

SPECIAL ORDINANCE NO. 11, 2010

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lot to be rezoned:

1705 N. 30th Street, Terre Haute, IN 47804

Rezoned From: R-1 – Single Family Residence District

Rezoned To: R-2 – Two Family Residence District

Proposed Use: Duplexes

Name of Owner: Wallace Building Contractors, Inc.

Address of Owner: 2140 5th Ave.
Terre Haute, IN 47807

Phone Number of Owner: (812) 249-8757

Attorney Representing Owner: Richard J. Shagley II

Address of Attorney: P.O. Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Norm Loudermilk

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 09 2010

CITY CLERK

SPECIAL ORDINANCE NO. 11, 2010

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 The 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 for 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:

Lots 661, 662 and 663, in Sheridan Park, a Subdivision in the North East Quarter of Section 14, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 13, Page 33, of the records in the Recorder's Office of Vigo County, Indiana.

Commonly known as 1705 N. 30th Street, Terre Haute, Indiana.

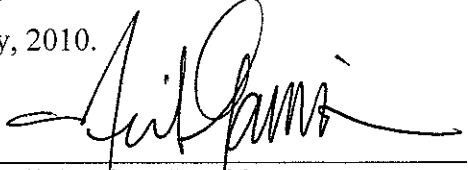
be and the same is, hereby established as a R-2 Two Family Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, 

Norm Loudermilk, Councilperson

Passed in open Council this 13 day of May, 2010.


Neil Garrison President

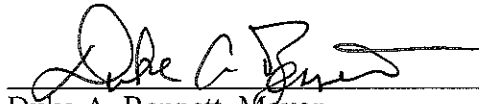
ATTEST:


Charles P. Hanley, City Clerk


Presented by me, to the Mayor of the City of Terre Haute, this 14 day of May, 2010.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of May, 2010.

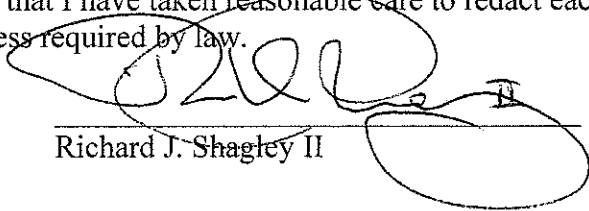

Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

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 47808.

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

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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, James C. Wallace, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots 661, 662 and 663, in Sheridan Park, a Subdivision in the North East Quarter of Section 14, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 13, Page 33, of the records in the Recorder's Office of Vigo County, Indiana.

Commonly known as 1705 N. 30th Street, Terre Haute, Indiana.

Your Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residential District.

Your Petitioner would respectfully state that the real estate is now and has been used as a Single Family Residential home. Your Petitioner intends to use the real estate to build duplexes.

Your Petitioner would request that the real estate described herein shall be zoned as a R-2 District to allow for the use as proposed by the Petitioner. Your Petitioner would allege that the R-2 Two Family Residential District would not alter the general characteristics of this neighborhood, since the real estate is in a mixed residential area.

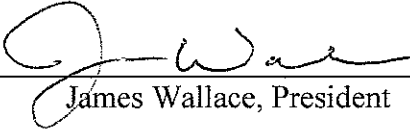
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission 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 to be part of the R-2 Two Family Residential District of the City of Terre Haute, Indiana, and is 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, the undersigned Petitioner has executed this Petition to Rezone Real Property this 9th day of April, 2010.

PETITIONER:

WALLACE BUILDING CONTRACTORS, INC.

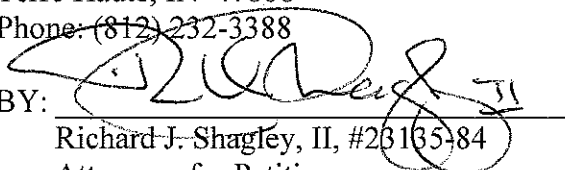
By:  _____
James Wallace, President

WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street, P.O. Box 9849

Terre Haute, IN 47808

Phone: (812) 232-3388

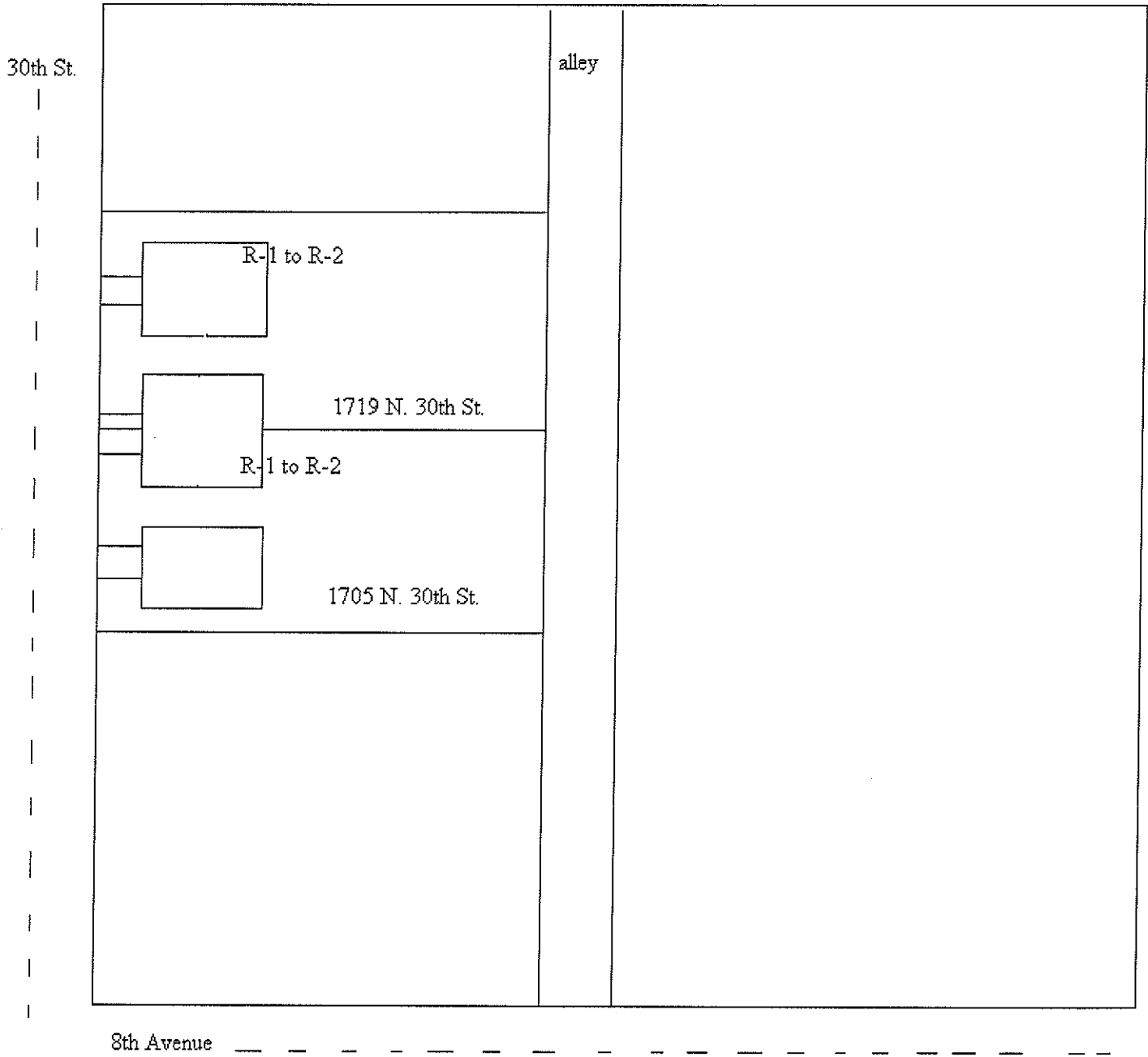
BY:  _____
Richard J. Shagley, II, #2313584
Attorneys for Petitioner

The owner and mailing address: Wallace Building Contractors, Inc., 2140 5th Avenue, Terre Haute, IN 47807.

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 47808.

Wallace Building Contractors Site Plan For 1719 and 1705 N. 30th Street

4 N



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2010003746 QD \$18.00
04/01/2010 02:08:06P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

APR 01 2010

EXEMPT FROM DISCLOSURE

QUIT CLAIM DEED

Timothy M. Springer
VIGO COUNTY AUDITOR

THIS INDENTURE WITNESSETH:

CITY OF TERRE HAUTE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF REDEVELOPMENT, of Vigo County, State of Indiana, as Grantor, RELEASES AND QUIT CLAIMS to **WALLACE BUILDING CONTRACTORS, INC.**, as Grantee, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit:

Lots Number Eight hundred fifty-six (856) and Eight hundred fifty-seven (857) in Sheridan Park, a Subdivision in the North East quarter of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, as per recorded Plat in Plat Record 13, Page 33, of the Records in the Recorder's Office of Vigo County, Indiana.

Tax Parcel #84-06-14-283-007.000-002

Lots Numbers Six Hundred Sixty-nine (669) and Six Hundred Seventy (670) in Sheridan Park, a subdivision in the North East Quarter of Section 14, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, Page 33 of the records in the Recorder's Office of Vigo County, Indiana.

Tax Parcel #84-06-14-279-006.000-002

Lots 661, 662 and 663, in Sheridan Park, a Subdivision in the North East Quarter of Section 14, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 13, Page 33, of the records in the Recorder's Office of Vigo County, Indiana.

Tax Parcel #84-06-14-279-003.000-002

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

All property taxes, liens, and assessments shall be paid before the date causing the payment to be delinquent.

The property must be maintained in compliance with any city ordinance concerning trash, weeds, or junk cars after 60 days from the date of this deed.

The property may not be used for the purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel.

Approval of an occupancy permit or completion of the agreed construction must be done within one (1) year from the date of this deed.

IN WITNESS WHEREOF, the City of Terre Haute by and through its Department of Redevelopment, of Vigo County, State of Indiana, has caused this Deed to be executed this 31st day of March, 2010.

City of Terre Haute for the use and benefit of its Department of Redevelopment

By: David I. Heath
David I. Heath, President

ATTEST:

By: Jim L. Nichols
Jim L. Nichols, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public, in and for said County and State, this 31st day of March, 2010, personally appeared the within David I. Heath and Jim L. Nichols, the President and Secretary respectively, of the City of Terre Haute for the use and benefit of its Department of Redevelopment, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

H. DEAN BRANSON
H. DEAN BRANSON, Notary Public

My Commission Expires: 2-28-2015 County of Residence: VIGO

We affirm, under the penalties for perjury, that we have taken reasonable care to redact each Social Security number in this document, unless required by law.

David I. Heath
David I. Heath, President

Jim L. Nichols
Jim L. Nichols, Secretary

Grantee's name and address: Wallace Building Contractors, Inc. 2140 5th Avenue, Terre Haute, IN 47807

This instrument prepared by City Attorney Chou-il Lee, Legal Department, 17 Harding Avenue, Terre Haute, IN, 47807 (812) 232-2508.

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now James Wallace, being duly sworn upon his oath, deposes and says:

1. That Wallace Building Contractors, Inc., is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots 661, 662 and 663, in Sheridan Park, a Subdivision in the North East Quarter of Section 14, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 13, Page 33, of the records in the Recorder's Office of Vigo County, Indiana.


Commonly known as 1705 N. 30th Street, Terre Haute, Indiana.

2. That a copy of the Quitclaim Deed, dated March 31, 2010, and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, 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 Wallace Building Contractors, Inc., 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 Wallace Building Contractors, Inc.

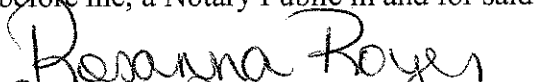
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 9th day of April, 2010.


James Wallace

STATE OF INDIANA, COUNTY OF VIGO, SS:

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 9th day of April, 2010.


Rosanna Royer Notary Public
My County of Residence: Clay

My Commission expires:
12-23-15

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, IN 47808.



TERRE HAUTE

Area Planning Department
For Vigo County

159 Oak Street, Terre Haute, Indiana 47807
Telephone: (812) 462-3354 Fax: (812) 234-3248

FILED

MAY 08 2010

CITY CLERK

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: May 6, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #11-10

CERTIFICATION DATE: May 5, 2010


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

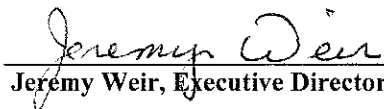
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 11-10. This Ordinance is a rezoning of the property located at 1705 North 30th Street. The Petitioner, Wallace Contractors, Inc., Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family Residence District, for three duplexes. 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. 11-10 at a public meeting and hearing held Wednesday, May 5, 2010. 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. 11-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 11-10 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. 11-10, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 6th day of May, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-10

Doc: # 35

Date: May 2010

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Wallace Building Contractors, Inc.

Property Owner: Same-As-Above

Representative: Richard J. Shagley II

Proposed Use: 3 Duplexes

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

Current Zoning: R-1, Single Family Residence District

Location: The property is located on the east side of North 30th St. about a 250 ft. south of the intersection of Beech St. and North 30th St.

Common Address: 1705 North 30th Street

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: North 30th Street (Local)

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-10

Doc: # 35

Date: May 2010

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-family Residence District
East – R-1, Single-family Residence District
South – R-1, Single-family Residence District, MHCU
West – R-1, Single-family Residence District

Character of Area: The property included in the petition is located in the south-east portion of the Sheridan Park Subdivision. This portion of Sheridan Park Subdivision is sparsely developed the built environment consists of single-family dwelling structures as the core improvement in the area

Contig. Uses & Zones: The contiguous zoning is R-1, Single Residence District its uses are single family residential structures and a legal conforming mobile home.

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: 6,600 Sq. Ft.
FAR 0.5 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;
Two (2) space per two-bed room unit.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-10

Doc: # 35

Date: May 2010

Page 3 of 3

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned real-property has a total area of 42,413 Sq. Ft. The City of Terre Haute Comprehensive Zoning Ordinance state in Table 8 R-2, Two-Family zoning lots with a F.A.R 0.5 need a minimum lot area per dwelling unit of 6,600 Sq. Ft.

Recommendation: Favorable Recommendation on the proposed R2 rezoning.