary Public
Jacqueline M. Waddy
Typewritten or printed name of notary

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.


Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 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: 625 Woodbine Dr
MAIL TAX STATEMENTS TO: 625 Woodbine Dr Terre Haute In 47803

\\Lawfirm\vol1\USER\WilliamsD\Real Estate\HENDRICH\Deeds\Terre Haute Land Company, LLC 5/6/2008 dgw

FIRST FINANCIAL BANK
Attn: Commercial Loan Department
P.O. BOX 560
TERRE HAUTE, IN 47804-0540



RECEIPT
TERRE HAUTE, IN.

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

FEB 07 2022

Date: _____

CONTROLLER

Name: Eric Canned - Wright, Shagle, & Lowery

Reason: _____

Rezoning Notice of Filing 25.00

Rezoning Petition 20.00

Cash: _____

Check: 45.00 72323

Credit: _____

TOTAL: 45.00

Received By: Chris Dawson



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: March 3, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 5-22

CERTIFICATION DATE: March 2, 2022

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

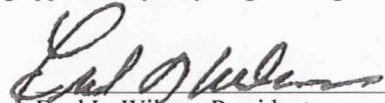
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 5-22. This Ordinance is a rezoning of 1728 N. 8th Street. The Petitioner, Terre Haute Land Company, LLC, petition the Plan Commission to rezone said multi-family housing from zoning classification R-2 to R-3, General Residence District.

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. 5-22 at a public meeting and hearing held Wednesday, March 2, 2022. 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. 5-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-22 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. 5-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Site plan with parking approved by City Engineering
2.) Stormwater drainage plan approved by City Engineering


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 3rd day of March, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5-22

Doc: # 20

Date: March 2022

Page 1 of 4

APPLICATION INFORMATION

Property Owner: Terre Haute Land Company, LLC

Proposed Use: Multi-Family Housing

Proposed Zoning: R-3 General Residence District

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

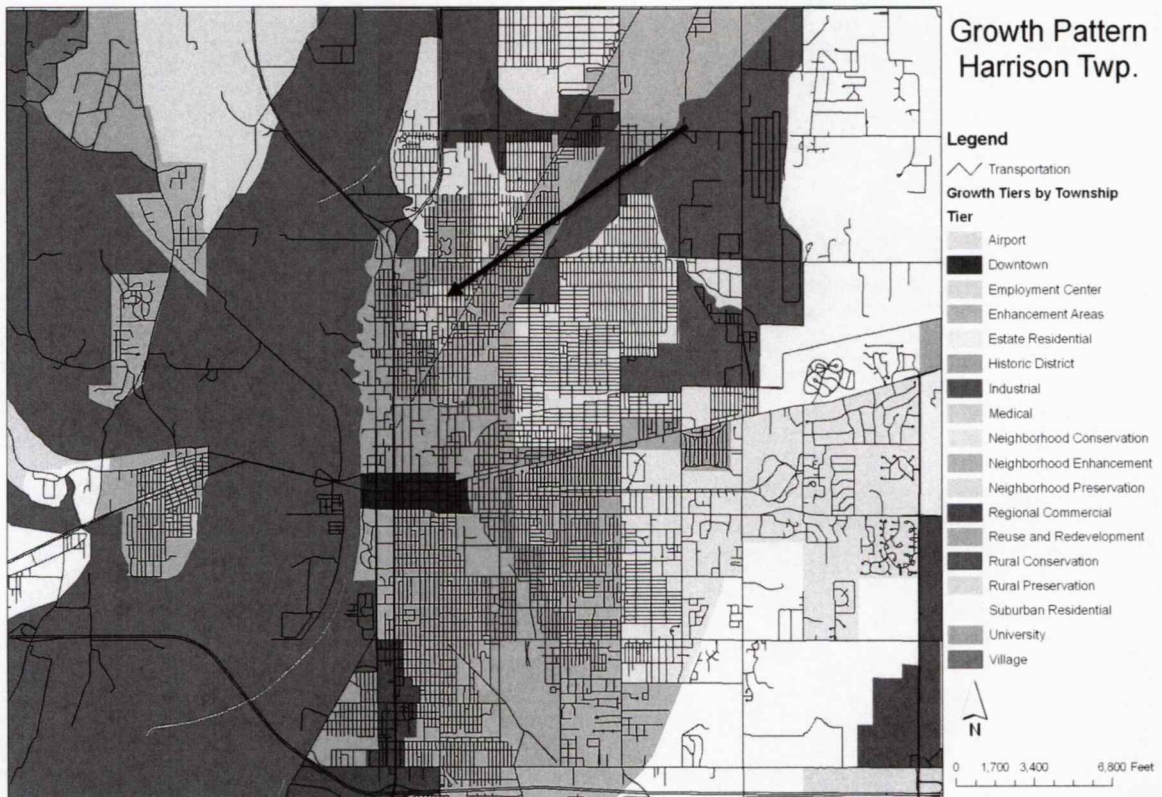
Representative: Richard Shagley II

Location: 1728 N. 8th Street, Terre Haute, IN

Parcel #s: 84-06-15-151-012.000-002 HUDSONS SUB IN
SPENCERS Lots 53 & 54

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5-22

Doc: # 20

Date: March 2022

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Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: unknown

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5-22

Doc: # 20

Date: March 2022

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Street Access: N. 8th Street

Dev. Priority: High intensity residential

ZONING COMPATIBILITY

Sur. Zones and Uses: North – R-2

East – R-2

South – R-2

West – R-2

ZONING REGULATIONS

R-3 Purpose: The General Residence District

R-3 Uses: Any use permitted in the R-1 and R-2 Districts, Apartment Hotels. Colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 Standards: Minimum Lot Size: F.A.R. 0.7 or 70%

A minimum Floor Area 512 Sq. Ft., and a minimum Lot Area 1000 Sq. Ft.

Parking Requirements

1.5 parking spaces per 1 bedroom unit.

2.0 parking spaces per 2 bedroom unit.

3.0 parking spaces per 3 bedroom unit.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #5-22

Doc: # 20

Date: March 2022

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FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property to R-3 General Residence District for multi-family housing. The lot is currently vacant. A site plan has been provided for a proposed building with 5 one bedroom units, each approximately 800 square feet.

The property is located on the edge of the Thrive 2025 identified Medical/Hospital Area. Many of the surrounding lots are vacant and owned by Union Hospital. Staff has reached out to Union Hospital to see if there are immediate plans in the area, but have not received a response.

Parking must be hard surfaced (Sec. 10-137)(d)(4) and the parking lot must be illuminated (Sec. 10-137)(d)(10). There is sufficient parking with nine parking spaces. Eight parking spaces are required per City Code (Table 8).

Recommendation: Staff offers a favorable with the following conditions:

1. Site plan with parking approved by City Engineering.
2. Stormwater drainage plan approved by City Engineering.