



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 16, 2023

COMMON ADDRESS OF LOTS TO BE REZONED:

2448 E. Margaret Avenue, Terre Haute, IN 47802

Parcel Number: 84 - 06 - 35 -376 - 057.000 - 002

Current Zoning: Neighborhood Commerce District (C -1)

Proposed Zoning: General Residential District (R-3)

Proposed Use: Apartment Unit

Address of Owner The Flats of Tere Haute, LLC, 2917 S 25th Street, Terre Haute, IN

Phone Number of Owner: (812) -234-6852

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: R.J. Builders 2917 South 25th Street

Council Sponsor: Amy Auler

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

JUL 13 2023

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 16, 2023

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:

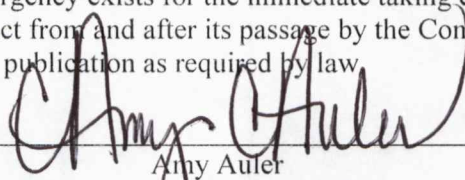
Lot 3A in "The Flats of Terre Haute Phase 3", as shown on the recorded plat thereof, found as IN 2021005834 in the Office of the Recorder of Vigo County, Indiana.

Subject to any grants, easements, rights-of-way, lease, covenants, restriction by local government, or any type of restriction of record that might affect the title to the subject real estate.

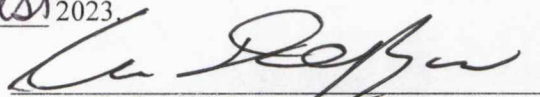
Commonly known as: 2448 East Margaret Avenue, Terre Haute, Vigo County Indiana 47802.

Be and the same, is hereby established as R-3 General Residential District together with all rights and privileges hat nay incur said real estate and owners thereof by virtue if 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, 
Amy Auler

Passed in Open Council this 3 day of August 2023.


Curtis DeBaun IV - President

ATTEST: 
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 4th day of August 2023.


Michelle Edwards, City Clerk


Approved by me, the Mayor, this 4TH day of AUGUST,
2023.



Duke A. Bennett, Mayor

ATTEST: Michelle L Edwards
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.



John R Keller

This instrument prepared by: John R Keller 4301 South Sixth Street, Terre Haute, IN 47802,
(812) 234-1096

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, **G. Ryan Baker, President of "The Flats of Terre Haute, 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 3A in "The Flats of Terre Haute Phase 3", as shown on the recorded plat thereof, found as IN 2021005834 in the Office of the Recorder of Vigo County, Indiana.

Subject to any grants, easements, rights-of-way, lease, covenants, restriction by local government, or any type of restriction of record that might affect the title to the subject real estate.

Commonly known as: 2448 E. Margaret Avenue, Terre Haute, Vigo County Indiana 47802.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above described real estate is now zoned as: **C-1 Neighborhood Commerce District.**

Your petitioner would state that the real estate is now vacant land. Your petitioner intends to use the property to build apartments.

Your petitioner would request that the real estate described herein shall be zoned as **R-3 General Residential District.** Your petitioner would allege the **GENERAL RESIDENTIAL DISTRICT** would not alter the characteristics of this neighborhood.

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

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 **R-3 General Residential District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and 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 _____ day of July, 2023.

BY: _____
G. Ryan Baker– President
of "The Flats of Terre Haute, LLC."

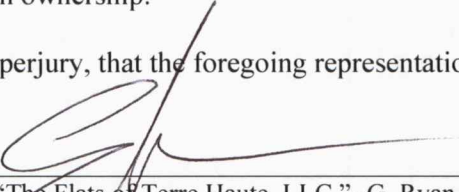
The Flats of Terre Haute, LLC., 2917 South 25th Street, Terre Haute, IN 47802.

This instrument was prepared by: **John R Keller 4301 South Sixth Street, Terre Haute, IN 47802,
(812) 234-1096**

AFFIDAVIT OF:

COMES NOW affiant: G. Ryan Baker, Partner and signing member, of the Flats of Terre Haute, LLC. and affirms under penalty of law that affiant is the owner of record of the property located at 2448 E Margaret Avenue, Terre Haute, IN 47802, for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

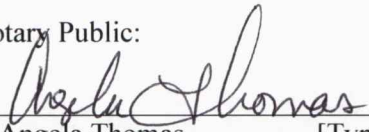
I affirm under penalty for perjury, that the foregoing representations are true.

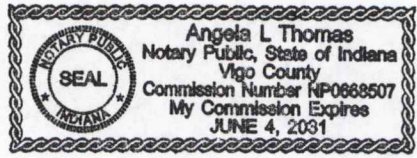
SIGNATURE: 
"The Flats of Terre Haute, LLC."- G. Ryan Baker President
SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared, before me, a Notary Public in and for said County and State who acknowledges the execution of the above and foregoing, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 11th day of July 2023.

\ Notary Public:

Angela Thomas [Typed name]



My Commission Expires: June 4, 2031

My County Of Residence: Vigo

- 1) A copy of the deed showing current ownership of the subject real estate by “The Flats of Terre Haute, LLC “;
- 2) A copy of the plat of “The Flats of Terre Haute Phase 3”.
- 3) An aerial of the site printed from Beacon.
- 4) An aerial of the current zoning of the Flats of Terre Haute Phase 3 and the surrounding areas printed from Beacon.
- 5) A Site Plan of the planned development of “The Flats of Terre Haute Phase 3” Lot 3A

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

DEC 10 2020

2020016188 WD \$25.00
12/10/2020 09:17:33A 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



Jean W Branch
VIGO COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE WITNESSETH, that **Terry J. Bauer and Florence Elaine Bauer, husband and wife**, of Vigo County, Indiana (the "Grantors"), CONVEY AND WARRANT to **The Flats of Terre Haute, LLC** (the "Grantee"), of Vigo, State of Indiana, for and in the consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

Lots 2 and 3 in Bauer Three Lot Subdivision, a subdivision in the Southwest Quarter of Section 35, Township 12 North, Range 9 West, 2nd Principal Meridian, Harrison Township, Vigo County, Indiana, as shown in the plat recorded August 21, 2014 at Instrument Number 2014010811.

Except that part conveyed to The Flats of Terre Haute LLC in deed dated March 31, 2015 and recorded April 2, 2015 at Instrument Number 2015002968.

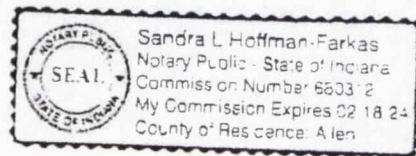
Except that part conveyed to City of Terre Haute, Indiana, in deed dated May 12, 2015 and recorded August 10, 2015 at Instrument Number 2015008199.

All records of Recorder's Office of Vigo County, Indiana.

IN WITNESS WHEREOF, the said Terry J. Bauer and Florence Elaine Bauer have hereunto set their hands and seals this 8th day of December, 2020.

By: TERRY J. BAUER *Terry J. Bauer*
Printed: Terry J. Bauer

By: FLORENCE ELAINE BAUER *Florence Elaine Bauer*
Printed: Florence Elaine Bauer



CERTIFICATE OF PROOF

WITNESS to the signature(s) on the foregoing instrument to which this Proof is attached:

Samantha Surfus
Witness Signature

Samantha Surfus
Witness Name

PROOF

Before me, a Notary Public in and for said County and State, this 8th day of December, 2020, personally appeared the above named WITNESS to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Grantor / Signor / Principal Name to be the individual(s) described in and who executed the foregoing instrument; that said WITNESS was present and saw said Grantor / Signor / Principal Name execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

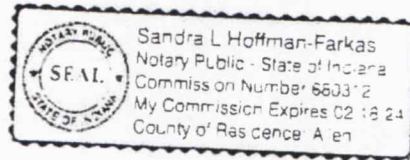
Sandra L. Hoffman-Farkas
Notary Public

Commission No. 660312

Printed: Sandra L. Hoffman-Farkas

County of Residence: Allen

MY COMMISSION EXPIRES:
2/18/24



STATE OF INDIANA)
 : SS.
COUNTY OF VIGO)

Before me, a Notary Public in and for and a resident of said County and State, personally appeared Terry J. Bauer and Florence Elaine Bauer, who having been duly sworn upon their oaths, state that they executed the above and foregoing document.

WITNESS my hand and Notarial Seal this 8th day of December, 2020.

Sandra L. Hoffman-Farkas
Notary Public
Printed: Sandra L. Hoffman-Farkas
County of Residence: Allen

MY COMMISSION EXPIRES:
2/18/24

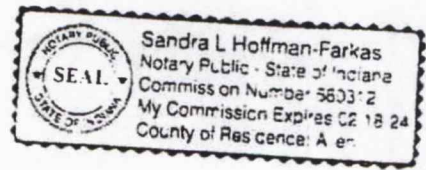
This Deed was prepared by CRAIG M. McKEE, Attorney at Law, 333 Ohio Street, Terre Haute, IN 47807 (812)232-4311 at the specific request of GRANTORS based solely on information supplied by one or more of the parties to this conveyance and without examination of title or abstract. The preparer assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by GRANTOR'S execution and GRANTEE'S acceptance and recordation of the instrument.

Property Address: 2917 S. 25th St, Terre Haute, IN 47802

Mail tax duplicates to:
The Flats of Terre Haute, LLC
4301 96th St
Terre Haute, IN 47802

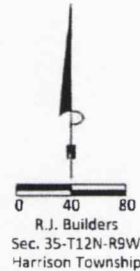
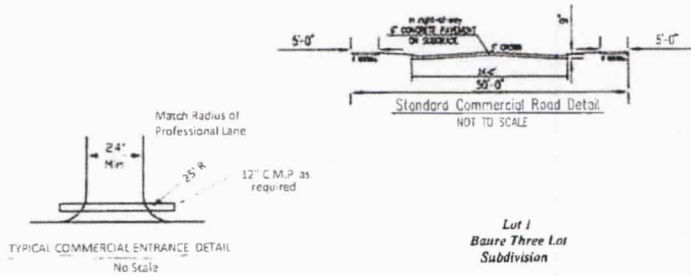
I AFFIRM under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Craig M. McKee

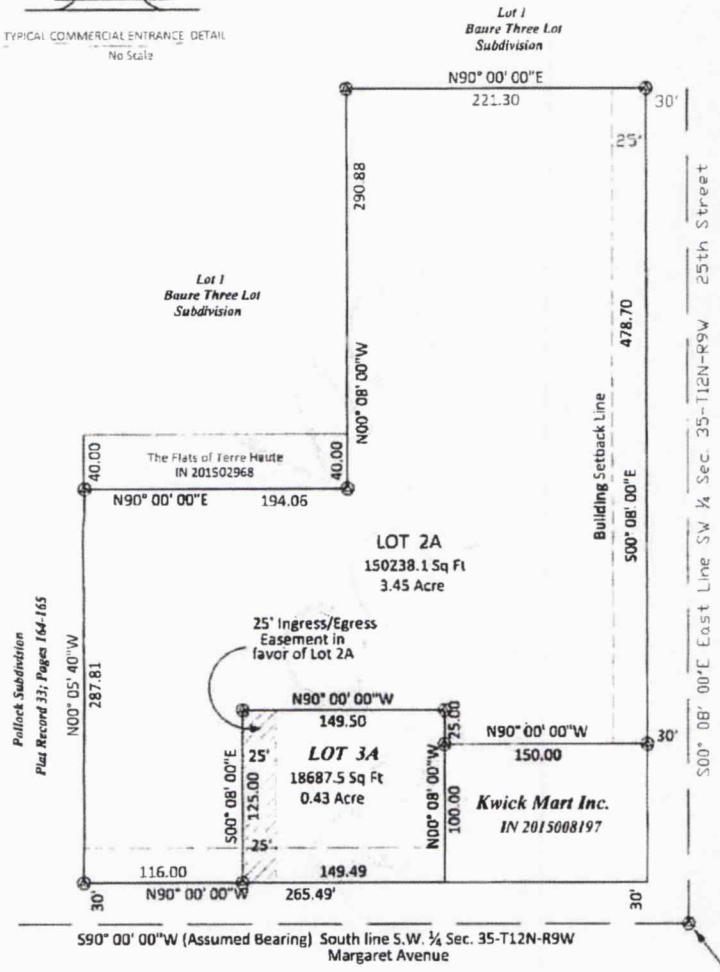


The Flats of Terre Haute Phase 3

a Re-plot of Lots 2 & 3 in Bauer Three Lot Subdivision
 a Subdivision in the SW ¼ of Sec. 35-T12N-R9W,
 2nd P.M. Harrison Township, Vigo Co., IN.



Private Road Note:
 Further Subdivision of any lot shown on this plat as served by a private road or bridge may be prohibited by the Vigo County Subdivision Ordinance. The policy of the County of Vigo is that, if the County or City improves streets that were never constructed to the standards required in this ordinance for dedicated streets the one hundred percent (100%) of the costs incurred for such improvements shall be assessed to the abutting land owners.



Setback Requirements

Front	25'
Side	5'
Rear	11'

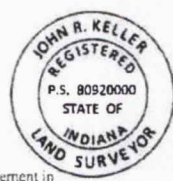
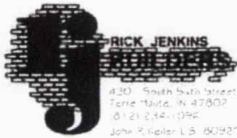
This property is currently Zoned Two Family Residential District "R-2"

This site is located in Flood Zone X as per FIRN map 18167C0142C; Effective date of February 18, 2011. this is NOT a Flood Hazard Area

The area between the street right-of-way and the building setback line is hereby dedicated for the installation and maintenance of public utilities and for the installation and maintenance of surface and subsurface drainage.

"X" on Stone in Pot
 S.E. Corner SW ¼
 Sec. 35-T12N-R9W

Lots Numbered Two (2) and Three (3) in Bauer Three Lot Subdivision as shown of the recorded plat thereof found in IN 2014010811 as found in the records of the Office of the Recorder of Vigo County, Indiana. EXCEPT, a parcel (rectangular in shape) out of the Northwest corner of Lot Three (3) in said Bauer Three Lot Subdivision, said rectangle previously transferred to "The Flats of Terre Haute, LLC as described in instrument 201502968 and containing 0.18 acres, more or less



Revised: 1/14/21 - added easement in favor of lot 2A

Prepared For: **Richard Jenkins Construction, Inc.**
 4301 South Sixth Street
 Terre Haute, IN 47802
 (812) 299-4128

The Flats of Terre Haute Phase 3

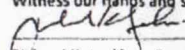
a Re-plat of Lots 2 & 3 in Bauer Three Lot Subdivision
 a Subdivision in the SW ¼ of Sec. 35-T12N-R9W,
 2nd P.M. Harrison Township, Vigo Co., IN.

2021005834 PLAT \$25.00
 04/14/2021 10:38:36A 2 PGS
 Diana Winsted-Smith
 VIGO County Recorder IN
 Recorded as Presented

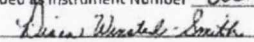
I, Richard K. Jenkins, President of "The Flats of Terre Haute, LLC., owner of the real estate shown and described herein, have laid off platted and subdivided and do hereby lay-off, plat and subdivide said real estate in accordance with the plat herein.

This Subdivision shall be known as "The Flats of Terre Haute - Phase 3" a Re-plat of Lots 2 and 3 in Bauer Three Lot Subdivision, a subdivision in the S.W. ¼ of Section Thirty-five (35), Township Twelve (12) North, Range Nine (9) West, 2nd P.M., Harrison Township, Vigo County, Indiana.

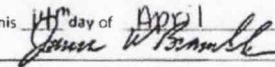
Witness our hands and seals this 18th day of November, 2020.


 Richard K. Jenkins - President of "The Flats of Terre Haute, LLC."

Received for record this 14th day of April, 2021 @ 10:40 O'Clock P.M.


Recorded as Instrument Number 2021059034

 Diana Winsted-Smith
 Vigo County Recorder

Duly entered for taxation this 14th day of April, 2021.


 Timothy M. Sepradi - Vigo County Auditor

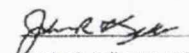
State of Indiana, County of Vigo, S.S.:

Before me the undersigned Notary in and for said County and State, did personally appear Richard K. Jenkins, President "The Flats of Terre Haute, LLC." and acknowledge the foregoing instrument as his voluntary acts and deed for the purposes herein expressed. Witness my hand and seal this 18th day of December, 2020.


 Angela Thomas My commission expires 06/04/2023
 Resident of Vigo County, Indiana.

NOTARY PUBLIC

I, John R. Keller, do hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana; That on the 9th day of December, 2020, I did complete a survey of the real estate contained herein which was to the best of my knowledge and belief executed to the survey requirements contained in IAC 865 1-12 (rule 12); that all markers shown and described herein actually exist; their size, location and type of material are accurately described. Measurements were taken with a Spectra Precision SP 80 GRP Rover, and a 200' steel tape. Corrections were made for temperature and atmospheric conditions. This survey meets or exceeds the specifications of a Suburban Class Survey (+/- 0.13, +/- 100ppm) as defined in 865 IAC 1-12-7. Certified this 17th day of December, 2020.


 John R. Keller L.S. 80920000

This Certifies that a majority of the members of the Area Planning Commission concurred in the approval of this Plat.

Date: 4/14/2021

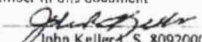

 Fred Wilson
 President


 Norman Froderman
 Secretary

Declaration

In accordance with IC 36-2-7.5, I, the undersigned, affirm under penalties of perjury, that the following declarations are true:

- 1) I have reviewed this document for the purpose of identifying and, to the extent permitted by law, redacting all social Security Numbers;
- 2) I have redacted, to the extent permitted by law, each Social Security number in this document


 John R. Keller L.S. 80920000

Sheet 1 of 2

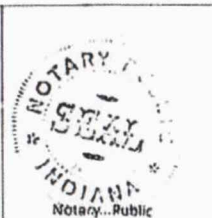
Prepared For: **Richard Jenkins Construction, Inc.**
 4301 South Sixth Street
 Terre Haute, IN 47802
 (812) 299-4128



Area Plan Commission

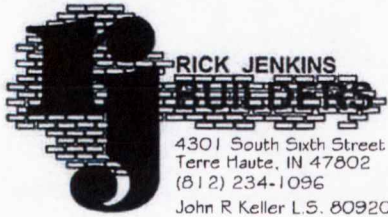


Professional Surveyor

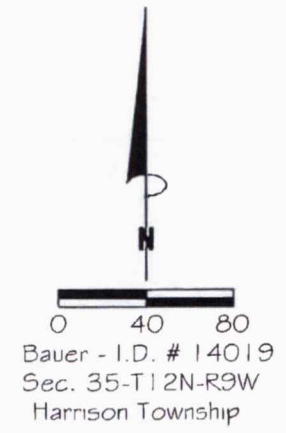
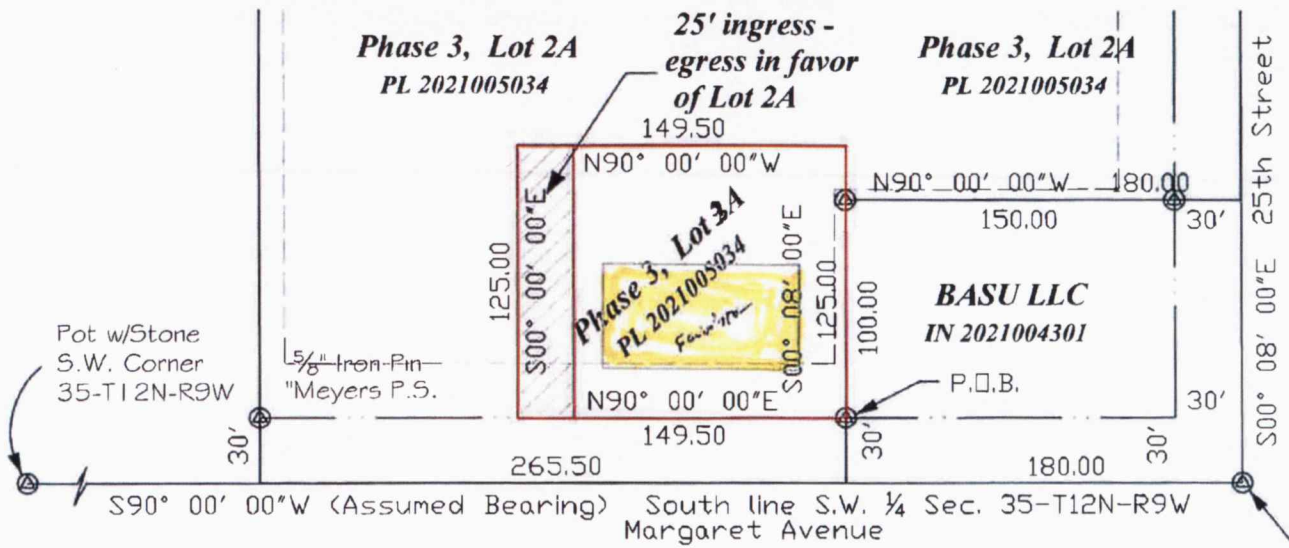


Notary...Public

RJ Builders - ID # 20050
 Sec. 35-T12N-R9W
 Harrison Township

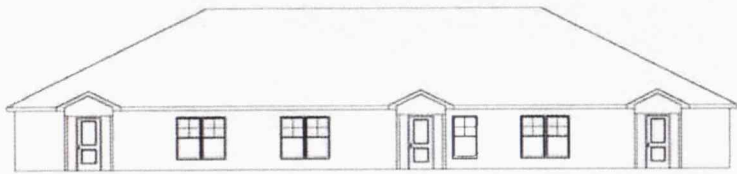


*Lot 3A
 45' x 60'*



5/8" Pin in concrete
 S.E. Corner SW 1/4
 Sec. 35-T12N-R9W







Receipt of Payment

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

Date 07/13/23
Name RJ Builders
Reason Veroning - notice of filing \$20
Veroning - petition \$25
\$45

Cash \$45-
Check _____ Ck # _____
Credit _____
Total \$45-

Received By Gavin Wite

TERRE HAUTE IN
HAUTE
2023
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: August 3, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 16-23

CERTIFICATION DATE: August 2, 2023

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. 16-23. This Ordinance is a rezoning of 2448 E. Margaret Avenue, Terre Haute, IN. Parcel number 84-06-35-376-057.000-002. The Petitioner, The Flats of Terre Haute LLC, petitions the Plan Commission to rezone said apartments, multi-family from zoning classification C-1 to R-3 General Residential District.

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. 16-23 at a public meeting and hearing held Wednesday, August 2, 2023. 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. 16-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 16-23 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. 16-23 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Site plan approval with parking and stormwater drainage by City Engineering.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 3rd day of August, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #-16-23

Doc: #66

Date: August 2023

Page 1 of 4

APPLICATION INFORMATION

Property Owner: The Flats of Terre Haute LLC

Proposed Use: Apartments, Multi-family

Proposed Zoning: R-3, General Residential District

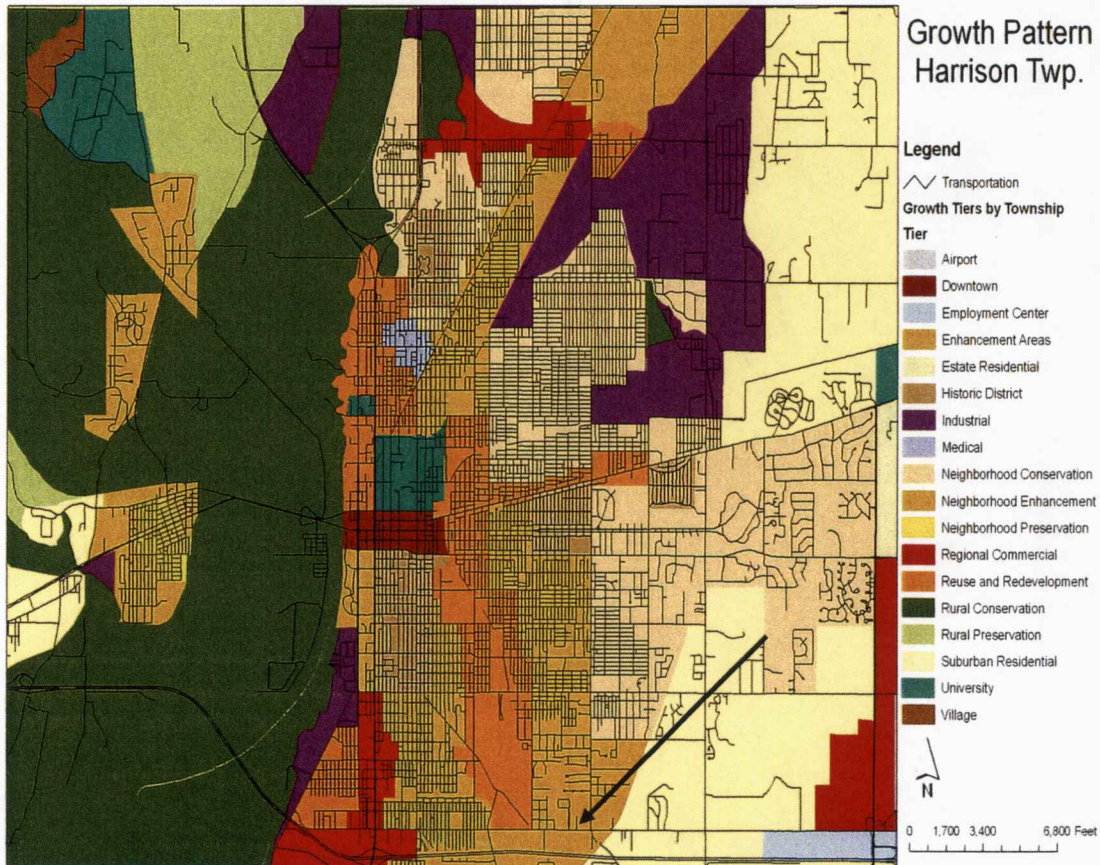
Current Zoning: C-1, Neighborhood Commerce

Location: Corner of E. Margaret Avenue & Fletcher Ct.

Common Address: 2448 E. Margaret Ave. /Parcel# 84-06-35-376-057.000-002/The Flats of Terre Haute Phase 3 lot 3A.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #-16-23

Doc: #66

Date: August 2023

Page 3 of 4

Dev. Priority: High intensity residential

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3
 East – C-2
 South – C-2
 West – R-3

Character of Area: Homes at a density over 5 dwellings per acre.

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: F.A.R. 0.7 or 70%
A minimum Floor Area 512 Sq. Ft., and a minimum Lot Area 1000 Sq. Ft.

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.

FINDINGS and RECOMMENDATION

Staff Findings:

The lot was rezoned in 2021 (#2-21) to C-1 for office space to serve the apartment complex. The property owners are now requesting to rezone to R-3 to build an additional apartment building.

The Department of Engineering stated the intended use of the property as an apartment complex would not alter the neighborhood characteristic, and, considering the current housing demand in Terre Haute, would be beneficial for the community (see memo). They offered a positive recommendation for the rezoning.

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Site plan approval with parking and stormwater drainage by City Engineering.



**CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT**

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807
Phone: 812.244.4903
www.terrehaute.in.gov

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Maitri Desai
City Planner

DATE: July 17, 2023

RE: **Special Ordinance No. 16-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by The Flats of Terre Haute, LLC. for the following:

- Rezoning of 2448 E. Margaret Avenue from C-1 Neighborhood Commerce District to R-3 General Residential District for the proposed use of a phase -3 apartment unit.

The intended use of the property as an apartment complex would not alter the neighborhood characteristic. Surrounding parcels are zoned R-3 Residential and this addition aligns with the current development in the area. Considering the current housing demand in Terre Haute, this new apartment complex would be beneficial for the community without posing any significant problems for the surrounding area.

The Department of Engineering offers a positive recommendation for this rezoning.



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

Docket #66
SPECIAL ORDINANCE NO. 16, 2023

COMMON ADDRESS OF LOTS TO BE REZONED:

2448 E. Margaret Avenue, Terre Haute, IN 47802

Parcel Number: 84 - 06 - 35 - 376 - 057.000 - 002

Current Zoning: Neighborhood Commerce District (C -1)

Proposed Zoning: General Residential District (R-3)

Proposed Use: Apartment Unit

Address of Owner The Flats of Tere Haute, LLC, 2917 S 25th Street, Terre Haute, IN

Phone Number of Owner: (812) -234-6852

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: R.J. Builders 2917 South 25th Street

Council Sponsor: Amy Auler

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

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 16, 2023

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:

Lot 3A in "The Flats of Terre Haute Phase 3", as shown on the recorded plat thereof, found as IN 2021005834 in the Office of the Recorder of Vigo County, Indiana.

Subject to any grants, easements, rights-of-way, lease, covenants, restriction by local government, or any type of restriction of record that might affect the title to the subject real estate.

Commonly known as: 2448 East Margaret Avenue, Terre Haute, Vigo County Indiana 47802.

Be and the same, is hereby established as R-3 General Residential District together with all rights and privileges hat nay incur said real estate and owners thereof by virtue if 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, _____
Amy Auler

Passed in Open Council this _____ day of _____ 2023.

Curtis DeBaun IV - President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 2023.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____,
2023.

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.


John R. Keller

This instrument prepared by: John R Keller 4301 South Sixth Street, Terre Haute, IN 47802,
(812) 234-1096

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, **G. Ryan Baker, President** of “**The Flats of Terre Haute, 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 3A in “The Flats of Terre Haute Phase 3”, as shown on the recorded plat thereof, found as IN 2021005834 in the Office of the Recorder of Vigo County, Indiana.

Subject to any grants, easements, rights-of-way, lease, covenants, restriction by local government, or any type of restriction of record that might affect the title to the subject real estate.

Commonly known as: 2448 E. Margaret Avenue, Terre Haute, Vigo County Indiana 47802.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as “Comprehensive Zoning Ordinance for Terre Haute, Indiana,” the above described real: estate is now zoned as: **C-1 Neighborhood Commerce District.**

Your petitioner would state that the real estate is now vacant land. Your petitioner intends to use the property to build apartments.

Your petitioner would request that the real estate described herein shall be zoned as **R-3 General Residential District.** Your petitioner would allege the **GENERAL RESIDENTIAL DISTRICT** would not alter the characteristics of this neighborhood.

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

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 **R-3 General Residential District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and 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 ____ day of July, 2023.

BY: _____
G. Ryan Baker– President
of “The Flats of Terre Haute, LLC.”

The Flats of Terre Haute, LLC., 2917 South 25th Street, Terre Haute, IN 47802.

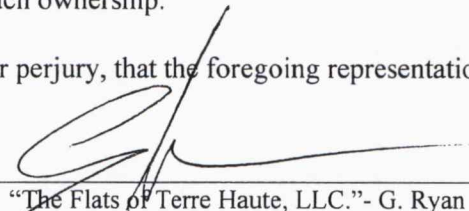
This instrument was prepared by: **John R Keller 4301 South Sixth Street, Terre Haute, IN 47802,
(812) 234-1096**

AFFDAVIT OF:

COMES NOW affiant: G. Ryan Baker, Partner and signing member, of the Flats of Terre Haute, LLC. and affirms under penalty of law that affiant is the owner of record of the property located at 2448 E Margaret Avenue, Terre Haute, IN 47802, for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

SIGNATURE:



"The Flats of Terre Haute, LLC."- G. Ryan Baker President

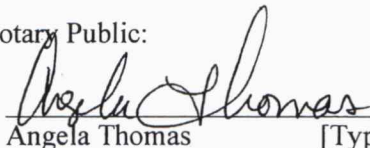
SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared, before me, a Notary Public in and for said County and State who acknowledges the execution of the above and foregoing, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 11th day of July 2023.

Notary Public:



Angela Thomas

[Typed name]



My Commission Expires: June 4, 2031

My County Of Residence: Vigo

- 1) A copy of the deed showing current ownership of the subject real estate by "The Flats of Terre Haute, LLC";
- 2) A copy of the plat of "The Flats of Terre Haute Phase 3".
- 3) An aerial of the site printed from Beacon.
- 4) An aerial of the current zoning of the Flats of Terre Haute Phase 3 and the surrounding areas printed from Beacon.
- 5) A Site Plan of the planned development of "The Flats of Terre Haute Phase 3" Lot 3A

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

DEC 10 2020

2020016188 WD \$25.00
12/10/2020 09:17:33A 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



J. W. Brantley
VIGO COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE WITNESSETH, that **Terry J. Bauer and Florence Elaine Bauer, husband and wife**, of Vigo County, Indiana (the "Grantors"), CONVEY AND WARRANT to **The Flats of Terre Haute, LLC** (the "Grantee"), of Vigo, State of Indiana, for and in the consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

Lots 2 and 3 in Bauer Three Lot Subdivision, a subdivision in the Southwest Quarter of Section 35, Township 12 North, Range 9 West, 2nd Principal Meridian, Harrison Township, Vigo County, Indiana, as shown in the plat recorded August 21, 2014 at Instrument Number 2014010811.

Except that part conveyed to The Flats of Terre Haute LLC in deed dated March 31, 2015 and recorded April 2, 2015 at Instrument Number 2015002968.

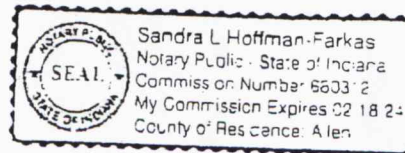
Except that part conveyed to City of Terre Haute, Indiana, in deed dated May 12, 2015 and recorded August 10, 2015 at Instrument Number 2015008199.

All records of Recorder's Office of Vigo County, Indiana.

IN WITNESS WHEREOF, the said Terry J. Bauer and Florence Elaine Bauer have hereunto set their hands and seals this 8th day of December, 2020.

By: TERRY J. BAUER *Terry J. Bauer*
Printed: Terry J. Bauer

By: Florence Elaine Bauer *Florence Elaine Bauer*
Printed: Florence Elaine Bauer



CERTIFICATE OF PROOF

WITNESS to the signature(s) on the foregoing instrument to which this Proof is attached:

Samantha Surfus
Witness Signature

Samantha Surfus
Witness Name

PROOF

Before me, a Notary Public in and for said County and State, this 8th day of December, 2020, personally appeared the above named WITNESS to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Grantor / Signor / Principal Name to be the individual(s) described in and who executed the foregoing instrument; that said WITNESS was present and saw said Grantor / Signor / Principal Name execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

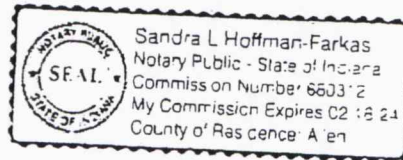
Sandra L. Hoffman-Farkas
Notary Public

Commission No. 660312

Printed: Sandra L. Hoffman-Farkas

County of Residence: Allen

MY COMMISSION EXPIRES:
2/18/24



STATE OF INDIANA)
 : SS.
COUNTY OF VIGO)

Before me, a Notary Public in and for and a resident of said County and State, personally appeared Terry J. Bauer and Florence Elaine Bauer, who having been duly sworn upon their oaths, state that they executed the above and foregoing document.

WITNESS my hand and Notarial Seal this 8th day of December, 2020.

Sandra L. Hoffman-Farkas
Notary Public
Printed: Sandra L. Hoffman-Farkas
County of Residence: Allen

MY COMMISSION EXPIRES:
2/18/24

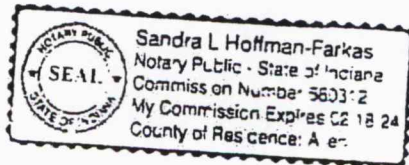
This Deed was prepared by CRAIG M. McKEE, Attorney at Law, 333 Ohio Street, Terre Haute, IN 47807 (812)232-4311 at the specific request of GRANTORS based solely on information supplied by one or more of the parties to this conveyance and without examination of title or abstract. The preparer assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by GRANTOR'S execution and GRANTEE'S acceptance and recordation of the instrument.

Property Address: 2917 S. 25th St, Terre Haute, IN 47802

Mail tax duplicates to:
The Flats of Terre Haute, LLC
4301 56th St
Terre Haute, IN 47802

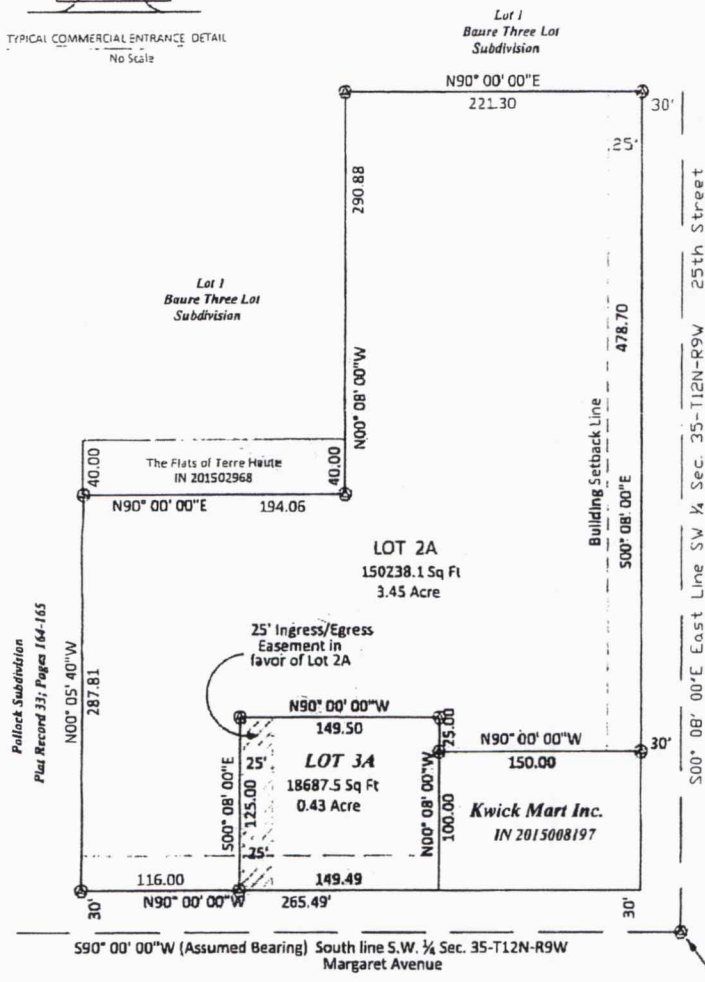
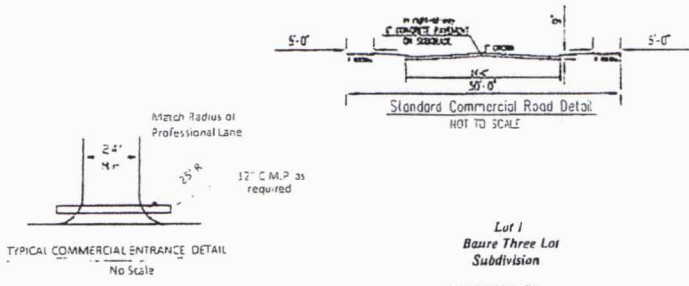
I AFFIRM under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Craig M. McKee



The Flats of Terre Haute Phase 3

a Re-plat of Lots 2 & 3 in Bauer Three Lot Subdivision
 a Subdivision in the SW ¼ of Sec. 35-T12N-R9W,
 2nd P.M. Harrison Township, Vigo Co., IN.



Private Road Note:
 Further Subdivision of any lot shown on this plat as served by a private road or bridge may be prohibited by the Vigo County Subdivision Ordinance. The policy of the County of Vigo is that, if the County of City improves streets that were never constructed to the standards required in this ordinance for dedicated streets the one hundred percent (100%) of the costs incurred for such improvements shall be assessed to the abutting land owners.

Setback Requirements

Front	25'
Side	5'
Rear	11'

This property is currently Zoned Two Family Residential District "R-2"

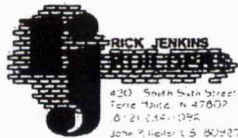
This site is located in Flood Zone X as per FIRM map 18167C0142C; Effective date of February 18, 2011. this is NOT a Flood Hazard Area

The area between the street right-of-way and the building setback line is hereby dedicated for the installation and maintenance of public utilities and for the installation and maintenance of surface and subsurface drainage.

"X" on Stone in Pot
 S.E. Corner SW ¼
 Sec. 35-T12N-R9W

Legal Description

Lots Numbered Two (2) and Three (3) in Bauer Three Lot Subdivision as shown of the recorded plat thereof found in IN 2014010811 as found in the records of the Office of the Recorder of Vigo County, Indiana. EXCEPT, a parcel (rectangular in shape) out of the Northwest corner of Lot Three (3) in said Bauer Three Lot Subdivision, said rectangle previously transferred to "The Flats of Terre Haute, LLC as described in instrument 201502968 and containing 0.18 acres, more or less



Revised: 1/14/21 - added easement in favor of lot 2A

Prepared For: Richard Jenkins Construction, Inc.
 4301 South Sixth Street
 Terre Haute, IN 47802
 (812) 299-4128

The Flats of Terre Haute Phase 3

a Re-plat of Lots 2 & 3 in Bauer Three Lot Subdivision
 a Subdivision in the SW ¼ of Sec. 35-T12N-R9W,
 2nd P.M. Harrison Township, Vigo Co., IN.

202106034 PLAT \$25.00
 04/14/2021 10:38:36A 2 PGS
 Diana Winsted-Smith
 VIGO County Recorder IN
 Recorded as Presented
 VIGOCOUNTYRECORDER.COM

I, Richard K. Jenkins, President of "The Flats of Terre Haute, LLC., owner of the real estate shown and described herein, have laid off platted and subdivided and do hereby lay-off, plat and subdivide said real estate in accordance with the plat herein.

This Subdivision shall be known as "The Flats of Terre Haute - Phase 3" a Re-plat of Lots 2 and 3 in Bauer Three Lot Subdivision, a subdivision in the S.W. ¼ of Section Thirty-five (35), Township Twelve (12) North, Range Nine (9) West, 2nd P.M., Harrison Township, Vigo County, Indiana.

Witness our hands and seals this 18th day of November, 2020.

Richard K. Jenkins
 Richard K. Jenkins - President of "The Flats of Terre Haute, LLC."

Received for record this 14th day of April, 2021 @ 10:40 O'Clock A.M.

Recorded as Instrument Number 2021 06 9034
Diana Winsted-Smith
 Vigo County Recorder

Duly entered for taxation this 14th day of April, 2021.
Timothy M. Sepradi
 Timothy M. Sepradi - Vigo County Auditor

State of Indiana, County of Vigo, S.S.:

Before me the undersigned Notary in and for said County and State, did personally appear Richard K. Jenkins, President "The Flats of Terre Haute, LLC." and acknowledge the foregoing instrument as his voluntary acts and deed for the purposes herein expressed. Witness my hand and seal this 16th day of December, 2020.

Angela Thomas My commission expires 06/04/2023
 Resident of Vigo County, Indiana.

NOTARY PUBLIC

I, John R. Keller, do hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana; That on the 9th day of December, 2020, I did complete a survey of the real estate contained herein which was to the best of my knowledge and belief executed to the survey requirements contained in IAC 865 1-12 (rule 12); that all markers shown and described herein actually exist; their size, location and type of material are accurately described. Measurements were taken with a Spectra Precision SP 80 GRP Rover, and a 200' steel tape. Corrections were made for temperature and atmospheric conditions. This survey meets or exceeds the specifications of a Suburban Class Survey (+/- 0.13, +/- 100ppm) as defined in 865 IAC 1-12-7. Certified this 17th day of December, 2020.

John R. Keller
 John R. Keller L.S. 80920000

This Certifies that a majority of the members of the Area Planning Commission concurred in the approval of this Plat.

Date: 4/14/2021

Fred Wilson
 Fred Wilson
 President

Norman Froderman
 Norman Froderman
 Secretary

Declaration

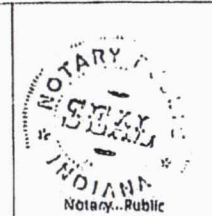
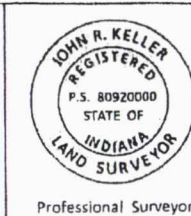
In accordance with IC 36-2-7.5, I, the undersigned, affirm under penalties of perjury, that the following declarations are true:

- 1) I have reviewed this document for the purpose of identifying and, to the extent permitted by law, redacting all social Security Numbers;
- 2) I have redacted, to the extent permitted by law, each Social Security number in this document.

John R. Keller
 John R. Keller L.S. 80920000

Sheet 1 of 2

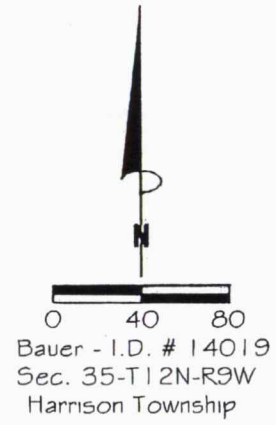
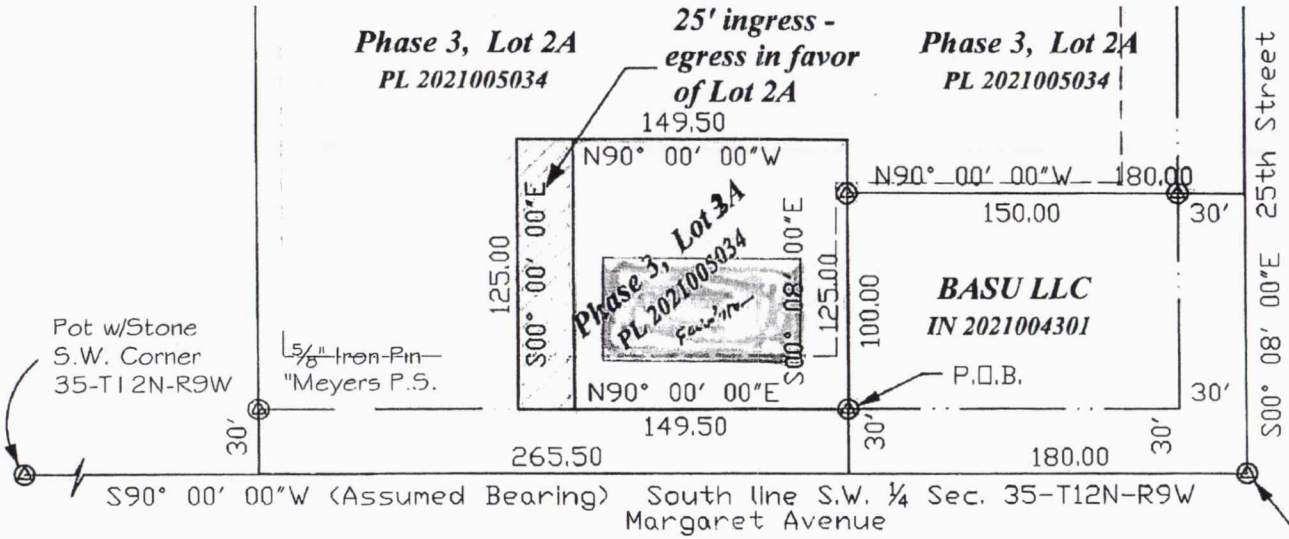
Prepared For: **Richard Jenkins Construction, Inc.**
 4301 South Sixth Street
 Terre Haute, IN 47802
 (812) 299-4128



RJ Builders - ID # 20050
 Sec. 35-T12N-R9W
 Harrison Township

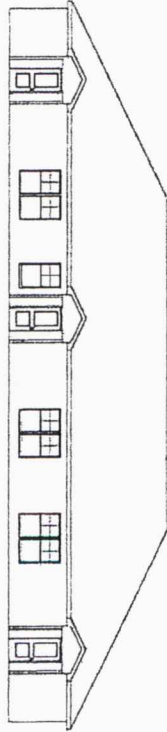
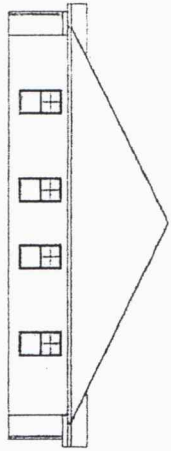
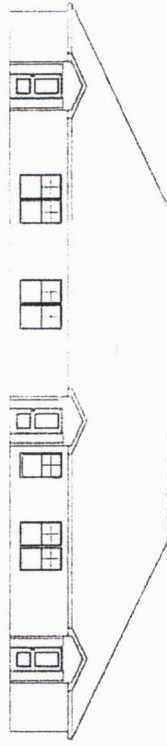
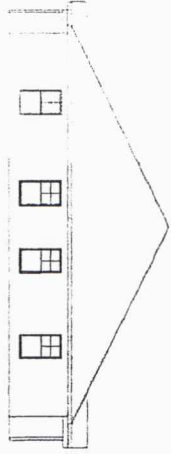
RICK JENKINS
 4301 South Sixth Street
 Terre Haute, IN 47802
 (812) 234-1096
 John R Keller L.S. 80920000

*lot 2A
 45' X 80'*



5/8" Pin in concrete
 S.E. Corner SW 1/4
 Sec. 35-T12N-R9W

JOHN R. KELLER
 REGISTERED
 P.S. 80920000
 STATE OF
 INDIANA
 LAND SURVEYOR





Receipt of Payment

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

Date 07/13/23
Name RJ Builders
Reason zoning - notice of filing \$20
zoning - petition \$25
\$45

Cash \$45-

Check _____ Ck # _____

Credit _____

Total \$45-

Received By Grim wte

Docket #66 SO #16-23

2448 E. Margaret Ave

