

# WITHDRAWN



## APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

### SPECIAL ORDINANCE NO. 20

COMMON ADDRESS OF LOTS TO BE REZONED:

2403 Prairieton Road, Terre Haute, IN 47802 Parcel I.D. # 84-06-33-151-007.000-002

Current Zoning: M-2 – Heavy Industrial

Requested Zoning: O-1 – Open Space

Proposed Use: The total parcel is 64 Acres and Vigo County proposes to construct a new Vigo County Security Complex on approximately 20 acres of the site. The remainder would be capable of development for other community uses, which is why open space zoning is being requested.

Name of Owner: Vigo County

Address of Owner: 650 S. 1<sup>st</sup> Street, Terre Haute, IN 47807

Phone Number of Owner: 812-462-3367

Attorney Representing Owner (if any): Michael J. Wright, other counsel may assist and their contact info will be made part of the record.

Address of Attorney: 650 S. 1<sup>st</sup> Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-201-9562

For Information Contact: Attorney

Council Sponsor: Karrum Nasser

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

WITHDRAWN

FILED

APR 07 2017

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 20, 2017

CITY CLERK

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

SECTION 1. BE IT ORDIANED 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:

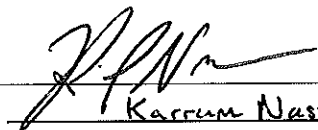
**Lot Numbered One (1) in International Paper Three Lot Subdivision, being a Subdivision of a part of the Southwest Quarter and Southeast Quarter and the Northeast Quarter of Fractional Section 32 in Township 12 North, Range 9 West of the Second Principal Meridian, located in Harrison Township of Vigo County, Indiana as shown by instrument dated October 29, 2009 and recorded December 7, 2009 as Instrument Number 2009016953, in records of the Recorder's Office of Vigo County, Indiana.**

Commonly known as: **2403 Prairieton Road, Terre Haute, IN 47802**  
**Parcel I.D # - 84-06-33-151-007.000-002**

Be and the same is hereby established as a **O-1, Open Spaces**, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,

  
Karrum Nasser

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

# WITHDRAWN

Karrum Nasser, President

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_.

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

Duke Bennett, Mayor

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

This instrument prepared by: Michael J. Wright, 650 S. 1<sup>st</sup> Street, 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.*

*Michael J. Wright*

Michael Wright

# WITHDRAWN

## 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **Vigo County, Petitioner** respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

**Lot Numbered One (1) in International Paper Three Lot Subdivision, being a Subdivision of a part of the Southwest Quarter and Southeast Quarter and the Northeast Quarter of Fractional Section 32 in Township 12 North, Range 9 West of the Second Principal Meridian, located in Harrison Township of Vigo County, Indiana as shown by instrument dated October 29, 2009 and recorded December 7, 2009 as Instrument Number 2009016953, in records of the Recorder's Office of Vigo County, Indiana.**

Commonly known as: **2403 Prairieton Road, Terre Haute, Indiana 47802.**

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **M-2 – Heavy Industry.**

Your petitioner would respectfully state that the real estate is now an abandoned industrial site. Your petitioner intends to use the real estate as the location for a new Vigo County Security Complex, which will include a 534 bed secure detention facility. The current footprint of the security complex will be about 20 acres and the remainder of the property will be put towards community use, which is why the Open Space zoning designation is being requested. A petition for a special use has been submitted to the Board of Zoning Appeals for the City of Terre Haute.

Your petitioner would request that the real estate described herein shall be zoned as a **O-1 – Open Spaces, Agricultural.** Your petitioner would allege that the granting of this petition would not alter the general characteristics of this neighborhood.

# WITHDRAWN

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of O-1, Open Spaces zoning classification of the City of Terre Haute, Indiana, and 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 WITNES WHEREOF, This petition has been duly executed this 7<sup>th</sup> day of April, 2017.

BY:   
\_\_\_\_\_  
**Brad Anderson, Vigo County Commissioner**

PETITIONER: **Vigo County, 650 S. 1<sup>st</sup> Street, Terre Haute, IN 47807**

This instrument was prepared by: Michael J. Wright, 650 S. 1<sup>st</sup> Street, Terre Haute, IN 47807

# WITHDRAWN

**AFFIDAVIT OF:**

COMES NOW affiant Brad Anderson, Vigo County Commissioner

and affirms under penalty of law that affiant is a representative of the owner of record of the property located 2403 Prairieton Road, Terre Haute, IN 47802 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

SIGNATURE: Brad Anderson  
Brad Anderson, Commissioner

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Brad Anderson, Commissioner Vigo County

who acknowledges the execution of the above and foregoing, after being duly sworn upon his

oath and after having read this Affidavit.

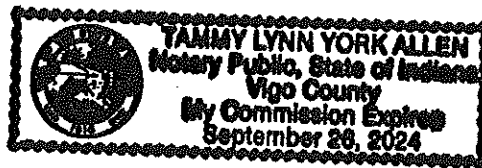
WITNESS my hand and notarial seal, this 7<sup>th</sup> day of April, 2017.

Notary Public:

Tammy Lynn York Allen  
[Typed name]

My Commission Expires: September 26, 2024

My County Of Residence: Vigo



WITHDRAWN

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

2016013476 WD \$18.00  
12/30/2016 02:50:15P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented  
[Barcode]

DEC 30 2016

EXEMPT FROM DISCLOSURE FEE

*James M. Spivey*  
VIGO COUNTY AUDITOR

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH**, that Highland TH, LLC, a limited liability company organized and existing under the laws of the State of Delaware and authorized to do business in the State of Indiana, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** unto County of Vigo for the use and benefit of its Department of Redevelopment (hereinafter called GRANTEE), the following-described real estate in Vigo County, Indiana, to-wit:

Lot Numbered One (1) in International Paper Three Lot Subdivision, being a Subdivision of a part of the Southwest Quarter and the Southeast Quarter and the Northeast Quarter of Fractional Section 32 in Township 12 North, Range 9 West of the Second Principal Meridian, located in Harrison Township of Vigo County, Indiana as shown by instrument dated October 29, 2009 and recorded December 7, 2009 as Instrument Number 2009016953, in records of the Recorder's Office of Vigo County, Indiana.

Tax Parcel ID Number: 84-06-33-151-007.000-002

Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person executing this deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this Deed, that he is a duly appointed Managing Member of Grantor; that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Highland TH, LLC has caused this Warranty Deed to be signed by its MANAGING MEMBER, this 15<sup>th</sup> day of December, 2016.

Highland TH, LLC

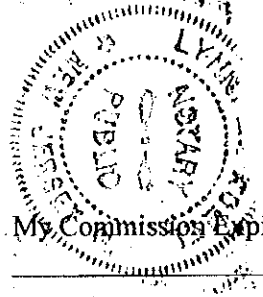
By *[Signature]*  
(Signature)  
EG BIRDCK - MANAGING MEMBER  
(Printed Name and Title)

# WITHDRAWN

STATE OF NEW JERSEY )  
 ) SS:  
COUNTY OF MORRIS )

I, LYNN M. ROMEL, a Notary Public in and for said county and state, do hereby certify that ERNEST G. BASKOCK III personally known to me to be the same person whose name is subscribed to the foregoing instrument as Managing Member, and to be such Managing Member, appeared before me this day in person and, being first duly sworn, said and acknowledged that he is such Managing Member and that he signed and delivered the foregoing deed as a free and voluntary act of Highland TH, LLC as his own free and voluntary act as such Managing Member, by authority of the operating agreement of said LLC and/or with the consent of all members of the LLC for the use and purposes therein set forth and that the representations contained therein are true.

Given under my hand and Notarial Seal this 15<sup>th</sup> day of December, 2016.



Lynn M. Romel  
Notary Public  
LYNN M. ROMEL  
(Printed Name)

My Commission Expires: LYNN M. ROMEL My County of Residence: MORRIS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 6/9/2021

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.

[Signature]  
Jeffrey A. Lind, Lind Law Firm, 400 Ohio Street  
Terre Haute, IN 47807

Mail tax duplicates to GRANTEE: **County of Vigo for the use and benefit of its Department of Redevelopment**  
630 Wabash Ave Ste 101  
Terre Haute IN 47807



**Real Property Maintenance Report**  
(INFORMATION NOT INTENDED FOR LEGAL PURPOSES)

VIGO

2017 Pay 2018

Owner: VIGO COUNTY FOR THE USE & BENEFIT OF ITS DEPARTMENT OF RED  
 Owner Party: VIGO COUNTY FOR THE USE & BENEFIT OF ITS DEPARTMENT OF  
 Address: 630 WABASH AV TERRE HAUTE, IN 47807 USA

Location Address: 2403 PRAIRIETON RD TERRE HAUTE, IN 47802

QQSec: 9 QSec: 33 Township: 12  
 Range: 64.72 Acres: 64.72 Block: Plat:  
 Sub Sec: 1 Lot: 1 Sub Lot: Sub Division:

Location Description: NO LOCATION DESCRIPTION

Brief legal Description: INTERNATIONAL PAPER THREE LOT SUB  
 Not intended for legal purposes 33-12-9 LOT 1 64.72 AC

Assessments:	Homestead Land	NonHomestead Land	Commercial Apt Land	Long Term Care Land	Agricultural Land	Non-res Land	Total Assessed:	Net Assessed:
Homestead Improv	0	0	0	0	0	0	835,400	835,400
NonHomestead Improv	0	0	0	0	0	0		
Commercial Apt Improv	0	0	0	0	0	0		
Long Term Care Improv	0	0	0	0	0	0		
Mobile Home Land	22700	0	0	0	0	0	510,400	510,400
Non-res Improv	302,300	0	0	0	0	0	835,400	835,400
<b>Total Assessed:</b>							<b>835,400</b>	<b>835,400</b>
<b>Net Assessed:</b>							<b>835,400</b>	<b>835,400</b>

Surplus Payment: 0.00 Over Payment: 0.00  
 Advance Payment: 0.00

**Charges:**

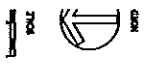
Tax Set/Unit	Charge Type	Total Charge	Balance Due
		0.00	0.00
		0.00	0.00

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**Deductions:**

Deduction Type	Deduction Amount	Over Written Flag
Property Number: 84-06-33-151-007.000-002		
Property Type: Real		
Map Number: 118-06-32-400-001		
Tax Set: 002-TERRE HAUTE CITYHARRISON TOWN		
Property Class: 620 Exempt - County		
Zoning Type:		
Use Type:		
Bankruptcy Code:		
Tax Sale: Redeemed		
Neighborhood:		
No. Of Households: 0		
TIF District:		
Base AV: 0		
Base Res AV: 0		
Incremental AV: 0		
Tax Rate: 04.3248		
PTRC All AV: 00.0000		
PTRC 1% AV: 00.0000		
PTRC 2% AV: 00.0000		
PTRC 3% AV: 00.0000		
PTRC Residential AV: 00.0000		
Under Appeal Value:		
PTRC Homestead AV: 00.0000		
PTRC Rental AV: 00.0000		
CB Homestead: 01.0000		
CB Res LTC Ag: 02.0000		
CB Non HS and Pers: 03.0000		
CB Over 65: 102.0000		
<b>Total Deduction:</b>	<b>0</b>	

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## Receipt

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

Date: 4/7/17

Name: Wigo County

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

45.00

Cash: \_\_\_\_\_

Check: \_\_\_\_\_

Credit: \$45.00

Total: \$45.00

Received By: [Signature]

TERRE HAUTE, IN  
PAID  
APR 13 2017  
CONTROLLER'S OFFICE



**TERRE HAUTE**  
A LEVEL 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

**WITHDRAWN**

DATE: May 4, 2017

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #20-17**

**CERTIFICATION DATE: May 3, 2017**

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

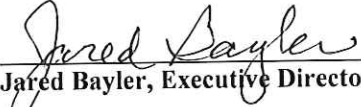
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 20-17. This Ordinance is a rezoning of the property located at 2403 Prairieton Avenue. The Petitioner, Vigo County, petitions the Plan Commission to rezone said real estate from zoning classification M-2 to 0-1, Open Space District, for Vigo County Security Center. Attorney, Michael J. Wright. 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. 20-17 at a public meeting and hearing held Wednesday, May 3, 2017. 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. 20-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 20-17 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. 20-17 was TABLED at Petitioner's request..

  
Fred L. Wilson, President

  
Jared Bayler, Executive Director

Received this 4th day of May, 2017

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #20-17

Doc: # 31

Date: May 2017

Page 1 of 5

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## APPLICATION INFORMATION

Petitioner: Vigo County

**WITHDRAWN**

Property Owner: Same-As-Above

Representative: Michael J. Wright

Proposed Use: Construction of a new Vigo County Security Complex on 20 of 46 acres. The remainder will be left open for other community uses.

Proposed Zoning: O-1 Open Space/Agricultural

Current Zoning: M-2 Heavy Industrial

Location: The property is the former location of the International Paper plant.

Common Address: 2403 Prairieton Rd. Terre Haute IN 47802

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## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

### 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

Available Services: Area is well served by utilities.

Street Access: 1<sup>st</sup> St/Prairieton Road.

Dev. Priority: Medium





- (1) Agricultural uses, including nurseries and truck gardens.
- (2) Any use, special or permitted, in an R-1 District.
- (3) Farm animals.
- (4) Orchards.
- (5) Clubs or lodges.
- (6) Home Occupations.
- (7) Kennels.
- (8) Mobile Homes, (Trailer) Park District as provided for in Sec. 10-180 e.
- (9) Private, outdoor, and public recreation facilities (non-commercial).
- (10) Signs.
- (11) Tourist Home.
- (12) Heliports.
- (13) Airports. (Ord. No. 1, 1967, § 1137.01, 7-6-67)

**WITHDRAWN**

**Sec. 10-241 Uses, Special.** a. General. Upon application to the Board of Zoning Appeals, the following uses may be permitted as special uses, in the districts listed hereafter in accordance with the provisions of Sec. 10-264. (Gen. Ord. No. 13, 2000, 6-8-00) b. Uses, Special O-1. Any use not listed as a permitted use which is in keeping with the district classification and the intent and meaning as defined in Sec. 10-240 a. and b., however; this provision is not intended to circumnavigate the requirement to rezone when rezoning is indicated. (Ord. No. 1, 1967, § 1137.02, 7-6-67)

**Sec. 10-242 Building Lines, Thoroughfare Plan Requirements.**

For all Open Space Districts see Table 1, titled, "Thoroughfare Plan Requirements."

(Ord. No. 1, 1967, § 1137.03, 7-6-67)

**Sec. 10-243 Building Lines, Alley or Rear Yard.** For all Open Space Districts see Sec. 10-136; no rear yard setbacks other than alley setbacks required. (Ord. No. 1, 1967, § 1137.04, 7-6-67)

**Sec. 10-244 Building Lines, Interior Side Yards.** For all Open Space Districts, no interior side yards required. (Ord. No. 1, 1967, § 1137.05, 7-6-67)

**Sec. 10-245 Floor Area Ratio, Maximum.** The floor area ratio for a building on a lot shall be calculated as defined in Sec. 10-171 h. and shall be limited by the F.A.R. district in which said lot is incorporated as shown on the zoning maps. Any principal building F.A.R. factor may be less than or equal to the F.A.R. district in which it is located, but may not exceed said factor. (Ord. No. 1, 1967, § 1137.06, 7-6-67)

**Sec. 10-246 Floor Area, Minimum.** See Table 8 in Appendix. (Ord. No. 1, 1967, § 1137.07, 7-6-67)

**Sec. 10-247 Lot Size, Minimum.** See Table 8 in Appendix. (Ord. No. 1, 1967, § 1137.08, 7-6-67)

**Sec. 10-248 Signs.** All signs shall be permitted and the size of said signs shall be permitted to enlarge their areas and dimensions by one hundred percent (100%). The gross surface area required of signs as shown in Table 5 in the appendix may be increased one hundred percent (100%). See Sec. 10-176. (Ord. No. 1, 1967, § 1137.09, 7-6-67)

**Sec. 10-249 Parking, Off-Street.** No off-street parking required. (Ord. No. 1, 1967, § 1137.10, 7-6-67)

**Sec. 10-250 Loading, Off-Street.** No off-street loading required.

**Sec. 10-251 Minimum Width of Dwelling Units.** For an Agricultural District, no new dwelling unit shall be less than twenty-three feet

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## **FINDINGS and RECOMMENDATION**

### **Staff Findings:**

The comprehensive plan indicates this area should be used for industrial purposes. At the time the plan was written the corridor still had an active industrial presence. Since then, industrial growth in the city and county has primarily shifted to other industrial parks leaving this property vacant.

Development along and in the major and minor waterways should be limited to low density developments. Both FEMA and INDR floodplain development standards identify parks as a recommended development in these areas. The proposed jail location is not in a flood zone.



Allowable uses in the O-1 zoning are, any use not listed as a permitted use which is in keeping with the district classification and the intent and meaning as defined in Sec. 10-240 (10-241, b.). However, each use or each change in use, not listed as use by right, requires BZA approval. Precedence was set for this use, being a corrections facility and surrounding recreational area, in this zoning category, by the application of the O-1 zoning to the Federal Corrections property.

A petition was filed with the City BZA for a special exception use for this property. The special exception is to allow for construction of a new community corrections facility for Vigo County. It is the understanding of staff that the remaining space is to be prescribed as a Riverscape redevelopment area. That area will ultimately include trails, parks and space for other community and family oriented activities.

New community correction facilities are built with esthetics in mind and to have a minimal impact on surrounding land uses. Construction techniques include the latest in state of the art technologies in all areas including security. In other communities, correction facilities are located near schools, major highways or parks.

#### **Staff Recommendations:**

There has been much controversy in the past weeks surrounding the proposed new jail location. Many arguments have been made as to whether or not the petitioned property is the best location for the new corrections facility.

Ultimately the decision as to whether or not the jail will exist at this location cannot directly be determined by the Area Plan Commission (APC) or by Terre Haute City Council. That decision lies with the City Board of Zoning Appeals (BZA).

What is before the APC is the determination of whether or not an open space zoning is recommended for this location. However, the proposed use can be viewed as a factor in determination of the merits of the petition to rezone.

Staff believes that the open space zoning is the proper zoning for this location. The open space incorporates standards and limits development as outlined by FEMA. It controls future access to and potential damage to environmentally sensitive wetland areas around the Wabash River. It allows for redevelopment of abandoned and no longer needed industrial properties and it promotes the development of park and recreation facilities within The City of Terre Haute.

**Based on the above findings and recommendations staff does offer a favorable recommendation on the open space zoning.**