

SPECIAL ORDINANCE NO. 13, 2014.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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

2800 Elm Street, Terre Haute, IN 47803

Rezoned From: M-2 Heavy Industry District

Rezoned To: R-3 General Residence District

Proposed Use: Residential Building

Name of Owner: City of Terre Haute Department of Redevelopment

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

Phone Number of Owner: (812) 232-0018

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: Robert All

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 5 2014

CITY CLERK

AMENDED SPECIAL ORDINANCE NO. 13, 2014

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:

Part of the Northeast quarter of section 23, township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, described as follows;

3.00 acres bounded by right-of-way of Locust Street, Elm Street and a 5.0 foot offset West of the National Road Heritage Trail Pathway, described as follows;

Commencing at the Northwest corner of said quarter section thence North 89 degrees 59 minutes 05 seconds East along the North line of said Section 23 a distance of 1067.24 feet; thence South 00 degrees 00 minutes 55 seconds East a distance of 55.00 feet to the South right-of-way line of Locust Street and the Point of Beginning of this description; thence North 89 degrees 59 minutes 05 seconds East along said right-of-way a distance of 692.34 feet to a point 5 feet more or less West of the West edge of the National Road Heritage Trail pavement; thence Southerly along a line being parallel with and 5 feet more or less West of said trail edge, a distance of 265.25 feet more or less to the North right-of-way line of Elm Street; thence South 89 degrees 55 minutes 58 seconds West along said right-of-way a distance of 556.11 feet; thence North 00 degrees 18 minutes 56 seconds West a distance of 203.70 feet to the point of beginning, containing 3.00 acres, more or less.

Commonly known as 2800 Elm Street, Terre Haute, IN 47803.

be and the same is, hereby established as a 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, the rights and privileges that inure to said real estate and the

owners thereof by virtue of the law for said R-3 General Residence District shall except therefrom the following provision of Section 10-225 Uses, Permitted, e. Uses, Permitted – M-2 Heavy Industry District:

“The following uses are permitted either indoors or outdoors, provided that within three hundred feet (300’) of a Residence District all business, servicing, or processing shall take place within completely enclosed buildings, unless otherwise indicated and except for off-street parking and loading as regulated in Sec. 10-172. 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) at least eight feet (8’) in height.”

and, said provision shall not be applicable to or enforceable against existing M-2 Heavy Industry District real estate and the owners thereof within three hundred feet (300’) of said R-3 General Residence District.

SECTION III. 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, Robert All
Robert All, Councilperson

Passed in open Council this 12th day of June, 2014.

Amy Auler
Amy Auler, President

ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 13th day of June, 2014.

Charles P. Hanley

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of JUNE, 2014.


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.

SPECIAL ORDINANCE NO. 13, 2014

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

Presented by Council Member, 
Robert All, Councilperson

Passed in open Council this ____ day of _____, 2014.

Amy Auler, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2014.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2014.

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, City of Terre Haute Department of Redevelopment, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Part of the Northeast quarter of section 23, township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, described as follows;

3.00 acres bounded by right-of-way of Locust Street, Elm Street and a 5.0 foot offset West of the National Road Heritage Trail Pathway, described as follows;

Commencing at the Northwest corner of said quarter section thence North 89 degrees 59 minutes 05 seconds East along the North line of said Section 23 a distance of 1067.24 feet; thence South 00 degrees 00 minutes 55 seconds East a distance of 55.00 feet to the South right-of-way line of Locust Street and the Point of Beginning of this description; thence North 89 degrees 59 minutes 05 seconds East along said right-of-way a distance of 692.34 feet to a point 5 feet more or less West of the West edge of the National Road Heritage Trail pavement; thence Southerly along a line being parallel with and 5 feet more or less West of said trail edge, a distance of 265.25 feet more or less to the North right-of-way line of Elm Street; thence South 89 degrees 55 minutes 58 seconds West along said right-of-way a distance of 556.11 feet; thence North 00 degrees 18 minutes 56 seconds West a distance of 203.70 feet to the point of beginning, containing 3.00 acres, more or less.

Commonly known as 2800 Elm Street, Terre Haute, IN 47803.

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 M-2 Heavy Industry District.

Your Petitioner would respectfully state that the real estate is now vacant and is being transferred and sold by City of Terre Haute Department of Redevelopment for development of a residential facility.

Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District to allow for the use as proposed. Your Petitioner would allege that the R-3 General Residence District would not alter the general characteristics of this neighborhood, since the real estate will serve as a buffer zone between residential and industrial

uses.

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 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 Residence 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 caused this Petition to Rezone Real Property to be executed, this 2nd day of May, 2014.

PETITIONER:

**CITY OF TERRE HAUTE DEPARTMENT
OF REDEVELOPMENT**

By: 

Cliff Lambert, Executive Director

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

BY: 

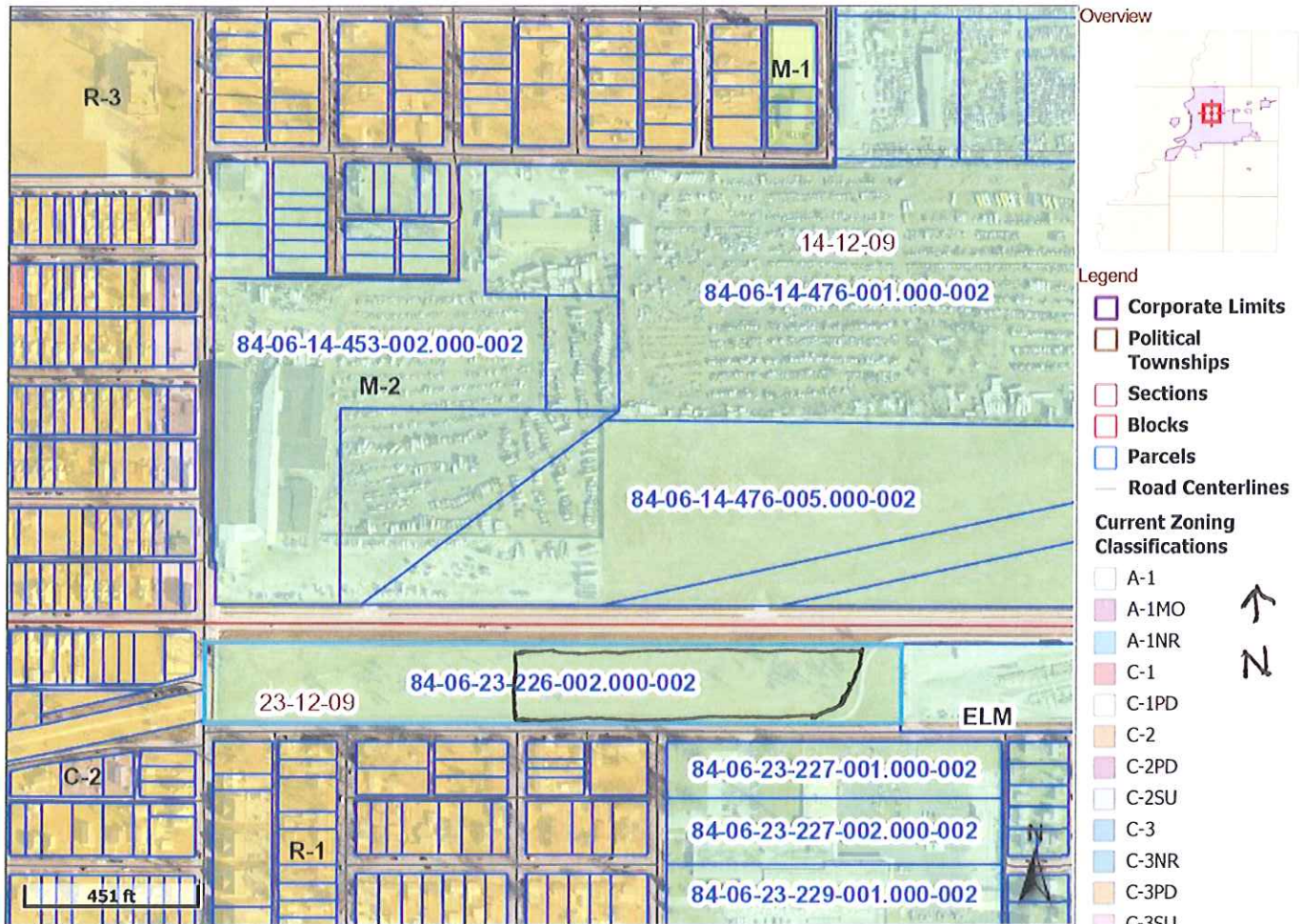
Richard J. Shagley, #257-84
Attorneys for Petitioner

The owner and mailing address: City of Terre Haute Department of Redevelopment, 17 Harding Avenue, Terre Haute, IN 47807.

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

SITE PLAN

Date Created: 4/29/2014



M-2 to R-3 General Residence District

2800 ELM STREET (3 acres ±)

CITY OF TERRE HAUTE DEPARTMENT
OF REDEVELOPMENT

PROPOSED USE: RESIDENTIAL FACILITY

- Overview
-
- Legend
- Corporate Limits
 - Political Townships
 - Sections
 - Blocks
 - Parcels
 - Road Centerlines
- Current Zoning Classifications
- A-1
 - A-1MO
 - A-1NR
 - C-1
 - C-1PD
 - C-2
 - C-2PD
 - C-2SU
 - C-3
 - C-3NR
 - C-3PD
 - C-3SU
 - C-4
 - C-5
 - C-6
 - C-6PD
 - C-6SU
 - C-7
 - C-7NR
 - C-8
 - C-8PD
 - C-9
 - C3PUD
 - M-0
 - M-1
 - M-1PD
 - M-2
 - M-2NR
 - M-2PD
 - M-O

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Cliff Lambert, Executive Director of City of Terre Haute Department of Redevelopment, being duly sworn upon his oath, deposes and says:

1. That the City of Terre Haute Department of Redevelopment, 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:

Part of the Northeast quarter of section 23, township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, described as follows;

3.00 acres bounded by right-of-way of Locust Street, Elm Street and a 5.0 foot offset West of the National Road Heritage Trail Pathway, described as follows;

Commencing at the Northwest corner of said quarter section thence North 89 degrees 59 minutes 05 seconds East along the North line of said Section 23 a distance of 1067.24 feet; thence South 00 degrees 00 minutes 55 seconds East a distance of 55.00 feet to the South right-of-way line of Locust Street and the Point of Beginning of this description; thence North 89 degrees 59 minutes 05 seconds East along said right-of-way a distance of 692.34 feet to a point 5 feet more or less West of the West edge of the National Road Heritage Trail pavement; thence Southerly along a line being parallel with and 5 feet more or less West of said trail edge, a distance of 265.25 feet more or less to the North right-of-way line of Elm Street; thence South 89 degrees 55 minutes 58 seconds West along said right-of-way a distance of 556.11 feet; thence North 00 degrees 18 minutes 56 seconds West a distance of 203.70 feet to the point of beginning, containing 3.00 acres, more or less.

Commonly known as 2800 Elm Street, Terre Haute, Indiana 47803.

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 Affiant, 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 City of Terre Haute Department of Redevelopment, 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 City of Terre Haute Department of Redevelopment.

4. Further, Affiant saith not.

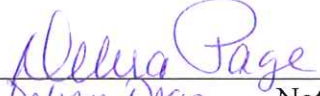
Dated at Terre Haute, Indiana this 2nd day of May, 2014.



Cliff Lambert, Executive Director
City of Terre Haute Department of
Redevelopment

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 5th day of May, 2014.



Debora Page, Notary Public

My Commission expires:
03/19/15

My County of Residence:
Vigo

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

JKN Date 01/02/2001 Time 09:48:28
Mitchell Newton
Vigo County Recorder
Filing Fee: 22.00
1 20010110 Page 1 of 5

DULY ENTERED FOR RECORDATION
Subject to final acceptance for transfer

JAN 02 2001

[Signature]
VIGO COUNTY CLERK

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, that K.C. Properties Inc., ("Grantor"), a body corporate, duly incorporated and doing business under the laws of the State of Indiana, acting by and through Karen Curry, its president, of the County of Vigo, State of Indiana, hereunto authorized by a resolution of the Board of Directors of said corporation, as evidenced by a certified copy of such resolution hereto attached, marked "Exhibit A" and made a part hereof, for the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, hereby CONVEYS AND WARRANTS to City of Terre Haute Department of Redevelopment, ("Grantee"), of Vigo County, in the State of Indiana, the following described real estate in Vigo County, in the State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

Subject to real estate taxes prorated to the date of closing, and all taxes thereafter which Grantee assumes and agrees to pay.

Grantor certifies that there is no gross income tax due as a result of this conveyance.

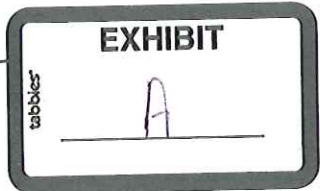
The undersigned persons executing this deed on behalf of said Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that the Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the said Grantor has caused this deed to be executed this 29 day of December, 2000.

K.C. PROPERTIES INC.

By *[Signature]*
Printed: Karen Curry
Title: President

Attest:
[Signature]
Printed: _____
Title: Sec. II

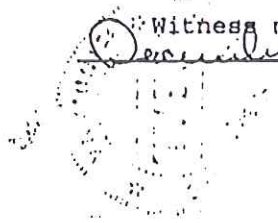


STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

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Before me, a Notary Public in and for said County and State,
personally appeared Karen Curry and John Cary
the President and Secretary
respectively of K.C. Properties Inc., who acknowledged execution
of the foregoing Deed for and on behalf of said Grantor and who
having been duly sworn, stated that the representations therein
contained are true.

Witness my hand and Notarial Seal this 29 day of
December, 2000.



Rhonda Oldham

Printed: Rhonda Oldham
Notary Public, residing in
Vigo County, Indiana

My Commission Expires:
3-29-08

Mail Tax statements to 301 City Hall Terre Haute, In
47808

This instrument prepared by Rhonda Oldham, Attorney at Law, The
Tudor House, 191 Harding Avenue, P.O. Box 410, Terre Haute,
Indiana 47808-0410.

John Curry to City of Terre Haute.

Being a part of the Northeast Quarter of Section 23, and the Southeast Quarter of Section 14, Township 12 North, Range 9 West, of Harrison Township, Vigo County, Second Principal Meridian, Indiana; and more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 23, Township 12 North, Range 9 West; thence S-00°18'56"-E (assumed bearing) along the West line of said Quarter 285.57 feet to the intersection of Elm Street and 25th Street; thence N-89°53'38"-E, along the centerline of Elm Street 1342.47 feet; thence N-77°42'26"-E 1332.95 feet to an iron pin at the Northeast corner of Section 23, (also being the intersection of Brown Avenue and Locust Avenue); thence N-00°08'22"-W, along the centerline of Brown Avenue 29.95 feet, thence S-89°03'46"-E, parallel with the centerline of Locust Avenue 30.00 feet; thence N-00°08'22"-W, along the East right of way line of Brown Avenue 1162.55 feet to the centerline of vacated Fourth Street; thence S-89°37'53"-W, along the centerline 150.00 feet; thence S-00°08'22"-W, parallel with the centerline of Brown Avenue 1141.08 feet to an iron pin 50.00 feet North of the South line of Section 14; thence S-89°59'05"-W, parallel with said South line 2110.78 feet; thence S-51°25'01"-W 80.20 feet to the South line of said Section 14; thence S-89°59'05"-W, along the said South line 352.81 feet to the point of beginning.

Containing 19.54 acres more or less.

less said exception;

Beginning at the intersection of the East right of way line of Brown Avenue with the South right of way line of the old Terre Haute, Brazil, and Eastern railroad; thence N-00°08'22"-W, along said East right of way line 102.40 feet to the North right of way line of the old Terre Haute, Brazil, and Eastern railroad; thence S-77°30'31"-W, along said North right of way line 153.55 feet, thence S-00°08'22"-E, parallel with the centerline of Brown Avenue 102.40 feet to said South right of way line; thence N-77°30'31"-E, along said South right of way line 153.55 feet to the point of beginning.

Containing 0.35 acres more or less.

Subject to an Ingress and Egress Easement for Adjoining Real Estate of John Curry

Being a Part of the Southeast Quarter of Section 14, Township 12 North, Range 9 West, Vigo County, Indiana described as follows:

Commencing at the Southeast corner of said Quarter Section, (also being the intersection of Brown Avenue and Locust Avenue); thence North 0 Degrees 08 Minutes 22 Seconds West, along and with the

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centerline of platted Brown Avenue a distance of 29.95 feet to the POINT OF BEGINNING; thence South 89 Degrees 03 Minutes 46 Seconds East, parallel with the centerline of Locust Avenue, a distance of 30.00 feet to an iron pin on the East right-of-way line of platted Brown Avenue; thence North 0 Degrees 08 Minutes 22 Seconds West, along and with said right-of-way, a distance of 1622.55 feet to the centerline of vacated Fourth Avenue; thence South 89 Degrees 37 Minutes 53 Seconds West, along said centerline, a distance of 40.00 feet; thence South 0 Degrees 08 Minutes 22 Seconds East, parallel with the centerline of platted Brown Avenue, a distance of 1161.64 feet; thence South 89 Degrees 03 Minutes 46 Seconds East, a distance of 10.01 feet to the POINT OF BEGINNING, containing 1.07 acres more or less.

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Parcel II

Being a part of the Southeast Quarter of Section 13, Township 12 North, Range 9 West, of the Second Principal Meridian, Harrison Township, and part of Section 18, Township 12 North, Range 8 West of the Second Principal Meridian of Lost Creek Township, Vigo County, Indiana, and more particularly described as follows:

Commencing at a point South 00 degrees 05 minutes 48 seconds East along the West Line of said Section 18, 765.47 feet from the Northwest Corner of the Southwest Quarter of Section 18, Township 12 North, Range 8 West, to the Point of Beginning (P.O.B.); thence running South 77 degrees 55 minutes 01 second West along the North Right-of-Way Line for the East Yard and the Old Philadelphia, Baltimore and Washington Railroad Company, 739.72 feet; thence continuing along said Right-of-Way South 73 degrees 45 minutes 55 seconds West, 116.72 feet thence continuing along said Right-of-Way South 69 degrees 34 minutes 43 seconds 1,062.48 feet; to a point on the East Right-of-Way Line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 00 degrees 00 minutes 01 seconds East, 28.79 feet, thence North 77 degrees 02 minutes 22 seconds East, 124.95 feet; thence South 01 degrees 21 minutes 05 seconds East, 61.45 feet; thence North 76 degrees 48 minutes 42 seconds East 1,992.87 feet; thence North 75 degrees 46 minutes 57 seconds East, 1,113.38 feet; thence North 13 degrees 11 minutes 18 seconds West, 41.00 feet; thence South 82 degrees 08 minutes 17 seconds West, 144.72 feet; thence South 86 degrees 17 minutes 02 seconds West 878.89 feet; thence South 82 degrees 06 minutes 05 seconds West, 102.65 feet; thence South 77 degrees 55 minutes 01 second West, 175.54 feet, to the Point of Beginning containing 12.79 acres, more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.



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: June 5, 2014

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #13-14

CERTIFICATION DATE: June 4, 2014


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. 13-14. This Ordinance is a rezoning of the property located at 2800 Elm Street. The Petitioner, City of Terre Haute Department of Redevelopment, Petitions the Plan Commission to rezone said real estate from zoning classification M-2 to R-3, General Residence District for a residential building. 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. 13-14 at a public meeting and hearing held Wednesday, June 4, 2014. Remonstrators WERE 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. 13-14 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 13-14 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. 13-14 in a Roll Call vote for a Favorable recommendation failed in a 7-7 deadlock vote and Passed for a unanimous NO RECOMMENDATION vote and WITH THE CONDITION THE VARIANCES ARE APPROVED.


Fred L. Wilson, President


Darren Maher, Executive Director

Received this 5th day of June, 2014

APPLICATION INFORMATION

- ✓ Petitioner: City of Terre Haute Department of Redevelopment
- Property Owner: Same-As-Above
- Representative: Richard J. Shagley
- ✓ Proposed Use: Residential Building
- ✓ Proposed Zoning: R-3 General Residence District
- ✓ Current Zoning: M-2 Heavy Industry District
- ✓ Location: The property is located at East of N. 25th St. West of N Brown Ave. and South of Locust St.
- ✓ Common Address: 2800 Elm Street, Terre Haute, IN 47803
-

COMPREHENSIVE PLAN GUIDANCE

- ✓ Service Area: The City of Terre Haute
- ✓ Guiding Policies: Industrial Areas

Industrial Areas shown on the Growth Pattern maps incorporate existing or planned industrial parks and industrial facilities. Allocation of additional land for future development of industrial facilities is also shown. Areas appropriate for industrial use include large, uninterrupted tracts of level land with few environmental constraints and with excellent highway and arterial access. The plan, in general, accommodates expansion of existing industries (Thrive 2025 3-9).

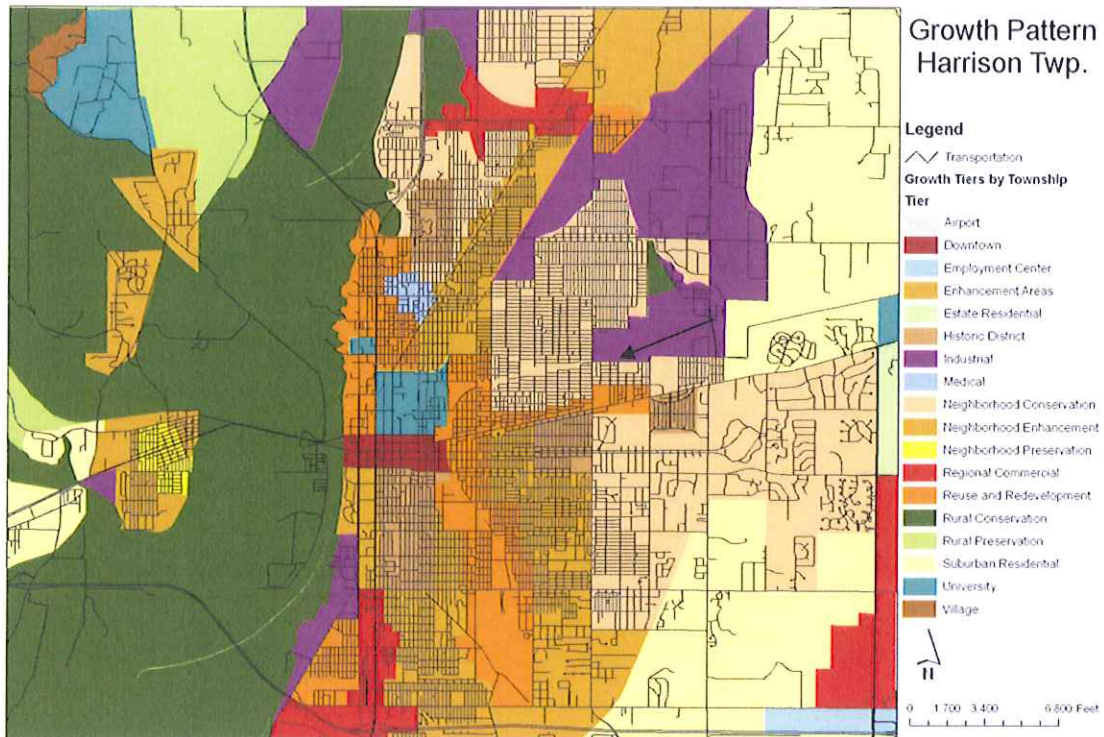
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-14

Doc: # 21

Date: June 4th 2014

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✓ Available Services: Area is well served by utilities.

Soil Limitations: Data not available at time of findings

✓ Street Access: Elm Street is a Local Level Roadway.
Locust Street is a Local Level Roadway.

✓ Dev. Priority: Medium

ZONING COMPATIBILITY

✓ Sur. Zones and Uses: **North** – M-2, Heavy Industry District
East – M-2, Heavy Industry District
South – M-2, Heavy Industry District
R-1, Single Family Residential
West – R-1, Single Family Residential

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-14

Doc: # 21

Date: June 4th 2014

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Drawing not to scale

Character of Area: The area is currently an undeveloped lot with a bike/walking path throughout. This acts as a natural buffer between the current residential to the south and the M-2 to the North.

Contig. Uses & Zones: The contiguous zonings are R-1, Single-Family Residence District to the West and South, with uses that are permitted; and to East, South and North are M-2 heavy Industry

ZONING REGULATIONS

R-3 Purpose: The General Residence District

R-3 Uses: Any use permitted in the R-1 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, and convalescent homes, Institutions for the aged and for 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: N/A;
FAR 2 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5” from interior lot line
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.
Apartment, buffer strip separation of 150 Feet

FINDINGS and RECOMMENDATION

Staff Findings:

“It is the purpose of this classification (M-2 Heavy Industry District) to provide for complete separation of residential and commercial areas from industrial areas for the mutual protection of both industry and residential and commercial uses (Terre Haute City Code 10-135 d,e,l).”

The Thrive 2025 Comprehensive Plan has identified this area within the City of Terre Haute as a Heavy Industrial Area. The plan makes specific recommendations with regard to industrial parks.

“Non-industrial encroachment into industrial areas is one of the significant problems associated with the existing industrial parks (4-14).” “Therefore, the planning in areas adjacent to existing industrial parks and the location of a new industrial parks are very important in the relationship between land use and economic development (Thrive 2025 4-14, 15).”

“Existing industrial parks need to be protected from encroachment by residential and retail uses through zoning and buffering. This retains the economic viability of the industrial parks for what they were intended to be used for, and minimizes complaints from non-industrial neighbors. Increasing the buffering required between industrial and non-industrial uses mitigates problems where the uses are adjacent. Additionally, the Plan Commission needs to be conscious of the needs and practices of industrial uses before rezoning land that it is an [sic] industrial area for residential or retail use. (Thrive 2025 4-15).”

Recommendation:

After due deliberation and much consideration given by all staff it is the decision of staff that a favorable recommendation for rezoning be given for the property commonly known as 2800 Elm St. Arguments for both sides of the recommendation have been explored and will be summarized below.

Reasons supporting a favorable recommendation are but are not limited to:

1. Site is served by all city utilities
2. A good use of what could be a possible brownfield site.

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3. Location has good access to a walking path that could be utilized.
4. The development would serve as a buffer for the developed M-2 site.
5. Development would create jobs, potential tax revenue and revitalization of the neighborhood.

Reasons supporting an unfavorable recommendation are but are not limited to:

1. Development of a residential area next to an M-2 requires a 300 ft. buffer that is not presently available at described location, (Terre Haute CZO 10-135.d,e.1) nor is it possible without a variance or imposition upon neighboring zones.
2. Proximity of proposed development ^{to Heavy Industry} may be injurious to residence of the facility.
3. R-3 zoning is a departure from the original intended use and is poor long term planning practices.

An unfavorable recommendation will be given if the following criteria are not met.

1. Variance for off street parking be approved (submitted BZA 06-14) ^{tabled on 6/4 for special}
2. Variance form the 300 ft. buffer be approved (submitted BZA 07-14) ^{call on 6/18}
3. A subdivision of the property be submitted and approved along with any other variances needed for subdivision approval. ^{was submitted on 6/4}

Map--- RW

Discussion---JB/RW

Receipt

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

Date: May 5, 2014

Name: Whight, Bradley & Sonny

Reason: _____

Payment - Mental Health Assn.

CP# 62809

TERRE HAUTE, IN
PAID
MAY - 5 2014
CONTROLLER

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

Received By: Allen JH