

SPECIAL ORDINANCE NO. 4, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1108 South 13th Street, Terre Haute, Indiana 47807

Parcel No. 84-06-27-401-002.000-002

Rezoned From: C-1 Neighborhood Commerce District

Rezoned To: C-5 General Central Business District

Proposed Use: Electrical Contractor Office

Name of Owners: Keyes Properties, LLC

Address of Owners: 1009 Royse Drive
Terre Haute, IN 47802

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Martha Crossen

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 3 2021

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 4, 2021**

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

SECTION I. BE IT ORDANED 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, Indiana" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lot Number One (1) and the North One-Half (1/2) of Lot Number Two (2) in Deans Subdivision of all that part of the West ½ of the North ½ of the Southeast ¼ of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West lying west of the Wabash and Erie Canal.

Parcel No. 84-06-27-401-002.000-002

Commonly known as: 1108 South 13th Street, Terre Haute, Indiana 47807.

Be and the same is hereby established as a C-5 General Central Business 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, Martha Crossen
Martha Crossen, Councilperson

Passed in open Council this 8TH day of APRIL, 2021.
O. Earl Elliott
O. Earl Elliott, President

ATTEST:
Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 9th day of APRIL, 2021.


Michelle Edwards, City Clerk

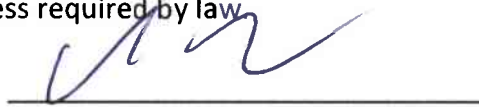
Approved by me, the Mayor of the City of Terre Haute, this 9th day of APRIL, 2021.


Duke A. Bennett, Mayor

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.


Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

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

Lot Number One (1) and the North One-Half (1/2) of Lot Number Two (2) in Deans Subdivision of all that part of the West ½ of the North ½ of the Southeast ¼ of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West lying west of the Wabash and Erie Canal.

Parcel No. 84-06-27-401-002.000-002

Commonly known as: 1108 South 13th Street, Terre Haute, Indiana 47807

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 C-1 Neighborhood Commerce District.

Your Petitioner intends to use this real estate for electrical contractor business that is currently located immediately to the South of this location. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and Keyes Properties, LLC is the owner of several parcels of real estate directly South of 1108 South 13th Street, Terre Haute, Indiana 47807.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-5 General Central Business 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 18 day of February, 2021.

PETITIONER:

Keyes Properties, LLC

By: 

Randy Keyes, Member

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

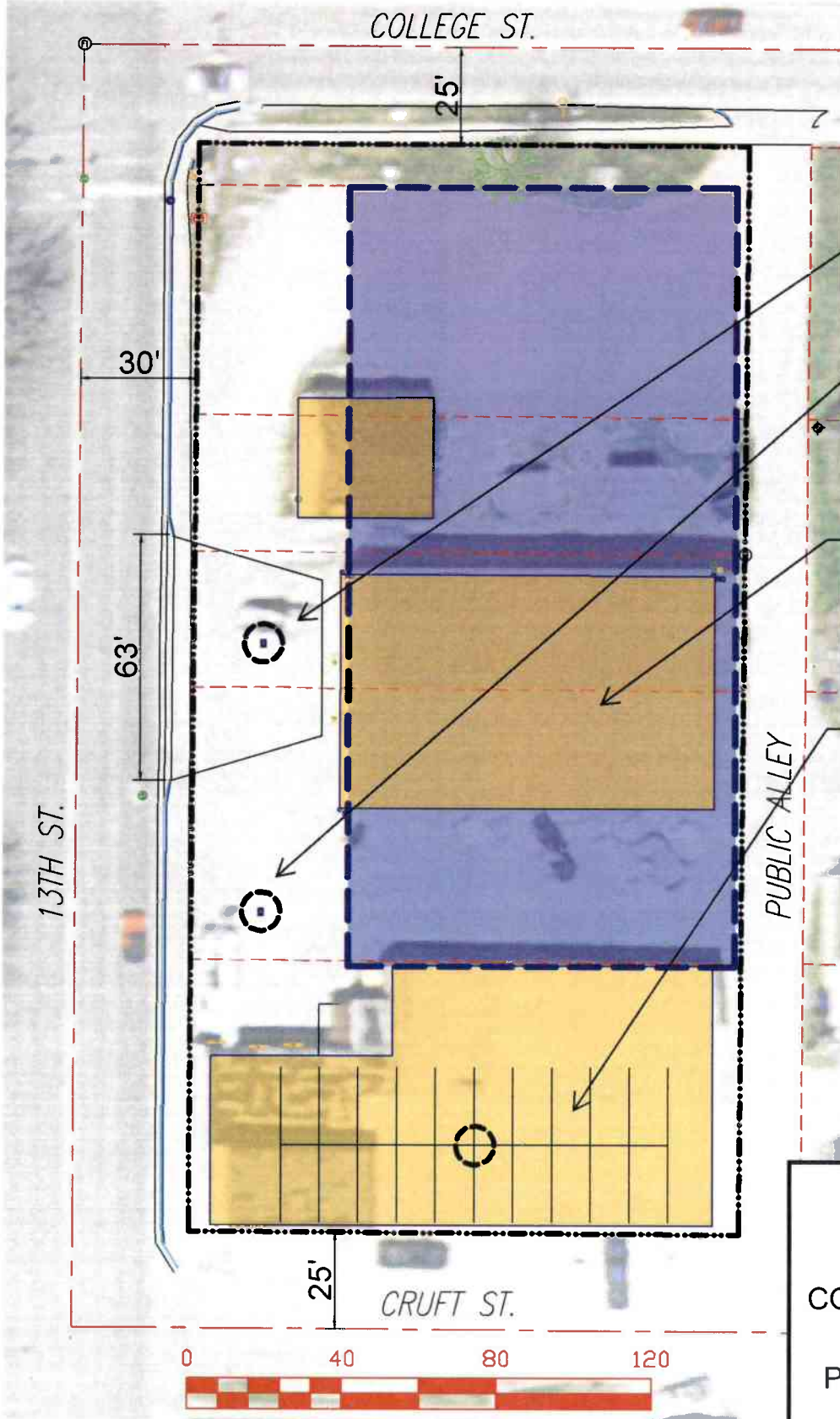
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Site Plan

1108 S. 13TH ST.
C-1 to C-5



1126 South 13th Street
Terre Haute, In 47802
Ph: 812-870-6397
Fax: 812-232-2035



USE EXISTING ENTRY-EXIT FROM 13TH ST.

USE EXISTING STORM DRAINAGE
ADD NEW AS REQUIRED

DEMO OLD BUILDINGS
CONSTRUCT NEW 100 FT X 200 FT. PREFAB METAL OFFICES AND WAREHOUSE

DEMO OLD BUILDING
ADD NEW PARKING WITH DRAINAGE AS REQUIRED

tax parcels:
84-06-27-401-002, -005, -008
0.91 acres Total +/-
part of Dean's Sub of W Canal
Sec. 27, Township 12N, Range 9 West
Harrison Township

PROPOSED SITE PLAN
FOR NRK INC.
COMPANY WAREHOUSE AND
OFFICE
PRELIMINARY FEB. 12, 2021

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Randy Keyes, Member of Keyes Properties, LLC, being duly sworn upon his oath, deposes and says:

1. That Keyes Properties, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number One (1) and the North One-Half (1/2) of Lot Number Two (2) in Deans Subdivision of all that part of the West ½ of the North ½ of the Southeast ¼ of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West lying west of the Wabash and Erie Canal.

Parcel No. 84-06-27-401-002.000-002

Commonly known as: 1108 South 13th Street, Terre Haute, Indiana 47807

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

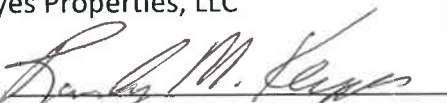
3. That Affiant makes this Affidavit for the sole purpose of affirming that Keyes Properties, LLC is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Keyes Properties, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 18 day of February, 2021.

Keyes Properties, LLC

By:


Randy Keyes, Member

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

DEC 03 2019


JAMES W. BRAMBLE
VIGO COUNTY AUDITOR

2019013122 WD \$25.00
12/03/2019 03:32:22P 2 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that ROBERT L. GREEN and OPAL A. GREEN, as husband and wife, of Vigo County, Indiana, (collectively referred to as the "Grantors"), hereby CONVEY AND WARRANT to KEYES PROPERTIES, LLC, of Vigo County, Indiana ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

Lot Number One (1) and the North One-Half (1/2) of Lot Number Two (2) in Deans Subdivision of all that part of the West 1/2 of the North 1/2 of the Southeast 1/4 of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West lying west of the Wabash and Erie Canal.

Commonly known as: 1108 S. 13th St., Terre Haute, IN 47807

Subject to (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record; (ii) all current, non-delinquent real estate taxes and assessments; and (iii) all matters that would be disclosed by an accurate survey or physical inspection of said real estate.

All real property taxes to be assumed by Grantee.

IN WITNESS WHEREOF, Grantors have executed this General Warranty Deed this 26 day of November, 2019.

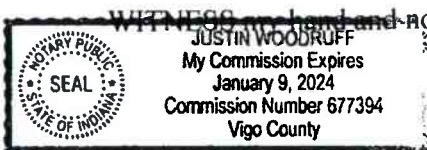

Robert L. Green, Grantor


Opal A. Green, Grantor

(NOTARY PAGE TO FOLLOW)

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Robert L. Green, who acknowledged the execution of the foregoing instrument this 26th day of November, 2019.



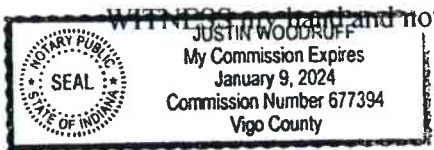
Justin Woodruff
Notary Public
Printed: Justin Woodruff

My Commission Expires:
1/9/24

County of Residence:
Vigo

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Opal A. Green, who acknowledged the execution of the foregoing instrument this 26th day of November, 2019.



Justin Woodruff
Notary Public
Printed: Justin Woodruff

My Commission Expires:
1/9/24

County of Residence:
Vigo

Send tax statements to and
Grantee's mailing address is:

Keyes Properties, LLC
1009 Royse Dr.
Terre Haute, IN 47802

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. Thomas S. Clary II

This Instrument Prepared By: Thomas S. Clary II, Attorney #25526-84, Wright, Shagley & Lowery, P.C., 500 Ohio Street, PO Box 9849, Terre Haute, Indiana, 47807, (812) 232-3388, at the specific request of Grantee based solely on information supplied by one or more of the parties to this conveyance and without examination of title and abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by Grantors' execution and Grantee's acceptance of the instrument.

FILED

MAR 3 2021

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 4, 2021

CITY CLERK

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

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

Presented by Council Member, Martha Crossen
Martha Crossen, Councilperson

Passed in open Council this _____ day of _____, 2021.

Earl O. Elliott, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

Duke A. Bennett, Mayor

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.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.



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: April 8, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 4-21

CERTIFICATION DATE: April 7, 2021

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. 4-21. This Ordinance is a rezoning of the property located at 1108 S. 13th. The Petitioner, Keyes Properties, petitioned the Plan Commission to rezone said real estate from zoning classification C-1 to C-5 General Central Business in order to build an electrical contractor office.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 4-21 at a public meeting and hearing held Wednesday, April 7, 2021. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 4-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 4-21 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. 4-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) All required development standards as outlined by City Engineering be met 2) Amend site plan with rear setback or relief from rear setback by City BZA as well as square footage of office/warehouse space indicated to verify parking requirements..

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 8th day of April, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 4-21

Doc: # 19

Date: April 2021

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Keyes Properties LLC

Property Owner: Same as Above

Representative: Richard J. Shagley II

Proposed Use: Electrical Contractor Office/Storage

Proposed Zoning: C-5 General Central Business District

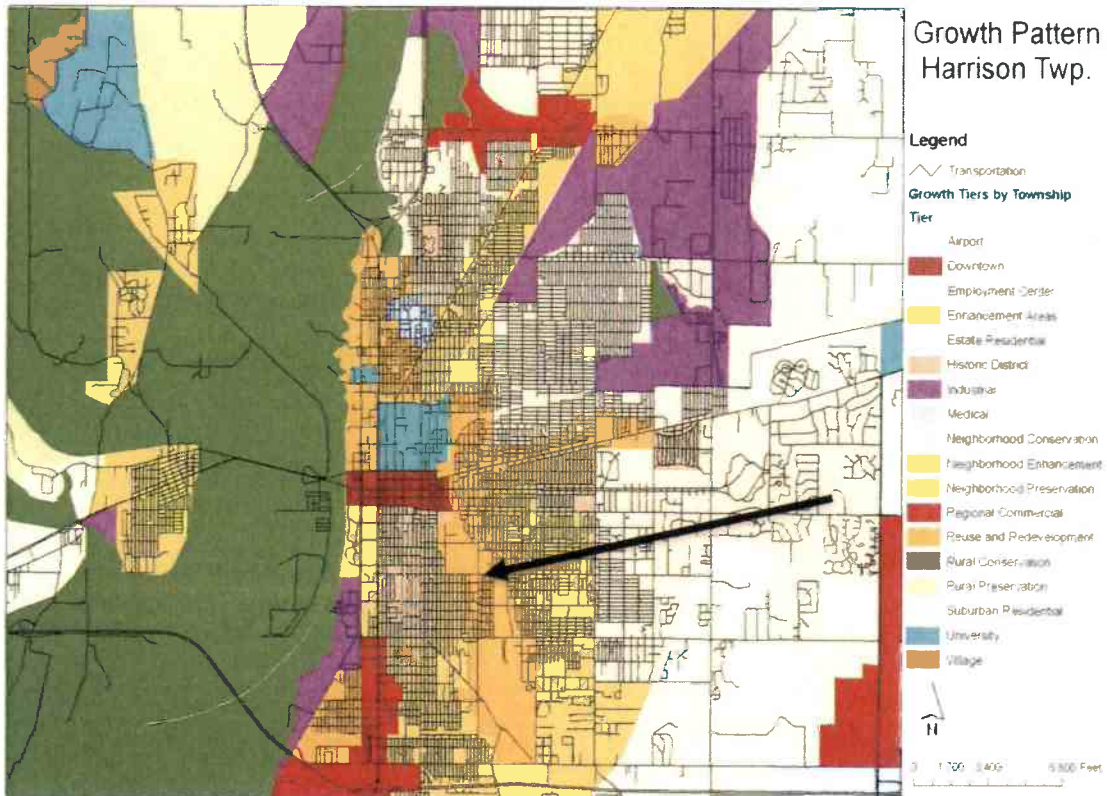
Current Zoning: C-1 Neighborhood Commerce District

Location: The property is located on the corner of College Avenue & S. 13th Street. Parcel# 84-06-27-401-002.000-002

Common Address: 1108 S. 13th Street, Terre Haute

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Street Access: S. 13th Street

Dev. Priority: High intensity

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – R-2

East – M-2

South – R-2

West – C-5

Character of Area: The petitioned property is located within a variety of mixed uses.

ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone one of three lots that they intend to build an electrical contractor's office. The other lots are already currently zoned C-5. The petitioner intends to remove the existing structures at 1108, 1118, and 1126 S 13th St to build a new storage warehouse/office and for parking. Warehouses for storage and offices are both permitted in the C-5 district.

The site plan for the new building does not indicate that the building will meet the rear setback from the alley. BZA relief will be required from the rear setback if it is not met. The site plan also does not indicate the square footage of warehouse or office space to verify the correct amount of parking is available.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 4-21

Doc: # 19

Date: April 2021

Page 4 of 4

Approval of a site plan must be given by City Engineering. Hard surfacing is a requirement of the C-5 District. The City may also request the lots be combined into a single lot of use.

Recommendation: Favorable with the following condition;

1. All required development standards as outlined by City Engineering be met.
2. Amended site plan with rear setback or relief from rear setback by City BZA as well as square footage of office/warehouse space indicated to verify parking requirements.