



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 09 - 2020

COMMON ADDRESS OF LOTS TO BE REZONED:

Part of 801 North 25th Street, Terre Haute, IN, being the eastern most 1.5 acres of Parcel No. 84-06-23-226-003.000-002 (see attached legal description and survey)

Parcel Number: 84-06-23-226-003.000-002

Current Zoning: M-2 Heavy Industry District

Requested Zoning: R-3 General Residence District

Proposed Use: Approximately 50 units of multi-family housing and a Day Center

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 (if any): Jeffrey A. Lewellyn

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

Phone Number of Attorney: (812) 232-4311

For Information Contact: Jeffrey A. Lewellyn

Council Sponsor: Cheryl Loudermilk

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

FILED

JUL 07 2020

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 09 - 2020
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

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, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" 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:

A part of the land in the name of the City of Terre Haute Department of Redevelopment (Instrument No. 20010110 [indexed under 200100110] records of the office of the Vigo County Recorder) being in the Northeast Quarter of Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on July 1, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-234) as follows:

Commencing at an iron pin in a POT at the North Quarter Corner of said section; thence South 89 degrees 52 minutes 25 seconds East (the basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the North line of the Northeast Quarter of said section a distance of 746.41 feet; thence South 00 degrees 08 minutes 04 seconds East a distance of 54.89 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015", hereinafter called a Spires Pin set on the South right of way of Locust Street being the Point of Beginning of this description; thence South 89 degrees 52 minutes 25 seconds East along said South right of way a distance of 320.82 feet to an iron pin at the Northwest Corner of Lot 2 in the Elm Street 2 Lot Subdivision - Revised (Instrument No. 2015007533); thence South 00 degrees 08 minutes 04 seconds East along the West line of said Lot 2 a distance of 203.82 feet to a Spires Pin found at the Southwest Corner of said Lot 2 also being the North right of way of Elm Street; thence North 89 degrees 55 minutes 50 seconds West along said North line a distance of 320.82 feet to a Spires Pin set; thence North 00 degrees 08 minutes 04 seconds West parallel with the West line of said Lot 2 a distance of 204.13 feet to the Point of Beginning containing 1.50 acres, more or less.

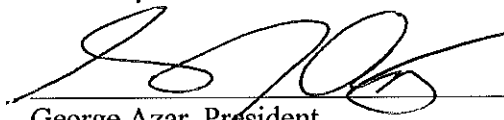
Commonly known as: 801 North 25th Street, Terre Haute, IN.

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 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: Cheryl Loudermilk
Cheryl Loudermilk

Passed in Open Council this 15th day of September, 2020.


George Azar, President
Common Council of
City of Terre Haute, Indiana

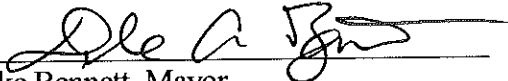
ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk


Presented by me to the Mayor of the City of Terre Haute this 16th day of SEPTEMBER, 2020.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 16th day of SEPTEMBER, 2020.


Duke Bennett, Mayor,
City of Terre Haute, Indiana

ATTEST:


Michelle Edwards, 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.

Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney, 333 Ohio Street, Terre Haute, IN 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 PLAN COMMISSION OF VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **Mental Health America of West Central Indiana, Inc.**, respectively submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of the land in the name of the City of Terre Haute Department of Redevelopment (Instrument No. 20010110 [indexed under 200100110] records of the office of the Vigo County Recorder) being in the Northeast Quarter of Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on July 1, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-234) as follows:

Commencing at an iron pin in a POT at the North Quarter Corner of said section; thence South 89 degrees 52 minutes 25 seconds East (the basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the North line of the Northeast Quarter of said section a distance of 746.41 feet; thence South 00 degrees 08 minutes 04 seconds East a distance of 54.89 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015", hereinafter called a Spires Pin set on the South right of way of Locust Street being the Point of Beginning of this description; thence South 89 degrees 52 minutes 25 seconds East along said South right of way a distance of 320.82 feet to an iron pin at the Northwest Corner of Lot 2 in the Elm Street 2 Lot Subdivision - Revised (Instrument No. 2015007533); thence South 00 degrees 08 minutes 04 seconds East along the West line of said Lot 2 a distance of 203.82 feet to a Spires Pin found at the Southwest Corner of said Lot 2 also being the North right of way of Elm Street; thence North 89 degrees 55 minutes 50 seconds West along said North line a distance of 320.82 feet to a Spires Pin set; thence North 00 degrees 08 minutes 04 seconds West parallel with the West line of said Lot 2 a distance of 204.13 feet to the Point of Beginning containing 1.50 acres, more or less.

Commonly known as: 801 North 25th Street, Terre Haute, IN.

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 District.

Your Petitioner would respectively state that the real property at issue is currently unimproved land and subject to environmental cleanup restrictions. Petitioner intends to develop the land for construction of a multi-family structure consisting of 50 one-bedroom apartments in conjunction with a ground level Day Center to offer use and support to members of the community who may be homeless or otherwise lacking such essential care and living facilities.

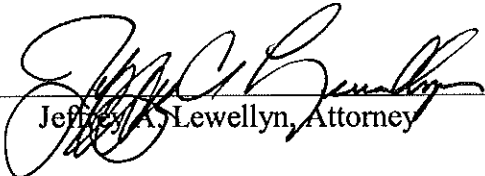
Your Petitioner requests that the real estate described herein shall be zoned as a **(R-3) General Residence District**. Your Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood.

Your Petitioner would respectively 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 of 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, Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana", 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 entitled to the rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on
this 7th day of July, 2020.

Mental Health America of West Central Indiana, Inc.

By: 
Jeffrey A. Lewellyn, Attorney

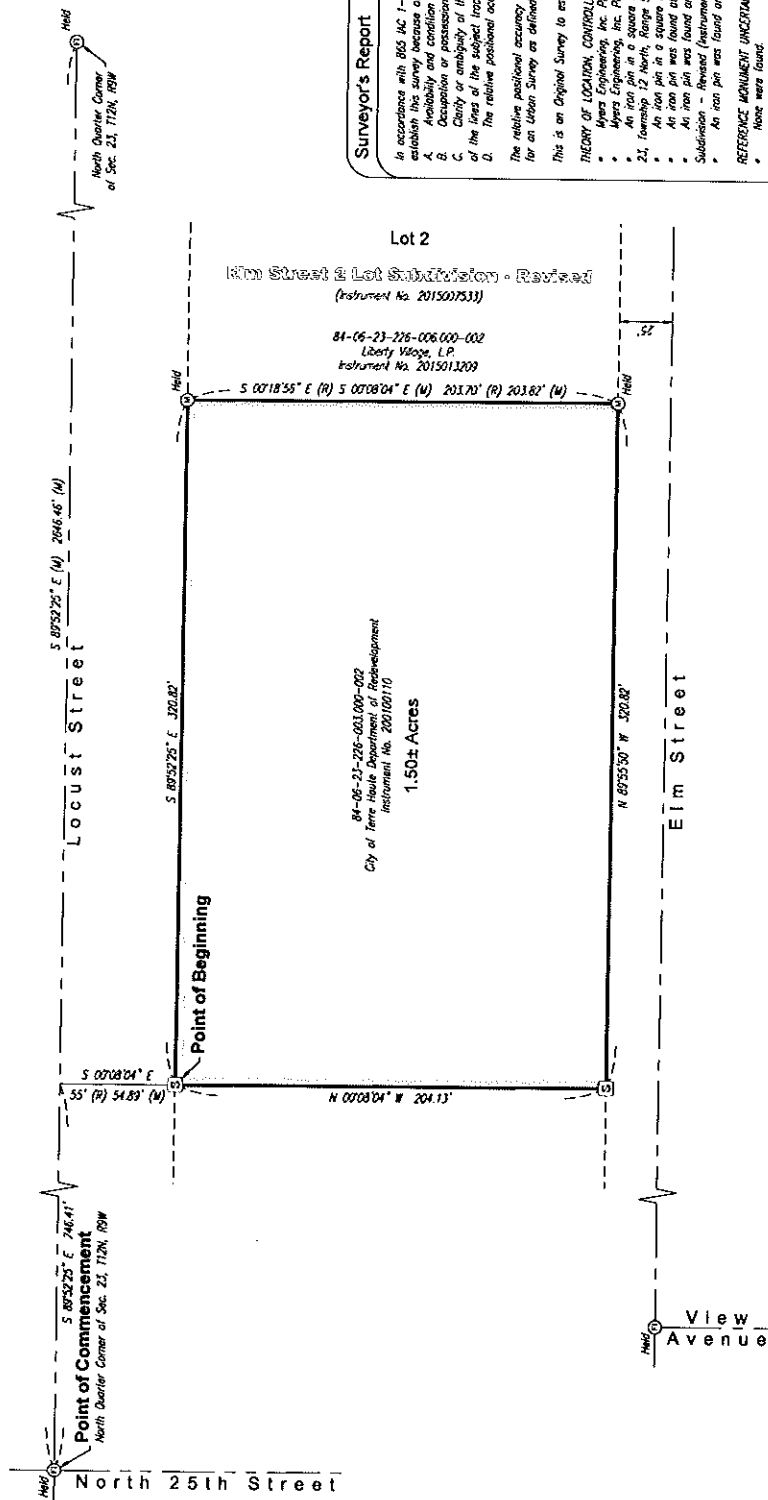
Petitioner: **Mental Health America of West Central Indiana, Inc.**
1460 Spruce St.
Terre Haute, IN 47807

Prepared By: Jeffrey A. Lewellyn, No. 15216-34
~~ATTORNEY FOR PETITIONER~~
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311

New Boundary Description

A part of the land in the name of the City of Terre Haute Department of Redevelopment (Instrument No. 200100110) [revised under 200100110] records of the office of the Vigo County Recorder being in the Northwest Quarter of Section 21, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana recorded on July 1, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29000015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. 1M20-234) as follows:

Commencing at an iron pin in a 90° at the North Quarter Corner of said section; thence South 89 degrees 52 minutes 25 seconds East (the basis of bearings is the Indiana State Plane Coordinate System West of the One Meridian) along the North line of the Northwest Quarter of said section a distance of 746.41 feet; thence South 00 degrees 00 minutes 04 seconds East a distance of 54.89 feet to a 5/8" brass cap staked "SPRES" in LS 29000015; hereafter called a Spires Pin set on the South right of way of Locust Street along the West line of the Northwest Quarter of Section 21, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Indiana; from the Spires Pin set on the South right of way of Locust Street along said South right of way a distance of 320.82 feet to a iron pin at the Northwest Corner of Lot 2 in Elm Street; thence South 00 degrees 00 minutes 04 seconds East along the West line of said Lot 2 a distance of 204.13 feet to a Spires Pin found at the Southwest Corner of said Lot 2; from the Spires Pin found at the Southwest Corner of said Lot 2 along the North line of said Lot 2 a distance of 204.13 feet to the Point of Beginning, containing 1.50 acres, more or less.



84-06-23-206-001,000-002
Liberty Village, I.R.
Instrument No. 2015013209
City of Terre Haute Department of Redevelopment
Instrument No. 200100110
1.50± Acres

Surveyor's Report

In accordance with 86S AC 1-12, the following information is presented concerning evidence used to establish this survey because of the following:

- Availability and condition of reference monuments.
- Occupation or possession lines.
- Clarity or ambiguity of the record description used and of reference descriptions and the relationship of the subject tract with the adjacent tract.
- The relative positional accuracy of the lines and corners established on this survey is within the specifications for an Urban Survey as defined in 86S AC 1-12.

This is an Original Survey to establish the property described hereon.

THEORY OF LOCATION, CONTROLLING ELEMENTS OF SURVEY:

- Meridian: The Indiana State Plane Coordinate System West Zone, Old Meridian.
- Method: The 1983-1984 plat and monuments were used for this project.
- Reference: The 1983-1984 plat and monuments were used for this project.
- Occupation or Possession: A 90° iron pin was found and held as monumenting the North Quarter Corner of Section 21, Township 12 North, Range 9 West.
- Iron Pin: An iron pin in a square PVI was found and held as monumenting the Northwest Corner of Section 21, Township 12 North, Range 9 West.
- Iron Pin: An iron pin was found at the intersection of Elm Street with View Avenue.
- Iron Pin: An iron pin was found and held as monumenting the Northwest Corner of Lot 2 in Elm Street, Lot 2 Subdivision - Revised (Instrument No. 2015007513).
- Iron Pin: An iron pin was found and held as monumenting the Southwest Corner of said Lot 2.

REFERENCE MONUMENT UNCERTAINTIES:

- None were found.

OCCUPATION / POSSESSION LINE UNCERTAINTIES:

- None were found.

REFERENCE DOCUMENT UNCERTAINTIES:

- None were found.

Basis of bearings is the Indiana State Plane Coordinate System West Zone, Old Meridian. Evidence of easements was not located on this survey plat. There may be unasserted rights associated with this survey. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose. I affirm, under penalties for perjury, that I have taken reasonable care to reflect each Social Security number in this document, unless required by law.

Plat of Survey

Field Work Completed 6/29/2020

Sheet No. 1 of 1

Liberty Village Phase 2

Client: Mental Health Association of Vigo County, Indiana

Record Owner: City of Terre Haute Department of Redevelopment

Project Number: TM20-234
Date: 7/1/2020
Drawn By: EDS
Checked By: CLT
Approved By: EDS
Scale: 1"=40'
File Name: TM20-234.dwg
Drawing Name: Plat of Survey

EARL D. SPIRES JR.
REGISTERED LAND SURVEYOR
No. 29000015
Vigo County, Indiana

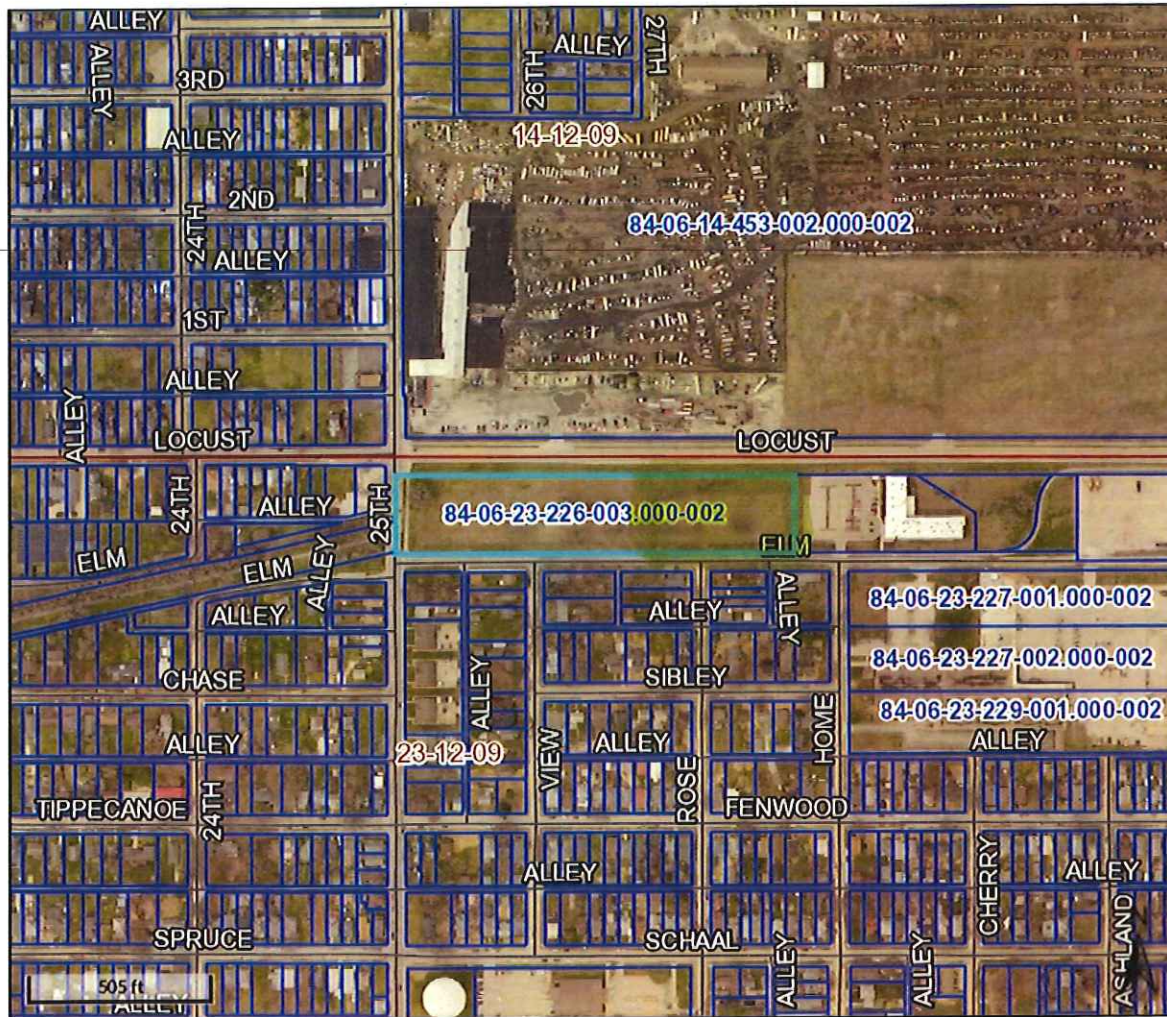
No.	Date	Revisions	By	Checked

Section 21, Township 12 North, Range 9, West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Street Address
801 North 25th Street

MYERS ENGINEERING, INC.
Copyright © 2020
1600 S. State Street, Suite 100
Terre Haute, Indiana 47807
Phone: (812) 238-1217
Fax: (812) 238-1237
http://myersengineering.com

SOLID AND STABLE HARD COPY IS THE AUTHORITY OF RECORD. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.



Overview

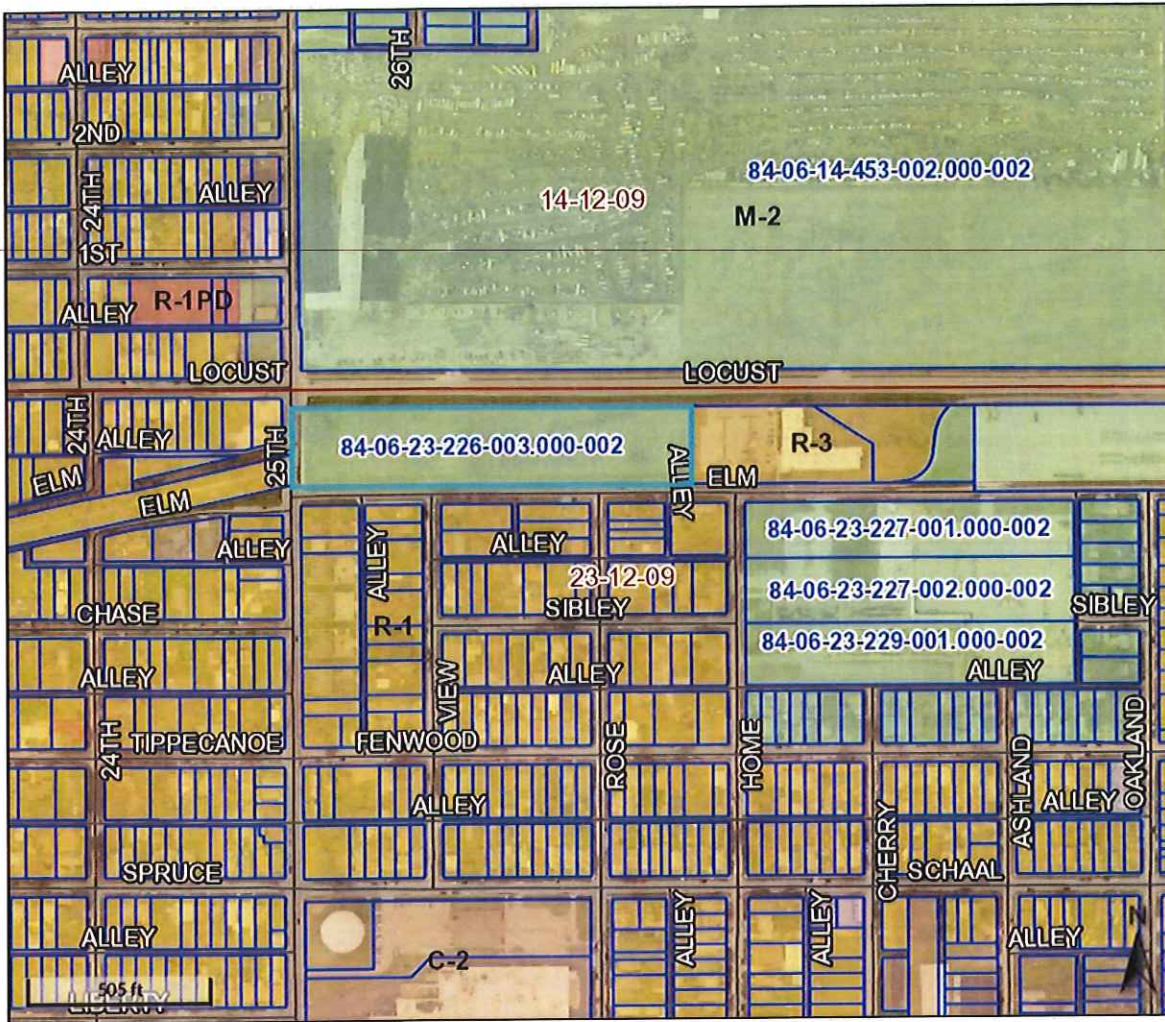


Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2020 Sales

Parcel ID	84-06-23-226-003.000-002	Alternate ID	118-06-23-226-003	Owner Address	TERRE HAUTE CITY OF DEPARTMENT OF REDEVELOPMENT 17 HARDING AVE TERRE HAUTE, IN 47807
Sec/Twp/Rng	23	Class	Exempt:		
Property Address	801 N 25TH ST TERRE HAUTE	Municipality			
Neighborhood	118324 - HARRISON	Acreage	5.06		
District	002 HARRISON				
Brief Tax Description	N SIDE NW NE 20010110 23-12-9 5.06 AC <i>(Note: Not to be used on legal documents)</i>				

Date created: 7/6/2020
 Last Data Uploaded: 7/4/2020 8:30:06 PM



Overview



Legend

- Corporate Limits
- Political Township
- 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

505 ft



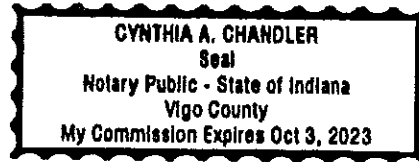
AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Steve Witt, Executive Director, for City of Terre Haute, Department of Redevelopment, (the "Department") and affirms under penalty of law that the Department is the owner of record of the property located at 801 North 25th Street, Terre Haute, IN, Parcel No. 84-06-23-226-003.000-002, for which a subdivision and rezoning is requested. Attached hereto is a copy of the deed evidencing the Department's ownership. The Department is seeking to rezone the subject property from its current zoning of (M-2) Heavy Industry to (R-3) General Residence District to allow for the future construction of a multi-family project development.

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



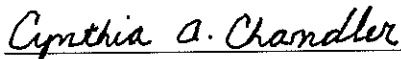
Steve Witt



STATE OF INDIANA)
 :SS
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Steve Witt, who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 7th day of July, 2020.



My commission expires:
10-03-2023

Cynthia A. Chandler, Notary Public
Resident of Vigo County, Indiana

JKN Date 01/02/2001 Time 09:46:28
Mitchell Newton
Vigo County Recorder
Filing Fee: 22.00
1 20010110 Page 1 of 5

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 02 2001

James W. ...
VIGO COUNTY AUDITOR

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 *Karen Curry*
Printed: Karen Curry
Title: President


Attest:
[Signature]
Printed: _____
Title: *Sec. 1*

2

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared KAREN CURRY and John Curry 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.


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

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.

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.

Receipt

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

Date: 07-07-2020

Name: Wilkinson, Heather, Madesitt

Reason: Rezoning Notice of Filing \$2500
Petition - \$2000

Mental Health Assessment - Incl. Chg.

Cash: _____

Check: \$ 4500

Credit: _____

Total: \$ 4500

PAID
JUL 07 2020
CONTROLLER

Received By: [Signature]



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: September 3, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 9-20

CERTIFICATION DATE: September 2, 2020

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. 9-20. This Ordinance is a rezoning of part of 801 North 25th. The Petitioner, The City of Terre Haute Redevelopment, petitions the Plan Commission to rezone said real estate from zoning classification M-2 to R-3, Multifamily Residential District for a 50-unit multifamily housing and day care.

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. 9-20 at a public meeting and hearing held Wednesday, September 2, 2020. 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. 9-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-20 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. 9-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) site is served by all city utilities 2) a good use of what could be a possible brownfield site 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.




Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 3rd day of September, 2020

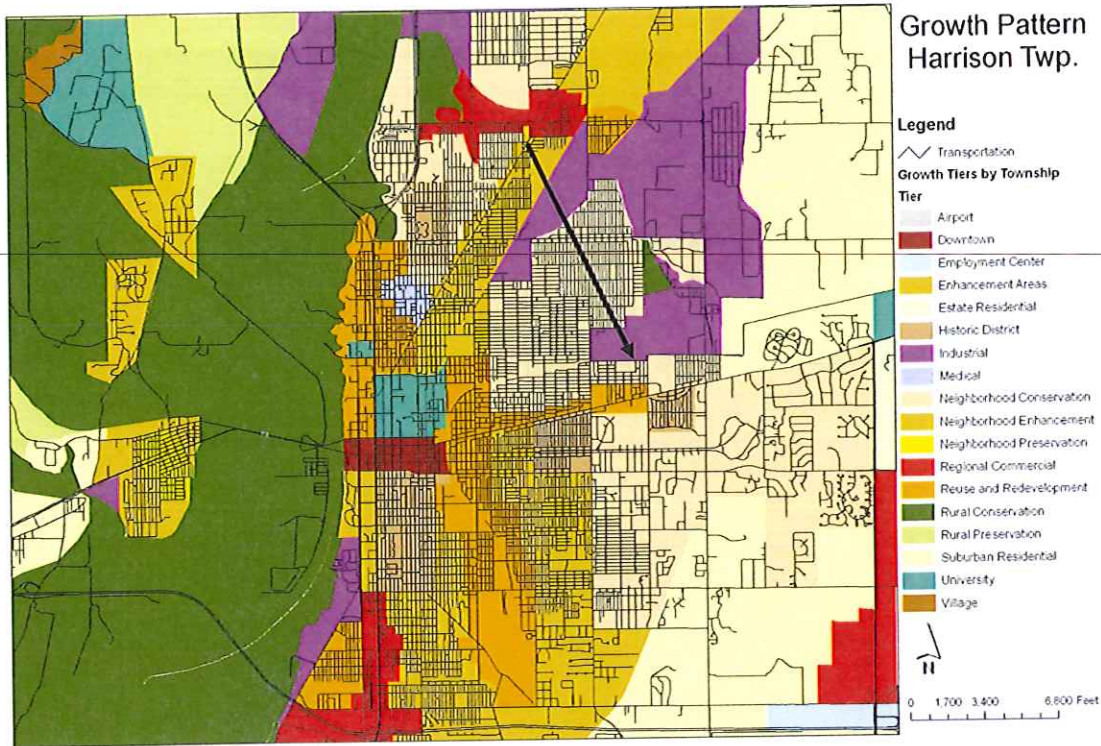
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Industrial Areas

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.

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 – R-1, Single Family Residential
South – R-1, Single Family Residential
West – R-1, Single Family Residential

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Contig. Uses & Zones: The contiguous zonings are R-1, Single-Family Residence District to the West and South, and to East has been rezoned to a R-3 which those uses are permitted; north is 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,1).”

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 that is an expansion of 2810 Elm St. Development. Arguments for both sides of the recommendation have been explored and will be summarized below.

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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.
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 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 reduction in off street parking be approved.
2. Variance for a shared parking agreement be approved.
3. A major subdivision of the property be submitted and approved
4. The developer must agree to place a non-restrictive description on the deed of the property in question. This non-restrictive language would state that when the property zoning was to change from Industrial to residential the adjacent industrials would not be required to set back any future use three hundred ft. (300') from these new residential developments.