#### **SPECIAL ORDINANCE NO. 35, 2024**

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

Common Address of lots to be rezoned: 231 Blakely Avenue, Terre Haute, IN 47803 Parcel No. 84-06-24-202-002.000-002 Current Zoning: C-3SU Regional Commerce District/Special Use Rezone To: R-3 General Residence District Proposed Use: Fraternity House Name of Owner: Theta Xi Kappa Chapter Alumni Association Corporation Address of Owner: PO Box 5 Riley, IN 47871 Phone Number of Owner c/o (812) 234-5463 Attorney Representing Owner: Darrell E. Felling II Address of Attorney: Lind & Felling 400 Ohio Street, Terre Haute, IN 47807 For Information Contact: [ ] Owner [x] Attorney

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

Council Sponsor:

#### SPECIAL ORDINANCE NO. 35, 2024

CITY CLERK

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

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

Lots Numbers 44, 45, 46 and 47 in Blakely, being a subdivision of part of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 7, Page 25 of records of Recorder's Office of Vigo County, Indiana.

Except the West 3.0 feet of Lots 45, 46 and 47 and the following described part of Lot 44, all in Blakely, a subdivision in the Northeast Quarter of Section 24, Township 12 North, Range 9 West, as recorded in Plat Book 7, Page 25 in the Office of the Recorder of Vigo County, Indiana, beginning at the Northwest corner of said Lot 44; thence Easterly 20.00 feet along the North line of said Lot 44; thence South 47 degrees 37 minutes 59 seconds West 22.98 feet; thence Southerly 32.20 feet parallel with the West line of said Lot 44 to the South line of said Lot 44; thence Westerly 3.00 feet along the South line of said Lot 44 to the Southwest corner of said Lot 44; thence Northerly 48.00 feet along the West line of said Lot 44 to the point of beginning and containing 278 square feet, and containing in all 710 square feet, more or less.

All located in Harrison Township, Vigo County, State of Indiana.

PARCEL# 84-06-24-202-002.000-002

Commonly known as: 231 Blakely Avenue, Terre Haute, Indiana

be and the same is, hereby established as R-3 General Residence District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 by law provided.

Introduced by Council Member, Cheryl Loudermill, Councilperson
Passed in open Council this 3rd day of October, 2024.  Tammy Boland, President
ATTEST:  Michelle Edwards, City Clerk
Presented by me, to the Mayor of the City of Terre Haute, this 7 day of Ochober, 2024 at 10:46 a.m.  Muchelle Kedwards, City Clerk
Approved by me, the Mayor of the City of Terre Haute, this 7 day of Ochober, 2024.  Brandon Sakbun, Mayor  ATTEST:
Michelle Keduards 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.

Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Offices, 400 Ohio Street, Terre Haute, Indiana 47807.

#### PETITION TO REZONE REAL PROPERTY

- TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;
- and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

#### LADIES and GENTLEMEN:

The undersigned, Theta Xi Kappa Chapter Alumni Association Corporation, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Numbers 44, 45, 46 and 47 in Blakely, being a subdivision of part of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 7, Page 25 of records of Recorder's Office of Vigo County, Indiana.

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PARCEL# 84-06-24-202-002.000-002

Commonly known as: 231 Blakely Avenue, Terre Haute, Indiana

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-3SU Regional Commerce District/Special Use.

Your Petitioner would respectfully state that the real estate is now unoccupied. Your Petitioner intends to use the real estate as a fraternity house.

Your Petitioner would request that the real estate described herein shall be zoned as a R-3 General Residential District. Your Petitioner would allege that the R-3 General Residential District zoning classification 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 Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-3 General Residential District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHERE	OF, the undersigned	Petitioner has caused this	Petition to Rezone
Real Property to be executed, th	is day of	, 2024.	

\*Signature Page to Follow\*

#### **PETITIONER:**

Keith Godin, President Theta Xi Kappa Chapter

Alumni Association Corporation

Lind & Felling 400 Ohio Street

Terre Haute, IN 47808 Phone: (812) 232-3388

BY:

Darrell E. Felling II #30608-84

Attorney for Petitioner

The owner and mailing address: Theta Xi Kappa Chapter

Alumni Association Corporation

PO Box 5 Riley, IN 47871

STATE OF INDIANA	)
	) SS
COUNTY OF VIGO	)

#### **AFFIDAVIT**

Comes now, Keith Godin, for and on behalf of Theta Xi Kappa Chapter Alumni Association Corporation, being duly sworn upon his oath, deposes and says:

1. That Theta Xi Kappa Chapter Alumni Association Corporation is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Numbers 44, 45, 46 and 47 in Blakely, being a subdivision of part of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof in Plat Record 7, Page 25 of records of Recorder's Office of Vigo County, Indiana.

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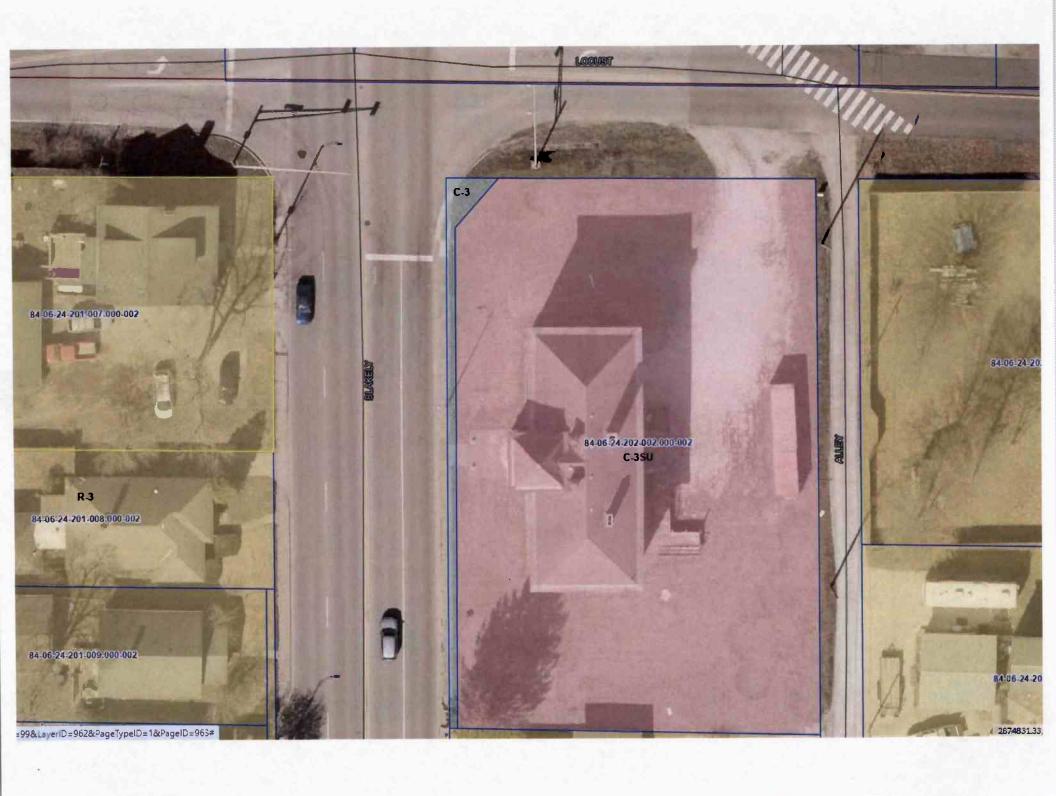
Commonly known as: 231 Blakely Avenue, Terre Haute, Indiana

- 2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Theta Xi Kappa Chapter Alumni Association Corporation 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 Theta Xi Kappa Chapter Alumni Association Corporation 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 Craig Smiley, for and on behalf of Theta Xi Kappa Chapter Alumni Association Corporation.
  - 4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 3	day of September, 2024.
Keith Godin, Theta Xi Kappa Chapter Alumni Association Corporation	
STATE OF INDIANA )  Washington ) SS:  COUNTY OF VICO King )  SUBSCRIBED AND SWORN and State, Keith Godin appeared in person of September , 2024.	TO before me, a Notary Public in and for said Count son and executed said document, this 3rd day
	Joshun Prentice, Notary Public
My Commission expires:	My County of Residence:
	JOSHUA PRENTICE NOTARY PUBLIC #22012937 STATE OF WASHINGTON

This instrument prepared by Darrell E. Felling II, Lind & Felling, 400 Ohio Street, Terre Haute, Indiana 47807.

02-09-26





# ALLEY PROPERTY LINE **NEW PARKING** PROPERTY LINE **EXISITING STRUCTURE** PROPERTY LINE BLAKELY AVENUE



## **Receipt of Payment**

TERRE HAUTE, IN
SEP 0 4 2024
CONTROLLER

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

Date	9/4/24		
Name	Theta xi	Карра	
Reason		Notice of Filing	25.00
	4	Petition	20.00
			4500 Lind Law Firm
Cash	*)		
Check	45.00	Ck# 4709	
Credit			
Total	\$ 45.00	×	
		1-1	/



# 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: October 3, 2024

#### REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL ORDINANCE NUMBER 35-24

CERTIFICATION DATE: October 2, 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. 35-24. This Ordinance is a rezoning of property located at 231 Blakely Ave., Terre Haute, IN. Parcel number 84-06-24-202-002.000-002. The Petitioner, Theta Xi Kappa Chapter Alumni Association Corporation, petitions the Plan Commission to rezone said fraternity house from zoning classification C-3SU to R-3 General Residence District.

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

The Area Plan Commission considered Special Ordinance No. 35-24 at a public meeting and hearing held Wednesday, October 2, 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. 35-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 35-24 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. 35-24 was FAVORABLE with the following condition: 1) Site plan approval by the Department of Engineering with parking and stormwater drainage.

Norm Froderman, APC Secretary

Received this 3rd day of October, 2024

Number: SO #35-24 Date: October 2024

Doc: #72 Page 1 of 5

#### APPLICATION INFORMATION

Address:

231 Blakely Avenue, Terre Haute, In 47803

Current Zoning:

C-3, SU Regional Commerce District/Special Use

Proposed Zoning: R-3, General Residence District

Proposed Use:

Fraternity House

Property Owner:

Theta Xi Kappa Chapter Alumni Association Corp.

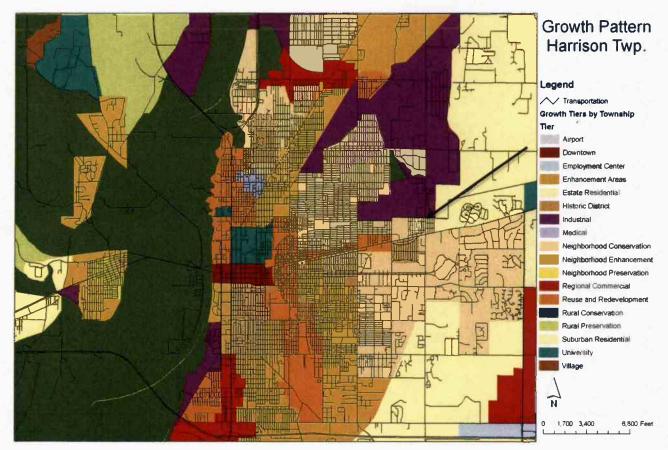
Location:

The property located on the SE corner of Blakely Ave & Locust

Street. Parcel# 84-06-24-202-002.000-002

#### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Number: SO #35-24 Doc: #72 Date: October 2024 Page 2 of 5

#### Neighborhood Conservation

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

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

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial "strips" i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial "strips" should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.

Number: SO #35-24 Date: October 2024 Doc: #72 Page 3 of 5

• Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: The area is well served by utilities.

Dev. Priority:

High-intensity employment areas

#### ZONING COMPATIBILITY

Sur. Zones and Uses:

North – M-2 East – R-3 South – R-3

West - R-3

Character of Area: Homes at a density over 5 dwellings per acre.

#### ZONING REGULATIONS

R-3 Purpose:

The General Residence District

R-3 Uses:

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

Apartment House.

R-3 Standards:

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

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

Area of 1000 Sq. Ft.

Number: SO #35-24 Date: October 2024 Doc: #72 Page 4 of 5

#### Parking Requirements

- 1.5 parking spaces per 1 bedroom unit.
- 2.0 parking spaces per 2-bedroom unit.
- 3.0 parking spaces per 3-bedroom unit.

#### FINDINGS and RECOMMENDATION

Staff Findings:

There have been four rezoning petitions for this property since 1968 (SO #23/68, SO #72/74, SO #43/77, and SO #52/05). The area is predominantly R-3.

There will need to be hard-surfaced parking and a stormwater drainage plan approved by Engineering.

In their recommendation, the Department of Engineering states: "the intended use would not alter the neighborhoods characteristic or create any significant problems for the surrounding area".

**Recommendation:** Staff also offers a favorable recommendation with the following conditions:

1. Site plan approval by the Department of Engineering with parking and stormwater drainage.

Number: SO #35-24

Doc: #72 Page 5 of 5

Date: October 2024





CTTY OF TERRE HAUTE ENGINEERING DEPARTMENT

#### **MEMORANDUM**

TO:

Sydney Shahar

Vigo County Area Planning Department

City Hall

17 Harding Avenue, Room 200

Terre Haute, IN 47807 Phone: 812.244.4903 www.terrehaute.in.gov FROM: Jason Holler

Lead Building Inspector

MARCUS MAURER, P.E.

CITY ENGINEER

9/10/2024

RE: 231 Blakely Ave

As requested by Area Planning, the Department of Engineering has reviewed the property located at: 231 Blakely Ave

• Rezoning of 231 Blakely Ave from C-3SU to an R-3 General Residence District.

The parcels surrounding this property are zoned M-2 to the North, to the South, East and West are all zoned R-3. The intended 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.

# SPECIAL ORDINANCE NO. 35, 2024

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

#### Common Address of lots to be rezoned:

231 Blakely Avenue, Terre Haute, IN 47803 Parcel No. 84-06-24-202-002.000-002

Current Zoning:

C-3SU Regional Commerce District/Special Use

Rezone To:

R-3 General Residence District

Proposed Use:

Fraternity House

Name of Owner:

Theta Xi Kappa Chapter Alumni Association Corporation

Address of Owner:

PO Box 5

Riley, IN 47871

Phone Number of Owner

c/o (812) 234-5463

Attorney Representing Owner:

Darrell E. Felling II

Address of Attorney:

Lind & Felling

400 Ohio Street, Terre Haute, IN 47807

For Information Contact:

[ ] Owner

[x] Attorney

Council Sponsor:

Charly Condermilk

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

#### SPECIAL ORDINANCE NO. 35, 2024

CITY CLERK

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

SECTION 1. 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:

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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 by law provided.

Introduced by Council Member,	Cheryl Loudermilk, Councilperson	
Passed in open Council this	_day of, 2024.	
ATTEST:	Tammy Boland, President	
Michelle Edwards, City Clerk	-	
Presented by me, to the Mayor of atm.	the City of Terre Haute, this day of	, 2024.
	Michelle Edwards, City Clerk	
Approved by me, the Mayor of the	e City of Terre Haute, this day of	, 2024.
ATTEST:	Brandon Sakbun, Mayor	
Michelle Edwards, City Clerk		
I affirm, under the penalties for pe Security Number in this document	rjury, that I have taken reasonable care to redact e, unless required by law.	each Social
	Darrell E. Felling II	
This instrument prepared by Darre Terre Haute, Indiana 47807.	II E. Felling II, Lind & Felling Law Offices, 400	Ohio Street,

#### PETITION TO REZONE REAL PROPERTY

- TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;
- and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

#### LADIES and GENTLEMEN:

The undersigned, Theta Xi Kappa Chapter Alumni Association Corporation, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

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IN WITNESS WHEREOF,	the undersigned	Petitioner has caused	this Petition to Rezone
Real Property to be executed, this	day of	, 2024.	

\*Signature Page to Follow\*

#### **PETITIONER:**

Keith Godin, President Theta Xi Kappa Chapter

Alumni Association Corporation

Lind & Felling 400 Ohio Street

Terre Haute, IN 47808 Phone: (812) 232-3388

BY:

Darrell E. Felling II #30608-84 Attorney for Petitioner

The owner and mailing address: Theta Xi Kappa Chapter

Alumni Association Corporation

PO Box 5 Riley, IN 47871

This instrument prepared by Darrell E. Felling II, Lind & Felling, 400 Ohio Street, Terre Haute, Indiana 47807.

STATE OF INDIANA	)
	) SS
COUNTY OF VIGO	)

#### **AFFIDAVIT**

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1. That Theta Xi Kappa Chapter Alumni Association Corporation is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

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  - 4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 3 day of September, 2024.

Keith Godin, Theta Xi Kappa Chapter Alumni Association Corporation

STATE OF INDIANA

Washington ) SS:

COUNTY OF VIOO King )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, Keith Godin appeared in person and executed said document, this 3rd day of September , 2024.

My Commission expires:

My Commission expires:

My County of Residence:

King

JOSHUA PRENTICE

NOTARY PUBLIC 222012937

STATE OF WASHINGTON

This instrument prepared by Darrell E. Felling II, Lind & Felling, 400 Ohio Street, Terre Haute, Indiana 47807.

MY COMMISSION EXPIRES 02-09-26





ALLEY

PROPERTY LINE

NEW PARKING

PROPERTY LINE

**EXISITING STRUCTURE** 

PROPERTY LINE

BLAKELY AVENUE



## **Receipt of Payment**

TERRE HAUTE, IN
SEP 0 4 2024
CONTROLLER

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

Date	9/4/24			
Name	Theta xi	Карра		
		Notice of Filing	25.00	
		Petition	20.00	
			4500 Lind Law Firm	
Cash				
Check Credit	45.00	Ck# <u>4709</u>		
Total	\$ 45.00			
		Received By 1 Thom	elyen	_