

SPECIAL ORDINANCE NO. 15, 2012.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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

1629 Hulman Street, Terre Haute, IN 47802
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Rezone From: R-2 Two Family Residence District

Rezone To: M-1 Light Industry District

Proposed Use: Construction Company

Name of Owners: Dennis W. Hoggatt
Address of Owner: 223 DeSoto Street
Clinton, IN 47842

Phone Number of Owner (765) 832-8960

Attorney Representing Owner: Richard J. Shagley

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

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: John Mullican
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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION
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SPECIAL ORDINANCE NO. 15, 2012

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

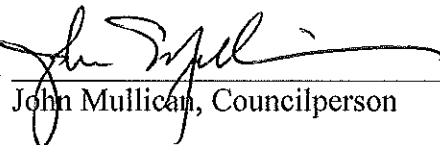
SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots Numbered One (1), Two (2), Three (3) and Four (4) in L.H. Mahan's Subdivision of Lots 3-19-20-21-22-23-24-25 and 26 in Arnold Minshall and Barton's Subdivision of part of the Northeast Quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded in Plat Record 18 Page 45, records of Recorder's office of Vigo County, Indiana.

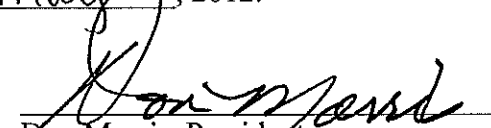
be and the same is, hereby established as a M-1 Light Industry District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,


John Mullican, Councilperson

Passed in open Council this 10th day of May, 2012.


Don Morris, President

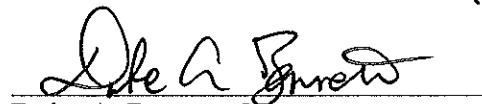
ATTEST:


Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 11th day of May, 2012.


Charles P. Hanley, City Clerk

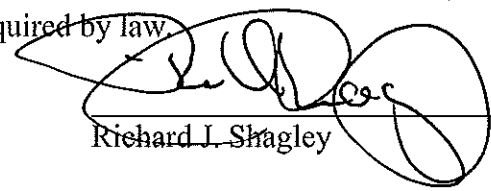
Approved by me, the Mayor of the City of Terre Haute, this 11th day of MAY, 2012.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.


Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 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, Dennis W. Hoggatt, 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 Numbered One (1), Two (2), Three (3) and Four (4) in L.H. Mahan's Subdivision of Lots 3-19-20-21-22-23-24-25 and 26 in Arnold Minshall and Barton's Subdivision of part of the Northeast Quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded in Plat Record 18 Page 45, records of Recorder's office of Vigo County, Indiana.

Your 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 R-2 Two Family Residential District.

Petitioner, Dennis W. Hoggatt, would propose to use said real estate for his construction company. Petitioner would allege that the real estate had been used for many years as a construction company by Richard Brokaw.

Your Petitioner would request that the real estate described herein shall be zoned as a M-1 Light Industry District to allow for the use as proposed by Petitioner, Dennis W. Hoggatt. Your Petitioner would allege that the M-1 Light Industry District would not alter the general characteristics of this area.

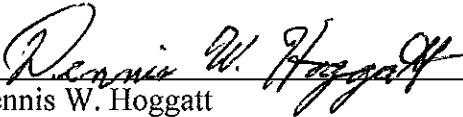
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

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

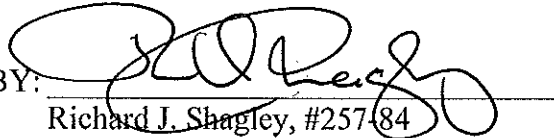
121 District Maps and declaring the above-described real estate to be part of the M-1 Light Industry District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has executed this Petition to Rezone Real Property, this 28 day of March, 2012.

PETITIONER:


Dennis W. Hoggatt

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 
Richard J. Shagley, #257484
Attorneys for Petitioner

The owner and mailing address: Dennis W. Hoggatt, 223 DeSoto Street, Clinton, IN 47842 .

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN

1624 HULMAN STREET

R-1 to M-1

S.O. 15, 2012

127.06'

84-06-34-227-001.000-002

349.82'

125'

17TH

HULMAN

15TH

84-06-27-478-001.000-002

N →

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Dennis W. Hoggatt, being duly sworn upon his oath, deposes and says:

1. That Dennis W. Hoggatt 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:

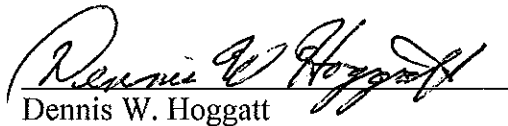
Lots Numbered One (1), Two (2), Three (3) and Four (4) in L.H. Mahan's Subdivision of Lots 3-19-20-21-22-23-24-25 and 26 in Arnold Minshall and Barton's Subdivision of part of the Northeast Quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded in Plat Record 18 Page 45, records of Recorder's office of Vigo County, Indiana.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Dennis W. Hoggatt 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 Dennis W. Hoggatt 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 Dennis W. Hoggatt.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 28 day of March, 2012.


Dennis W. Hoggatt

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 28 day of March, 2012.


Notary Public

My Commission expires:

1.20.2018

My County of Residence:

Clay

This instrument prepared by Richard J. Shagley, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

DONNA A. LEWIS of Vermillion County, in the State of Indiana, RELEASES AND QUIT CLAIMS to **DENNIS W. HOGGATT**, of Vermillion County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and in consideration of the benefits to be derived by Grantor and Grantee as a result of the gift made by Grantor to Grantee, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Lots Numbered One (1), Two (2), Three (3) and Four (4) in L.H. Mahan's Subdivision of Lots 3-19-20-21-22-23-24-25 and 26 in Arnold Minshall and Barton's Subdivision of part of the Northeast Quarter of Section 34, Township 12 North, Range 9 West, as shown by the recorded plat thereof, recorded in Plat Record 18 Page 45, records of Recorder's office of Vigo County, Indiana.

Commonly known as 1629 Hulman Street, Terre Haute, IN 47807.
Parcel No. 84-06-34-227-001.000-002

IN WITNESS WHEREOF, said Grantor, above named Donna A. Lewis, has hereunto set her hand and seal.


Donna A. Lewis

STATE OF INDIANA)
) SS:
COUNTY OF VERMILION)

Before me, the undersigned, a Notary Public, in and for said County and State, this 30th day of March, 2012, personally appeared the within named Donna A. Lewis, the Grantor in the above conveyance, and acknowledged the execution of the same to be her voluntary act and deed.

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

Rosanna Rayer
_____, Notary Public

My Commission Expires: 12-23-15

County of Residence: Clay

Mail to: Dennis W. Hoggatt, 223 DeSoto Street, Clinton, IN 47842.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Richard J. Shagley
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, IN 47807.

TERRE HAUTE
A LEVEL ABOVE

Receipt

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

Date: 3/30/12
Name: Wright, Shaggy + Hovey
Reason:

Repaying - Dennis Duggatt

TERRE HAUTE, IN
PAID

CONTROLLER

MAR 29 2011

Cash: 45.00
Check: 45.00
Credit: 45.00
Total: 45.00

Received By: Jett H Ellis



TERRE HAUTE
A LEVIT ABOVE

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: May 3, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #15-12

CERTIFICATION DATE: May 2, 2012

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

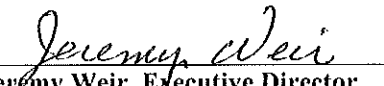
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 15-12. This Ordinance is a rezoning of the property located at 1629 Hulman.. The Petitioner, Dennis Hoggatt, Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to M-1, Light Industry District, for a construction company. 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. 15-12 at a public meeting and hearing held Wednesday, May 2, 2012. 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. 15-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-12 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. 15-12, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 3rd day of May, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-12

Doc: # 19

Date: May 2nd 2012

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APPLICATION INFORMATION

Petitioner: Dennis W. Hoggatt

Property Owner: Same-As-Above

Representative: Richard J. Shagley

Proposed Use: Construction Company

Proposed Zoning: M-1, Light Industrial District

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

Location: The property is located on the Southwest corner of South 17th Street and Hulman Street.

Common Address: 1629 Hulman Street, Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Reuse and Redevelopment Areas

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

Available Services: The site has access to urban services

Soil Limitations: Unknown

Street Access: There are existing drive cut on 17th Street and Hulman Street

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-12

Doc: # 19

Date: May 2nd 2012

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – M-1, Light Industrial, R-3, General Residence, and R-2, Two Family Residence

East – R-2, Two Family Residence, R-3, General Residence, and C-2 Limited Community Commerce

South – R-2, Two Family Residence

West – Heavy Industrial



Character of Area: Within this area there are idle and active industrial uses of properties. The highest concentration of residential use consists of single-family detached dwellings.

Contig. Uses & Zones: The contiguous zoning to the north is M-1, Light Industrial District, which has an automotive use; To the west is M-2, Heavy Industrial District this is an idle site, which used to be the Terre Haute Coke and Carbon; To the East is an R-3, General Residence District with a multi-family use and R-2, Two-Family Residence District with residential uses; To the south R-2, Two-Family Residence District with uses that consists of residential and a non-conforming use for the storage of job-site construction trailers.

ZONING REGULATIONS

M-1 Purpose: It is the purpose of this classification to provide for complete separation of residential and commercial areas, from industrial areas for the mutual protection of both industrial and residential, and commercial uses. It is recognized that for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion. In the granting of special uses, this goal must be paramount in the consideration thereof and special uses not clearly of manufacturing or industrial nature must be incidental to an established industrial facility. The Light Industrial zone classification provides for additional sites in a more densely developed area. It provides for those industries which are more compatible with densely developed, contiguous, residential and commercial uses and which can readily meet the industrial performance standards as contained in Sec. 10-143.

M-1 Uses: Any production, processing, cleaning, servicing, testing, repair, or storage of material, goods, or products which shall conform with the performance standards set forth in Sec. 10-143 (except such uses as are specifically excluded), and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat. Within three hundred feet (300') of a Residence District, all storage except of motor vehicles, shall be within completely enclosed buildings or may be located out-of-doors if it is effectively screened by a solid wall or fence (including solid entrance and exit gates) as specified in Sec. 10-172 e. for junkyards; Automobile laundries; Building materials sales; Contractor or construction office, shops, and yards; Fuel and ice sales, if located in completely enclosed buildings; Garages and parking lots, for motor vehicles; Public utility and public service uses, including; Signs as regulated in Sec. 10-141; Trade schools.

M-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.5 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;
One (1) parking space per each employee on the largest shift.

FINDINGS and RECOMMENDATION

Staff Findings: The comprehensive guidance for this area has outlined policies for reuse and redevelopment. The property has in the past has been used for more intensive commercial/industrial uses. The property's location along with its previous uses would make the petitioned property more desirable for uses other than residential.

Reuse and Redevelopment Areas

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

Neighborhood Enhancement

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Recommendation: Favorable Recommendation, Any and all future uses of property need to comply with the Light Industrial Development Standards and Performance Standards (Section 10-143). Within three hundred feet (300') of a residence District, all storage except of motor vehicles, shall be within completely enclosed buildings or may be located out-of-doors if it is effectively screened by a solid wall or fence (including solid entrance and exit gates) as specified in Sec. 10-172 e. for junkyards.