

FILED

APR 13 2011

CITY CLERK

SPECIAL ORDINANCE NO. 12, 2011.

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 10-12 1, thereof, District Maps, is hereby amended to read as follows:

Lots Numbered Seventy-eight (78), Seventy-nine (79) and Eighty (80) in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana Patton Park, Terre Haute, Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Parcel #: 84-06-26-479-014.000-002 and 84-06-26-479-015.000-002

Commonly known as 3224 Putnam St., Terre Haute, IN 47803.

be and the same is, hereby established as an R-3 General Residence District/Apartments 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 publications as by law provided.

Presented by Council Member, Patrick R. Ralston
Patrick Ralston, Councilperson

Passed in open Council this 12 day of May 2011.

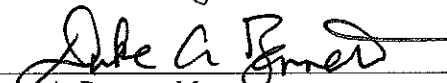
John Mullican
John Mullican, President

ATTEST:
Charles P. Hanley
Charles P. Hanley, City Clerk

Presented ^{by} to ⁽²⁾ the Mayor of the City of Terre Haute, this 13th day of May 2011.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of May, 2011.


Duke A. Bennett, Mayor

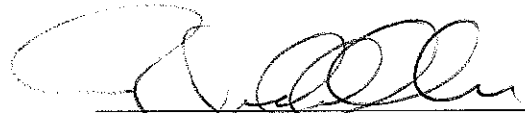
ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

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.


Rhonda D. Oldham

PETITION TO REZONE REAL PROPERTY #12

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, Michael R. Pick, Manager of M&P Properties Group, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Numbered Seventy-eight (78), Seventy-nine (79) and Eighty (80) in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana Patton Park, Terre Haute, Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Parcel #: 84-06-26-479-014.000-002 and 84-06-26-479-015.000-002

Commonly known as 3224 Putnam St., Terre Haute, IN 47803.

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 aR-1 Single Family.

Your petitioner would respectfully state that the real estate is now R-1 Single Family. Your petitioner intends to use the real estate as multi-family residential.

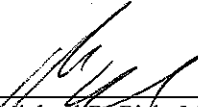
Your petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District/ Apartments. Your petitioner would allege that such use would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-3 General Residence District/Apartments of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 12 day of Aug, 2011.

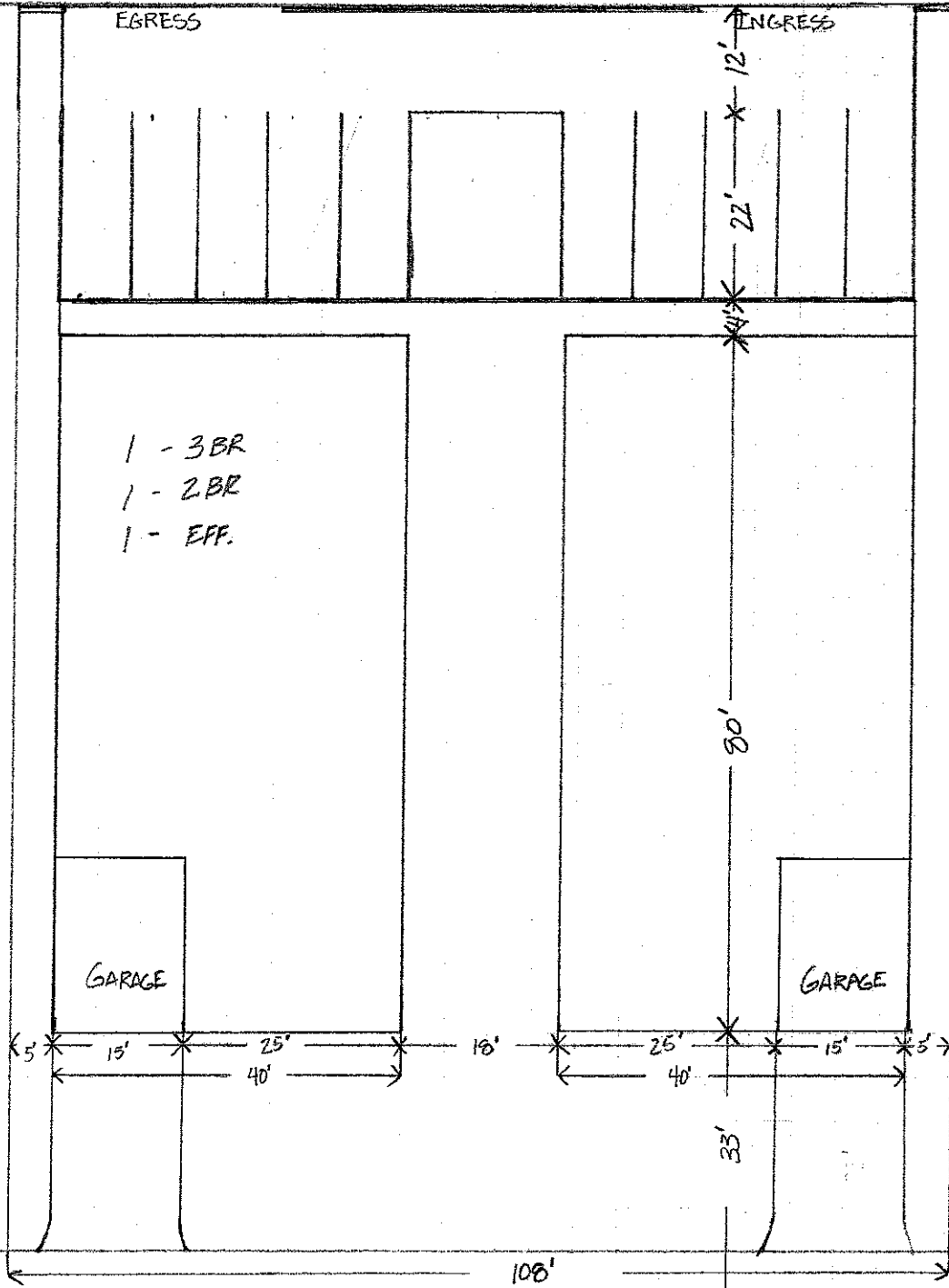
M&P Properties Group, LLC

BY: 
Michael R. Pick, Manager

PETITIONER: M&P Properties Group, LLC 3396 Golfview Court, Terre Haute, IN 47802

This instrument was prepared by:
Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

NEIGHBORING HOUSE ON THIS
SIDE HAS 31' SETBACK FROM CENTERLINE



1 - 3BR
1 - 2BR
1 - EFF.

GARAGE

GARAGE

NEIGHBORING HOUSE

CENTERLINE

PUTNAM STREET

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 09 2011

Timothy M. Spivey
VIGO COUNTY AUDITOR

2011003026 WD
03/09/2011 11:10:37A 2 PGS \$18.00
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH that **Brian L. Mundell**, "Grantor" of VIGO County, State of Indiana, CONVEYS, GRANTS, AND WARRANTS to **M&P Properties Group, LLC**, "Grantee" of Vigo County, State of Indiana, for and in consideration 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:

Parcel 1:

Lot Number Seventy-eight (78), in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana Patton Park, Terre Haute, Vigo County, Indiana.

Parcel 2:

Lots Numbered Seventy-nine (79) and Eighty (80) in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

DATED this 4 day of March, 2011.

Brian L. Mundell

Brian L. Mundell

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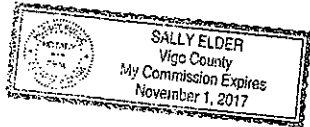
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 4 day of March, 2011, personally appeared Brian L. Mundell, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: _____

Sally Elder
Notary Public
Printed: _____
Residing in _____ County



Mail Tax Statements To Grantee at: 3396 Golfview Court Terre Haute IN 47802

Mail Deed To: Integrity Title Services, 1721 Wabash Ave., Terre Haute, IN 47807

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 A. Gurchiek, Esq.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 20831, Indianapolis, IN 46220, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of this instrument.
CMT: 11 0309GT



TERRE HAUTE

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, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #12-11

CERTIFICATION DATE: May 4, 2011

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. 12-11. This Ordinance is a rezoning of the property located at 3224 Putnam. The Petitioner, M & P Properties Group, LLC/Michael R. Pick, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-3, General Residence District, for apartments. 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. 12-11 at a public meeting and hearing held Wednesday, May 4, 2011. 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. 12-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-11 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. 12-11, was FAVORABLE .

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 5th day of May, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-11

Doc: # 30

Date: May

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APPLICATION INFORMATION

Petitioner: M&P Properties Group, LLC

Owner: Same-as-Above

Representative: Rhonda D. Oldham
191 Harding Avenue
812.238.2421

Proposed Use: 6 apartment units

Proposed Zoning: R-3, General Residence District

Current Zoning: R-1, Single Family Residence District

Location: The property is located on the north side of Putnam Street 180 ft. from the intersection of Putnam Street and Brown Avenue.

Common Address: 3224 Putnam 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.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Putnam Street is a local level Roadway.

Dev. Priority: Reinvestment and infill development that match the existing built environment is a high priority.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-11

Doc: # 30

Date: May

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schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 Standards:

Minimum Lot Size: N/A;

FAR 0.50 % or 384 Square Feet per bed

0.7%

502/1000

Street Setback: 55 feet from centerline;

Rear setback 11';

Interior setback of 5' from the interior lot line;

A parking plan must be approved by the Engineering and Planning Departments.

FINDINGS and RECOMMENDATION

Staff Findings:

The proposed rezoning is not in harmony with the Comprehensive Plan, and/or the existing land-use pattern. ~~This area has a FAR (Floor Area Ratio) 0.5% (50% lot coverage), and the proposed development exceed that FAR.~~ The R-1, Single-Family zoning district is intact, with uses that are permitted by a right of zoning or legal non-conforming.

The proposed development is inconsistent with this existing development

Recommendation:

Staff offers an Unfavorable Recommendation.

80 x 40

3072