

SPECIAL ORDINANCE NO. 15, 2013

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Addresses of lots to be rezoned:

1544 N. 28th Street, Terre Haute, IN 47805
1540 N. 28th Street, Terre Haute, IN 47805
1538 N. 28th Street, Terre Haute, IN 47805
1520 N. 28th Street, Terre Haute, IN 47805
1512 N. 28th Street, Terre Haute, IN 47805
1510 N. 28th Street, Terre Haute, IN 47805

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Rezone From: R-1 – Single Family Residence District

Rezone To: R-2 – Two Family Residence District

Proposed Use: Duplexes

Name of Owners: (1) NDW, LLC
Address of Owner: 1605 N. 30th Street

Terre Haute, IN 47804
Phone Number of Owner: (812) 249-8757

Name of Owners: (2) City of Terre Haute Dept. of Redevelopment
Address of Owner: 17 Harding Avenue, Rm. 301
Terre Haute, IN 47807

Phone Number of Owner: (812) 244-2439

Attorney Representing Owner: Richard J. Shagley II

Address of Attorney: P.O. Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Norm Loudermilk

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 07 2013

SPECIAL ORDINANCE NO. 15, 2013

CITY CLERK

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 Hundred Seventy-one (171) and One Hundred Seventy-Two (172) in McKeen Park Place being a subdivision of the Following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; Thence North 1460 2/10 feet to the East and West Half Section line In said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1544 N. 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-403-007.000-002

ALSO

Lot Number One Hundred Seventy-three (173) in McKeen Park Place being a subdivision of the following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence east 1300 feet; Thence North 1460 feet 2/10 feet to the East and West half Section line in said Section; thence west 1300 feet to the place of beginning.

Commonly known as 1540 N. 28th Street, Terre Haute, Indiana 47805

ALSO

Lot Number One Hundred Seventy-four (174) in McKeen Park Place
Being a subdivision of the following described real estate situated in

Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; thence North 1460 2/10 feet to the East and West Half Section line in said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1538 North 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-405-009.000-002

ALSO

Lots Numbered One Hundred Seventy-five (175) and One Hundred Seventy-six (176) in McKeen Park Place being a subdivision of the Following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; Thence North 1460 2/10 feet to the East and West Half Section line in said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1520 North 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-403-010.000-002

ALSO

Lot Number One Hundred Seventy-seven (177) in McKeen Park Place being a subdivision of the following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet and West Half Section line in said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1512 North 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-403-011.000-002

ALSO

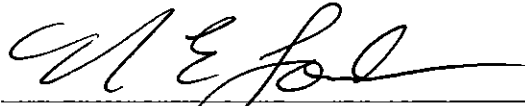
Lot Number One Hundred Seventy-eight (178) in McKeen Park Place being a subdivision of the following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; thence North 1460 2/10 feet to the East and West Half Section line in said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1510 N. 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-403-012.000-002

be and the same is, hereby established as a R-2 Two Family Residential 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,

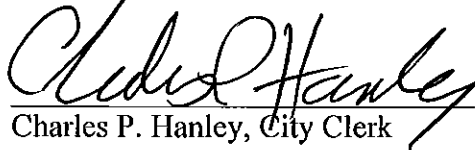


Norm Loudermilk, Councilperson

Passed in open Council this 18th day of July, 2013.


Norm Loudermilk, President

ATTEST:


Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 19th day of July, 2013.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 19th day of July, 2013.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Richard J. Shagley, II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

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



Richard J. Shagley II

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, James W. Wallace of NDW, LLC, and Cliff Lambert, Executive Directors of City of Terre Haute Department of Redevelopment, respectfully submit 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 Hundred Seventy-one (171) and One Hundred Seventy-Two (172) in McKeen Park Place being a subdivision of the Following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; Thence North 1460 2/10 feet to the East and West Half Section line In said Section; thence West 1300 feet to the place of beginning.

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ALSO

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Parcel #84-06-14-403-012.000-002

Your Petitioners are informed and believe 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-1 Single Family Residential District.

Your Petitioners would respectfully state that the real estate is now and has been used as a Single Family Residential home. Your Petitioner, James C. Wallace of NDW, LLC, intends to use the real estate to build duplexes.

Your Petitioners would request that the real estate described herein shall be zoned as an R-2 District to allow for the use as proposed by the Petitioner, James C. Wallace of NDW, LLC. Your Petitioner, James C. Wallace of NDW, LLC, would allege that the R-2 Two Family Residential District would not alter the general characteristics of this neighborhood, since the real estate is in a mixed residential area.

Your Petitioner, James C. Wallace of NDW, LLC, 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 Petitioners respectfully request 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-2 Two Family Residential District of the City of Terre Haute, Indiana, and are 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 Petitioners have executed this Petition to Rezone Real Property this 4th day of June, 2013.

PETITIONERS:

NDW, LLC.

By: _____



James Wallace, Member

**CITY OF TERRE HAUTE
DEPARTMENT OF REDEVELOPMENT**

By: _____


Cliff Lambert, Executive Director

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

BY: 

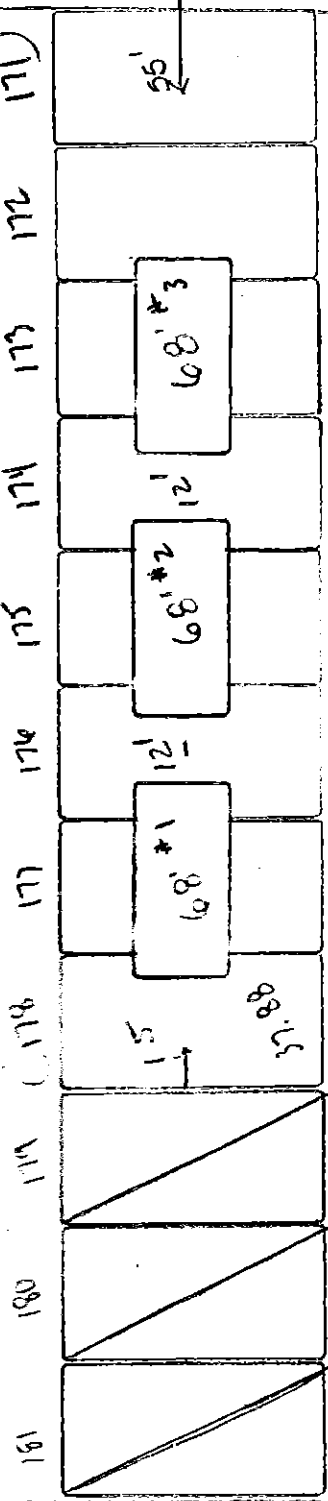
Richard J. Shagley, II, #23135-84
Attorneys for Petitioner

The owner and mailing address: NDW, LLC, 2140 5th Avenue, Terre Haute, IN 47807.

This instrument prepared by Richard J. Shagley, II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47808.

303.04"

171)



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CERTIFIED TRUE COPY

WARRANTY DEED

THIS INDENTURE WITNESSETH:

RICHARD O. KING AND ANGELA L. KING, HUSBAND AND WIFE, of Vigo County, State of Indiana, CONVEY and WARRANT TO NDW, LLC, AN INDIANA LIMITED LIABILITY COMPANY, of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) of the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lot One Hundred and Seventy Three (173) in McKeen Park Place the same being a subdivision of the following described real estate: Beginning at the center of Section Fourteen (14), Township Twelve (12) North of Range Nine (9) West, and running thence South 1445.4 feet, thence East 1300 feet, thence North 1460.2 feet, to the East and West Half Section Line in said Section, thence West 1300 feet to the place of beginning.

Commonly known as 1540 N. 28th Street, Terre Haute, Indiana 47802.

Taxes prorated to date of Deed.

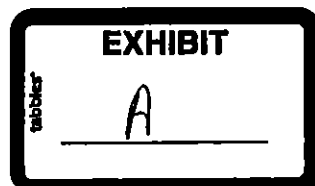
IN WITNESS WHEREOF, that said Grantors above named, Richard O. King and Angela L. King, Husband and Wife, have hereunto set their hands and seals, 6th day of ~~May~~ June, 2013.

Richard O. King
RICHARD O. KING

Angela L. King
ANGELA L. KING

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, this 6th day of June, 2013, personally appeared the within named Richard O. King and Angela L. King, Husband and Wife, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.



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



Kathleen G. Cox

Notary Public

Printed: Kathleen G Cox

My Commission Expires:

February 3, 2017

My County of Residence:

Vigo

Mail to: NDW, LLC, 2140 5th Avenue, 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.

Richard J. Shagley II

This Instrument Prepared By: Richard J. Shagley II, Wright Shagley & Lowery, P.C., 500 Ohio Street, PO Box 9849, Terre Haute, Indiana, 47807, (812) 232-3388, at the specific request of Grantors based solely on information supplied by one or more of the parties to this conveyance and without examination of title and abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by Grantor's execution and Grantees' acceptance of the instrument.

PURCHASE AGREEMENT

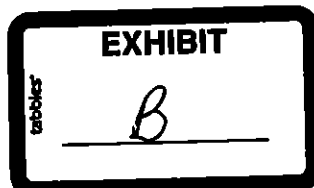
The undersigned "**Buyer**" offers to purchase from "**Seller**" its interest in real estate located at:

1544 North 28th Street, Terre Haute, IN 47803,
1538 North 28th Street, Terre Haute, IN 47803,
1520 North 28th Street, Terre Haute, IN 47803,
1512 North 28th Street, Terre Haute, IN 47803, and
1510 North 28th Street, Terre Haute, IN 47803

consisting of parcels of acreage more particularly described on Exhibit "A" attached hereto and incorporated herein.

This purchase shall be in accordance with the following terms and conditions:

1. **Purchase Price.** The entire purchase price of One Dollar and 00/100 (\$1.00) less applicable cost shall be paid in cash at closing.
2. **Condition of Real Estate.** Buyer agrees to purchase said real estate and improvements in an "as is" condition without warranty or guaranty from Seller regarding suitability for a particular use.
3. **Taxes.** Seller is a tax exempt entity therefore all real estate taxes assessed as a result of the transfer shall be Buyers obligation.
4. **Assessment.** Seller shall assume and pay any assessments or charges upon or applying to the real estate for public or municipal improvements or services which on the date of this Agreement are constructed or installed on or about the real estate or are serving the real estate.
5. **No Survey.** Seller shall provide Three (3) Four (4) pin surveys, at Seller's expense.
6. **Title.** This Purchase Agreement is based on a good merchantable title, evidence of which shall be furnished by the Seller within a reasonable period of time from the date of acceptance of this Purchase Agreement. Seller shall provide Purchaser three (3) policies of Title Insurance in the amount of One Hundred Thousand Dollars and 0/100 (\$100,000.00), each.
7. **Closing.** This transaction shall be closed as soon as title to the real estate meets necessary legal requirements and the conditions are satisfied.



Upon payment of the Purchase Price, Seller shall deliver a properly executed General Warranty Deed and Sales Disclosure Form, conveying the real estate, improvements, and fixtures in substantially their present condition, usual wear and tear excepted.

8. Closing Costs and Fees. Buyer shall pay all fees and closing costs relative to closing.

9. Possession. Possession of the real estate shall be delivered at closing.

10. Earnest Money. Earnest money will not be required in this transaction

11. Fees/Expenses. Seller, and Buyer agree that neither party is obligated under any contract or agreement, or a written request for the payment of fees or expenses other than broker or other party in connection with the origin, negotiation, execution, or consummation of this Agreement.

12. Closing Date. The closing date shall be as agreed by the Seller and Buyer.

13. Expiration and Approval. This Agreement shall be void if not accepted in writing by midnight on May 15, 2013.

14. Terms Binding. All terms and conditions are included herein and no verbal agreement shall be binding. By signature below, the parties verify that they have read, fully understand and approve this Purchase Agreement and acknowledge receipt of a signed copy consisting of two (2) pages.

15. Conditions of Sale.

- A) Seller understands that this Purchase Agreement is subject to Buyer being able rezone the real estate for its intended use as duplexes. Buyer has Ninety days from the date of this Agreement to rezone the real estate. If Buyer is unable to rezone the real estate for its intended purposes, this Purchase Agreement becomes null and void.
- B) Buyer completing requirements of prior transfer agreement with Seller regarding installation of a building foundation on parcel #84-06-14-283-007.000-002.
- C) Seller concessions under Paragraphs 5 and 6 of this Agreement are contingent upon Buyer qualifying for incentives under the Residential Development Program administered by the Department of Redevelopment.

BUYER:

NDW, LLC


James W. Wallace, Member

ACCEPTANCE OF PURCHASE AGREEMENT

This Purchase Agreement is accepted, without change, this 2nd day of May, 2013.

SELLER:

City of Terre Haute Department of Redevelopment

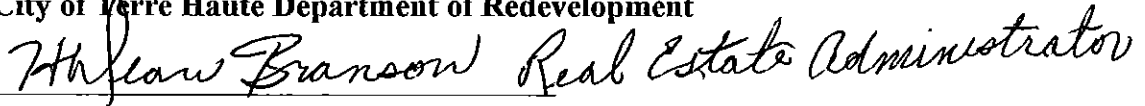

Heather Branson Real Estate Administrator

EXHIBIT A

DESCRIPTION OF REAL ESTATE

Lots Numbered One Hundred Seventy-one (171) and One Hundred Seventy-Two (172) in McKeen Park Place being a subdivision of the Following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; Thence North 1460 2/10 feet to the East and West Half Section line In said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1544 N. 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-403-007.000-002

Lot Number One Hundred Seventy-four (174) in McKeen Park Place Being a subdivision of the following described real estate situate in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; thence North 1460 2/10 feet to the East and West Half Section line in said Section; thence West 1300 feet to the place of beginning.

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Lots Numbered One Hundred Seventy-five (175) and One Hundred Seventy-six (176) in McKeen Park Place being a subdivision of the Following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; Thence North 1460 2/10 feet to the East and West Half Section line in said Section; thence West 1300 feet to the place of beginning.

Commonly known as 1520 North 28th Street, Terre Haute, IN 47803
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Commonly known as 1510 N. 28th Street, Terre Haute, IN 47803
Parcel #84-06-14-403-012.000-002

STATE OF INDIANA)

COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now Petitioner, James Wallace of NDW, LLC, being duly sworn upon his oath, deposes and says:

1. That NDW, LLC, 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:

Lot Number One Hundred Seventy-three (173) in McKeen Park Place being a subdivision of the following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence east 1300 feet; Thence North 1460 feet 2/10 feet to the East and West half Section line in said Section; thence west 1300 feet to the place of beginning.

Commonly known as 1540 N. 28th Street, Terre Haute, Indiana 47805

2. That a copy of the Warranty Deed, dated May 30, 2013, and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, is attached hereto and made a part hereof and marked as Exhibit A.

3. That NDW, LLC, is purchasing from the City of Terre Haute Department of Redevelopment the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Numbered One Hundred Seventy-one (171) and One Hundred Seventy-Two (172) in McKeen Park Place being a subdivision of the Following described real estate situated in Vigo County, Indiana, to wit: Beginning at the center of Section 14, Township 12 North, Range 9 West and running thence South 1445 4/10 feet; thence East 1300 feet; Thence North 1460 2/10 feet to the East and West Half Section line In said Section; thence West 1300 feet to the place of beginning.

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Commonly known as 1538 North 28th Street, Terre Haute, IN 47803
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Parcel #84-06-14-403-012.000-002

5. That a copy of the Purchase Agreement, executed on May 2, 2013, by the City of Terre Haute Department of Redevelopment and myself in the above described real estate, is attached hereto and made a part hereof and marked as Exhibit B.

6. That Affiant makes this Affidavit for the sole purpose of affirming that NDW, LLC, is the owner of record of the above-described real estate commonly known as 1540 N. 28th Street, Terre Haute, IN 47803 and is purchasing from the City of Terre Haute Department of Redevelopment the above-described real estate commonly known as 1544 N. 28th Street, 1538 North 28th Street, 1520 North 28th Street, 1512 North 28th Street, and 1510 North 28th Street, all of which is in Terre Haute, Vigo County, Indiana, 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 NDW, LLC and the City of Terre Haute Department of Redevelopment.

Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4th day of June, 2013.

James Wallace
James Wallace

STATE OF INDIANA, COUNTY OF VIGO, SS:

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4th day of June, 2013.

Julie R. Bapst
Julie R. Bapst, Notary Public

My Commission expires:
9-24-2020

My County of Residence:
Vermillion

This instrument prepared by Richard J. Shagley II, Attorney At Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, IN 47808.

Receipt

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

Date: 6/7/13

Name: Wright Shagley & Havery

Reason: _____

Re zoning

Jim Wallace (NOW, Inc.)

Cash: _____

Check: \$4500 CK# 61559

Credit: _____

Total: \$4500

TERRE HAUTE, IN
PAID
JUN 07 2013
CONTROLLER

Received By: Sat / Ellis



TERRE HAUTE
A FEW 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: July 5, 2013

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #15-13**

CERTIFICATION DATE: July 3, 2013

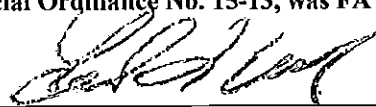
TO: The Honorable Common Council of the City of Terre Haute

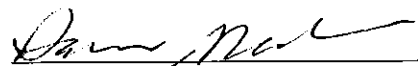
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 15-13. This Ordinance is a rezoning of the property located at 1544, 1540, 1538, 1520, 1512, 1510 N. 28th St.. The Petitioner, NDW, LLC/City of T.H. Department of Redevelopment, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family Residence District, for duplexes. 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. 15-13 at a public meeting and hearing held Wednesday, July 3, 2013. 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. 15-13 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-13 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. 15-13, was FAVORABLE.


Fred L. Wilson, President


Darren Maher, Assistant Director

Received this 5th day of July, 2013

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-13

Doc: # 45

Date: July 3rd, 2013

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APPLICATION INFORMATION

Petitioner: NDW, LLC and
City of Terre Haute Department of Redevelopment

Property Owner: Same-As-Above

Representative: Richard J. Shagley II

Proposed Use: 3 Duplexes

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

Current Zoning: R-1, Single Family Residence District

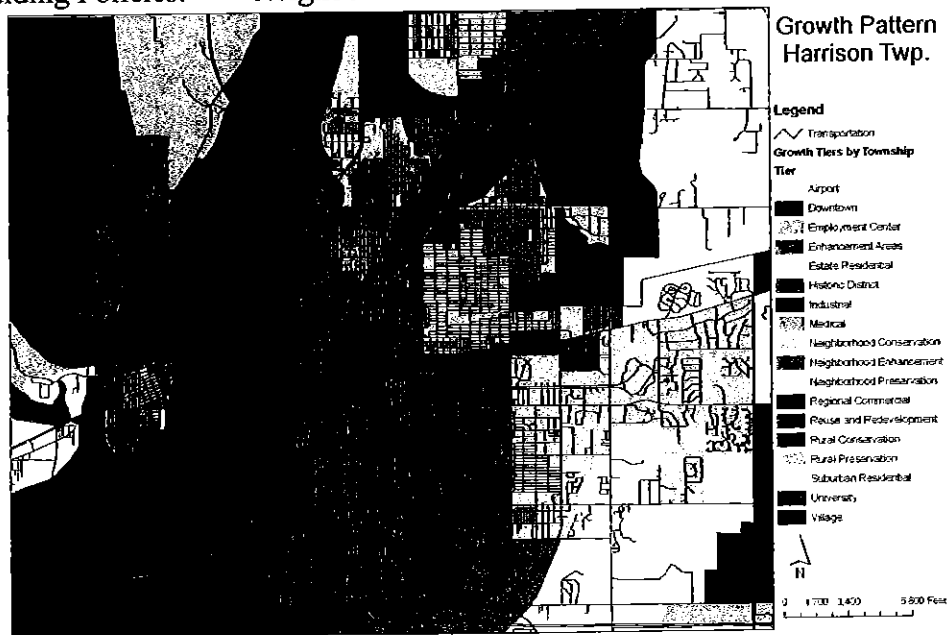
Location: The property is located on the southwest corner of North 28th
Street and 8th Avenue.

Common Address: 1510 – 1544 North 28th Street

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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- 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.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: North 28th Street (Local)

Dev. Priority: Capital investment that matches the existing development intensity and neighborhood development pattern is a high priority

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-family Residence District,
East – R-1, Single-family Residence District
R-2, Two-family Residence District
South – R-1, Single-family Residence District
West – R-1, Single-family Residence District

Character of Area: The property included in the petition is located in the south-east portion of the Sheridan Park neighborhood. The built environment around the petitioned property consists of Single Family dwelling, and new two family dwellings.

Contig. Uses & Zones: The contiguous zoning is R-1, Single Residence District its uses are single family residential structures.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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ZONING REGULATIONS

R-2 Purpose: Single-family and Two-Family dwellings Units

R-2 Uses: Any use permitted in the R-1, Single-family Residence District, such as Churches, Rectories, and Parish Houses, Convents and Monasteries; Gardening, including nurseries, provided that no offensive odors or dust are created; Public Libraries; Child Care as a Home Occupations; Parks, Playgrounds, and Schools; Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98); Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98).

R-2 Standards: Minimum Lot Size: 6,600 Sq. Ft.
FAR 0.5 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;
Two (2) parking spaces per two-bed room unit.

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned real-property has a total area of 40328^{+/-} Sq. Ft. The Comprehensive Zoning Ordinance for the City of Terre Haute has defined a lot area development standard of 6600 Sq. Ft. per unit. The total land required to develop the 3 duplexes as proposed is 39600 Sq. Ft. The petitioner has sufficient lot area to meet the development standards.

Recommendation: Favorable Recommendation on the proposed R2 rezoning.