

**SPECIAL ORDINANCE NO. 47, 2023**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

=====  
Common Addresses of lots to be rezoned:

State Road 46, Terre Haute, Indiana 47803  
Parcel No. 84-07-29-400-001.000-009

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Rezoned From: O-1 Agricultural

Rezoned To: M-2 Heavy Industry District

Proposed Use: Asphalt Plant

Name of Owners: Jack 46, LLC

Address of Owners: 3200 Haythorne Ave, Terre Haute, IN 47805

Phone Number of Owners: c/o Richard J. Shagley II  
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact:  Owner  Attorney

Council Sponsor: O. Earl Elliott

=====  
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

DEC 07 2023

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 47, 2023**

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

SECTION I. BE IT ORDANED 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:

A portion of the land in the name of Jack 46 LLC (Instrument No. 2022000087 as found in the records of the Vigo County recorder's office) being a part of Southeast Quarter of Section 29, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on November 28, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Survey (Align CEC Project No. 22-177) as follows:

Commencing at an iron pin monumenting the East Quarter Corner of said section; thence North 89 degrees 25 minutes 15 seconds West (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the North line of said quarter a distance of 550.02 feet to a 5/8-inch rebar with a "Myers" cap monumenting the Northwest corner of a tract of land in the name of Edare LLC (Instrument No. 2016010221); thence South 00 degrees 14 minutes 54 seconds West along the West line of said Edare LLC land a distance of 100.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter called an Align pin set, and the Point of Beginning of this description; thence continuing said course a distance of 692.89 feet to an iron pin monumenting the Southwest corner of a tract of land in the name of Fast Tract Terre Haute, LLC (Instrument No. 20220000494) and the North line of the land in the name of Hunt Street Development, LLC (Instrument No. 2012005986); thence North 89 degrees 25 minutes 55 seconds West along said North line a distance of 2083.73 feet to a "Myers" pin monumenting the Northwest corner of land in the name of Hulman Regional Airport Authority (Deed Record 441, Page 3918) also being on the West line of the Southeast Quarter of said section; thence North 00 degrees 30 minutes 36 seconds East along said West line a distance of 693.27 feet to an Align pin set, said pin being 100 feet South of the Center Quarter corner of said section; thence South 89 degrees 25 minutes 15 seconds East, parallel with the North line of the Southeast

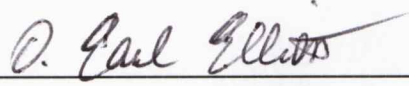
Quarter a distance of 2080.56 feet to the Point of Beginning containing 33.13 acres, more or less.

Commonly known as: State Road 46, Terre Haute, IN 47803

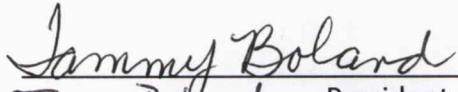
Parcel No. 84-07-29-400-001.000-009

Be and the same is hereby established as a M-2 Heavy Industry 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,   
O. Earl Elliott, Councilperson

Passed in open Council this 4<sup>th</sup> day of January, 2024.

  
Tammy Boland, President

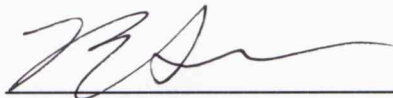
ATTEST:

  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 5 day of January, 2024. at 2:36 pm

  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 5 day of January, 2024.

  
Brandon Sakbun, 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, 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, Gregory L. Gibson, Member of Jack 46, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A portion of the land in the name of Jack 46 LLC (Instrument No. 2022000087 as found in the records of the Vigo County recorder's office) being a part of Southeast Quarter of Section 29, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on November 28, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Survey (Align CEC Project No. 22-177) as follows:

Commencing at an iron pin monumenting the East Quarter Corner of said section; thence North 89 degrees 25 minutes 15 seconds West (basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the North line of said quarter a distance of 550.02 feet to a 5/8-inch rebar with a "Myers" cap monumenting the Northwest corner of a tract of land in the name of Edare LLC (Instrument No. 2016010221); thence South 00 degrees 14 minutes 54 seconds West along the West line of said Edare LLC land a distance of 100.00 feet to a 5/8-inch rebar with a plastic cap stamped "Align-Bndry Firm 0123", hereinafter called an Align pin set, and the Point of Beginning of this description; thence continuing said course a distance of 692.89 feet to an iron pin monumenting the Southwest corner of a tract of land in the name of Fast Tract Terre Haute, LLC (Instrument No. 20220000494) and the North line of the land in the name of Hunt Street Development, LLC (Instrument No. 2012005986); thence North 89 degrees 25 minutes 55 seconds West along said North line a distance of 2083.73 feet to a "Myers" pin monumenting the Northwest corner of land in the name of Hulman Regional Airport Authority (Deed Record 441, Page 3918) also being on the West line of the Southeast Quarter of said section; thence North 00 degrees 30 minutes 36 seconds East along said West line a distance of 693.27 feet to an Align pin set, said pin being 100 feet South of the Center Quarter corner of said section; thence South 89 degrees 25

minutes 15 seconds East, parallel with the North line of the Southeast Quarter a distance of 2080.56 feet to the Point of Beginning containing 33.13 acres, more or less.

Commonly known as: State Road 46, Terre Haute, IN 47803  
Parcel No. 84-07-29-400-001.000-009

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 O-1 Agricultural.

Your Petitioner intends to use this real estate for the construction of an asphalt plant. Your Petitioner would request that the real estate described herein shall be zoned as a M-2 Heavy Industry District.

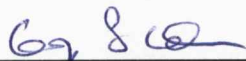
Your Petitioner would allege that the M-2 Heavy Industry District would not alter the general characteristics of this neighborhood since the area is primarily undeveloped.

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 M-2 Heavy Industry District 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 6 day of December, 2023.

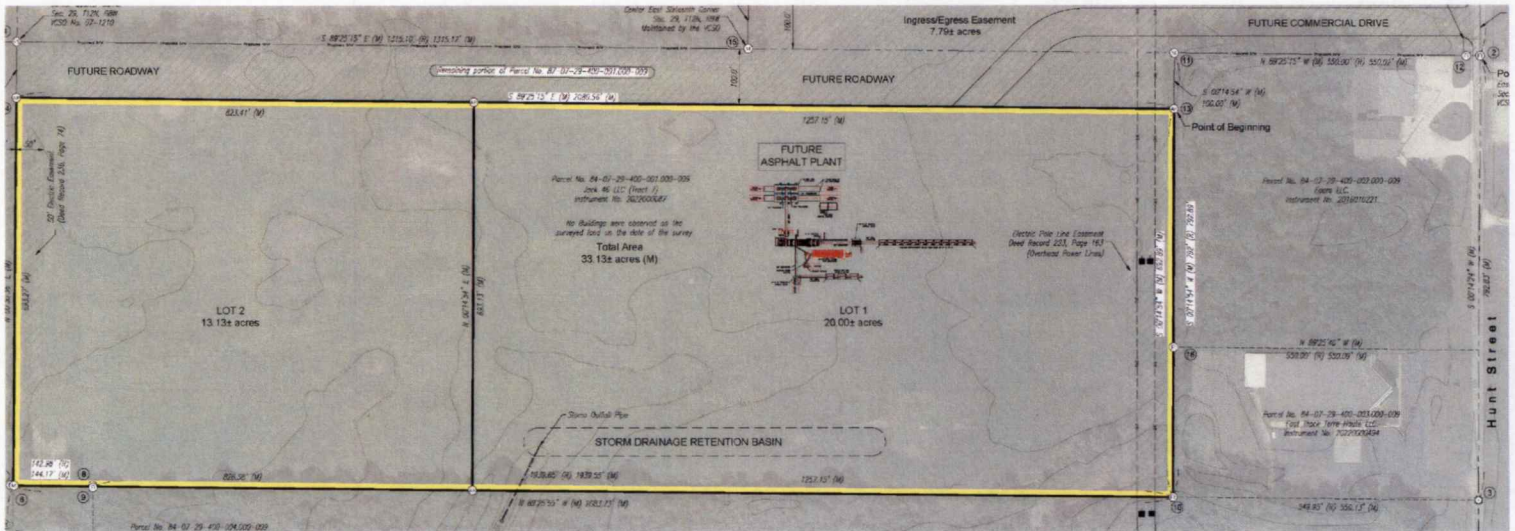
**PETITIONER:**

  
\_\_\_\_\_  
**Gregory L. Gibson, Member of  
Jack 46, 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.

# SITE PLAN

## SPECIAL ORDINANCE NO. 47, 2023



State Road 46, Terre Haute, Indiana 47803  
Parcel No. 84-07-29-400-001.000-009

O-1 Agricultural to M-2 Heavy Industry District

Proposed Use: Asphalt Plant

STATE OF INDIANA ) SS:  
COUNTY OF VIGO )

AFFIDAVIT

Comes now, Gregory L. Gibson being duly sworn upon his oath, deposes and says:

1. That Jack 46, 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:

A portion of the land in the name of Jack 46 LLC (Instrument No. 2022000087 as found in the records of the Vigo County recorder's office) being a part of Southeast Quarter of Section 29, Township 12 North, Range 8 West of the Second Principal Meridian, Lost Creek Township, City of Terre Haute, Vigo County, Indiana described on November 28, 2023 by Caleb L. Towles, Indiana Land Surveyor No. 21700001 and graphically shown on a Plat of Survey (Align CEC Project No. 22-177) as follows:

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Commonly known as: State Road 46, Terre Haute, IN 47803

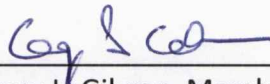
Parcel No. 84-07-29-400-001.000-009

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 Jack 46, 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 Gregory L. Gibson.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 6 day of December, 2023.

  
\_\_\_\_\_  
Gregory L. Gibson, Member of  
Jack 46, LLC

ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

2022000087 SWD \$25.00  
01/04/2022 02:32:22P 5 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented



JAN 04 2022

*James W Bramble*  
VIGO COUNTY AUDITOR

### SPECIAL WARRANTY DEED

**THIS INDENTURE WITNESSETH**, that Princeton Mining Company, Inc., an Indiana corporation, (hereinafter collectively referred to as "GRANTOR"), for and in consideration of the payment to Grantor of Ten Dollars (\$10.00) and other good and value consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONVEYS, BARGAINS AND SELLS unto Jack 46, LLC, an Indiana limited liability company, (hereinafter called "GRANTEE"), the following described Real Estate in Vigo County, Indiana, to-wit:

#### TRACT 3

Two (2) acres, more or less, described as follows, to-wit: Beginning 1808.99 feet South of the Northwest corner of Section 29, Township 12 North, Range 8 West, and running thence North 202.5 feet; thence East 526.28 feet; thence Southerly and parallel with the East right of way line of Indiana State Highway No. 46, 202.5 feet; thence West 526.02 feet to the point of beginning.

Except that portion appropriated by the State of Indiana as shown in Superior Court of Vigo County Cause No. 49125, Order Book 133, page 238, and that part appropriated by the State of Indiana as shown in Superior Court of Vigo County Cause No. 49202, Order Book 136, page 428.

Also except, A part of the Northwest Quarter of Section 29, Township 12 North, Range 8 West, more particularly described as follows: Beginning at a point on the West line of said Section 29, Township 12 North, Range 8 West, which is 1808.99 feet South of the Northwest corner of said Section 29; thence North along said section line a distance of 202.5 feet; thence East a distance of 311.06 feet to an iron pin; thence South 0°03' West a distance of 202.5 feet to an iron pin; thence West a distance of 310.76 feet to the point of beginning.

Also except the following tract, to-wit: Beginning at a point on the West line of said Section 29, which is 1808.99 feet South of the Northwest corner of said Section 29; thence North along said section line a distance of 202.5 feet; thence East a distance of 311.06 feet to an iron pin; thence South 0 degrees 13 minutes West a distance of 202.5 feet to an iron pin; thence West a distance of 310.76 feet to the point of beginning.

#### ALSO

An easement, Beginning at a point on the West line of Section 29, Township 12 North, Range 8 West, which is 1606.49 feet South of the Northwest corner of said Section 29; thence North 50 feet; thence East 526.34 feet; thence in a Southerly direction parallel with the East right of way line of Indiana State Highway 46, 50 feet; thence West 526.28 feet to the point of beginning;

except that portion appropriated by the State of Indiana as shown in Superior Court of Vigo County Cause No. 49125, Order Book 133, page 238, and that part appropriated by the State of Indiana as shown in Superior Court of Vigo County Cause No. 49202, Order Book 136, page 428, records of Recorder's Office of Vigo County, Indiana.

#### TRACT 4

A part of the Northwest Quarter of Section 29, Township 12 North, Range 8 West, more particularly described as follows: Beginning at a point on the West line of said Section 29, Township 12 North, Range 8 West, which is 1808.99 feet South of the Northwest corner of said Section 29; thence North along said section line a distance of 202.5 feet; thence East a distance of 311.06 feet to an iron pin; thence South 0°03' West a distance of 202.5 feet to an iron pin; thence West a distance of 310.76 feet to the point of beginning.

Except, Public right-of-way appropriated by the State of Indiana as shown in Superior Court of Vigo County, Cause No. 49202, Order Book 136, page 428.

Together with an Easement for ingress and egress along the following described real estate: Beginning at the Northwest corner of the conveyed tract and running thence North 50 feet; thence East 526.34 feet; thence in a Southerly direction parallel with the East right of way of Indiana State Highway No. 46, 50 feet; thence West 526.28 feet to the point of beginning; except that portion appropriated by the State of Indiana as shown in Superior Court of Vigo County Cause No. 49125, Order Book 133, page 238, and that part appropriated by the State of Indiana as shown in Superior Court of Vigo County Cause No. 49202, Order Book 136, page 428.

#### TRACT 5

Ninety (90) acres off the East side of the Northwest Quarter of Section Twenty-nine (29), Township Twelve (12) North, Range Eight (8) West.

Except a tract in the Northeast corner of said Ninety (90) acres, Nine chains and Thirty-eight (38) links North and South by Four (4) chains and Thirty-nine (39) links East and West being Four (4) acres, more or less.

Also except, Part of 90 acres off the East side of the Northwest Quarter of Section 29, Township 12 North, Range 8 West, described as follows: Commencing at the Northwest corner of said 90 acres, said corner being on the North line of and 1153.5 feet East of the Northwest corner of said Section 29; thence South along the West line of said 90 acres a distance of 266 feet; thence East and parallel to said North line, a distance of 818.8 feet; thence North a distance of 266 feet to said North line; thence West along said North line a distance of 818.8 feet to the place of beginning, containing 5.0 acres, more or less.

Also except, That part appropriated by the State of Indiana in Agreed Findings and Judgment from Vigo Superior Court Cause No. 84D01-1009-PL-07518, dated March 26, 2013 and recorded May 13, 2014 in Instrument Number 2014006069, records of Recorder's Office of Vigo County, Indiana.

#### TRACT 6

Lot Number 2 in Platolene "500" 2 Lot Subdivision of the Southwest Quarter, Section 29, Township 12 North, Range 9 West of Vigo County, Indiana as recorded by Instrument No. 2004000379 in the records of the Recorder's Office of Vigo County, Indiana.

ALSO

An easement for ingress and egress over and across the following described real estate:

3

Lot Number 1 in Platolene "500" 2 Lot Subdivision, part of the Southwest Quarter, Section 29, Township 12 North, Range 8 West in Vigo County, Indiana by Instrument No. 2004000379 as recorded in the records of the Recorder's Office of Vigo County, Indiana.  
Which is more particularly described as follows:

A 30 foot wide easement, 15 feet on either side of a centerline described as follows:  
Beginning at a point on the South line of the Southwest Quarter, Section 29, Township 12 North, Range 8 West, Vigo County, Indiana, 1151.96 feet West of the Southeast corner of said Southwest Quarter;  
thence North 04 degrees 26 minutes 56 seconds West, a distance of 68.30 feet;  
thence North 12 degrees 18 minutes 43 seconds West, a distance of 43.23 feet;  
thence North 17 degrees 23 minutes 57 seconds West, a distance of 33.96 feet;  
thence North 04 degrees 27 minutes 50 seconds West, a distance of 29.61 feet;  
thence North 16 degrees 09 minutes 02 seconds East, a distance of 29.53 feet;  
thence North 25 degrees 22 minutes 18 seconds East, a distance of 43.96 feet;  
thence North 31 degrees 38 minutes 24 seconds East, a distance of 49.34 feet;  
thence North 17 degrees 17 minutes 22 seconds East, a distance of 55.67 feet;  
thence North 35 degrees 33 minutes 34 seconds East, a distance of 48.26 feet;  
to the point of terminus of this description, containing 12,056 square feet, more or less.

#### TRACT 7

The North One-half of the Southeast Quarter of Section 29, Township 12 North, Range 8 West, containing 80 acres.

Excepting therefrom 10 acres in the Northeast corner of said quarter section and more particularly described as follows: Beginning at the Northeast corner of said quarter section; thence following the East line due South 48 rods; thence due West 33 1/3 rods; thence North 48 rods; thence East 33 1/3 rods to the place of beginning

Also except that part conveyed to Robert F. Baur recorded May 17, 1956 in Deed Record 296, page 227, records of Recorder's Office of Vigo County, Indiana.

#### TRACT 8

The Southeast Quarter of the Northeast Quarter of Section 29, Township 12 North, Range 8 West.

Except that part thereof conveyed to Kenneth L. Collins and Norma J. Collins, husband and wife, as shown in Deed Record 300, page 457, in office of Recorder of Vigo County, Indiana.

Parcel Nos.: 84-07-29-100-007.000-009, 84-07-29-100-006.000-009, 84-07-29-100-011.000-009, 84-07-29-100-012.000-009, 84-07-29-326-002.000-009, 84-07-29-400-001.000-009, 84-07-29-200-010.000-009

(the "Real Estate")

SUBJECT to Indiana Real Property taxes prorated to date hereof.

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

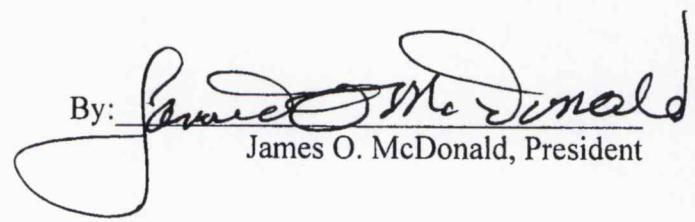
Grantor covenants with the Grantee and its assigns that the above-described real estate is not subject to any encumbrances or conveyances made by Grantor (except as noted above) and the Grantor will warrant and defend the same to the said Grantee and its assigns forever against the lawful claims and demands of all persons claiming by, through or under Grantor (except as noted above), but against none other.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Princeton Mining Company, Inc. represents and certifies, for the purpose of inducing Grantee to accept this Special Warranty Deed, that he is the duly appointed President of Princeton Mining Company, Inc. and has been fully empowered by the Board of Directors of Princeton Mining Company, Inc. to execute and deliver this special warranty deed; that Princeton Mining Company, Inc. has full capacity to convey the real estate described herein and that all necessary action for the making of such conveyance has been taken.

This conveyance is being made pursuant to I.C. 23-0.5-6-2 and I.C. 23-18-9 of the Indiana Code as part of the process of winding up the affairs of Princeton Mining Company, Inc., an Indiana Corporation, which has been voluntarily dissolved.

IN WITNESS WHEREOF, the said Grantor, above named Princeton Mining Company, Inc., an Indiana corporation, has caused this Special Warranty Deed to be executed on the 31<sup>st</sup> day of December, 2021.

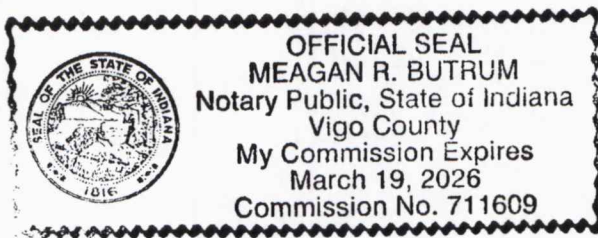
**Princeton Mining Company, Inc.**

By:   
James O. McDonald, President

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Vigo )

Before me, the undersigned, a Notary Public, in and for said County and State, this 31<sup>st</sup> day of December, 2021, personally appeared the within named James O. McDonald, as President of Princeton Mining Company, Inc., an Indiana corporation, Grantor in the above conveyance, and acknowledged the execution of the same to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Meagan R. Butrum  
Notary Public  
Meagan R. Butrum  
(Printed Name)

My Commission Expires:

3-19-2026

County of Residence:

Vigo

Mail to and Grantee's address for taxes: 3200 Haythorne Ave. Terre Haute, IN 47805

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/Carolina Ivich  
Carolina Ivich

This instrument prepared by Carolina Ivich, Lind Law Firm, 400 Ohio Street, Terre Haute, IN 47807.



## Receipt of Payment

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

Date 12-6-23  
Name Jack 46 LLC  
Reason City Rezoning \$45.00

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Cash \_\_\_\_\_  
Check \$45.00 Ck # 073902  
Credit \_\_\_\_\_  
Total \$45.00

Received By EK / R. Ellis

TERRE HAUTE, IN  
**PAID**

DEC 06 2023

CONTROLLER



# 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: January 4, 2024

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 47-24

CERTIFICATION DATE: January 3, 2024

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. 47-24. This Ordinance is a rezoning of vacant ground located on south Hunt Drive, Terre Haute, IN. Parcel number 84-07-29-400-001.000-009. The Petitioner, Jack 46, LLC, petitions the Plan Commission to rezone said asphalt plant from zoning classification O-1 to M-2, Heavy Industrial 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. 47-24 at a public meeting and hearing held Wednesday, January 3, 2024. 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. 47-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 47-24 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. 47-24 was FAVORABLE with the following conditions: 1) approval of subdivision 2) approval of site plan with stormwater drainage by the Department of Engineering.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 4th day of January, 2024



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #47  
Date: January 2024

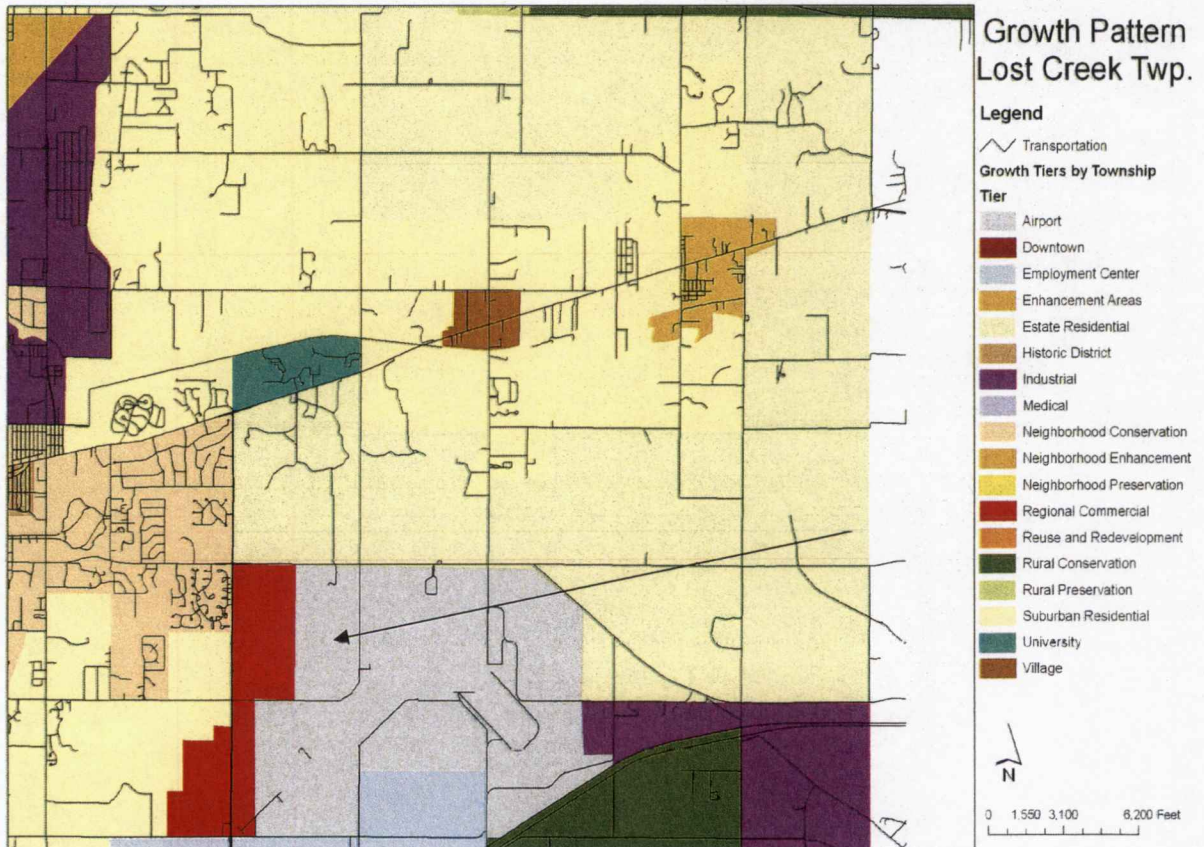
Doc: # 4  
Page 1 of 3

**APPLICATION INFORMATION**

Property Owner: Jack 46, LLC  
Representative: Richard J. Shagley II  
Proposed Use: Asphalt Plant  
Proposed Zoning: M-2, Heavy Industrial District  
Current Zoning: O-1, Agricultural District  
Location: The petitioned property is located on south Hunt Drive directly behind 1033 S. Hunt Street. Approximately 36.16 acres.  
Common Address: No Address assigned/vacant ground. Parcel#84-07-29-400-001.000-009

**COMPREHENSIVE PLAN GUIDANCE**

Lost Creek Township



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #47

Doc: # 4

Date: January 2024

Page 2 of 3

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**Service Area: Airport**

The Airport area shown on the Growth Pattern maps incorporates the Terre Haute International Airport and surrounding uses. The airport area has significant potential for airport-related business and industrial services. The airport area should be the focus of a sub-area plan that creates a parcel-by-parcel master land use plan to accommodate additional growth while acknowledging the limitations related to development adjacent to an airport.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: S. Hunt Street (Future commercial drive on the site plan submitted)

Dev. Priority: Utilization of the airport and potential development based upon the airport is a key component of economic development strategies for the community.

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## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – O-1  
**East** – M-2, C-3,  
**South** – M-2, O-1  
**West** – O-1, M-1, C-3

Character of Area: Airport and Agricultural

Contig. Uses & Zones: Agricultural uses supported in O-1, Open Space and distribution/warehousing and manufacturing uses supported in an M-2, Heavy Industrial

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## ZONING REGULATIONS

M-2 Purpose: It is the purpose of this classification to provide for complete separation of residential and commercial areas from industrial areas for the mutual protection of industry, residential, and commercial uses. It is recognized that to provide for industrial growth, a reasonable excess of quality land must be held in reserve for industrial expansion.

M-2 Uses: Any production, processing, cleaning, servicing, testing, repair, storage of material, goods or products.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #47

Doc: # 4

Date: January 2024

Page 3 of 3

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M-2 Standards:           Street setback: 55 feet from centerline.  
                                  Rear Setback: 11 feet  
                                  Interior Setback: 5 feet  
                                  Parking: per table 4  
                                  Industrial performance standards

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## **FINDINGS and RECOMMENDATION**

### Staff Findings:

The petitioner is requesting to rezone the property for an asphalt plant. This rezoning accompanies the Pavement Jack 2 Lot Subdivision (File #3-24). The area is a mix of manufacturing, commercial, and agricultural.

The Department of Engineering has stated that the proposed use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area (see recommendation attached).

A review from the airport stated that, because of the proposed development's proximity to the airport, it will be necessary to complete and submit an FAA form 7460-1.

Recommendation: Staff provides a favorable recommendation with the following conditions:

1. Approval of subdivision
2. Approval of site plan with stormwater drainage by the Department of Engineering



CITY OF  
TERRE HAUTE  
ENGINEERING  
DEPARTMENT

City Hall  
17 Harding Avenue, Room 200  
Terre Haute, IN 47807  
Phone: 812.244.4903  
[www.terrehaute.in.gov](http://www.terrehaute.in.gov)

MARCUS MAURER, P.E.  
CITY ENGINEER

## MEMORANDUM

TO: Sydney Shahar  
Vigo County Area Planning Department

FROM: Josey Daugherty  
Assistant City Engineer

DATE: December 18, 2023

RE: **Special Ordinance No. 47-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Jack 46, LLC for the following:

- Rezoning of Parcel No. 84-07-29-400-001.000-009 from O-1 Agricultural to M-2 Heavy Industry District.

The property is currently used as an agricultural farm field. The parcels surrounding this property are zoned O-1 Agricultural to the north and west, M-2 to the south, and M-2 and C-3 to the east. The intended use of the property is an asphalt plant. The proposed use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

The Department of Engineering offers a positive recommendation for this rezoning.

# TERRE HAUTE

REGIONAL AIRPORT

December 12, 2023

Area Planning Department  
127 Oak Street  
Terre Haute, Indiana 47807

We have reviewed the Application Pavement Jack, Docket # 3, File # 3-24

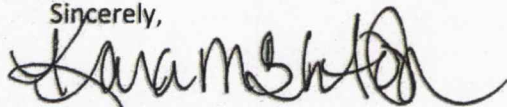
**Please recognize that due to the lack of specific engineering data for the project at this time, our comments are preliminary in nature and are subject to change.**

### Obstruction/Hazard Zoning Issues

Based upon the information provided, it does not appear that the proposed development will penetrate the applicable FAR Part 77 surfaces for the Runway 5 Precision Approach serving Terre Haute Regional Airport. However, because the proposed development's proximity to the airport, **it will be necessary to complete and submit an FAA Form 7460-1**. The FAA will use the Form and any relevant attachments to conduct an Aeronautical Study of the proposed development to determine the effects on aviation safety.

If you should have any further questions, or need assistance, we would be happy to help.

Sincerely,



Kara M. McIntosh  
Director of Operations

Docket #4 SO #47-24  
St. Rd. 63

