



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 9, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

20 Home Avenue, Terre Haute, Indiana 47803

Current Zoning: C-2 Limited Community Commerce

Requested Zoning: R-2 Two Family Residential District

Proposed Use: Single family residence

Name of Owner: Highland Property Group, LLC

Address of Owner: 100 Circle Street, Terre Haute, IN 47803

Phone Number of Owner: 812-249-0238

Attorney Representing Owner (if any): David P. Friedrich

Address of Attorney: Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-4311

For Information Contact: David P. Friedrich

Council Sponsor: Cheryl Loudermilk

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

FILED

APR 19 2022

CITY CLERK

SPECIAL ORDINANCE FOR REZONING
AMENDED SPECIAL ORDINANCE NO. 9, 2022

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting and Enacting a Code of Ordinances for the City of Terre Haute, Indiana; Establishing the Same; Providing for Repeal of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing a Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as The Comprehensive Zoning Ordinance of Terre Haute of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Number Twenty-Nine (29) in Upland Place (as made by W.W. Cliver) same being a subdivision of part of the South half of the Northeast Quarter of Section 23, Township 12 North, Range 9 West, as shown in the plat recorded February 10, 1891 at Plat Record 5, page 58, records of Recorder's Office of Vigo County, Indiana

Commonly known as 20 and 22 Home Avenue, Terre Haute, Vigo County, Indiana 47803

Parcel No. 84-06-23-252-034.000-002

Be and the same is, hereby established as an R-2 Two Family Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate shall be an R-2 Two Family Residential District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana.

WHEREAS, Amended Special Ordinance No. 9, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

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 publications as by law provided.

Presented by Council Member, Cheryl Loudermilk
Cheryl Loudermilk

Passed in Open Council this 2nd day of June, 2022.

Cheryl Loudermilk
Cheryl Loudermilk-President

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 2nd day of June 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 2nd day of JUNE, 2022.

Duke Bennett
Duke Bennett, Mayor

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street,
Terre Haute, IN 47807

I affirm, under the penalties
for perjury, that I have taken
responsible care to redact
each social security number
in this document, unless required
by law.

David P. Friedrich
David P. Friedrich

FILED

MAR 28 2022

SPECIAL ORDINANCE FOR REZONING

SPECIAL ORDINANCE NO. 9, 2022

CITY CLERK

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Commonly known as 20 Home Avenue, Terre Haute, Vigo County, Indiana
47803

Parcel No. 84-06-23-252-034.000-002

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That the real estate shall be an R-2 Two Family Residential District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

WHEREAS, Special Ordinance No. 9, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

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 publications as by law provided.

Presented by Council Member, Cheryl Loudermilk
Cheryl Loudermilk

Passed in Open Council this _____ day of _____, 2022.

Cheryl Loudermilk-President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____, 2022.

Michelle Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2022.

Duke Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street,
Terre Haute, IN 47807

I affirm, under the penalties
for perjury, that I have taken
responsible care to redact
each social security number
in this document, unless required
by law.

David P. Friedrich
David P. Friedrich

AMENDED PETITION TO REZONE REAL ESTATE

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

LADIES and GENTLEMEN:

The Petitioner, Highland Property Group, LLC., is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot Number Twenty-Nine (29) in Upland Place (as made by W.W. Cliver) same being a subdivision of part of the South half of the Northeast Quarter of Section 23, Township 12 North, Range 9 West, as shown in the plat recorded February 10, 1891 at Plat Record 5, page 58, records of Recorder's Office of Vigo County, Indiana

Commonly known as 20 and 22 Home Avenue, Terre Haute, Vigo County, Indiana 47803

Parcel No. 84-06-23-252-034.000-002

The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2, Limited Community Commerce.

Your Petitioner would state the real estate is a residential dwelling. The Petitioner intends to use the real estate as a duplex.

Your Petitioner would respectfully state the real estate herein shall be zoned as a R-2 Two Family Residential District. Your Petitioner would assert the proposed use would not alter the general characteristics of this neighborhood and will include parking and interior setback variances approved by the Terre Haute Board of Zoning Appeals.

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, the 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 District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate be zoned R-2 Two Family Residential District of the City of Terre Haute, 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 16th day of April, 2022.

PETITIONER:

By: Thomas P. Smith
Thomas Smith
Manager
Highland Property Group, LLC

PETITION FOR A PLANNED DEVELOPMENT

PETITION TO REZONE REAL ESTATE

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

LADIES and GENTLEMEN:

The Petitioner, Highland Property Group, LLC., is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot Number Twenty-Nine (29) in Upland Place (as made by W.W. Cliver) same being a subdivision of part of the South half of the Northeast Quarter of Section 23, Township 12 North, Range 9 West, as shown in the plat recorded February 10, 1891 at Plat Record 5, page 58, records of Recorder's Office of Vigo County, Indiana

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Parcel No. 84-06-23-252-034.000-002

The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2, Limited Community Commerce.

Your Petitioner would state the real estate is a residential dwelling. The Petitioner intends to use the real estate as a two family residence.

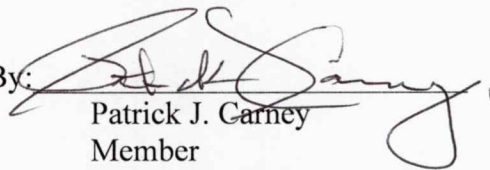
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In witness whereof, this Petition has been duly executed this 2/15/ day of March, 2022.

PETITIONER:

By:  member
Patrick J. Carney
Member
Highland Property Group, LLC

Special Ordinance No. 9, 2022

SITE PLAN

C-2 TO R-2

20 Home Avenue

Terre Haute, IN 47803

Current Zoning: C-2

Proposed Zoning: R-2



LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That H.I.P. Real Estate Development, LLC, a limited liability company organized and existing under the laws of the State of Nevada (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Highland Property Group LLC, a limited liability company organized and existing under the laws of the State of Indiana, (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Lot Number Twenty-nine (29) in Upland Place (as made by W. W. Cliver) same being a subdivision of part of the South half of the Northeast Quarter of Section 23, Township 12 North, Range 9 West, as shown in the plat recorded February 10, 1891 at Plat Record 5, page 58; records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-23-252-034.000-002

Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed, that they are either (*mark applicable option*):

1. all of the Members of Grantor
Or
 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.



Jurat Certificate

State of Florida

County of Manatee

Sworn to (or affirmed) and subscribed before me this 9 day

of March, 2022, by means of physical presence or online notarization

Kameron and Gina Beckum (name of person making statement).

Personally known to me _____

Produced Identification
Type of Identification Produced Florida drivers license

Notary Signature [Signature]

Title Notary public

My appointment expires Nov 5 2023

Place Seal Here



Description of Attached document

Type or Title of Document
limited liability company Warranty Deed

Document Date
3-9-22

Number of Pages
3

Signer(s) Other Than Named Above
N/A

AFFIDAVIT OF PATRICK J. CARNEY

Patrick J. Carney ("Carney"), being first duly sworn upon her oath, deposes and states:

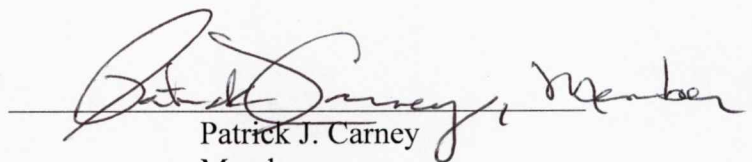
1. Carney is a Member of Highland Property Group, LLC.
2. Highland Property Group, LLC. is the fee simple owner of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number Twenty-Nine (29) in Upland Place (as made by W.W. Cliver) same being a subdivision of part of the South half of the Northeast Quarter of Section 23, Township 12 North, Range 9 West, as shown in the plat recorded February 10, 1891 at Plat Record 5, page 58, records of Recorder's Office of Vigo County, Indiana

Commonly known as 20 Home Avenue, Terre Haute, Vigo County, Indiana
47803

Parcel No. 84-06-23-252-034.000-002

3. Copies of the deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Highland Property Group, LLC. is attached to this affidavit as Exhibits A.
4. Carney submits this affidavit for the sole purpose of affirming that Highland Property Group, 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 Highland Property Group, LLC.
5. The affiant further sayeth not.



Patrick J. Carney
Member
Highland Property Group, LLC

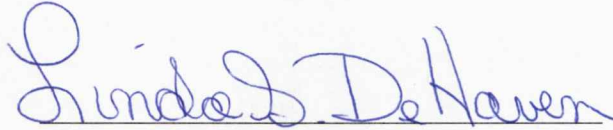
STATE OF INDIANA)

:SS

COUNTY OF VIGO)

Subscribed and sworn to before me, a Notary Public, this 21st day of
March, 2022.

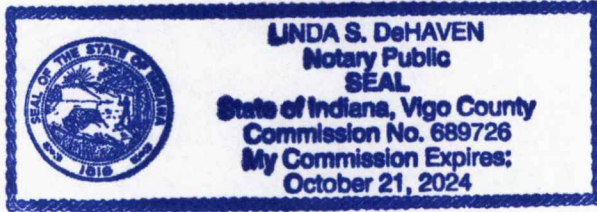
MY COMMISSION EXPIRES:



NOTARY PUBLIC

COUNTY OF RESIDENCE:

(Printed Name)



Receipt

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

TERRE HAUTE, INC.
PAID
MAR 28 2022
CONTROLLER

Date: 3/28/2022

Name: Dave Friedlineh

Reason: Rezoning - notice of filing 25.00

Rezoning - Petition 20.00

Cash: _____

Check: 45.00 cn 104907

Credit: _____

Total: 45.00

Received By: Carl Dawson



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: June 2, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 9-22

CERTIFICATION DATE: June 1, 2022

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. 9-22. This Ordinance is a rezoning of 20 and 22 Home Avenue. The Petitioner, Highland Property Group LLC, petitions the Plan Commission to rezone said single family residence from zoning classification C-2 to R-2 Two Family Residence.

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. 9-22 at a public meeting and hearing held Wednesday, June 2, 2022. 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. 9-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-22 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. 9-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Variance for interior setbacks to the north and south 2.) Hard-surface parking provided with the required number of parking spaces or variances through the BZA 3.) Buffering waiver to be recorded with the deed or title.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 2nd day of June, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 9-22

Doc: # 30

Date: May 2022

Page 1 of 3

APPLICATION INFORMATION

Property Owner: Highland Property Group LLC.

Proposed Use: Single Family Residence

Proposed Zoning: R-2, Two Family Residence District

Current Zoning: C-2, Limited Community Commerce

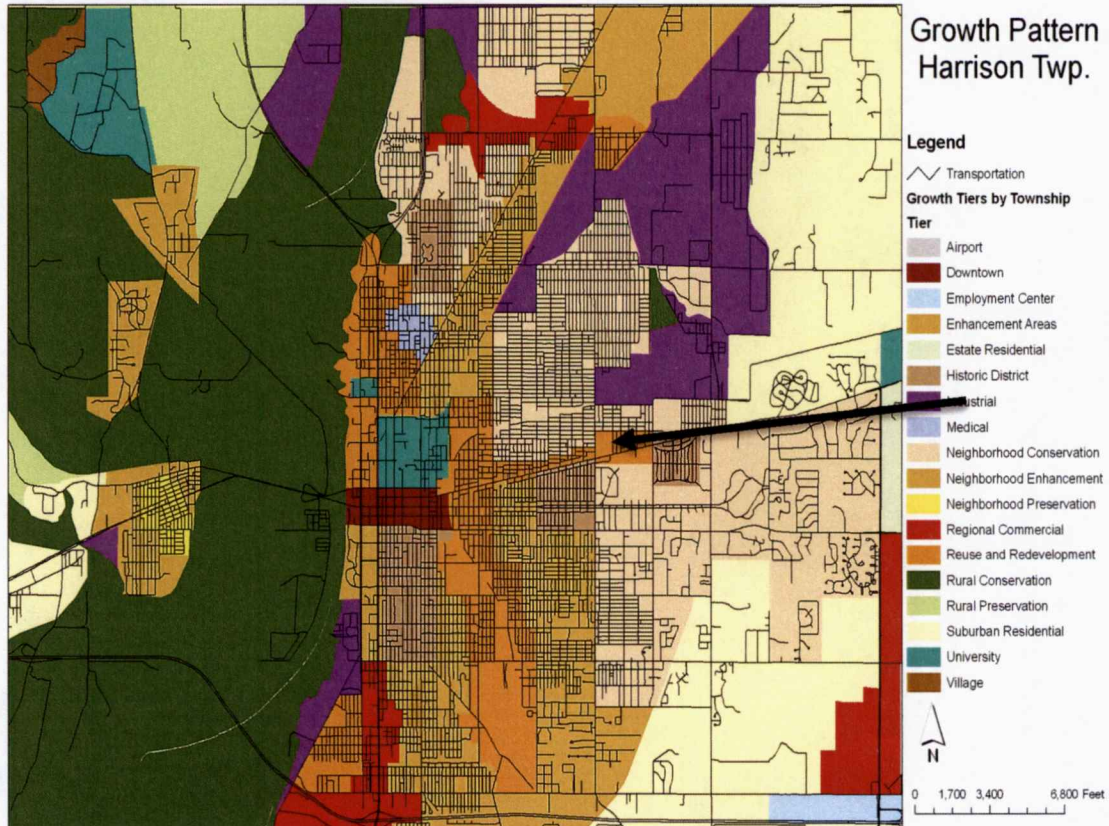
Representative: David P. Friedrich

Location: The property is approximately 200 ft. north of the intersection of Wabash Avenue & Home Ave. on the West Side of Home Ave.

Common Address: 20 & 22 Home Avenue, Terre Haute, IN 47803/ 84-06-23-252-034.000-002- Upland Place Lot 29

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 9-22

Doc: # 30

Date: May 2022

Page 2 of 3

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

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2

East – C-2

South – C-2

West – C-2

Area is well served with public utilities.

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 is requesting to rezone the property from C-2, Limited Community District to R-2, Two -Family Residence District. Many homes in the area have an original commercial zoning due to the proximity to Wabash Ave. There is an existing duplex on the property. They are requesting to rezone to match the existing use.

There was no site plan, but the duplex appears to be near or at the interior lot lines to the north and south. The petitioner has requested a variance of 5' from the 5' required interior setback from the Board of Zoning Appeals to the north and south. Off-street parking with hard surfacing is required in an R-2 zoning in the City. The petitioner states that there are two four-bedroom units in the duplex, which would require nine parking spaces per City Code. They are proposing four parking spaces in the back, which would require a variance. Terre Haute City Engineering gave an unfavorable recommendation to the requested variances other than the interior setbacks.

Hard-surface parking is required. There appears to be a concrete pad for parking behind the duplex.

Because the surrounding properties are commercially zoned, the property owner must agree to waive any buffering requirement from the surrounding C-2 zoning. The waiver must be in writing and attached to the deed or title.

Variances for interior setback to the north and south, and a reduction in the number of required parking spaces were approved by the Board of Zoning Appeals.

Recommendation: Staff offers a Favorable Recommendation for this petition with the following conditions:

1. Variance for interior setbacks to the north and south
2. Hard-surface parking provided with the required number of parking spaces or variances through the BZA
3. Buffering waiver to be recorded with the deed or title.



TERRE HAUTE
A LEVEL ABOVE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: May 5, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 9-22

CERTIFICATION DATE: May 4, 2022

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

Dear Members,

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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. 9-22 at a public meeting and hearing held Wednesday, May 4, 2022. 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. 9-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-22 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. 9-22 was TABLED.

Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 5th day of May, 2022