

APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE
AS AMENDED

SPECIAL ORDINANCE NO. 15, 2019

COMMON ADDRESS OF LOT TO BE REZONED: Part of 500 W. Honey Creek Drive, Terre Haute, IN 47802

Parcel ID No. *Part of* 84-09-05-276-001.000-005

Current Zoning: C-3

Requested Zoning: P Penitentiaries

Proposed Use: The Parcel No. referenced above has been subdivided in order to establish Honey Creek West Subdivision. The subject real estate is now unimproved bare land, bordered on its west side by the Wastewater Treatment Plant, on its south side by unimproved land owned by another, on its east side by Realty Income Corporation's movie/cinema multi-plex, and on its north side by other land owned by Petitioner Culp Ventures, LLC. A non-exclusive private roadway easement across Petitioner's land will grant ingress from/egress to W. Honey Creek Drive. Your Petitioner is under contract to convey this land to the Vigo County Commissioners should this rezoning request be granted—and those Commissioners plan on constructing and operating on this land a new Vigo County jail & security complex. The Vigo County Council has appropriated funds for that project. The information to be provided under City Code 10-253 is attached hereto (and hereby made a part hereof and a part of each of the accompanying Petition and Special Ordinance 15, 2019).

Name of Owner: Culp Ventures, LLC

Address of Owner: 400 Poplar Street, Suite A, Terre Haute, IN 47807

Phone Number of Owner: (812) 478-6114

Attorney Representing Owner: William M. Olah

Address of Attorney: 18 S. 16th Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 244-2770

For Information Contact: William M. Olah

Council Sponsor: Ms. Amy Auler

FILED

JUN 11 2019

V SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 15, 2019, AS AMENDED

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 ORDAINED 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:

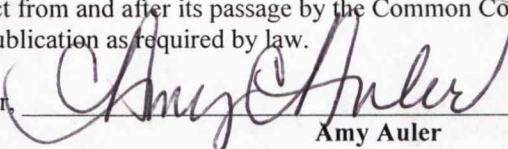
"That since there has been compliance with City Code Sec. 10-253 by attaching the required information
hereto as Exhibit A, hereby made a part hereof, the following described real estate situated in the City of
Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot 1 in Honey Creek Park West Subdivision as shown by the plat thereof

which is part of what is commonly known as: 500 W. Honey Creek Drive, Terre Haute, Vigo County
Indiana 478032 and Parcel No. 84-09-05-276-001.000-005, be and the same is hereby established as **P**
Penitentiaries 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."

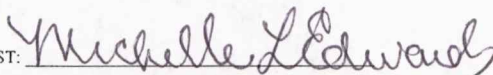
SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same
shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its
approval by the Mayor and publication as required by law.

Presented by Council Member

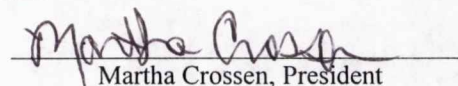

Amy Auler

Passed in Open Council this 1 day of August, 2019

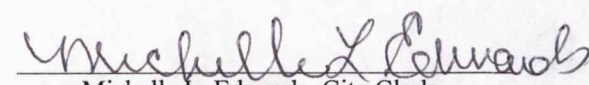
ATTEST:



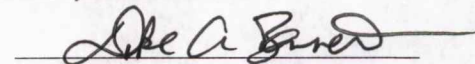
Michelle L. Edwards, City Clerk


Martha Crossen, President

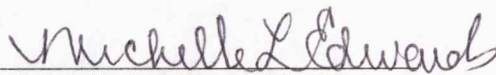
Presented by me to the Mayor of the City of Terre Haute this 2 day of August, 2019.


Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 2nd day of August, 2019.


Duke A. Bennett, Mayor

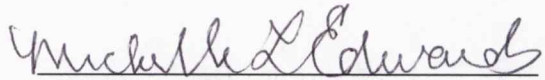
ATTEST:



Michelle L. Edwards, City Clerk

This instrument prepared by William M. Olah, Attorney, 18 S. 16th Street, Terre Haute, IN 47807 (812)244-2770.

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.


Michelle L. Edwards, City Clerk

PETITION TO REZONE REAL PROPERTY, AS AMENDED

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 GENTLEMEN:

The undersigned, Culp Ventures, LLC respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot 1 in Honey Creek Park West Subdivision as shown by the plat thereof

which is part of what is commonly known as: 500 W. Honey Creek Drive, Terre Haute, Indiana 47802. 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 C-3 Regional Commerce District.

The subject real estate is now unimproved bare land, bordered on its west side by the wastewater treatment plant, on its south side by unimproved land owned by another, on its east side by Realty Income Corporation's movie/cinema multi-plex, and on its north side by other land owned by Petitioner Culp Ventures, LLC. A non-exclusive private roadway easement across Petitioner's land will grant ingress from/egress to W. Honey Creek Drive. Your Petitioner is under contract to convey this land to the Vigo County Commissioners should this rezoning request be granted—and those Commissioners plan on constructing and operating on this land a new Vigo County jail & security complex. The Vigo County Council has appropriated funds for that project.

Your petitioner requests that the real estate described herein shall be zoned as **P Penitentiaries**. Your petitioner alleges that P Penitentiaries would not alter the general characteristics of this neighborhood in that it would remain as a commercial and industrial area. [Nearby land on the west side of State Road 63 along the east bank of the Wabash River is now zoned M-2.]. Other relevant information directed by City Code 10-253 to be set forth in this Petition and the Ordinance which it supports is set forth in the attachment to this Petition.

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.

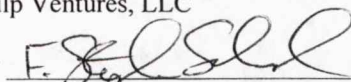
WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be P Penitentiaries 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 WITNES WHEREOF, this petition has been duly executed this 29th day of May, 2019.

"Petitioner"

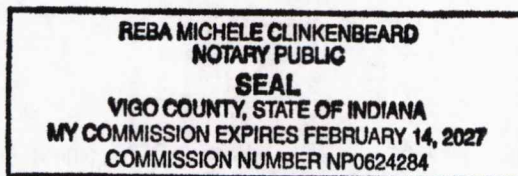
Culp Ventures, LLC

By

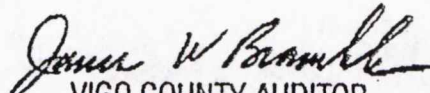


F. Stephen Schrohe, Member- Manager

This instrument was prepared by William M. Olah, Attorney, 18 S. 16th Street, Terre Haute, IN 47807 (812)244-2770



APR 23 2018


VIGO COUNTY AUDITOR

2018004146 SWD \$25.00
04/23/2018 03:30:32P 8 PGS
Stacey Joy
VIGO County Recorder IN
Recorded as Presented



SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH, That **First Financial Bank, N.A.**, Grantor, a national banking association duly organized, validly existing, and in good standing under the laws of the United States of America, by its officer duly authorized, does hereby **CONVEY AND SPECIALLY WARRANT** to **Culp Ventures, LLC**, an Indiana Limited Liability Company, Grantee, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

Part of the East half of Section Five (5), Township Eleven (11) North, Range Nine (9) West in Vigo County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Section Five (5) and extending thence South Zero (0) degrees Thirty-Five and one-half (35½) minutes East along the East line of said Section a distance of One Thousand Seven Hundred Ninety and Fifty-three hundredths (1,790.53) feet to the place of beginning; and from said place of beginning extend thence South Zero (0) degrees Thirty-five and one-half (35½) minutes East a distance of One Thousand Two Hundred Ninety-four and Seventy-five hundredths (1,294.75), more or less, to a stone at the Southeast corner of the portion of said Section Five (5) conveyed to Honey Creek Corporation by Deed dated May 29, 1968, recorded in Deed Record 345, Page 161 of the records of said County, thence North Eighty-nine (89) degrees Thirty (30) minutes West along and upon the South line of said real estate so conveyed to Honey Creek Corporation, a distance of One Thousand Three and Eight hundredths (1,003.08) feet, more or less, to the Southwest corner of said real estate so conveyed to Honey Creek Corporation and also being a point on the East line of the tract of land conveyed to the City of Terre Haute, Indiana by deed dated December 28, 1961 recorded in Deed Record 333, Page 439, thence North Zero (0) degrees Forty-eight (48) minutes West along the East line of said real estate conveyed to the City of Terre Haute, Indiana and the East line of a tract of land heretofore conveyed by Honey Creek Corporation to McLaren Truck Line, Inc., by Deed dated April 22, 1970 recorded in Deed

Record 350 Page 613, of the records of Vigo County, Indiana, a total distance of Two Thousand Fifteen and Sixty-eight hundredths (2,015.68) feet to the Northeast corner of said tract of land so conveyed to McLaren Truck Line, Inc., thence North Seventy (70) degrees Thirteen (13) minutes West a distance of Three Hundred Fifteen and Two tenths (315.2) feet to the centerline of State Road 63, thence North Twenty-six (26) degrees Thirty-seven (37) minutes East along and with the centerline of said State Road 63 a distance of One hundred Seven and Fifteen hundredths (107.15) feet, thence North Thirty (30) degrees Thirty-five and one-half ($35\frac{1}{2}$) minutes East along the centerline of said road a distance of One Hundred Fifty-five and Forty-nine hundredths (155.49) feet to the centerline of a county road (which runs Easterly from said State Road 63); thence South Eighty-three (83) degrees Twelve and one-half ($12\frac{1}{2}$) minutes East along and with the centerline of said county road a distance of Five Hundred Seventy-two and Twenty-six hundredths (572.26) feet to the Northwest corner of the tract of land conveyed by Honey Creek Corporation to Guthrie May and Alice G. May by Deed dated December 15, 1977, recorded February 21, 1978 in Deed Record 373, Page 743 of the records of said County; thence South Zero (0) degrees Thirty-five and one-half ($35\frac{1}{2}$) minutes East along the West line of said tract of land conveyed to Guthrie May and Alice G. May a distance of Nine Hundred Twenty-five and Two-tenths (925.2) feet; thence South Eighty-three (83) degrees and Three and One-half ($3\frac{1}{2}$) minutes East along the South line of said tract of land conveyed to Guthrie May and Alice G. May a distance of Six Hundred Five and Twenty-two hundredths (605.22) feet to the place of beginning, containing 41.179 acres, more or less.

Less and except a portion thereof:

Commencing at the Northeast corner of Section 5, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana; thence South 00 degrees $35\frac{1}{2}$ minutes East, 3085.28 feet along and with the East line of Section 5, to a Stone; thence North 89 degrees 30 minutes West (actual, North 89 degrees 40 minutes West-record), along and with the South line of the Grantors land 1003.08 feet to the East line of a tract heretofore deeded to the City of Terre Haute, Indiana; thence North 00

degrees 33 minutes West, along and with the East line 1776.14 feet to the Northeast corner of a tract of land deeded to the City of Terre Haute, Indiana by Deed Record 333 Page 439, and place of beginning; thence East 180 feet to an iron pin; thence South 00 degrees 33 minutes East 810 feet; thence West 180 feet; thence North 00 degrees 33 minutes West 810 feet to the place of beginning and containing 3.347 acres, more or less.

Except that portion deeded to McLaren Truck Line, Inc., by deed dated April 22, 1970 recorded May 7, 1970 in Deed Record 350 Page 613, of the records of Vigo County, Indiana.

Also Except Steuben Cain One Lot Subdivision, platted in Plat Record 28, Page 109, on November 14, 1994, as deeded to Mike's Stop and Shop, Inc., by deed dated January 20, 1995 and recorded January 25, 1995 in Deed Record 440 Page 252, records of the Recorder's Office of Vigo County, Indiana.

ALSO

Part of the Northeast Quarter of Section Five (5), Township Eleven (11) North, Range Nine (9) West, more particularly described as follows: Commencing at the northeast corner of said quarter section and extending thence south zero (0) degrees thirty-five and one-half ($35\frac{1}{2}$) minutes east a distance of eight hundred sixty-five and thirty-one hundredths (865.31) feet to a point at the intersection of the center line of a county road and the east line of said Section Five (5), which point is the place of beginning, and from said place of beginning extend thence south zero (0) degrees thirty-five and one-half ($35\frac{1}{2}$) minutes east a distance of nine hundred twenty-five and twenty-two hundredths (925.22) feet along and with the east line of said Section Five (5), thence north eighty-three (83) degrees three and one-half ($3\frac{1}{2}$) minutes west a distance of six hundred five and twenty-two hundredths (605.22) feet, thence north zero (0) degrees thirty-five and one-half ($35\frac{1}{2}$) minutes west a distance of nine hundred twenty-five and twenty-hundredths (925.20) feet to the center line of said county road, thence south eighty-three (83) degrees twelve and one-half ($12\frac{1}{2}$) minutes east a distance of twenty-

one hundredths (0.21) of a foot, thence south eighty-three (83) degrees three and one-half (3½) minutes east a distance of six hundred five and one hundredths (605.01) feet to the place of beginning and containing twelve and seven hundred forty-four thousandths (12.744) acres, more or less.

This conveyance is made subject to the permitted exceptions set forth on Exhibit A, which is attached hereto and incorporated herein by this reference.

The Warranties of Grantor hereunder are limited to its own acts and deeds and those of persons claiming by, through and under Grantor, and not otherwise.

This conveyance is not a special corporate transaction within the meaning of that term as used in the Indiana Corporation Act and amendments thereto.

The undersigned person executing this Special Warranty Deed on behalf of Grantor represents and certifies that he has been duly empowered by proper resolution of the Board of Directors of Grantor to execute and deliver this Special Warranty Deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 19th day of April, 2018.

FIRST FINANCIAL BANK, N.A.

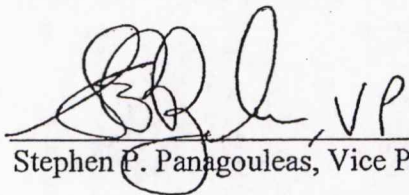
By:  VP
Stephen P. Panagouleas, Vice President

EXHIBIT A
PERMITTED EXCEPTIONS

1. Real property taxes and assessments (general and special, public and private) assessed for 2018 and subsequent years not yet due and payable as of the date hereof, including, but not limited to, any lien securing the payment thereof.
2. Reservations, exceptions, covenants, conditions, restrictions, agreements, easements, setback lines and other matters of record encumbering the real estate or any portion thereof.
3. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements of the Title Commitment issued through Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP for Chicago Title Insurance Company, Commitment Number 20180002, are met.
4. Rights or claims of parties in possession not shown by the public records.
5. Easements, or claims of easements, not shown by the public records.
6. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the real estate.
7. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
8. Taxes or assessments which are not shown as existing liens by the public records.
9. Current, non-delinquent real estate taxes and assessments.

10. Covenants, conditions, and restrictions contained in the plat of Steuben Cain One Lot Subdivision, as per plat thereof, recorded November 14, 1994 at Plat Record 28, Page 109, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
11. Rights of the public, the State of Indiana and/or the municipality, and others entitled thereto, in and to that part of the land taken or used for road purposes.
12. Rights of way for drainage tiles, ditches, feeders, and laterals, if any.
13. Matters shown by Location Route Survey for Indiana Department of Transportation, recorded April 1, 2002 as Instrument No. 200208756.
14. Electric Underground Line Easement to PSI Energy, Inc., dated June 14, 1993 and recorded March 24, 1994 at Deed Record 439, Page 983.
15. Order Establishing Honey Creek-Vigo Conservancy District, recorded July 6, 1990 at Misc. Record 199, Page 301.
16. Sewer Easement and Maintenance Agreement, dated June 3, 1981 and recorded June 19, 1981 at Deed Record 387, Page 22.
17. Grant of Permanent Right-of-Way and Easement unto City of Terre Haute, Indiana, dated December 15, 1978 and recorded December 13, 1979 at Deed Record 381, Page 250.
18. Electric Underground Line Easement unto Public Service Company of Indiana, Inc., dated May 27, 1977 and recorded June 23, 1977 at Deed Record 371, Page 514.
19. Electric Underground Line Easement unto Public Service Company of Indiana, Inc., dated May 22, 1979 and recorded July 3, 1979 at Deed Record 379, Page 107.

20. The acreage in the legal description of the subject real estate is solely for the purpose of identifying the insured land and should not be construed as insuring the quantity of land as set forth in said description.
21. Possible municipal assessments, sewer use charges and/or impact fees levied by the local governing agency.
22. All matters contained in the ALTA/NSPS Land Title Survey by Myers Engineering, Inc., Earl D. Spires Jr., Indiana Land Surveyor 29900015, dated March 21, 2018, and identified as Project No. TM18-131. (Preliminary)

NOTE: All record references are to the records of the Records Office of Vigo County, Indiana, unless otherwise stated.

INFORMATION RELATING TO THE
PENETENTIARIES ZONING CLASSIFICATION UNDER 10-253

a. Provide a detailed preliminary map of the property identifying acreage, terrain, and the location of the planned improvements.

Answer: Attached to the Petition is a 2-page plat drawing showing the topography and lot boundaries/size of Lot 1 in Honey Creek Park West Subdivision. The land to be rezoned (that is, Lot 1) is 22.21 acres of bare ground which was once part of Stu's Par 3 Golf Course. The west side of Lot 1 shares a boundary/property line with the Wastewater Treatment Plant. A private roadway built to the applicable specifications will provide access via West Honey Creek Drive (a public road that terminates at its west end into State Road 63).

b. Provide details of the number of prisoners to be housed at the facility and the square footage of housing area needed to accommodate the planned population.

Answer: The rated capacity of the security annex will be 500 beds and the gross square footage is about 140,000 which consists of approximately 130,000 sq. ft. on the first floor and about 10,000 sq. ft. in a mezzanine setting.

c. Provide details of the level of security to be provided.

Answer: The security annex will not have varying levels of security as the majority of the individuals confined there are awaiting disposition of their cases and have not been convicted of any crime. With that being said, the Sheriff of Vigo County is obligated to take the steps necessary to try and protect detainees, staff, and the public. This includes classification of the detainees (for example, ensuring that individuals accused of crimes against a child are not housed in an environment where they could be harmed by the other detainees). The examples of classification extend beyond the example provided above. There will be dedicated living spaces to substance abuse treatment in the security annex where individuals who are working towards a common goal of sobriety can make the best of the environment they occupy. There will be areas of the security annex dedicated to housing detainees who cause problems (i.e. start fights or destroy property) and those areas will require more supervision. However, all individuals will be under 24/7 supervision, and some will require more attention than others.

d. Provide details of the anticipated number of employees required for the facility.

Answer: As multiple studies have shown, the current jail is staff intensive. The current jail is part linear, part pods, and on multiple floors, all of which create a stress on staff. In the recent past, Vigo County has had about 43 Full Time Employee's ("FTE") for the jail and as a result of the federal litigation related to the conditions at the jail, Vigo County agreed to add an additional 27 FTE for the jail—at least 6 of which have been on-boarded. More recently, Vigo County has made every decision related to design based on a desire to minimize the long-term costs of operating the facility. Every architect consulted has indicated that the long term costs of employees will dwarf the costs of construction. This fact is what has driven the County's executives away from looking at small parcels of land, including the current site bounded on each side by a major road, because the long term costs of a multiple level facility do not, in the collective opinion of those elected executives, make sense for our community. While opinions around the country no doubt vary, those architects whom the County's executives have consulted (architects and design professionals with substantial experience in designing correctional facilities) note the prevailing current jail construction trend is to push out instead of up and favors single level facilities from both a staffing cost and security perspective.

The staffing question is directly related to the number of inmates to be supervised/monitored. If the detainee count at the new security annex stays in the recent historical range (i.e. an average around 315), the expectation is that the same number of employees will suffice in a better designed jail. If the detainee count begins to rise, additional staff may become necessary.

e. Provide details of the anticipated utility needs including, but not necessarily limited to, the sewage capacity needed.

Answer: Industry practice suggests anticipating 120 gallons of water usage per inmate per day. Therefore, if the security annex were at its rated capacity of 500, then it would be 60,000 gallons per day. The property will require all the other obvious utilities to operate the security annex.

f. Provide details of all fencing, landscaping, etc. to screen or otherwise protect abutting properties from adverse effect to public health, safety, and welfare and/or property values.

Answer: This site does not front on any highly traveled road, and it is not in close proximity to any school. Other than the backside of the movie theater complex to the east, the Wastewater Treatment Plant constitutes the nearest structures. The County's executives are aware that the nature of the nearby on-going activities today might not always be the case. Thus, the facility's designers are including ample buffering, but all buffering, including potential berms, will be natural to simulate a park-type setting on the remainder of the site. There will be neither barbed wire nor a security fence. The front/main

entrance portion of the facility facing northwest will have a façade and look like any typical newly constructed government building. The back portion of the structure will be most likely be pre-cast concrete panels. All the natural light coming into the secured portion of the building will be via sky lights so nobody will see into or out of the secure portion of the facility. Because of the existing presence of the Wastewater Treatment Plant, it seems clear that nothing about this construction could further negatively impact the property values of the adjacent property owners.



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: July 5, 2019

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 15-19,

CERTIFICATION DATE: July 3, 2019

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. 15-19. This Ordinance is a rezoning of part the property located 500 W. Honey Creek Drive. The Petitioner, Culp Venture, LLC, petitions the Plan Commission to rezone said real estate from zoning classification C-3 to P, Penitentiaries for the Vigo County Jail & Security Complex. 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. 15-19 at a public meeting and hearing held Wednesday, July 3, 2019. 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. 15-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-19 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. 15-19 was FAVORABLE with the following condition: 1.) Approval of a detailed site plan by City Engineering; 2.) Compliance with the terms and conditions finally approved by the City Council; 3.) Approval of a major subdivision.



Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 5th day of July, 2019

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-19

Doc: # 47

Date: July 2019

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APPLICATION INFORMATION

Petitioner: Culp Ventures, LLC

Owner: Same

Representative: Jeff Lind

Proposed Use: Vigo County Security Complex

Proposed Zoning: P-1, Penitentiary District

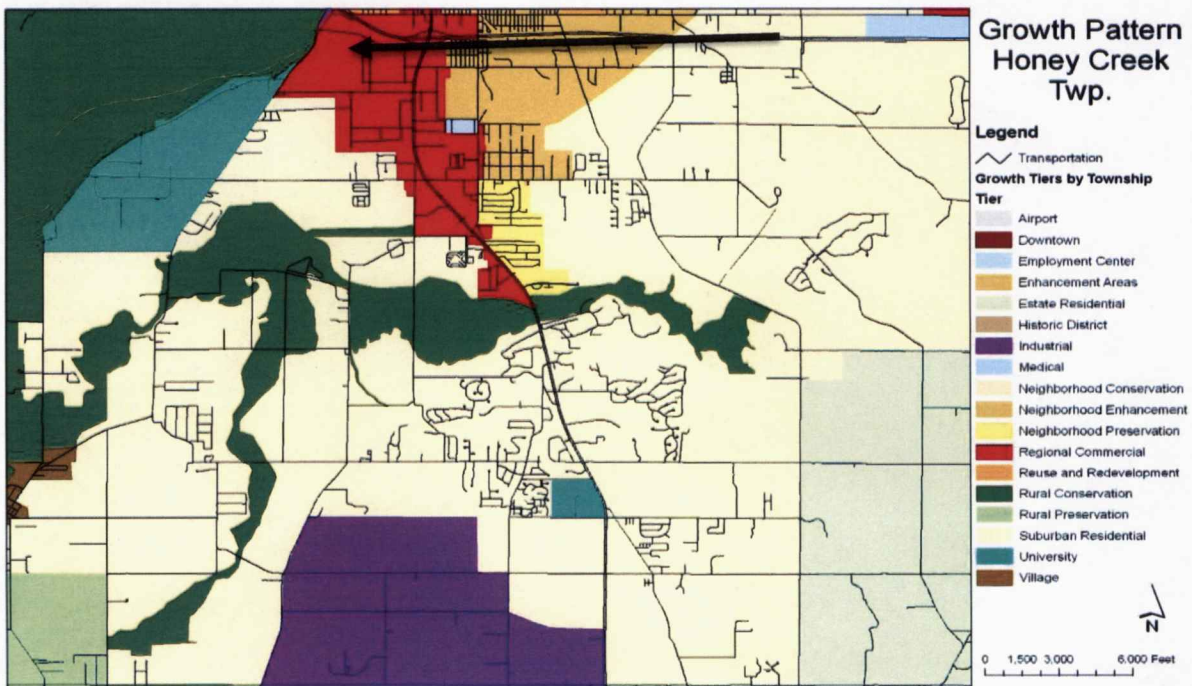
Current Zoning: C-3., Regional Commerce

Location: Approximately 315ft east of the intersection of S. St. Rd.
63 and W. Honey Creek Drive

Common Address: Part of 500 W. Honey Creek Dr., Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: Honey Creek



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-19

Doc: # 47

Date: July 2019

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Regional Commercial

Regional commercial areas are major retail centers providing the widest variety of retail goods and services (comparative shopping goods such as jewelry, apparel, household goods, and general merchandise) to a market area larger than the community, with no single type of retail activity dominating the district. The vitality of the areas is based upon the diversity of retail activities being located in a relatively concentrated area. With respect to these major regional shopping areas, future planning should consider the district or area as a whole, thereby assuring the vitality and viability of these regional commercial areas.

Additional policies to guide future development decisions include:

- Utilize spatial containment of commercial activities to existing commercially zoned sites to:
 - Maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
 - Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkages between and among major existing activity centers.
 - Increase the identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
 - Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes.
 - Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
 - Ensure that future retail commercial development in the area does not detract from the viability of existing activity centers and does not detract from the livability of residential Neighborhoods in the vicinity.

Street Access: W. Honey Creek Drive is a local road.

Dev. Priority: High intensity employment areas.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-3
 East – C-3
 South – A-1 & C-7
 West – O-1

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Character of Area: The area consist of commercial uses.

ZONING REGULATIONS

Division XIII. Penitentiaries. Sec. 10-252 Uses, Permitted. a. General. The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified, with the exception of uses lawfully established on the effective date of this comprehensive zoning ordinance. No building or tract of land shall be devoted to any use other than a use permitted hereinafter on the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of the Comprehensive Zoning Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Division VI governing non-conforming uses. For the purposes of this Division XIII, uses lawfully established on the effective date of this ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Chapter 7, Article 1. 10-154

b. Uses, Permitted. Facilities for the incarceration of persons ordered detained by local, state or federal officials. (Gen. Ord. No. 32, 2002, 1-9-03) Sec. 10-253 Requirements. In the special ordinance to approve the Penitentiary zoning classification the petitioner shall: a. Provide a detailed preliminary map of the property identifying acreage, terrain, and the location of the planned improvements; and b. Provide details of the number of prisoners to be housed at the facility and the square footage of housing area needed to accommodate the planned population; and c. Provide details of the level of security to be provided; and d. Provide details of the anticipated number of employees required for the facility; and e. Provide details of the anticipated utility needs including, but not necessarily limited to, the sewage capacity needed; and f. Provide details of all fencing, landscaping, etc. to screen or otherwise protect abutting properties from adverse effect to public health, safety and welfare and/or property values. (Gen. Ord. No. 32, 2002, 1-9-03) Sec. 10-254 Approval. a. Except as otherwise provided herein, the procedure for approval of a rezoning to a penitentiary classification shall follow the same administration procedure as set forth in Sec. 10- 263 a. Text Amendment or Partial Repeal of the Text. b. The Area Plan Commission shall recommend to the City Council such terms and conditions, including but not limited to, set back, parking and other requirements as are deemed appropriate and consistent with the facility contemplated. A zoning classification as a Penitentiary shall be conditioned upon compliance with the terms and conditions finally approved by the City Council as part of the grant of the zoning classification. (Gen. Ord. No. 32, 2002, 1-9-03) D

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FINDINGS and RECOMMENDATION

Staff Findings:

S.O. 32-02 created the P-1 Penitentiary zoning classification. However, the classification was never placed on the zoning maps as required by §10-263, d. Map Amendments. As such, there are no locations or boundaries for this district on the Zoning Map of the City of Terre Haute. This rezoning will fulfill the requirements of §10-121 by placing this district on the map.

This petition will allow for construction of a new community corrections facility for Vigo County. The definition of a penitentiary as outlined in 10-252 b. of the City Code is a facility where persons are incarcerated. Incarceration as defined in IC 31-9-2-54.7 for the purposes of IC 31-16 and IC 31-25-4 also includes a "Jail".

New community correction facilities are built with esthetics in mind and to have a minimal impact on surrounding land uses. Construction techniques include the latest in state of the art technologies in all areas including security. In other communities, correction facilities are located near schools, major highways or parks.

Ultimately the decision as to whether or not the jail will exist at this location cannot directly be determined by the Area Plan Commission (APC) rather it will be decided by Terre Haute City Council. The APC has the responsibility according to §10-254, b. to recommend to the City Council such terms and conditions, including but not limited to, set back, parking and other requirements as are deemed appropriate and consistent with the facility contemplated. A zoning classification as a Penitentiary shall be conditioned upon compliance with the terms and conditions finally approved by the City Council as part of the granting of the zoning classification. (Gen. Ord. No. 32, 2002, 1-9-03)

It is required by code to provide an area for the proposed zoning classification. This rezoning will not limit the future development possibilities of the already zoned commercial properties in the area.

The petitioner's application satisfies all requirements as outlined in §10-253, a.-f. As no development standards are put forth under §10-253 except those as required by §10-253, a.-f. The petitioners request meets code and does receive a favorable recommendation.

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Recommendation:

Staff offers a Favorable Recommendation on the rezoning with the following conditions:

1. Approval of a detailed site plan by City Engineering.
2. Compliance with the terms and conditions finally approved by the City Council.
3. Approval of the major subdivision.

INFORMATION RELATING TO THE
PENITENTIARIES ZONING CLASSIFICATION UNDER 10-253

a. Provide a detailed preliminary map of the property identifying acreage, terrain, and the location of the planned improvements.

Answer: Attached to the Petition is a 2-page plat drawing showing the topography and lot boundaries/size of Lot 1 in Honey Creek Park West Subdivision. The land to be rezoned (that is, Lot 1) is 22.21 acres of bare ground which was once part of Stu's Par 3 Golf Course. The west side of Lot 1 shares a boundary/property line with the Wastewater Treatment Plant. A private roadway built to the applicable specifications will provide access via West Honey Creek Drive (a public road that terminates at its west end into State Road 63).

b. Provide details of the number of prisoners to be housed at the facility and the square footage of housing area needed to accommodate the planned population.

Answer: The rated capacity of the security annex will be 500 beds and the gross square footage is about 140,000 which consists of approximately 130,000 sq. ft. on the first floor and about 10,000 sq. ft. in a mezzanine setting.

c. Provide details of the level of security to be provided.

Answer: The security annex will not have varying levels of security as the majority of the individuals confined there are awaiting disposition of their cases and have not been convicted of any crime. With that being said, the Sheriff of Vigo County is obligated to take the steps necessary to try and protect detainees, staff, and the public. This includes classification of the detainees (for example, ensuring that individuals accused of crimes against a child are not housed in an environment where they could be harmed by the other detainees). The examples of classification extend beyond the example provided above. There will be dedicated living spaces to substance abuse treatment in the security annex where individuals who are working towards a common goal of sobriety can make the best of the environment they occupy. There will be areas of the security annex dedicated to housing detainees who cause problems (i.e. start fights or destroy property) and those areas will require more supervision. However, all individuals will be under 24/7 supervision, and some will require more attention than others.

d. Provide details of the anticipated number of employees required for the facility.

Answer: As multiple studies have shown, the current jail is staff intensive. The current jail is part linear, part pods, and on multiple floors, all of which create a stress on staff. In the recent past, Vigo County has had about 43 Full Time Employee's ("FTE") for the jail and as a result of the federal litigation related to the conditions at the jail, Vigo County agreed to add an additional 27 FTE for the jail—at least 6 of which have been on-boarded. More recently, Vigo County has made every decision related to design based on a desire to minimize the long-term costs of operating the facility. Every architect consulted has indicated that the long term costs of employees will dwarf the costs of construction. This fact is what has driven the County's executives away from looking at small parcels of land, including the current site bounded on each side by a major road, because the long term costs of a multiple level facility do not, in the collective opinion of those elected executives, make sense for our community. While opinions around the country no doubt vary, those architects whom the County's executives have consulted (architects and design professionals with substantial experience in designing correctional facilities) note the prevailing current jail construction trend is to push out instead of up and favors single level facilities from both a staffing cost and security perspective.

The staffing question is directly related to the number of inmates to be supervised/monitored. If the detainee count at the new security annex stays in the recent historical range (i.e. an average around 315), the expectation is that the same number of employees will suffice in a better designed jail. If the detainee count begins to rise, additional staff may become necessary.

e. Provide details of the anticipated utility needs including, but not necessarily limited to, the sewage capacity needed.

Answer: Industry practice suggests anticipating 120 gallons of water usage per inmate per day. Therefore, if the security annex were at its rated capacity of 500, then it would be 60,000 gallons per day. The property will require all the other obvious utilities to operate the security annex.

f. Provide details of all fencing, landscaping, etc. to screen or otherwise protect abutting properties from adverse effect to public health, safety, and welfare and/or property values.

Answer: This site does not front on any highly traveled road, and it is not in close proximity to any school. Other than the backside of the movie theater complex to the east, the Wastewater Treatment Plant constitutes the nearest structures. The County's executives are aware that the nature of the nearby on-going activities today might not always be the case. Thus, the facility's designers are including ample buffering, but all buffering, including potential berms, will be natural to simulate a park-type setting on the remainder of the site. There will be neither barbed wire nor a security fence. The front/main

entrance portion of the facility facing northwest will have a façade and look like any typical newly constructed government building. The back portion of the structure will be most likely be pre-cast concrete panels. All the natural light coming into the secured portion of the building will be via sky lights so nobody will see into or out of the secure portion of the facility. Because of the existing presence of the Wastewater Treatment Plant, it seems clear that nothing about this construction could further negatively impact the property values of the adjacent property owners.