## APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

## **SPECIAL ORDINANCE NO. 16, 2016**

Common Address of				
Rezone From:	R-2			
Rezone To:	R-2 Planned Development			
Proposed Use:	Residential and office			
Name of Owner:	Steven D. Larocca and Marianne Larocca			
Address of Owner:	805 South 6th Street, Terre Haute, IN 47807			
Phone Number of Owner: c/o (812) 232-6003 Louis F. Britton				
Attorney Representing Owner: Louis F. Britton				
Address of Attorney: Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807				
Phone Number of Attorney: (812) 232-6003 for Information Contact: [] Owner [X] Attorney				
Council Sponsor:				

## AMENDED SPECIAL ORDINANCE NO. 16, 2016

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

SECTION I. 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:

The North East quarter (1/4) of Lot Number 4 in Farrington's Subdivision of Out Lots numbered 62, 63 and part of 64 of the Original Out Lots of the town, now City of Terre Haute. Except 37 ½ feet off of the South side of above described quarter.

Commonly known as 805 South 6<sup>th</sup> Street, Terre Haute, Indiana, be and the same is hereby established as a Planned Development as designated in Division III Section 10-110 et seq. of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a R-2 Planned Development District authorizing the use of said real estate as a 2-family dwelling and one real estate office space, together with all rights, privileges, and provisions 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.

The Common Council further finds and determines that:

No variances from the development standards are required.

Petitioner has provided substantial evidence that the Planned Development will not adversely affect surrounding property values, public health and safety or the general public welfare and that a hardship exists justifying classification of the property as a Planned Development. Specifically, the Council finds that a hardship exists because nearby properties are zoned to allow office uses and allowing Petitioner to use the space as offices near his rental properties in the area will help avoid deterioration in the area.

Approval of the designation of the property as a Planned Development does not nullify the purpose of the zoning regulations.

SECTION 2. 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 approval by the Mayor and publication as required by law.

Passed in open Council this day of June, 2016.
1 dot ton
Todd Nation, President
ATTEST: Charles Hanley City Clerk
Presented by me to the Mayor this Oth day of June, 2016.
Charles Hanley, City Clerk
Approved by me, the Mayor, this day of, 2016.
Duke Bennett, Mayor City of Terre Haute
ATTEST: Anley City Clerk

I prepared the foregoing instrument and 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.

Louis F. Britton

COX, ZWERNER, GAMBILL & SULLIVAN, LLP

511 Wabash Avenue, Terre Haute, IN 47807

Phone: (812) 232-6003

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## CITY CLERK

## **SPECIAL ORDINANCE NO. 16, 2016**

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The Common Council further finds and determines that:

No variances from the development standards are required.

Petitioner has provided substantial evidence that the Planned Development will not adversely affect surrounding property values, public health and safety or the general public welfare and that a hardship exists justifying classification of the property as a Planned Development.

Approval of the designation of the property as a Planned Development does not nullify the purpose of the zoning regulations.

SECTION 2. 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 approval by the Mayor and publication as required by law.

PRESENTED BY COUNCILPERS	ON	Todd Nation	
Passed in open Council this	day of	, 2016.	
		Todd Nation, President	
ATTEST:Charles Hanley		, City Clerk	

Presented by me to the Mayor this	day o	of, 2016.
		Charles Hanley, City Clerk
Approved by me, the Mayor, this	_day of	, 2016.
		Duke Bennett, Mayor City of Terre Haute
ATTEST: Charles Hanley, City Clerk		

I prepared the foregoing instrument and I affirm, under the penalties for perjury, that I have taken reasonable

COX, ZWERNER, GAMBILL & SULLIVAN, LLP

511 Wabash Avenue, Terre Haute, IN 47807

Phone: (812) 232-6003

Louis F. Britton

care to redact each Social Security number in this document, unless required by law.

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Presented by me to the Mayor this

## PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS

OF THE COMMON COUNCIL OF

THE CITY OF TERRE HAUTE,

VIGO COUNTY, INDIANA

#### Gentlemen:

Steven D. Larocca and Marianne Larocca, petitioner, is the owner of the following described real estate located in Vigo County, Indiana, to-wit:

The North East quarter (1/4) of Lot Number 4 in Farrington's Subdivision of Out Lots numbered 62, 63 and part of 64 of the Original Out Lots of the town, now City of Terre Haute. Except 37 ½ feet off of the South side of above described quarter.

which real estate is commonly known as 805 South 6th Street, Terre Haute, Indiana.

The owner proposes to sell the property to Red Brick Real Estate, LLC for use as two (2) residential units and general office space. Site plans and floor plans are attached.

Petitioner is informed and believes that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned R-2, Two-Family Residence District of the City of Terre Haute, Indiana. Petitioner is further informed and believes that the operation of the proposed business would require said real estate to be rezoned to the classification as R-2, Planned Development District, under Section 10-110 et seq. of the Comprehensive Zoning Ordinance for Terre Haute.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

- A. That the proposed uses would be beneficial to the local community and would generate employment for the community;
- B. That said real estate is located near an area which is zoned for commerce and for similar planned development uses.
- C. That said real estate is located at 6<sup>th</sup> and Deming Streets which provides adequate access:
- D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;
- E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.
- F. That hardships exist in that the proposed user owns a number of apartments in the area and has need for office space to properly actively manage the apartments and insure that the apartments are well cared for and tenants properly supervised; however, the area is largely zoned residential and there are no available office zoned parcels that meet the proposed user's requirements and the subject property has several parcels zoned R-2 Planned Development in the immediate vicinity.
- G. The rezoning will aid the proposed user in ongoing efforts to revitalize the area which is suffering from deterioration.

H. As shown by the attached drawing, there is adequate parking for the proposed use of 1 office space, 1 efficiency apartment for a live-in manager, and 1-3 bedroom apartment.

WHEREFORE, petitioner respectfully requests the Area Plan Commission and the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be zoned R-2 – Planned Development – to permit use as a 2-family residence and 1 office, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

Steven D. Larocca

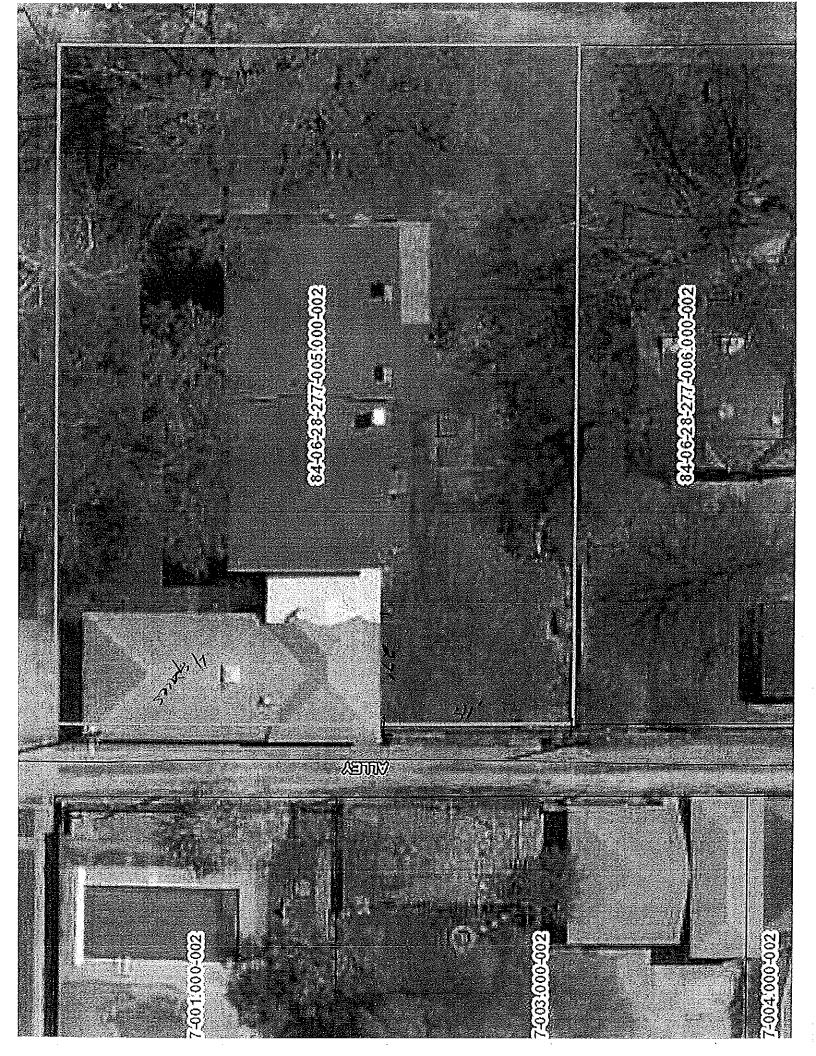
Marianne Larocca

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

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OFFICIAL SEAL
LAUREN CHRISTINE DEPASSE
RESIDENT OF PARKE COUNTY, INDIANA
MY COMMISSION EXPIRES 02-18-2024

Laun Oepeum



#### **AFFIDAVIT**

COME NOW affiants, Steven D. Larocca and Marianne Larocca, and affirm under penalty of law that they are the owners of record of the property located at 805 South 6<sup>th</sup> Street, Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

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

In De falou	mariane La Rom
Steven D. Larocca	Marianne Larocca
STATE OF INDIANA COUNTY OF VIGO	) ) SS: )
Personally appeared before n	ne, a Notary Public in and for said County and State, Steven D.
Larocca and Marianne Laroc	ca, who acknowledge the execution of the above and foregoing
Affidavit, after being duly sw	orn upon their oaths and after having read this Affidavit.
WITNESS my hand and Nota	arial Seal, this 3vd day of May, 2016.
OFFICIAL SEAL LAUREN CHRISTINE DEPASSE RESIDENT OF PARKE COUNTY, INDIANA MY COMMISSION EXPIRES 02-18-2024	Notary Public  Lauren Depasse (Printed Name)
My Commission Expires:	My County of Residence:

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003. s:\users\clients\lenderman, ben\rezoning documents\affidavit of owner of real estate.doc 4/28/2016

STATE OF INDIANA )		
COUNTY OF VIGO )	;	
of <u>MARCH</u> , 200 <u>4</u> , per	ned, a Notary Public in and for said County and sonally appeared <b>Susan Rose Bell</b> , and ackres whereof, I have hereunto subscribed my nan	nowledged the execution
My Commission Expires:	SHANNON L. HARRISON Resident of VICO	WSLADIO , Notary Public County, Indiana

RECEGIANER, STARK, TANGOS & NEW 29N, 201 OLD Start, Toron Marie, 9N 47407 (412) 252-2000

\*\*BULY ENTEREU FOR TAXATION
Subject to final acceptance for leansfor

MAR 0 8 2004

RAYHOND WATTS VIGO County Recorder IN IN 2004003963 WO 03/08/2004 09:36:04 2 PGS Filing Fee: \$16.00

VIGO COUNTY AUDITOR

Tax Duplicates To: 805 S. 6th St.

## **WARRANTY DEED**

THIS INDENTURE WITNESSETH, that Grantor, Susan Rose Bell, of the County of Vigo, State of Indiana,

CONVEYS AND WARRANTS to Grantees, Steven D. Larocca and Marianne Larocca, of the County of Vigo, State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to wit:

The North East quarter (1/4) of Lot Number 4 in Farrington's Subdivision of Out Lots numbered 62, 63 and part of 64 of the Original Out Lots of the town, now City of Terre Haute. Except 37 ½ feet off of the South side of above described quarter.

Subject to Easements, Covenants, Restrictions, Leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referenced, Susan Rose Bell, have hereunto set their hand and seal, this 4th day of MARCH, 2004.

Susan Rose Bell



## **Receipt**

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

Date: 5/4/16

Name: Cox, Twirner, Garchill's Sullivan LLP

Reason: Reason: Reaconing Notice of Filing's Platition

TERRE HAUTE, IN

MAY 0 4 2016

Cash: CONTROLLER

Check: 45.00

Credit: Received By:



# 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 2, 2016

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

# THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL ORDINANCE NUMBER #16-16

CERTIFICATION DATE: June 1, 2016

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. 16-16. This Ordinance is a rezoning of the property located at 805 South 6th Street. The Petitioner, Steven and Maryanne Larocca, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to R-2 Planned Development District, for residential and office.. 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. 16-16 at a public meeting and hearing held Wednesday, June 1, 2016. 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. 16-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.16-16 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.16-16 was FAVORABLE with the following condition: 1) That it is found that the Petitioner has a hardship as outlined.

Fred L. Wilson, President

Jared Bayler, Interim Director

Received this 2nd day of June, 2016

Number: SO #16-16 Date: June 2016 Doc: #47 Page 1 of 4

#### APPLICATION INFORMATION

Petitioner:

Steven & Marianne Larocca

Property Owner:

Same-As-Above

Representative:

Louis F. Britton

Proposed Use:

Office and Residential

Proposed Zoning:

R-2, Planned Development District

Current Zoning:

R-2, Two-Family Residence District

Location:

The property is on the SW corner of Deming and 6th St.

Common Address:

805 S. 6th Street, Terre Haute, IN 47807

#### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



#### **Historic Districts**

Historic Districts are locations within the community that are important because of historic events, their architectural or cultural significance, or a connection to the lives

Number: SO #16-16 Date: June 2016 Doc: # 47 Page 2 of 4

of the people who lived there that should be protected and enhanced as an amenity to region. There are two types of historic districts:

- National Register Historic Districts. The National Register is a nation-wide list of buildings or areas certified by the Secretary of Interior as important architecturally, historically or culturally. Individual buildings and those in a district are eligible for Federal and Indiana tax credits for rehabilitation and tax reductions for easement donation. Listing a building on the National Register does not trigger local review of changes to the building unless the project is federally funded.
- Local Historic Districts. Local Historic Districts can be created by local
  ordinance, and are regulated by a historic district design standards in that
  ordinance. These standards vary from district to district and are developed by
  the neighborhood. "Certified" local historic districts have been determined to
  qualify for the National Register. These districts enjoy the same tax credit
  benefits as National Register districts.

Specific items to be utilized in identifying historic districts include:

- Buildings and structures within the district generally must be 50 years old.
- Many demolitions or new buildings have not altered it historic appearance.
- District resources should be similar in style, massing, detailing and/or date of construction.
- The buildings in the district must retail their original architectural character.
- The area must have clear and precise defined boundaries.

Dev. Priority: There is a low development priority in this area. Focus should remain on stability and reinvestment in the neighborhood.

#### ZONING COMPATIBILITY

Sur. Zones and Uses: North - R-3, Multi Family Residence District

East - R-2PD, Two Family Planned Development South - R-2PD, Two Family Planned Development

West - R-2, Two Family Residence District

Character of Area: The petition property is located in the Farrington Grove Historic District

#### ZONING REGULATIONS

#### R-2 Two Family Residence District

Uses, Permitted - R-2 Two-Family Residence District.

- (1) Any use permitted in the R-l District.
- (2) Dwellings one and two family attached or detached.

Number: SO #16-16 Date: June 2016 Doc: # 47 Page 3 of 4

#### **Planned Developments**

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

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

- (1) Hardship due to the physical characteristics of the land. Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.

  Example Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.

  Example Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.

  Example Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
  Example Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

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

#### FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner or their representative should be able to demonstrate the necessary evidence to support a hardship exists at this location. Similar developments exist within the district. Sufficient parking is available on site. Reinvestment in and the reuse of historic buildings in historic districts is an encouraged activity. The permitted uses as outlined in the

Number: SO #16-16 Date: June 2016 Doc: # 47 Page 4 of 4

ordinance are a two family residential structure with and office.

Staff Comments:

1. This is a good reuse and reinvestment of property. Need to keep an eye on parking.

2. Ok

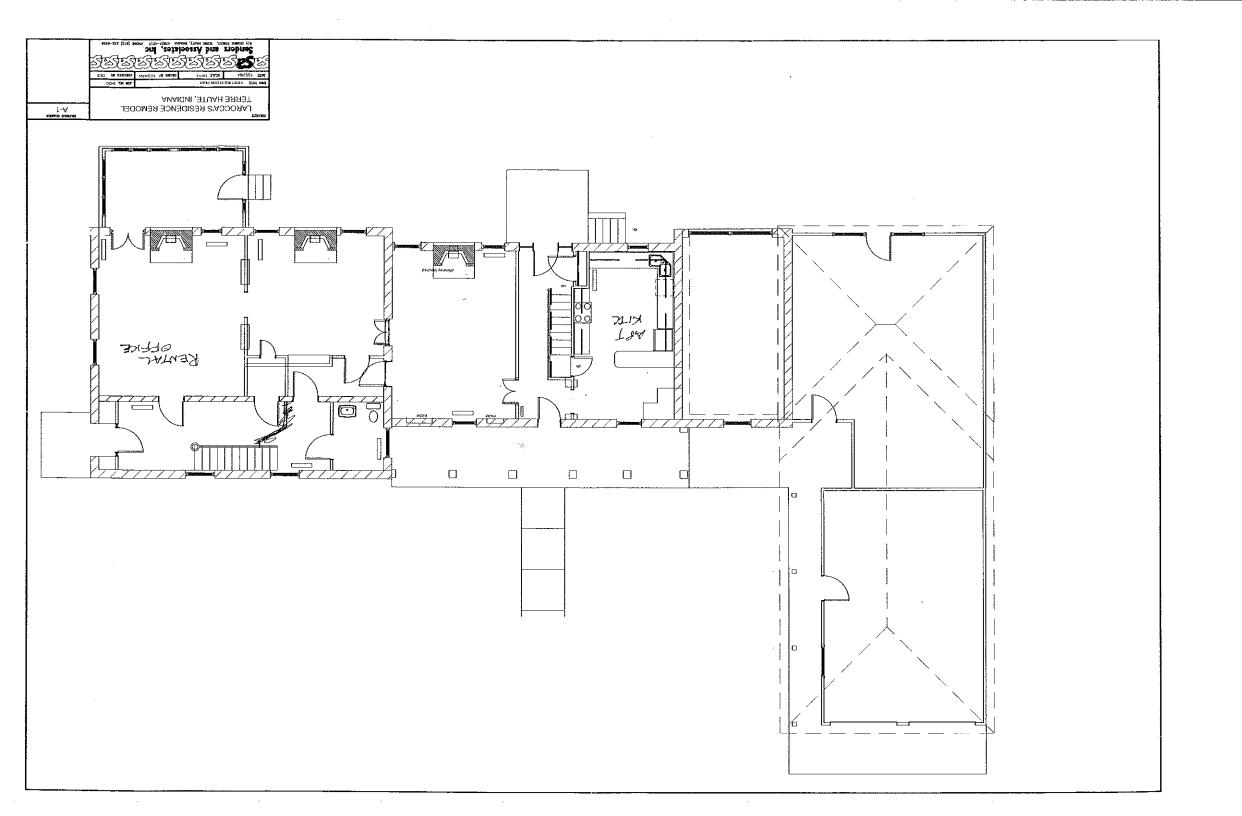
3. Could the office ever progress into a business? OK with conditions

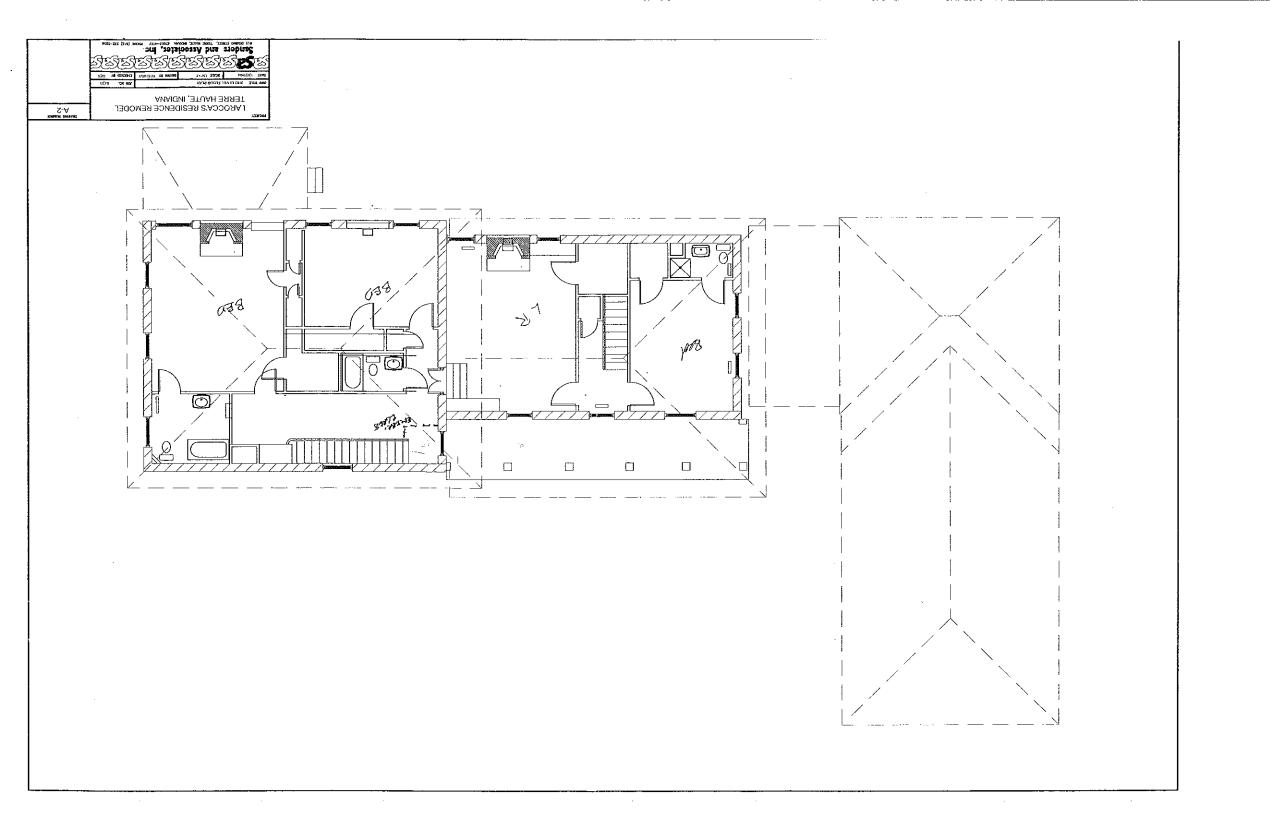
4. Ok as long as it is compatible with surroundings.

Recommendation:

Staff has a Favorable Recommendation for the R-2PD with the following condition:

- 1. That it is found that the petitioner has a hardship as outlined above.
- 2. It must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood.



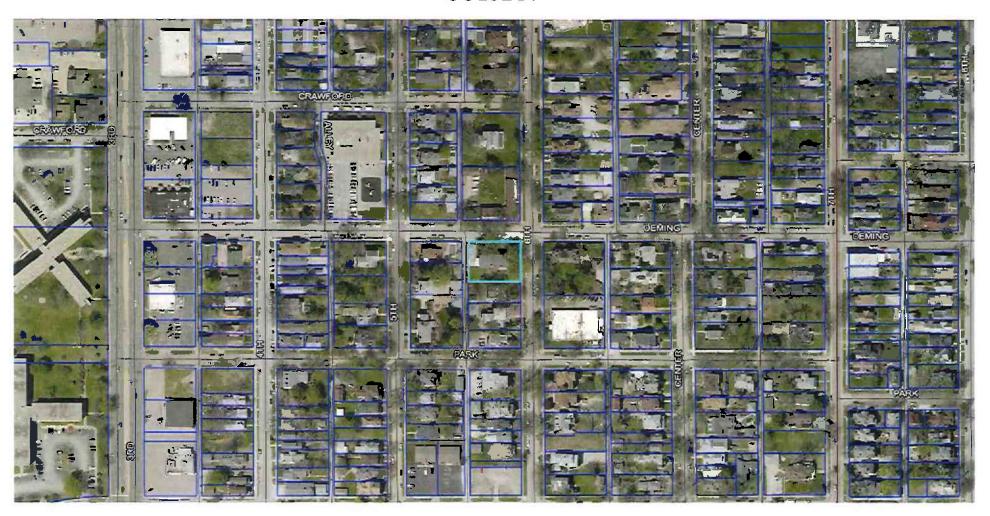


# REZONING 805 South 6<sup>th</sup> Street





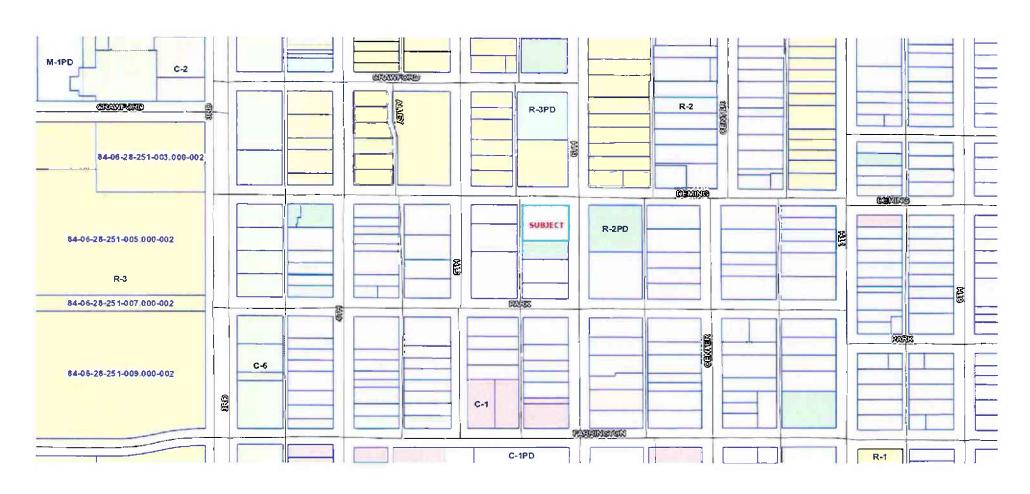
## **SUBJECT**



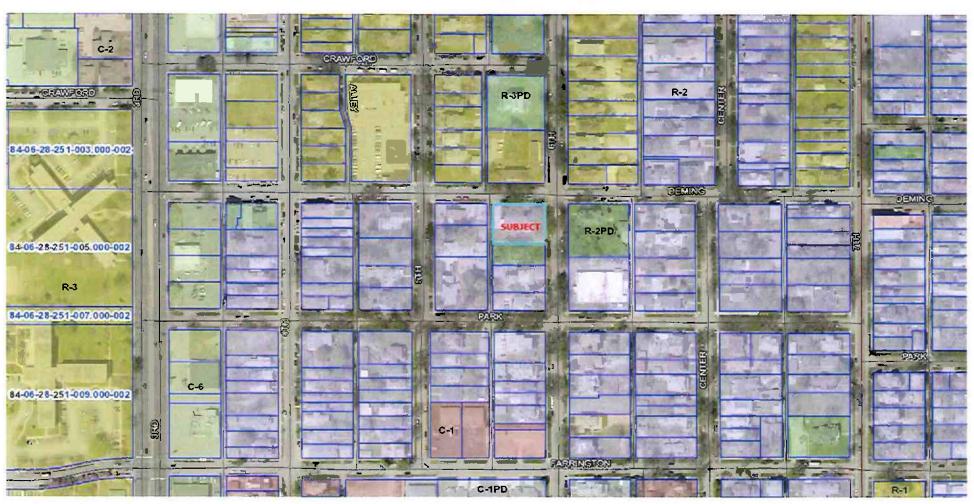
# **Adjacent Zoning**



# **Surrounding Zoning**



# **Surrounding Zoning**



# Red Brick Real Estate LLC

Established in 2011

7 full time local employees

20 local part-time/seasonal employees

180 beds

175 beds in Historic Farrington's Grove

31 total buildings

26 buildings in Farrington's Grove

# Founder

Ben Lenderman

03' Indiana State University

BS Business Management, Finance &

Administration (Real Estate)

Inside Linebacker

10' Stanford University MBA & MA in

Higher Education Leadership

Captain of the Rugby Team

# Our Mission

Strong commitment to preserving historic structures and neighborhoods

High quality apartments at affordable prices

Development of projects that are attractive to students and young professionals

Partnership with Farrington's Grove Historic District to preserve and improve a nationally historic neighborhood that complements downtown Terre Haute

# Growing Pains

In the last year Red Brick has grown 400% Current office space is less than ideal Red Brick needs a more functional office space that projects a more authentic image of the character of our housing

Red Brick needs a professional office space that will help draw a responsible group of tenants

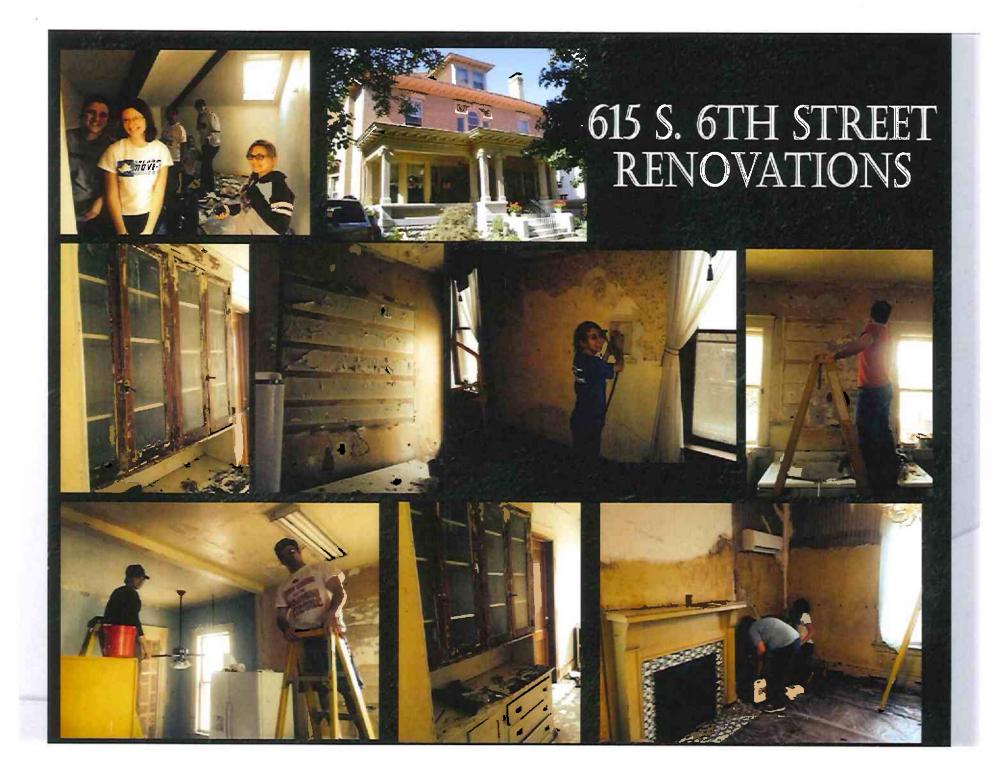
Existing space will return to residential use

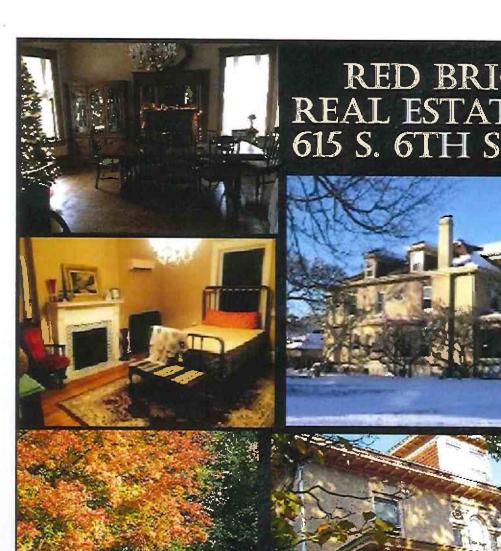
# 805 South 6th Street

Intersection of 6th and Deming Corner lot, attached garage 6<sup>th</sup> street entrance for Red Brick Deming entrance for unit above the office No permanent architectural changes needed Caretakers Quarters for security and maint. Neighbors are supportive Neighbors are excited by area improvements

# Current Projects (2016)

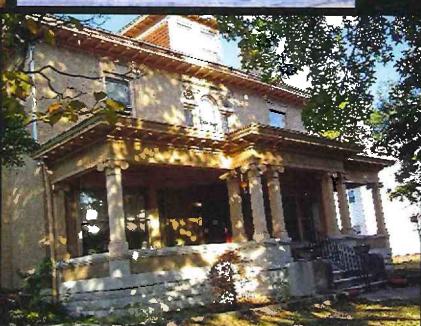
Exterior repair and siding 12 buildings
Roof replacement (50 yr) 12 buildings
Rehabilitation of 56 existing apartments
Renovation of a grand carriage house
New office location
Purchase and preservation of Max
Ehrmann's family home





# RED BRICK REAL ESTATE LLC 615 S. 6TH STREET















628 OAK STREET







628 Oak Carriage House After





























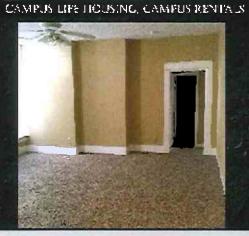
RED BRICK REAL ESTATE LLC 812-235-9353

\$74 CAR STREET THERE HAVED IN 47807 DEDRICKREATESTATESONETOOK (20%)



NEW CARPET
NEW VINYL IN KITCHEN/BATH
NEW PAINT SCHEME
ELECTRIC ONLY (NO GAS)
WE PAY:
WATER
SEWAGE
& TRASH SERVICES



















Balcony Painted

Apartment thoroughly cleaned

Walls Primed and Painted

Natural Hardwood Floors

675 Oak Street Apt 2 Remodeled











New Appliances New Siding New Paint **New Wiring** 

Natural Hardwood Floors Refinished **New Plumbing New Windows** 

**504 Hulman Street** 





# 1220 S. 5th Street

Natural Hardwood Floors
11 Ft Ceilings
12" Original Crown Molding
Central A/C Installed



Original Built in China Hutch in the dining room with Original leaded glass











Now taking Applications for the Fall Leasing Season



Over 100 Apartments to choose from





# RED BRICK REAL ESTATE LLC 812-235-9353

674 OAK STREET
TERRE HAUTE IN 47807
REDBRICKREALISTATE@OUTLOOK.COM

CAMPUS LIFE HOUSING, CAMPUS RENTALS

## Red Brick Real Estate LLC Office Hours

Monday	8-4:30	
Tuesday	8-4:30	
Wednesday	8-4:30	* \(\frac{1}{2}\)
Thursday	8-4:30	
Friday	8-4:30	

Our office is Closed on weekends and all major Holidays

All Red Brick Real Estate LLC Tenants are provided 24 Hour Emergency maintenance service



# Red Brick Real Estate LLC 812-235-9353

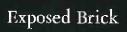
RedBrickRealEstate@Outlook.com



Natural Hardwood Floors

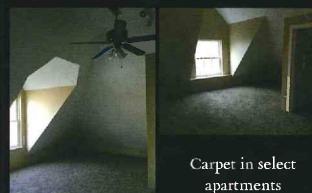


Decorative Fireplaces





Apartments with several windows for Natural Light



Some of our Apartments have a private balcony and walk in closets



Nestled in the heart of Beautiful, Historic Farrington Grove within walking distance to ISU Campus and Downtown Terre Haute



Beautifully Restored and Renovated Apartments with Charm and Character



## Amenities

- Convenient Online Tenant Portal Payment system
- Onsite maintenance staff and 24 Hour maintenance service available to our tenants
- We pay Trash, Sewage, and Water Service
- New Special Order Lock/Key System implimented for added Security
- Walking distance to ISU Campus
- Close to several restaurants, coffee shops Swope Art Museum and downtown Terre Haute, hosting many local street festivals such as Blues at the Crossroads, Miracle on 7th Street, Oktoberfest, Strawberry fest, Banks of the Wabash festival, Fairbanks park Art and Music Festival, ect.

## Price Range

Efficiency/Studio \$375-\$485

- 1 Bedroom \$450-\$600
- 2 Bedroom Apartment \$600-\$850
- 3 Bedroom Apartments \$900-\$990
- 4 Bedroom Apartments \$1200-\$1260