



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 5, 2018

COMMON ADDRESS OF LOT TO BE REZONED: 601 S. Fruitridge Avenue, Terre Haute, IN 47803

Parcel ID 84-06-24-376-004.000-002

Current Zoning: R-1 Single Family Residence District

Requested Zoning: R-2 Two-Family Residence District

Proposed Use: The subject real estate is now unimproved bare land, bordered by Poplar Street on the South, Adams Street on the West, Beau Monde Phase 1 Subdivision on the North, and Fruitridge Avenue on the East. Your petitioner intends to convey the land to Park Place Condominiums, LLC which would use the real estate to create a horizontal property regime (commonly known as a condominium) consisting of up to seventy-eight (78) condominium units housed within thirty-nine (39) single story structures...with all of such units to be sold to, and then owned by—NOT rented/leased—to the public. All of those structures would look as if they were duplexes and be of the same exterior architectural design, constructed of the same materials. Differing interior floor plans would be offered. Park Place Condominiums, LLC is locally owned real estate developer, using local subcontractors, local craftsmen, and local material suppliers and service vendors.

Name of Owner: Beau Monde, LLC

Address of Owner: 2901 Ohio Blvd., Suite #270, Terre Haute, IN 47803

Phone Number of Owner: (812) 234-8899

Attorney Representing Owner (if any): William M. Olah

Address of Attorney: 333 Ohio, Terre Haute, IN 47807

Phone Number of Attorney: (812)232-4311

For Information Contact: William M. Olah

Council Sponsor: Mr. O. Earl Elliott

FILED

APR 02 2018

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 5, 2018**

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 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:

Part of the Southwest quarter of Section 24, Township 12 North, Range 9 West, Vigo County, described as follows:

Commencing at the Southeast corner of said quarter Section 24; thence North 89 degrees 07 minutes 21 seconds West, bearing is assumed and is the basis of bearings of this description, along the South line of said quarter section, a distance of 275.44 feet thence North 00 degrees 52 minutes 39 seconds East a distance of 46.00 feet to a 5/8 inch rebar with plastic cap stamped "Myers LS 9400006" hereinafter called a monument at the intersection of the North Right-of-Way line of Poplar Street (Indiana State Road 42), with the West right-of-way line of Thompson Ditch 2.12 acres Record, 1.90 acres measured, Parcel #A-31, per Certificate of Appropriation and Payment filed: Vigo County Auditor July 17, 1975, Miscellaneous Record 176, page 495, and the Point of Beginning of this description; thence North 89 degrees 07 minutes 21 seconds West along said North right-of-way line a distance of 1044.75 feet to a monument on the East right-of-way line of Adams Street (32.5 feet 1/2 width); thence North 00 degrees 20 minutes 19 seconds East along said East of right-of-way line a distance of 688.48 feet to an iron pin found at the Southwest corner of Lot 289 of Hulman Meadows 5th Subdivision, Plat Record 21, page 17; thence North 89 degrees 38 minutes 58 seconds East a distance of 139.87 feet (measured) 140 feet (record) to an iron pin found at the South west corner of Lot 290, of said Subdivision; thence North 89 degrees 37 minutes 47 seconds East, a distance of 119.81 feet (measured), 120 feet (record), to an iron pin found at the Southeast corner of said Lot 290; thence North 00 degrees 20 minutes 19 seconds East along the East line of said Lot 290, a distance of 150.27 feet (measured), 150 feet (record), to a monument set on the South right-of-way line of Ohio Boulevard; thence North 89 degrees, 37 minutes, 25 seconds East, along said South right-of-way line a distance of 921.47 feet to a monument set on the West right-of-way line of said Thompson Ditch Parcel #A-31; thence continuing said course a distance of 100.00 feet to the West right-of-way of Fruitridge Avenue, (40 feet 1/2 width measured from the East line of the Southwest quarter of Section 24); thence along and with said West right-of-way line the following three (3) courses: South 00 degrees 25 minutes 25 seconds West, a distance of 278.51 feet to a monument set on the Northwesterly right-of-way line of the Southern Indiana Railway, (49.5 feet 1/2 width, measured perpendicular to the centerline of the main track); thence South

00 degrees 25 minutes 25 seconds West, a distance of 441.59 feet to monument set on the Southeasterly right-of-way line of said Southern Indiana Railway; thence South 00 degrees 25 minutes 25 seconds West, a distance of 146.60 feet to a monument set at the intersection of the West right-of-way line of Fruitridge Avenue, with the North right-of-way line of Poplar Street; thence North 89 degrees 07 minutes 21 seconds West, along said North right-of-way, a distance of 33.67 feet, to a monument set on the Southeasterly right-of-way line of said Southern Indiana Railway; thence continuing said course along said North right-of-way, a distance of 101.40 feet, to a monument set on the Northwesterly right-of-way line of said Southern Indiana Railway; thence continuing said course along said North right-of-way, a distance of 100.00 feet to the Point of Beginning, containing 24.17 acres more or less.

Subject to Thompson Ditch, Parcel #A-31 Certificate of Appropriation and Payment filed with the Vigo County Auditor July 17, 1975

Except Right of Way for the Southern Indiana Railway Company (Soo Line), as taken by Appropriation Proceedings in Cause No. 20674, Vigo Circuit Court, and shown in Order Book 65 Page 369 of said court.

EXCEPT

Part of the East one-half (1/2) of the Southwest quarter (1/4) of Section 24, Township 12 North, Range 9 West, Vigo County, described as follows: Commencing at the Northeast corner of said quarter Section 24; thence South 00 degrees 25 minutes 25 seconds West, bearing is assumed and is the basis of bearings for this description, along the East line of said quarter section, a distance of 150.59 feet; thence North 89 degrees 34 minutes 35 seconds West, perpendicular to the East line of said quarter a distance of 40.00 feet to a 5/8 inch rebar with plastic cap stamped "Myers LS 9400006" hereinafter called a monument at the intersection of the West right-of-way line of Fruitridge Avenue and the South right-of-way line of Ohio Boulevard; thence South 89 degrees 37 minutes 25 seconds West along said South right-of-way line a distance of 100.00 feet to a monument on the West right-of-way line of Thompson Ditch Parcel #A-31 and the Point of Beginning of this description; thence South 08 degrees 49 minutes 32 seconds East along said West right-of-way line a distance of 163.91 feet to a monument; thence South 13 degrees 22 minutes 43 seconds West along said West right-of-way line a distance of 172.65 feet to a monument; thence South 87 degrees 49 minutes 35 seconds West a distance of 328.96 feet to a monument; thence South 88 degrees 19 minutes 02 seconds West a distance of 332.05 feet to a monument; thence North 89 degrees 05 minutes 59 seconds West a distance of 190.96 feet to a monument; thence North 85 degrees 17 minutes 27 seconds West a distance of 221.08 feet to a monument; thence continuing said course, a distance of 96.60 feet to a monument on the East right-of-way line of Adams Street; thence North 00 degrees 20 minutes 19 seconds East, along said East line a distance of 165.12 feet to an iron pin at the Southwest corner of Lot 289 of Hulman Meadows 5th Subdivision, Plat Record 21, page 17; thence North 89 degrees 38 minutes 58 seconds East, along the South line of said Lot 289, a distance of 139.87 feet to an

iron pin at the Southwest corner of Lot 290; thence North 89 degrees 37 minutes 47 seconds East, along the South line of said Lot 290, a distance 119.81 feet to an iron pin at the Southeast corner of Lot 290; thence North 0 degrees 20 minutes 19 seconds East, along the East line of said Lot 290, a distance of 150.27 feet to a monument on the South right-of-way line of Ohio Boulevard; thence North 89 degrees 37 minutes 25 seconds East, along said South right-of-way line, a distance of 921.47 feet to the Point of Beginning., containing 8.33 acres more or less, all of which is part of the 24.17 acre property described in the Corporate Limited Warranty Deed recorded as instrument number 2005007595, on May 06, 2005, also as shown on the recorded survey last revised September 15, 2004, recorded as instrument number 2005001967 on February 11, 2005.

Commonly known as: 601 S. Fruitridge Avenue, Terre Haute, Vigo County Indiana 47803)
Parcel ID No. 84-06-24-376-004.000-002

Be and the same is hereby established as R-2 Two-Family Residence District, 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, O. Earl Elliott
O. Earl Elliott

Passed in Open Council this 7th day of June, 2018.

Curtis DeBaun IV
Curtis DeBaun IV, President

ATTEST: Michelle L. Edwards
Michelle L. Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 8th day of June, 2018.

Michelle L. Edwards
Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8th day of JUNE, 2018.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards
Michelle L. Edwards, City Clerk

This instrument prepared by: William M. Olah, Attorney, 333 Ohio, Terre Haute, IN 47807 (812)232-4311.

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 GENTLEMEN:

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

Part of the Southwest quarter of Section 24, Township 12 North, Range 9 West, Vigo County, described as follows:

Commencing at the Southeast corner of said quarter Section 24; thence North 89 degrees 07 minutes 21 seconds West, bearing is assumed and is the basis of bearings of this description, along the South line of said quarter section, a distance of 275.44 feet thence North 00 degrees 52 minutes 39 seconds East a distance of 46.00 feet to a 5/8 inch rebar with plastic cap stamped "Myers LS 9400006" hereinafter called a monument at the intersection of the North Right-of-Way line of Poplar Street (Indiana State Road 42), with the West right-of-way line of Thompson Ditch 2.12 acres Record, 1.90 acres measured, Parcel #A-31, per Certificate of Appropriation and Payment filed: Vigo County Auditor July 17, 1975, Miscellaneous Record 176, page 495, and the Point of Beginning of this description; thence North 89 degrees 07 minutes 21 seconds West along said North right-of-way line a distance of 1044.75 feet to a monument on the East right-of-way line of Adams Street (32.5 feet ½ width); thence North 00 degrees 20 minutes 19 seconds East along said East of right-of-way line a distance of 688.48 feet to an iron pin found at the Southwest corner of Lot 289 of Hulman Meadows 5th Subdivision, Plat Record 21, page 17; thence North 89 degrees 38 minutes 58 seconds East a distance of 139.87 feet (measured) 140 feet (record) to an iron pin found at the South west corner of Lot 290, of said Subdivision; thence North 89 degrees 37 minutes 47 seconds East, a distance of 119.81 feet (measured), 120 feet (record), to an iron pin found at the Southeast corner of said Lot 290; thence North 00 degrees 20 minutes 19 seconds East along the East line of said Lot 290, a distance of 150.27 feet (measured), 150 feet (record), to a monument set on the South right-of-way line of Ohio Boulevard; thence North 89 degrees, 37 minutes, 25 seconds East, along said South right-of-way line a distance of 921.47 feet to a monument set on the West right-of-way line of said Thompson Ditch Parcel #A-31; thence continuing said course a distance of 100.00 feet to the West right-of-way of Fruitridge Avenue, (40 feet ½ width measured from the East line of the Southwest quarter of Section 24); thence along and with said West right-of-way line the following three (3) courses: South 00 degrees 25 minutes 25 seconds West, a distance of 278.51 feet to a monument set on the Northwestern right-of-way line of the Southern Indiana Railway, (49.5 feet ½ width, measured perpendicular to the centerline of the main track); thence South 00 degrees 25 minutes 25 seconds West, a distance of 441.59 feet to monument set on the Southeasterly right-of-way line of said Southern Indiana Railway;

thence South 00 degrees 25 minutes 25 seconds West, a distance of 146.60 feet to a monument set at the intersection of the West right-of-way line of Fruitridge Avenue, with the North right-of-way line of Poplar Street; thence North 89 degrees 07 minutes 21 seconds West, along said North right-of-way, a distance of 33.67 feet, to a monument set on the Southeasterly right-of-way line of said Southern Indiana Railway; thence continuing said course along said North right-of-way, a distance of 101.40 feet, to a monument set on the Northwesterly right-of-way line of said Southern Indiana Railway; thence continuing said course along said North right-of-way, a distance of 100.00 feet to the Point of Beginning, containing 24.17 acres more or less.

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Commonly known as: 601 S. Fruitridge Avenue, Terre Haute, Indiana 47803.

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 R-1 Single Family Residence District.

Your petitioner would respectfully state that the real estate is now unimproved bare land. Your petitioner intends to convey the land to Park Place Condominiums, LLC which would use the real estate to create a horizontal property regime (commonly known as a condominium) consisting of up to seventy-eight (78) condominium units housed within thirty-nine (39) single story duplex structures to be sold—NOT rented/leased—to the public.

Your petitioner would request that the real estate described herein shall be zoned as R-2 Two-Family Residence District. Your petitioner would allege that R-2 Two-Family Residence District would not alter the general characteristics of this neighborhood in that it would remain as a residential neighborhood where occupants own the residences in which they live.

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 the R-2 Two-Family Residence District 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 WITNESS WHEREOF, This petition has been duly executed this 2nd day of April, 2018.

Beau Monde, LLC

By

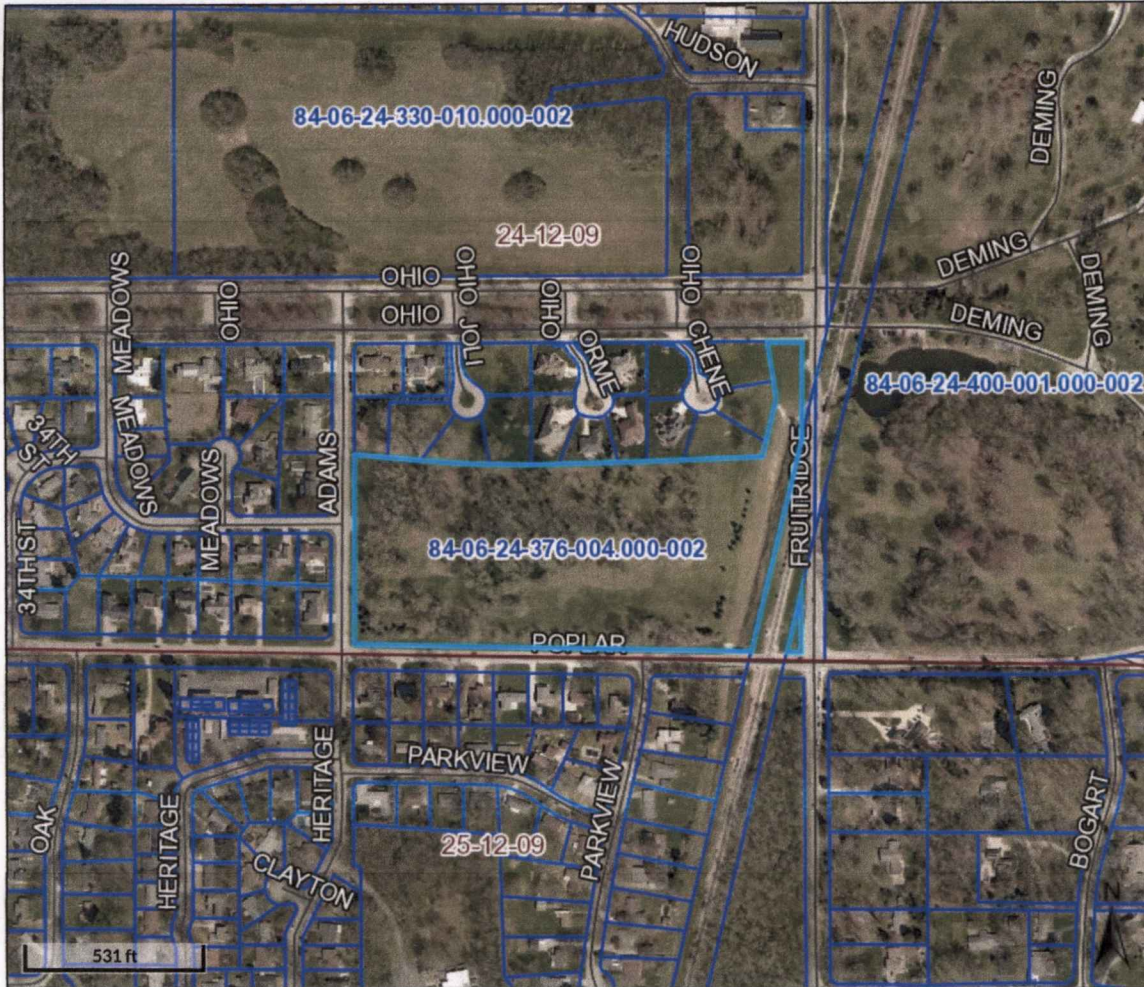

John G. Ragle, Manager

PETITIONER: Beau Monde, LLC

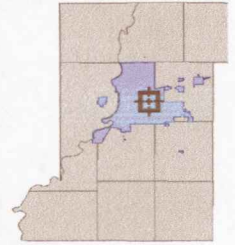
This instrument was prepared by William M. Olah, Attorney, 333 Ohio, Terre Haute, IN 47807 (812)232-4311



Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines



Parcel ID	84-06-24-376-004.000-002	Alternate ID	118-06-24-376-004	Owner Address	BEAU MONDE LLC
Sec/Twp/Rng	24	Class	Res Vacant unplatted 10-19.99a		2901 OHIO BLVD STE#270
Property Address	601 S FRUITRIDGE AVE	Acreage	15.84		TERRE HAUTE, IN 47803
	TERRE HAUTE				
Neighborhood	118577 - HARRISON				
District	002				
Brief Tax Description	SE SW W EXC 2.12 AC SUBJ TOMPSON DITCH 20050				
	07595 24-12-9 15.84 AC				
	(Note: Not to be used on legal documents)				

Date created: 3/29/2018

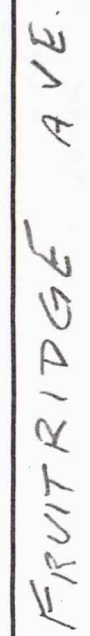
Last Data Uploaded: 3/28/2018 7:08:09 PM



Developed by
The Schneider Corporation

<p>SIGNED AND SEALED HARD COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.</p>						<p>MYERS ENGINEERING, INC. 1033 Crawford St. Terre Haute, IN 47807 PHONE: (812) 238-9731 FAX: (812) 235-1353 http://myersengineering.com</p>								<p align="center">MYERS ENGINEERING, INC.</p> 										<div style="text-align: center;">  <p>D. MYERS STATE OF INDIANA NO. 9400006 LICENSED PROFESSIONAL SURVEYOR</p> </div>										<p align="center">BRAU MONDE SECTION J</p> <p>Part of the E. 1/2, S.W. 1/4, Section 24, Township 12-N, Range 9-W, Vigo County, Indiana</p>										<p>CUSTOMER: Ragle & Co.</p> <p>RECORD OWNER: Brau Monde LLC</p>										<p>DRAWN BY: M/V</p> <p>CHECKED BY: E/WJ</p> <p>APPROVED BY: J/M</p> <p>SCALE: 1"=120'</p> <p>DATE: 01/13/06</p> <p>PROJECT NUMBER: TM04-224</p> <p>DRAWING NAME: Plat</p> <p>PLOT: PLATMETM04-224 Section 1 Plating</p> <p align="right"><i>DO NOT SCALE PRINT</i></p>									
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100 R 111



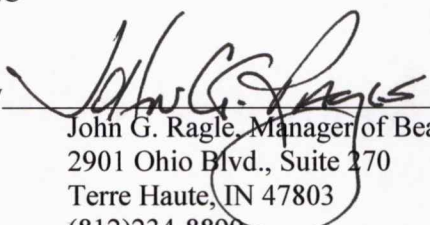
Affidavit of John G. Ragle, Manager of Beau Monde, LLC

COMES NOW affiant John G. Ragle, Manager of Beau Monde, LLC, and affirms under penalty of law that Beau Monde, LLC is the owner of record of the property located at 601 S. Fruitridge Avenue, Terre Haute, IN 47803 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.

Beau Monde, LLC

SIGNATURE: By _____

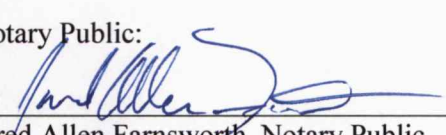

John G. Ragle, Manager of Beau Monde, LLC
2901 Ohio Blvd., Suite 270
Terre Haute, IN 47803
(812)234-8899

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, John G. Ragle, Manager of Beau Monde, LLC 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 2nd day of April, 2018.

Notary Public:



Jared Allen Farnsworth, Notary Public

My Commission Expires: May 16, 2024

My County Of Residence: Vigo County, Indiana

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAY 06 2005


VIGO COUNTY AUDITOR



RAYMOND WATTS
VIGO County Recorder IN
IN 2005007595 CW
05/06/2005 14:04:21 3 PGS
Filing Fee: \$18.00

CORPORATE LIMITED WARRANTY DEED

THIS INDENTURE WITNESSETH that HULMAN & COMPANY, an Indiana corporation ("**Grantor**"), BARGAINS, SELLS and CONVEYS to BEAU MONDE L.L.C., an Indiana limited liability company, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate located in Vigo County, Terre Haute, Indiana, which is more particularly described as follows together with all rights and appurtenants thereto (the "**Real Estate**").

[SEE ATTACHED EXHIBIT A]

TO HAVE AND TO HOLD the Real Estate to Grantee and Grantee's successors and assigns forever. Grantor covenants and warrants that the Real Estate is free of any encumbrance made or suffered by Grantor except (i) all easements, highways, rights-of-way, liens, covenants, conditions, restrictions and other matters of record; (ii) all current, non-delinquent real estate taxes and assessments; (iii) all matters that would be disclosed by an accurate survey or physical inspection of the Real Estate; and (iv) a certain Sign Location Lease dated July 11, 1996. Grantor and Grantor's successors shall warrant and defend the same to Grantee and Grantee's successors and assigns forever against the lawful claims and demands of all persons claiming by, through or under Grantor but against none other.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is duly qualified to execute and deliver this Corporate Limited Warranty Deed on behalf of Grantor, that Grantor has the full capacity to convey the Real Estate, and that all necessary corporate action for the execution of this transaction has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Corporate Limited Warranty Deed to be executed this 6th day of May, 2005.

HULMAN & COMPANY, an Indiana corporation

By: W. Curtis Brighton
W. Curtis Brighton, Executive Vice President
and Secretary

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared W. Curtis Brighton, the Executive Vice President and Secretary of Hulman & Company, an Indiana corporation, who acknowledged his execution of the foregoing Corporate Limited Warranty Deed, and who, before me this day having been duly sworn, stated that the representations and warranties therein contained are true and correct.

WITNESS my hand and Notarial Seal, this 6th day of May, 2005.

(SEAL)

My Commission Expires:

3-29-08

Michael Oldham
Signature

Michael Oldham
Printed

NOTARY PUBLIC

County of Residence:

Van Buren

Send tax bills to:

324 S 25th Street Terre Haute IN 47803

This instrument prepared by: Gretchen E. Snelling, 4790 West 16th Street, Indianapolis, Indiana 46222, (317) 492-6751.

Exhibit A

LEGAL DESCRIPTION

Part of the Southwest quarter of Section 24, Township 12 North, Range 9 West, Vigo County, described as follows:

Commencing at the Southeast corner of said quarter Section 24; thence North 89 degrees 07 minutes 21 seconds West, bearing is assumed and is the basis of bearings of this description, along the South line of said quarter section, a distance of 275.44 feet thence North 00 degrees 52 minutes 39 seconds East a distance of 46.00 feet to a 5/8 inch rebar with plastic cap stamped "Myers LS 9400006" hereinafter called a monument at the intersection of the North Right-of-Way line of Poplar Street (Indiana State Road 42), with the West right-of-way line of Thompson Ditch 2.12 acres Record, 1.90 acres measured, Parcel #A-31, per Certificate of Appropriation and Payment filed: Vigo County Auditor July 17, 1975, Miscellaneous Record 176, page 495, and the Point of Beginning of this description; thence North 89 degrees 07 minutes 21 seconds West along said North right-of-way line a distance of 1044.75 feet to a monument on the East right-of-way line of Adams Street (32.5 feet 1/2 width); thence North 00 degrees 20 minutes 19 seconds East along said East of right-of-way line a distance of 688.48 feet to an iron pin found at the Southwest corner of Lot 289 of Hulman Meadows 5th Subdivision, Plat Record 21, page 17; thence North 89 degrees 38 minutes 58 seconds East a distance of 139.87 feet (measured) 140 feet (record) to an iron pin found at the South west corner of Lot 290, of said Subdivision; thence North 89 degrees 37 minutes 47 seconds East, a distance of 119.81 feet (measured), 120 feet (record), to an iron pin found at the Southeast corner of said Lot 290; thence North 00 degrees 20 minutes 19 seconds East along the East line of said Lot 290, a distance of 150.27 feet (measured), 150 feet (record), to a monument set on the South right-of-way line of Ohio Boulevard; thence North 89 degrees, 37 minutes, 25 seconds East, along said South right-of-way line a distance of 921.47 feet to a monument set on the West right-of-way line of said Thompson Ditch Parcel #A-31; thence continuing said course a distance of 100.00 feet to the West right-of-way of Fruitridge Avenue, (40 feet 1/2 width measured from the East line of the Southwest quarter of Section 24); thence along and with said West right-of-way line the following three (3) courses: South 00 degrees 25 minutes 25 seconds West, a distance of 278.51 feet to a monument set on the Northwesterly right-of-way line of the Southern Indiana Railway, (49.5 feet 1/2 width, measured perpendicular to the centerline of the main track); thence South 00 degrees 25 minutes 25 seconds West, a distance of 441.59 feet to monument set on the Southeasterly right-of-way line of said Southern Indiana Railway; thence South 00 degrees 25 minutes 25 seconds West, a distance of 146.60 feet to a monument set at the intersection of the West right-of-way line of Fruitridge Avenue, with the North right-of-way line of Poplar Street; thence North 89 degrees 07 minutes 21 seconds West, along said North right-of-way, a distance of 33.67 feet, to a monument set on the Southeasterly right-of-way line of said Southern Indiana Railway; thence continuing said course along said North right-of-way, a distance of 101.40 feet, to a monument set on the Northwesterly right-of-way line of said Southern Indiana Railway; thence continuing said course along said North right-of-way, a distance of 100.00 feet to the Point of Beginning, containing 24.17 acres more or less.

Subject to Thompson Ditch, Parcel #A-31 Certificate of Appropriation and Payment filed with the Vigo County Auditor July 17, 1975

Except Right of Way for the Southern Indiana Railway Company (Soo Line), as taken by Appropriation Proceedings in Cause No. 20674, Vigo Circuit Court, and shown in Order Book 65 Page 369 of said court.

Receipt

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

Date: 4/2/18

Name: John Ragle

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

Cash: _____

Check: #98212 \$45.00

Credit: _____

Total: \$45.00

Received By: L Elks/g

TERRE HAUTE, IN
PAID
APR 02 2018
CONTROLLER



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: May 10, 2018

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #5-18**

CERTIFICATION DATE: May 9, 2018


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. 5-18. This Ordinance is a rezoning of the property located at 601 S. Fruitridge Ave. The Petitioner, Beau Monde, LLC, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family Residence District, for condos and single family homes. 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. 5-18 at a public meeting and hearing held Wednesday, May 9, 2018. 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. 5-18 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-18 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. 5-18 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approved one lot subdivision creating a lot of use and legal description; 2) Must meet all City Building and Engineering Codes; 3) Must submit a detailed Site Plan.


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 10th day of May, 2018

APPLICATION INFORMATION

Petitioner: Beau Monde, LLC

Property Owner: Same-As-Above

Representative: William M. Olah

Proposed Use: Condos/Two-Family Residences

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

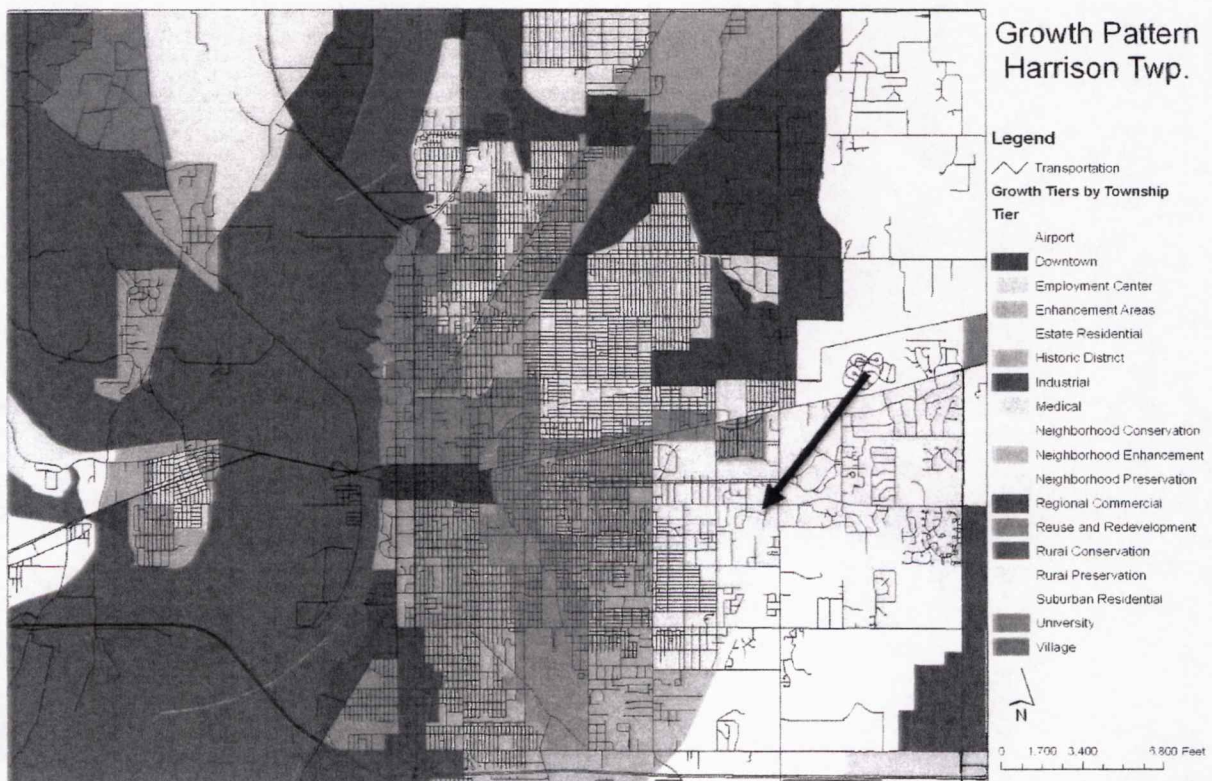
Current Zoning: R-1, Single Family Residence District

Location: The property is located NW of the intersection of Poplar St. and Fruitridge Ave. It has approximately 1150 feet of frontage along Poplar St.

Common Address: 601 S. Fruitridge Ave. Terre Haute, Indiana 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities. In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose Terre Haute and Vigo County Comprehensive Plan – Thrive 2025 -3-5- stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services. Additional policies for Neighborhood Conservation areas should include:

- 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.
 - Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
 - With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
 - Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
 - Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.
-

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 5-18

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Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Adams Blvd.

Dev. Priority: Medium

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1

East – R-1

South – R-1, & R-3

West – R-1

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: 7,200 Sq. Ft. per unit FAR 0.5 %

Street Setback: 55 feet from centerline on Poplar Ave.

55 feet on 8th Ave.

Rear setback: 11 feet from the center of the alley right-of-way

Interior setback: 5 feet from the interior lot line

Two (2) parking spaces per two-bed room unit.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner has requested the rezoning to allow for 39 duplexes to be constructed and sold as condos. Without a subdivision to determine the net buildable area it is difficult to determine if the Bulk and Density requirements as listed in section 10-136, & table 8 of the City Code, part B can be met. Based on staff's calculations it will be close to the site plan submitted but cannot be definitively determined.

The net buildable area is currently 15.84 acres. A 1-lot subdivision is required to be submitted and approved. This 1-lot subdivision will create a lot of use along with a legal description of the property adjusting for the correct right of way on Poplar St. and Adams Blvd. A preliminary site plan was submitted with the petition. The petitioner will be removing unit #1 as well as realigning the drive entrance with the existing drive cut to Adams Blvd. which will likely result in another unit being removed. A detailed site plan must be submitted and must meet the Bulk and Density requirements as listed in section 10-136, & table 8 of the City Code, part B.

This proposed development follows along with the same bulk and density requirements and is very similar in design as the following condominium properties:

1. The Cottage Condominiums on Wallace Ave. west of Fruitridge Ave.
2. The Fruitridge Park Villas Horizontal Property Regime on Fruitridge Ave. and Trey Cir.

All open space and internal right of way (since it will not be dedicated) will be the common space surrounding each condominium and will be used to calculate the net buildable area upon approval of the subdivision.

Neighborhood concerns include; the increase in traffic, the inability of pedestrians to traverse the property safely along the major thoroughfares, the ingress/egress point along Adams St. and headlights shining into residential windows.

Recommendation:

Staff offers a FAVORABLE RECCOMENDATION with the following conditions:

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 5-18

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1. Approved 1-lot subdivision creating a lot of use and legal description
2. Must meet all City Building and Engineering Codes.
3. Must submit a detailed site plan.