



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 18, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

30 South 12th Street and 1211 Wabash Avenue, Terre Haute, IN 47807

Parcel Number: 84-06-22-379-013.000-002 and 84-06-22-379-003.000-002

Current Zoning: C-2, Community Commerce District

Requested Zoning: C-5 Planned Development

Proposed Use: A 3 story, 47,500 square foot +/-, Co-Live residential development with 111 studio living quarters of 300 square feet or more, each with full bath, and kitchenette but no kitchen in such units, each floor with shared kitchen and living space on a 91,212 square foot (2.0939 acre) lot, 138 off street parking spaces and set backs of North (Wabash), 0 feet (consistent with the current setback and other buildings on this block); West (12th Street), 0 feet (consistent with the current setback) and East, 5 feet.

Name of Owner: Terre Haute Department of Redevelopment

Address of Owner: 17 Harding Street, Terre Haute, IN 47807

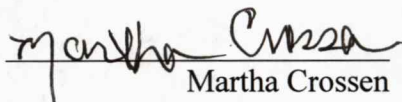
Phone Number of Owner: 812-234-2524

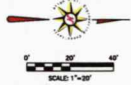
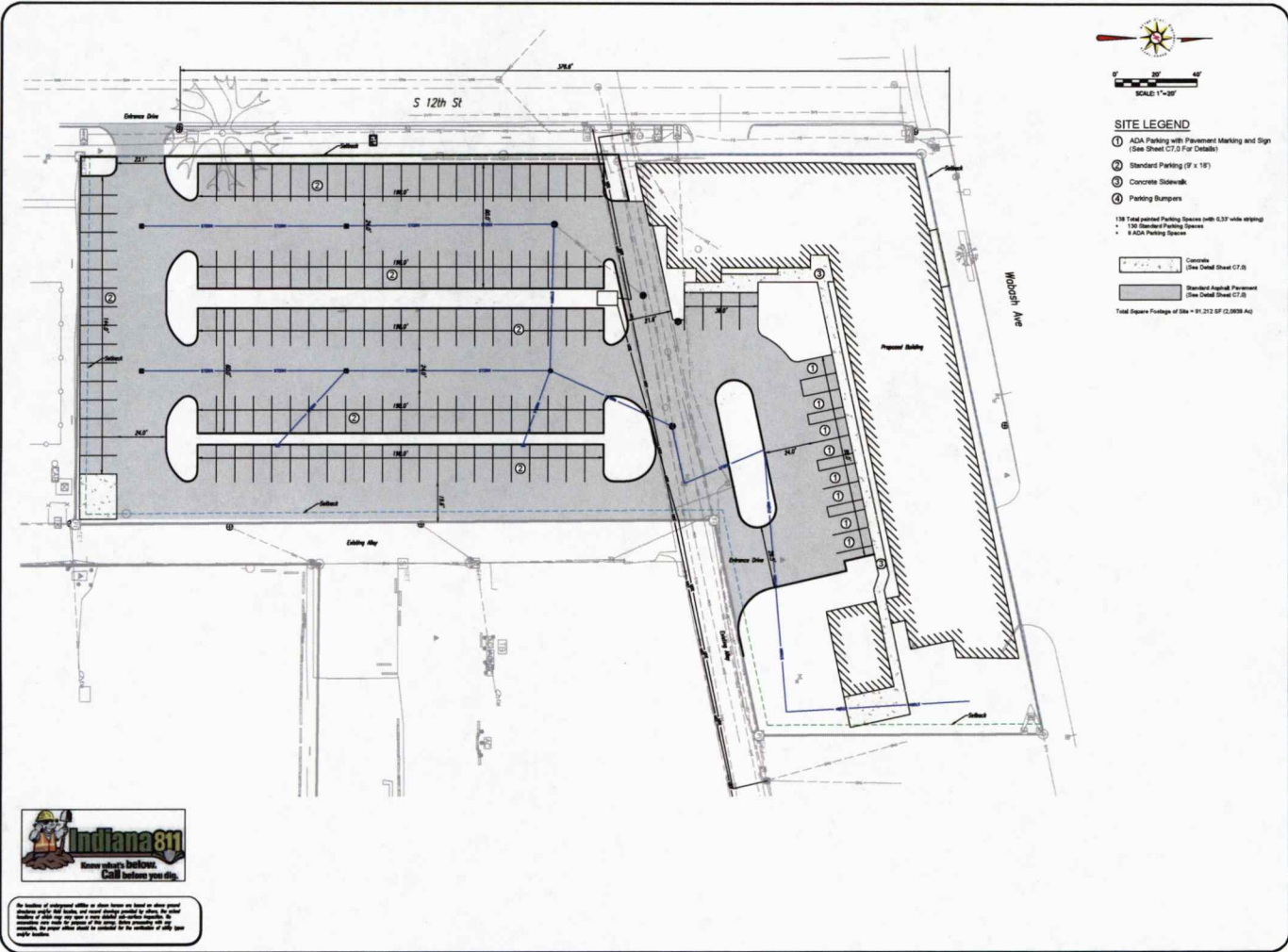
Attorney Representing Owner: Jeffrey A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47803

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47803, 812-234-5463

Council Presenter: 
Martha Crossen



- SITE LEGEND**
- ① ADA Parking with Pavement Marking and Sign (See Sheet C7.2 for Details)
 - ② Standard Parking (12' x 18')
 - ③ Concrete Sidewalk
 - ④ Parking Bumpers
- 138 Total potential Parking Spaces (with 0.37' wide striping)
 • 130 Standard Parking Spaces
 • 8 ADA Parking Spaces
- Concrete (See Detail Sheet C7.3)
 - Standard Asphalt Pavement (See Detail Sheet C7.3)
- Total Square Footage of Site = 91,212 SF (2,069 A)



In the absence of underground utilities or other known or known potential utilities, the utility locators or other utility locators are not a guarantee of the accuracy of the information provided. It is the responsibility of the user to verify the information provided for the purposes of the intended use.

NO.	DATE	REVISIONS

Section 22, Township 12 North, Range 9 West of
 the City of Terre Haute, Vigo County, Indiana
 12111 Westside Avenue

ALIGN

LAND SURVEYING, ENGINEERING & ARCHITECTURE
 531 N. THIRDS AVENUE
 TERRE HAUTE, INDIANA 47787
 317.253.8777
 www.aligninc.com

60% Review Set

Preliminary
 PRELIMINARY DESIGN

Public Meeting Day

Public Meeting Location

PROJECT NUMBER: 22049
 DATE: 05/20/2022
 DRAWN BY: JAC
 CHECKED BY: JAC
 APPROVED BY: JAC
 SCALE: AS SHOWN
 FILE NAME: 22049_02d.dwg
 DRAWING NAME: 02.dwg

Co-Live
 Apartments

Site Plan

C3.0

Field Work Completed
 05/12/2022

FILED

MAY 31 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 18, 2022**

CITY CLERK

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

The Common Council of the City of Terre Haute hereby finds that a hardship exists due to the general deterioration of the neighborhood, evidenced by the existing structure upon this site and the transitional nature of surrounding commercial properties resulting in some vacancies which would be well served by a residential presence in their vicinity; and the use does not neatly fit within any zoning classification within the Terre Haute Zoning Code.

SECTION 1. BE IT ORDINATED 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 the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of the Southwest Quarter of Section 22, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, being a part of Special Warranty Deed Instrument Number 2011014649, described as follows: Beginning at the intersection of the South right-of-way line of Wabash Avenue with the East right-of-way line of 12th Street, also being the Northwest corner of Lot 18 of Chauncey's Rose's Subdivision of 44 acres (Plat Book 1, page 79); thence North 78 degrees 02 minutes 40 seconds East along said South right-of-way line a distance of 280.00 feet to the Northeast corner of Lot 29 of said Rose's Sub.; thence South 00 degrees 10 minutes 14 seconds East along the East line of said Lot 29 a distance of 139.00 feet to the Southeast corner of said Lot 29 and the North line of a platted alley; thence South 78 degrees 06 minutes 02 seconds West along the North line of said alley a distance of 106.63 feet to the Northeast corner of a vacated alley as per Instrument Number 2011014649; thence South 00 degrees 19 minutes 30 seconds East along the West side of a platted alley (also being the East line of Lots 71, 70, 69 and 68 of said Rose's Sub.) a distance of 312.37 feet to the North line of property in the name of Terre Haute VOA Elderly Housing, Inc., Deed Record 432, Page 474; thence North 89 degrees 26 minutes 21 seconds West, along the North line of said VOA property a distance of 178.20 feet to the East right-of-way line of 12th Street; thence North 00 degrees 11 minutes

44 second West along said East right-of-way line a distance of 411.94 feet to the point of beginning, containing 2.09 acres.

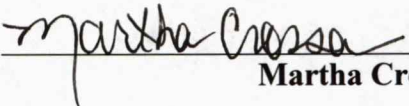
Commonly known as tax parcel ID 84-06-22-379-003.000-002 and 84-06-22-379-013.000-002.

Commonly known as: **30 South 12th Street and 1211 Wabash Avenue, Terre Haute, IN 47807**

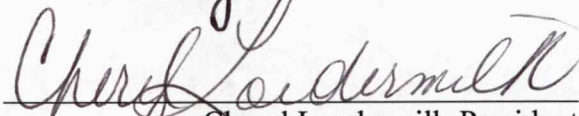
Be and the same is hereby established as a **C-5 Planned Development**, specifically, a 3 story, 47,500 square foot +/-, Co-Live residential development with 111 studio living quarters of 300 square feet or more, each with full bath, and kitchenette but no kitchen in such units, each floor with shared kitchen and living space on a 91,212 square foot (2.0939 acre) lot, 138 off street parking spaces and set backs of North (Wabash), 0 feet (consistent with the current setback and other buildings on this block); West (12th Street), 0 feet (consistent with the current setback) and East, 5 feet, 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.”

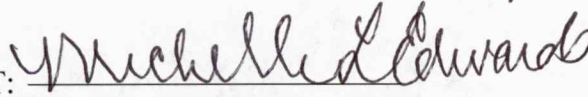
SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,


Martha Crossen

Passed in Open Council this 7th day of July, 2022.


Cheryl Loudermilk-President

ATTEST: 
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 8th day of July 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 8th day of July, 2022.

Duke Bennett
Duke 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.

Jeffrey A. Lind
Jeffrey A. Lind

This instrument prepared by: Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 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, **Terre Haute Department of Redevelopment**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A part of the Southwest Quarter of Section 22, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, being a part of Special Warranty Deed Instrument Number 2011014649, described as follows:

Beginning at the intersection of the South right-of-way line of Wabash Avenue with the East right-of-way line of 12th Street, also being the Northwest corner of Lot 18 of Chauncey's Rose's Subdivision of 44 acres (Plat Book 1, page 79); thence North 78 degrees 02 minutes 40 seconds East along said South right-of-way line a distance of 280.00 feet to the Northeast corner of Lot 29 of said Rose's Sub.; thence South 00 degrees 10 minutes 14 seconds East along the East line of said Lot 29 a distance of 139.00 feet to the Southeast corner of said Lot 29 and the North line of a platted alley; thence South 78 degrees 06 minutes 02 seconds West along the North line of said alley a distance of 106.63 feet to the Northeast corner of a vacated alley as per Instrument Number 2011014649; thence South 00 degrees 19 minutes 30 seconds East along the West side of a platted alley (also being the East line of Lots 71, 70, 69 and 68 of said Rose's Sub.) a distance of 312.37 feet to the North line of property in the name of Terre Haute VOA Elderly Housing, Inc., Deed Record 432, Page 474; thence North 89 degrees 26 minutes 21 seconds West, along the North line of said VOA property a distance of 178.20 feet to the East right-of-way line of 12th Street; thence North 00 degrees 11 minutes 44 second West along said East right-of-way line a distance of 411.94 feet to the point of beginning, containing 2.09 acres.

Commonly known as tax parcel ID 84-06-22-379-003.000-002 and 84-06-22-379-013.000-002.

Commonly known as: **30 South 12th Street and 1211 Wabash Avenue, Terre Haute, IN 47807.**

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-2, Community Commerce District**.

Your petitioner would respectfully state that the real estate is now **abandoned, former bank, and former Terre Haute Police Department Headquarters**. Your petitioner intends to use the real estate for a 3 story, 47,500 square foot +/-, Co-Live residential development with 111 studio living quarters of 300 square feet or more, each with full bath, and kitchenette but no kitchen in such units, each floor with shared kitchen and living space on a 91,212 square foot (2.0939 acre) lot, 138 off street parking spaces and set backs of North (Wabash), 0 feet (consistent with the current setback and other buildings on this block); West (12th Street), 0 feet (consistent with the current setback) and East, 5 feet.

Your petitioner submits that a hardship exists due to the general deterioration of the neighborhood, evidenced by the existing structure upon this site and the transitional nature of surrounding commercial properties resulting in some vacancies which would be well served by a residential presence in their vicinity; and the use does not neatly fit within any zoning classification within the Terre Haute Zoning Code.

Your petitioner would request that the real estate described herein shall be zoned as a **C-5 Planned Development**. Your petitioner would allege that the **C-5 Planned Development** would not alter the general characteristics of this 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 the Terre Haute, Indiana," and declaring the above-described real estate to be **C-5 Planned Development** in 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 27 day of May, 2022.

Terre Haute Department of
Redevelopment

BY: Phil Kesner

PHIL KESNER, INTERIM DIRECTOR

Printed name and title

**PETITIONER: Terre Haute Department of Redevelopment, 17 Harding Avenue,
Terre Haute, IN 47807**

This instrument was prepared by **Jeffry A. Lind, 400 Ohio Street, Terre Haute, IN
47807**

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.

Jeffry A. Lind
Jeffry A. Lind

AFFIDAVIT OF OWNER

COMES NOW affiant, PHIL KESNER, the INTERIM DIRECTOR of the Terre Haute Department of Redevelopment and affirms under penalty of law that Terre Haute Department of Redevelopment is the owner of record of the property located at 30 South 12th Street and 1211 Wabash Avenue, Terre Haute, IN 47807 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

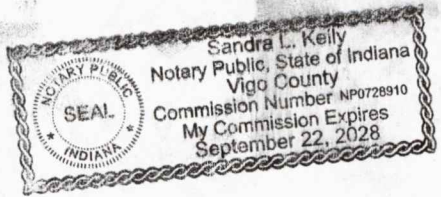
Terre Haute Department of Redevelopment

SIGNATURE: Phil Kesner
PHIL KESNER, INTERIM DIRECTOR
Printed name and title

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Phil Kesner, Interim Director who acknowledges the execution of the above and foregoing, after being duly sworn upon his/her oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 27th day of May, 2022.



Sandra L. Kelley
[Signature]
Sandra L. Kelly
[typed or printed name]

My Commission Expires: 9/22/2028 My County of Residence: Vigo

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 03 2011

EXEMPT FROM DISCLOSURE

2011014649 WD \$25.00
11/03/2011 03:28:49P 6 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



Timothy M. Spivey
VIGO COUNTY AUDITOR

SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH: THAT the undersigned, OLD NATIONAL BANK, successor in interest to Indiana State Bank of Terre Haute (hereinafter referred to as the "GRANTOR"), **CONVEYS AND SPECIALLY WARRANTS** to CITY OF TERRE HAUTE, by and through its Department of Redevelopment (hereinafter referred to as the "GRANTEE"), all of GRANTOR'S right, title and interest in and to certain real property, together with fixtures owned by Grantor thereon, situate in Vigo County, Indiana, which property is more particularly described as follows, to-wit:

Parcel I

Lots number 18 and 19 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road and bounded as follows: on the North by the National Road, on the East by the line dividing the East and West Half of Section 22, Township 12 North, Range 9 West, on the South by the Bloomington Road, and on the West by the E. & C. R. R.

Parcel II

Lot Number Twenty (20), except Six (6) inches, more or less, off the East side thereof, in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West 1/2 of Section 22, Township 12 North, Range 9 West, as per Plat Record 1 Page 79 in Vigo County Recorder's Office.

Also

Lot Number 21 and 6 inches, more or less, off the East side of Lot Number 20, in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West 1/4 of Section 22, Township 12 North, Range 9 West, as per Plat Record 1 Page 79 in Vigo County Recorder's Office.

Parcel III

Lot Number Twenty-two (22) in Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West, lying South of the National Road as per the recorded plat of said subdivision.

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Parcel IV

Lot Number Twenty-three (23) in the subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North of Range 9 West, heretofore made by Chauncey Rose.

Parcel V

Lot 24 in Rose's Subdivision of 44 Acres and 2 Rods off the East side of the West ½ of Section 22, Township 12 North, Range 9 West, lying South of the National Road, as the same appears on the recorded plat thereof in Plat Record 1 Page 79.

Parcel VI

Lots Numbers Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29) in Rose's Subdivision of 44 Acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West.

Parcel VII

35 feet off the North side of Lot No. 36 in Rose's Subdivision of 44 acres, 2 rods off the East side of the West ½ of Section 22, Township 12 North, Range 9 West in Vigo County, Indiana.

Parcel VIII

Lot Number Thirty-seven (37) in Chauncey Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township 12 North of Range 9 West in the City of Terre Haute.

Parcel IX

Lot 38, except 30 feet off the South side thereof, in the Subdivision of 44 Acres and 2 Rods off the East side of the West Half of Section 22 in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose, in Terre Haute, Vigo County, Indiana.

Also

30 feet off the South side of Lot Number 38 in the Subdivision of 44 Acres and 2 Rods off the East side of the West Half of Section 22 in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose.

Parcel X

12 ½ feet off of the North side of Lot Number Sixty-eight (68) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North of Range 9 West, lying South of the National Road as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana.

Also

Part of Lot No. 68 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North of Range 9 West, bounded as follows: Beginning at a point 12 feet and 6 inches South of the Northwest corner of said lot; thence East 177 feet and 3 ½ inches to an alley; thence South 31 feet; thence West

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177 feet and 3 ½ inches to 12th Street; thence North 31 feet to the place of beginning, in the City of Terre Haute, Indiana.

Parcel XI

North Half (1/2) of Lot Number Sixty-nine (69) in Chauncey Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West, line South of the National Road.

Also

37 ½ feet off the South side of Lot Number Sixty-nine (69) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North of Range 9 West, lying South of the National Road as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana.

Parcel XII

100 feet off the East end of Lot 71 and 100 feet off the East end of the North Half of Lot 70 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Also

The South Half (S. ½) of Lot No. 70 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West ½ (lying South of the National Road) of Section 22, Township 12 North, Range 9 West in Vigo County, Indiana.

Also

Lot 71 and the North Half of Lot 70 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West, lying South of the National Road as per Plat Record 1 Page 79 in the Vigo County Recorder's Office, except 100 feet off the East end of the above described lots.

Also

The vacated portion of an alley, said portion being described as follows: Twenty (20) feet in width running in a generally Easterly and Westerly direction along the entire North side of Lot Seventy-one (71) in Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West.

Subject to the first installment of ad valorem real estate taxes for the year 2011, due and payable in May, 2012, and all subsequent taxes and assessments which the GRANTEE assumes and agrees to pay.

This conveyance is also made subject to any and all existing or recorded restrictions, exceptions, encroachment permits, leases, reservations, easements, highways, rights-of-way,

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conditions, building and use restrictions, and covenants of whatever nature, if any, and is expressly subject to all municipal, city, county and state zoning laws and other ordinances, regulations and restrictions, including statutes and other laws of municipal, county, or other governmental authorities applicable to and enforceable against the real estate described herein.

This conveyance is also made subject to all prior mineral reservations, conveyances or leases of record be the same oil, gas coal or other minerals of whatsoever kind or nature; provided, however, GRANTOR conveys to GRANTEE all of GRANTOR's right, title or interest in the mineral estate of the above-described real estate.

The GRANTOR warrants to the GRANTEE only that the title to the above-described real estate is free and clear from any and all liens, encumbrances or claims of every description imposed by the GRANTOR or suffered by the GRANTOR. GRANTOR assigns to GRANTEE the benefit of all prior warranties in the chain of title received by GRANTOR from GRANTOR's predecessors in title.

The undersigned person executing this Deed on behalf of GRANTOR represents and certifies that he is the duly elected Senior Vice President, Tax and Real Estate, of GRANTOR and has been fully empowered by resolution of the Board of Directors of GRANTOR to execute and deliver this Deed; that GRANTOR has full capacity to convey the real estate hereby conveyed; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, OLD NATIONAL BANK has caused this Special Warranty Deed to be executed in its name and on its behalf by its duly authorized Senior Vice President, Tax and Real Estate, this 2nd day of November, 2011.

OLD NATIONAL BANK

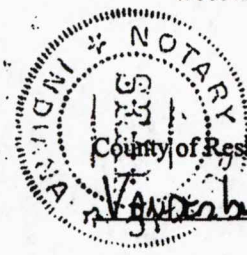
By *Douglas C. Gregurich*
Douglas C. Gregurich
Senior Vice President, Tax and Real Estate

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STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Douglas C. Gregurich, the Senior Vice President, Tax and Real Estate, of OLD NATIONAL BANK, and acknowledged the execution of the foregoing Special Warranty Deed for and on behalf of OLD NATIONAL BANK as his voluntary act and deed and the voluntary act and deed of such bank, for the purposes therein contained.

WITNESS my hand and Notarial Seal, this 20th day of November, 2011.



Douglas C. Gregurich

Douglas C. Gregurich) Notary Public

County of Residence:

My Commission Expires:

Vanderburgh

12/12/16

ADDRESS OF GRANTEE AND BEING ALSO WHERE TAX DUPLICATES ARE TO BE SENT UNLESS OTHERWISE NOTIFIED:

City of Terre Haute, by and through its
Department of Redevelopment
17 Harding Avenue
Terre Haute, IN 47807

ADDRESS OF PROPERTY:

1211 Wabash Avenue
Terre Haute, IN 47807
84-06-22-379-001.000-002
84-06-22-379-002.000-002
84-06-22-379-003.000-002
84-06-22-379-004.000-002
84-06-22-379-005.000-002
84-06-22-379-007.000-002
84-06-22-379-008.000-002

TAX PARCEL NOS.

ADDRESS OF PROPERTY:

1225 Wabash Avenue
Terre Haute, IN 47807
84-06-22-379-006.000-002

TAX PARCEL NO.

ADDRESS OF PROPERTY:

1231 Wabash Avenue
Terre Haute, IN 47807
84-06-22-379-013.000-002

TAX PARCEL NO.

ADDRESS OF PROPERTY:

22 S. 12th Street
Terre Haute, IN 47807
84-06-22-379-014.000-002

TAX PARCEL NO.

6

ADDRESS OF PROPERTY: 40 S. 12th Street
Terre Haute, IN 47807
TAX PARCEL NO. 84-06-22-379-015.000-002

ADDRESS OF PROPERTY: 35 S. 13th Street
Terre Haute, IN 47807
TAX PARCEL NO. 84-06-22-379-025.000-002

ADDRESS OF PROPERTY: 105 S. 13th Street
Terre Haute, IN 47807
TAX PARCEL NO. 84-06-22-379-027.000-002

THIS INSTRUMENT WAS PREPARED BY MARCO L. DELUCIO OF THE LAW FIRM OF ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP, P. O. BOX 916, EVANSVILLE, INDIANA 47706-0916. TELEPHONE: (812) 424-7575.

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. Marco L. Delucio

h:\onb\terre haute\training center sale\special warranty deed.doc

525 West Honey Creek Drive
Terre Haute, Indiana 47807

Surveyor's Affidavit

I, Caleb L. Towles, licensed Land Surveyor in the State of Indiana, do certify that Parcel I.D. No. 84-06-22-379-003.000-002 and 84-06-22-379-013.000-002 as described in the portions of (Historic Legal Description) Special Warranty Deed recorded Instrument No. 2011014649, in the name of City of Terre Haute is contiguous with and contains no gaps or overlaps with the (Modern Metes and Bounds Legal Description) composed and described on May 24, 2022 by Caleb Towles, Indiana Land Surveyor No. 21700001 (Align CEC Inc. Project No. 22-095) and graphically shown on the Plat of Survey dated February 5, 2015 (Myers Engineering Inc. Project No. TM15-151) by Earl D. Spires, Jr.

(Historic Legal Description)

Special Warranty Deed Instrument Number 2011014649

Parcel I

Lots Number 18 and 19 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road and bounded as follows: on the North by the National Road, on the East by the line dividing the East and West Half of the Section 22, Township 12 North, Range 9 West, on the South by the Bloomington Road, and on the West by the E & C. R. R.

Parcel II

Lot Number Twenty (20), except Six (6) inches, more or less, off the East side thereof, in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West ½ of Section 22, Township 12 North, Range 9 West, as per Plat Record 1 Page 79 in Vigo County Recorder's Office.

Also,

Lot Number 21 and 6 inches, more or less, off the East side of Lot Number 20, in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West ¼ of Section 22, Township 12 North, Range 9 West, as per Plat Record 1 Page 79 in Vigo County Recorder's Office.

Parcel III

Lot Number Twenty-two (22) in Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West, lying South of the National Road as per recorded plat of said subdivision.

Parcel IV

Lot Number Twenty-three (23) in the subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North of Range 9 West, heretofore made by Chauncey Rose.

Parcel V

Lot 24 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half (1/2) of Section 22, Township 12 North, Range 9 West, lying South of the National Road, as the same appears on the recorded plat thereof in Plat Record 1 Page 79.

Parcel VI

Lots Numbers Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29) in Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West.

Parcel VII

35 feet off the North side of Lot No. 36 in Rose's Subdivision of 44 acres, 2 rods off the East side of the West ½ of Section 22, Township 12 North, Range 9 West in Vigo County, Indiana.

Parcel VIII

Lots Number Thirty-seven (37) in Chauncey Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half (1/2) of Section Twenty-Two (22), Township 12 North of Range 9 West in the City of Terre Haute.

Parcel IX

Lot 38, except 30 feet off the South side thereof, in the Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose.

Also

30 feet off the South side of Lot Number 38 in the Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North, of Range 9 West, heretofore made by Chauncey Rose.

Parcel X

12 ½ feet off of the North side of Lot Number Sixty-eight (68) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North of Range 9 West, lying South of the National Road as per recorded plat of the same recorded in Recorder's Office of Vigo County, Indiana.

Also,

Part of Lot No. 68 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22 in Township 12 North of Range 9 West, bounded as follows: Beginning at a point 12 feet and 6 inches South of the Northwest Corner of said lot; thence East 177 feet and 3 ½ inches to an alley; thence South 31 feet; thence West 177 feet and 3 ½ inches to 12th Street; thence North 31 feet to the place of beginning, in the City of Terre Haute, Indiana.

Parcel XI

North Half (1/2) of Lot Number Sixty-nine (69) in Chauncey Rose's Subdivision of Forty-four (44) acres an Two (2) rods off the East side of the West Half (1/2) of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West, line South of the National Road.

Also,

37 ½ feet off the South side of Lot Number Sixty-nine (69) in Chauncey Rose's Subdivision of 44 Acres and 2 rods off the East side of the West Half of Section 22, Township 12 North of Range 9 West, lying South of the National Road as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana.

Parcel XII

100 feet off the East end of Lot 71 and 100 feet off the East end of the North Half of Lot 70 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West, Vigo County, Indiana.

Also,

The South Half (1/2) of Lot No. 70 in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half (1/2) (lying South of the National Road) of Section 22, Township 12 North, Range 9 West in Vigo County, Indiana.

Also,

Lot 71 and the North Half of Lot 70 in Rose's Subdivision of 44 acres and 2 rods off the East side of the West Half of Section 22, Township 12 North, Range 9 West, lying South of the National Road as per Plat Record 1 Page 79 in the Vigo County Recorder's Office, except 100 feet off the East end of the above described lots.

Also,

The vacated portion of an alley, said portion being described as follows: Twenty (20) feet in width running in a generally Easterly and Westerly direction along the entire North side of Lot

Seventy-one (71) in Rose's Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West.

Modern Legal Description – Co-Live former THPD Site

A part of the Southwest Quarter of Section 22, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, being a part of Special Warranty Deed Instrument Number 2011014649, described as follows;

Beginning at the intersection of the South right-of-way line of Wabash Avenue with the East right-of-way line of 12th Street, also being the Northwest corner of Lot 18 of Chauncey Rose's Subdivision of 44 acres (Plat Book 1, page 79); thence North 78 degrees 02 minutes 40 seconds East along said South right-of-way line a distance of 280.00 feet to the Northeast corner of Lot 29 of said Rose's Sub.; thence South 00 degrees 10 minutes 14 seconds East along the East line of said Lot 29 a distance of 139.00 feet to the Southeast corner of said Lot 29 and the North line of a platted alley; thence South 78 degrees 06 minutes 02 seconds West along the North line of said alley a distance of 106.63 feet to the Northeast corner of a vacated alley as per Instrument Number 2011014649; thence South 00 degrees 19 minutes 30 seconds East along the West side of a platted alley (also being the East line of Lots 71, 70, 69 and 68 of said Rose's Sub.) a distance of 312.37 feet to the North line of property in the name of Terre Haute VOA Elderly Housing Inc., Deed Record 432, page 474; thence North 89 degrees 26 minutes 21 seconds West, along the North line of said VOA property a distance of 178.20 feet to the East right-of-way line of 12th Street; thence North 00 degrees 11 minutes 44 seconds West along said East right-of-way line a distance of 411.94 feet to the point of beginning, containing 2.09 acres.

Commonly known as tax parcel ID 84-06-22-379-003.000-002 and 84-06-22-379-013.000-002.

Caleb L. Towles
IN LS 21700001
May 24, 2022.



Caleb Towles
05/24/2022

Receipt

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

Date: 5/31/2022
Name: TH Dept Redevelopment
Reason: Rezoning-notice of filing \$25
Rezoning-petition \$20
\$45

Cash: _____
Check: # 5021 45-
Credit: _____
Total: \$ 45-

TERRE HAUTE, IN.
PAID
MAY 31 2022
CONTROLLER

Received By: [Signature]



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248



Terre Haute • West Terre Haute • Riley • Seelyville

DATE: July 7, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 18-22

CERTIFICATION DATE: July 6, 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. 18-22. This Ordinance is a rezoning of 30 South 12th Street and 1211 Wabash Avenue. The Petitioner, Terre Haute Department of Redevelopment petitions the Plan Commission to rezone said 3 story, co-live residential development from zoning classification C-2 to C-5 Planned Development.

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

The Area Plan Commission considered Special Ordinance No. 18-22 at a public meeting and hearing held Wednesday, July 6, 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. 18-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 18-22 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. 18-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Must be recorded in 90 days 2) A hardship must be demonstrated 3) It must be determined, that if approved, the P.D. will be in the public's interest and that substantial justice will be done for that neighborhood 4) Site plan approval by City Engineering

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Sydney Shahar.

Sydney Shahar, Assistant Director

Received this 7th day of July, 2022

APPLICATION INFORMATION

Owner: Terre Haute Department of Redevelopment

Representative: Jeffrey A. Lind

Proposed Use: Co-Live residential Development with 111 Studio Living quarters

Proposed Zoning: C-5PD, General Central District Planned Development

Current Zoning: C-2, Community Commerce District

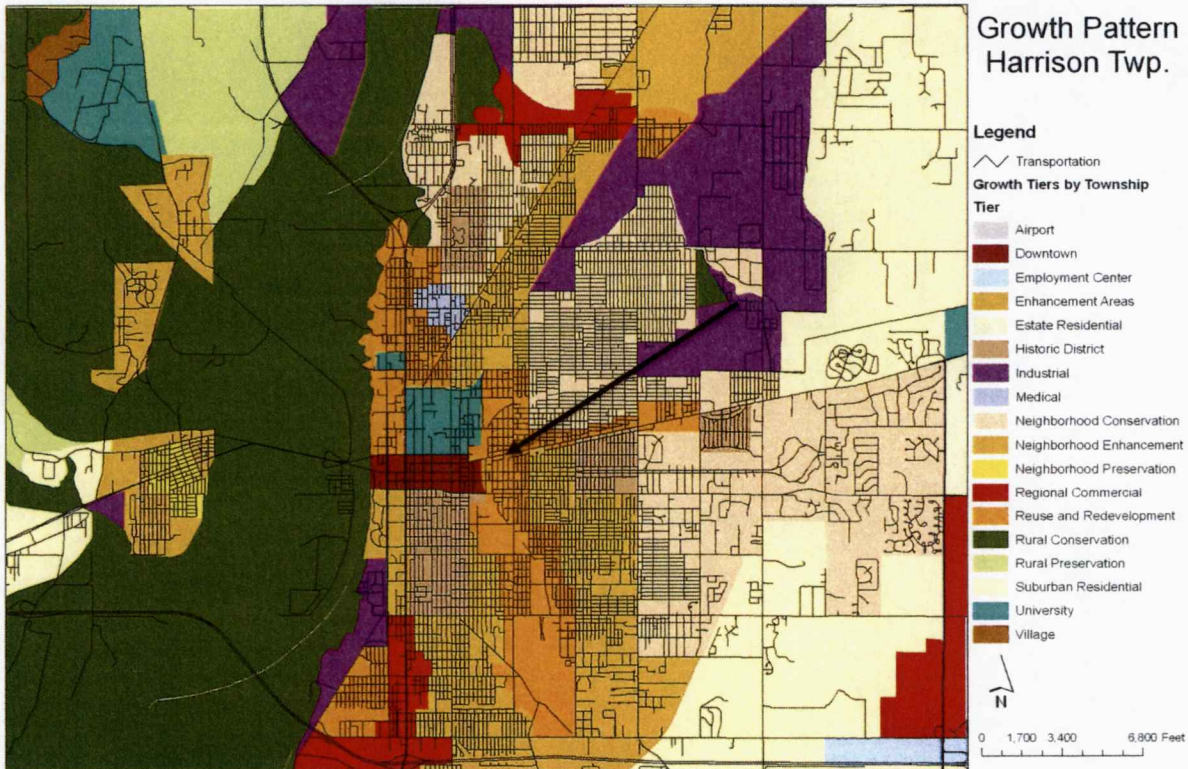
Location: The property is located on the corner of Wabash Avenue & S. 12th Street

Common Address: 30 S. 12th Street, & 1211 Wabash Avenue, Terre Haute

Parcel #s 84-06-22-379-013.000-002 & 84-06-22-379-003.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2, C-2 SU
East – C-2
South – R-3, C-2
West – C-2

Character of Area: The petitioned property is located in a Commercial area

ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128
(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses

Planned Developments

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

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

(1) Hardship due to the physical characteristics of the land.

Example - Peculiarities of the sizes, shape, or grade of the parcel in question.

(2) Hardship due to the improvements on the land.

Example - Commercial structure in a residential neighborhood that is not suitable for residential use.

(3) Hardship due to adjacent, scattered incompatible uses.

Example - Scattered commercial uses in a residential neighborhood.

(4) Hardship due to the general deterioration of the neighborhood.

Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.

(5) Parcel located near district boundary lines.

Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

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

FINDINGS and RECOMMENDATION

Staff Findings: The petitioners are requesting to rezone to C-5 Planned Development for a 3-story, 47,500 sq ft co-live residential development with 111 studio living quarters of 300 square feet or more. Each unit will have a full bathroom and kitchenette, but no kitchen. Each floor will have a shared kitchen and living space.

City Engineering has stated that the proposed units could present a parking space deficit depending on their utilization. If they are utilized as efficiency units, the proposed parking is adequate. If they are utilized as non-efficiency single bedroom units there will be a 29 space deficit. Said deficit could cause all of the on-street parking on 12th St to be utilized on a daily basis.

As part of the Planned Development, the petitioners are requesting setbacks of 0' to the North (Wabash Ave), 0' to the West (12th St), and 5 feet to the East. The proposed setbacks are consistent with the building that currently exists on the property as well as the surrounding buildings. The site plan shows sufficient parking.

The area is identified as a "Reuse and Redevelopment" area in the Comprehensive Plan. Commercial zoning would be consistent with the area and would not impose a buffering requirement that a residential zoning would create. The zoning also fits the density requirements set forth in the District Index for Zoning Maps and allows for apartment units of at least 288 square feet per unit (per Table 8).

Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Must be recorded in 90 days
2. A hardship must be demonstrated
3. It must be determined, that if approved, the P.D. will be in the public's interest and that substantial justice will be done for that neighborhood.
4. Site plan approval by City Engineering

**CITY OF
TERRE HAUTE
DEPARTMENT
OF ENGINEERING**

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807

Phone: 812.232.4028
Fax: 812.234.3973

www.terrehaute.IN.gov

DUKE A. BENNETT
Mayor

CHARLES W. ENNIS, P.E., S.E.
City Engineer

engineering@terrehaute.in.gov

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Caleb Williams
Staff Engineer

DATE: June 7, 2022

RE: **Special Ordinance No. 18-2022**

As requested by Area Planning, the Department of Engineering has reviewed the request by Terre Haute Department of Redevelopment at 30 S 12th and 1211 Wabash Ave for the following:

- Rezoning from C-2 to C-5 Planned Development for a Co-Live residential development

The intended use of the property as Co-Live residential development would not significantly alter the neighborhood characteristic since there is a similar high density living space south at 70 S 12th St (Brownstone Manner). The proposed use would be separated from adjacent commercial uses via Wabash Ave, 12th St, and an alley on the east side of the property.

From the provided site plan access to the site would be limited to 12th St and the alley to the east. The proposed 111 studio units of 300+ square feet could present a parking space deficit depending on their utilization. If they are utilized as efficiency units the proposed 138 off street parking spaces is adequate. If they are utilized as non-efficiency single bedroom units the required parking spaces would be 167, leaving a 29 parking space deficit. Said deficit could cause all of the on-street parking on 12th St to be utilized on a daily basis.

The Department of Engineering would offer a positive recommendation with the condition that the Department receive additional site plan information and the applicant address any deficits if applicable.