



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 2, 2021

COMMON ADDRESS OF LOTS TO BE REZONED:

2917 S 25th Street

Parcel Number: 84 - 06 - 35 -376 - 055.000 - 002 and 84 - 06 - 35 -376 - 052.000 - 002

Current Zoning: Two family Residential District (R-2)

Proposed Use: Multi-family Apartment Complex and a single Commercial Building Site

Address of Owner: 4301 S 6th Street

Phone Number of Owner: (812) 299-4128

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: R.J. Builders 4301 South Sixth Street

Council Sponsor: _____

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

FILED

JAN 5 2021

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 2, 2021

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 ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the “Comprehensive Zoning Ordinance for Terre Haute” 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:

Lots Numbered Two (2) and Three (Lot 3) in Bauer Three Lot Subdivision, Subdivision located in the Southwest Quarter of Section Thirty-five (35), Township Twelve (12) North, Range Nine (9) West, Second Principal Meridian (2nd P.M.), Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded as instrument number 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.

ALSO, EXCEPT, a part of Lot Three (3) in “Bauer Three Lot. More particularly described as follows, to-wit:

Commencing at a “X” on a stone in a pot at the Southeast Corner of the Southwest Quarter (SW ¼) of said section Thirty-five (35); thence “WEST” (N 90°00’00” W – Record & Assumed Bearing), on the South line of the Southwest Quarter (SW ¼) of said section Thirty-five (35), One Hundred Eighty and Zero hundredths (180.00) feet; thence North Zero degrees Eight minutes Zero seconds West (N 00°08’00” W), Thirty and Zero hundredths (30.00) feet to the Southwest corner of a parcel of real estate owned by Kwick Mart Inc., and the point of beginning of this description. Thence North Zero degrees Eight minutes Zero seconds West (N 00°08’00” W), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8” iron rod, thirty (30) inches in length with a plastic cap labeled “J.R. Keller P.S. 80920000” (hereafter referred to as a 5/8” iron rod); thence “WEST” (N 90°00’00” W) One Hundred Forty-nine and Fifty hundredths (149.50) feet to a 5/8” iron rod; thence South Zero degrees Eight minutes Zero seconds East (S 00°00’00” E), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8” iron rod located on the North line of Margaret Avenue. Thence “EAST” (N 90°00’ 00” E) on the North line of Margaret Avenue, One Hundred Forty-nine and Fifty hundredths (149.50) feet, more or less, to the point of beginning. Containing 0.43 acres.

The above described real estate to be known as Lot 2 in “The Flats of Terre Haute, Phase 3” upon approval of the subdivision application which has been

submitted to the Vigo County Area Plan Commission. 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.

be and the same, is hereby established as a R-3 Multi-Family Residence District”

AND

A part of Lot Three (3) in “Bauer Three Lot. More particularly described as follows, to-wit:

Commencing at a “X” on a stone in a pot at the Southeast Corner of the Southwest Quarter (SW ¼) of said section Thirty-five (35); thence “WEST” (N 90°00’00” W – Record & Assumed Bearing), on the South line of the Southwest Quarter (SW ¼) of said section Thirty-five (35), One Hundred Eighty and Zero hundredths (180.00) feet; thence North Zero degrees Eight minutes Zero seconds West (N 00°08’00” W), Thirty and Zero hundredths (30.00) feet to the Southeast corner of a parcel of real estate owned by Kwick Mart Inc., and the point of beginning of this description. Thence North Zero degrees Eight minutes Zero seconds West (N 00°08’00” W), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8” iron rod, thirty (30) inches in length with a plastic cap labeled “J.R. Keller P.S. 80920000” (hereafter referred to as a 5/8” iron rod); thence “WEST” (N 90°00’00” W) One Hundred Forty-nine and Fifty hundredths (149.50) feet to a 5/8” iron rod; thence South Zero degrees Eight minutes Zero seconds East S 00°00’00” E), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8” iron rod located on the North line of Margaret Avenue. Thence “EAST” (N 90°00’ 00”E) on the North line of Margaret Avenue, One Hundred Forty-nine and Fifty hundredths (149.50) feet, more or less, to the point of beginning. Containing 0.43 acres.

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.

The above described real estate to be known as Lot 3 in “The Flats of Terre Haute, Phase 3., upon approval of said subdivision, which has been submitted to the Vigo County Area Plan Commission.

be and the same, is hereby established as a C-1 Neighborhood Commerce District.

Commonly known as: 2917 E 25th Street, Terre Haute, Vigo County Indiana 47802.

The above described real estate to be known as “The Flats of Terre Haute, Phase 3” which has been submitted to the Vigo County Area Planning Commission for their approval.

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 Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,

Amy Auler
Amy Auler

Passed in Open Council Haute this 4TH day of FEBRUARY 2021.

O. Earl Elliott
O. EARL ELLIOTT

O. Earl Elliott-President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 5TH day of FEBRUARY 2021.

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 5TH day of FEBRUARY, 2021.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

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

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.

/s/ John R Keller
John R Keller

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, **Richard K. Jenkins, 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:

Parcel presently zoned Multi-family District (R-2) to be zoned as Neighborhood Commercial District C-1)

A part of Lot Three (3) in "Bauer Three Lot. More particularly described as follows, to-wit: Commencing at a "X" on a stone in a pot at the Southeast Corner of the Southwest Quarter (SW ¼) of said section Thirty-five (35); thence "WEST" (N 90°00'00" W – Record & Assumed Bearing), on the South line of the Southwest Quarter (SW ¼) of said section Thirty-five (35), One Hundred Eighty and Zero hundredths (180.00) feet; thence North Zero degrees Eight minutes Zero seconds West (N 00°08'00" W), Thirty and Zero hundredths (30.00) feet to the Southeast corner of a parcel of real estate owned by Kwick Mart Inc., and the point of beginning of this description. Thence North Zero degrees Eight minutes Zero seconds West (N 00°08'00" W), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8" iron rod, thirty (30) inches in length with a plastic cap labeled "J.R. Keller P.S. 80920000" (hereafter referred to as a 5/8" iron rod); thence "WEST" (N 90°00'00" W) One Hundred Forty-nine and Fifty hundredths (149.50) feet to a 5/8" iron rod; thence South Zero degrees Eight minutes Zero seconds East S 00°00'00" E), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8" iron rod located on the North line of Margaret Avenue. Thence "EAST" (N 90°00' 00"E) on the North line of Margaret Avenue, One Hundred Forty-nine and Fifty hundredths (149.50) feet, more or less, to the point of beginning. Containing 0.43 acres.

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.

The above described real estate to be known as Lot 3 in "The Flats of Terre Haute, Phase 3., upon approval of said subdivision, which has been submitted to the Vigo County Area Plan Commission.

Commonly known as: 2917 & 25th Street, 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: Two family Residential District (R-2).

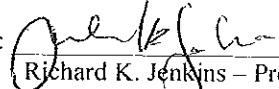
Your petitioner would respectfully state that the real estate is at present a **single family residence and a Farm Field.** Your petitioner intends to use the real estate to **build multi-family dwellings (Apartments) and one Commercial Building.**

Your petitioner would request that the real estate described herein shall be zoned as a Neighborhood Commerce District (C-1). Your petitioner would allege that the Neighborhood Commerce District, 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 **General Commercial District (C-1)** 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 WITNES WHEREOF, This petition has been duly executed this 18th day of December, 2020.

BY: 
Richard K. Jenkins – President
of "The Flats of Terre Haute, LLC."


PETITIONER: Richard K. Jenkins, 4301 South Sixth 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: Richard K. Jenkins, President 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 2917 E 25th Street, 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: 
SIGNATURE: "The Flats of Terre Haute, LLC."- Richard K. Jenkins President

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, 18th day of December 2020.

Notary Public: 
Angela L Thomas
[Typed name]

My Commission Expires: June 4, 2023

My County Of Residence: Vigo

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, **Richard K. Jenkins**, 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:

Two Family Residential (R-2) Parcel to be zoned as General Residence District (R-3)

Lots Numbered Two (2) and Three (Lot 3) in Bauer Three Lot Subdivision, Subdivision located in the Southwest Quarter of Section Thirty-five (35), Township Twelve (12) North, Range Nine (9) West, Second Principal Meridian (2nd P.M.), Harrison Township, Vigo County, Indiana, as shown on the recorded plat thereof, recorded as instrument number 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.

ALSO, EXCEPT, a part of Lot Three (3) in "Bauer Three Lot. More particularly described as follows, to-wit: Commencing at a "X" on a stone in a pot at the Southeast Corner of the Southwest Quarter (SW ¼) of said section Thirty-five (35); thence "WEST" (N 90°00'00" W – Record & Assumed Bearing), on the South line of the Southwest Quarter (SW ¼) of said section Thirty-five (35), One Hundred Eighty and Zero hundredths (180.00) feet; thence North Zero degrees Eight minutes Zero seconds West (N 00°08'00" W), Thirty and Zero hundredths (30.00) feet to the Southwest corner of a parcel of real estate owned by Kwick Mart Inc., and the point of beginning of this description. Thence North Zero degrees Eight minutes Zero seconds West (N 00°08'00" W), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8" iron rod, thirty (30) inches in length with a plastic cap labeled "J.R. Keller P.S. 80920000" (hereafter referred to as a 5/8" iron rod); thence "WEST" (N 90°00'00" W) One Hundred Forty-nine and Fifty hundredths (149.50) feet to a 5/8" iron rod; thence South Zero degrees Eight minutes Zero seconds East (S 00°00'00" E), One Hundred Twenty-five and Zero hundredths (125.00) feet to a 5/8" iron rod located on the North line of Margaret Avenue. Thence "EAST" (N 90°00' 00"E) on the North line of Margaret Avenue, One Hundred Forty-nine and Fifty hundredths (149.50) feet, more or less, to the point of beginning. Containing 0.43 acres.

The above described real estate to be known as Lot 2 in "The Flats of Terre Haute, Phase 3" upon approval of the subdivision application which has been submitted to the Vigo County Area Plan Commission. 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: 2917 **W** 25th Street, 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: Two family Residential District (R-2).

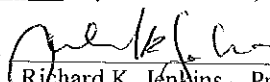
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WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance 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 **General Residential District (R-3)** 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 WITNES WHEREOF, This petition has been duly executed this 18th day of December, 2020.

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

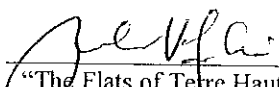
PETITIONER: Richard K. Jenkins, 4301 South Sixth Street, Terre Haute, IN 47802.

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

AFFIDAVIT OF:

COMES NOW affiant: Richard K. Jenkins, President 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 2917 E 25th Street, 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." - Richard K. Jenkins 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 18th day of December 2020.

Notary Public: 

Angela L Thomas
[Typed name]

My Commission Expires: June 4, 2023

My County Of Residence: Vigo

ATTACHMENTS

- 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 “Bauer Three Lot Subdivision“ with the area being re-platted as “The Flats of Terre Haute Phase 3” highlighted in orange;
- 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 copy of the proposed Subdivision Plat of “The Flats of Terre Haute Phase 3” as submitted to the Vigo County Area Planning Department (11”x17” sheet), with the current and proposed zoning noted on the plat.
- 6) A Preliminary Site Plan of the planned development of “The Flats of Terre Haute Phase 3” (11” x 17” sheet).

COPY

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.

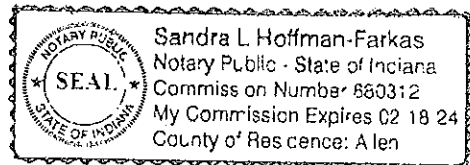
All records of Recorder's Office of Vigo County, Indiana.

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.

COPY

By: TERRY J BAUER
Printed: Terry J. Bauer

By: 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. 680312

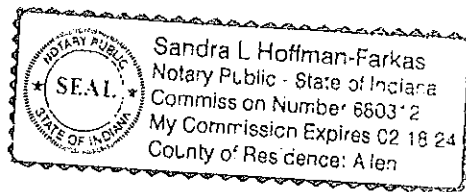
Printed: Sandra L. Hoffman-Farkas

County of Residence: Allen

COPY

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 GRANTBES' acceptance and recordation of the instrument.

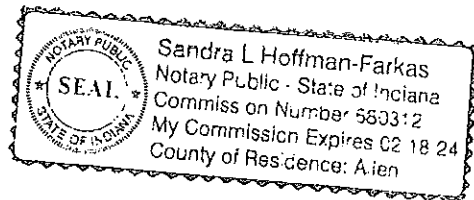
Property Address: 2917 S. 25th St, Terre Haute, IN 47802

Mail tax duplicates to:
The Flats of Terre Haute, LLC
4301 S 6th St
Terre Haute, IN 47802

COPY

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



Bauer Three Lot Subdivision

a Subdivision in the SW ¼ of Sec. 35-T1 2N-R9W,
2nd P.M. Harrison Township, Vigo Co., IN.

3

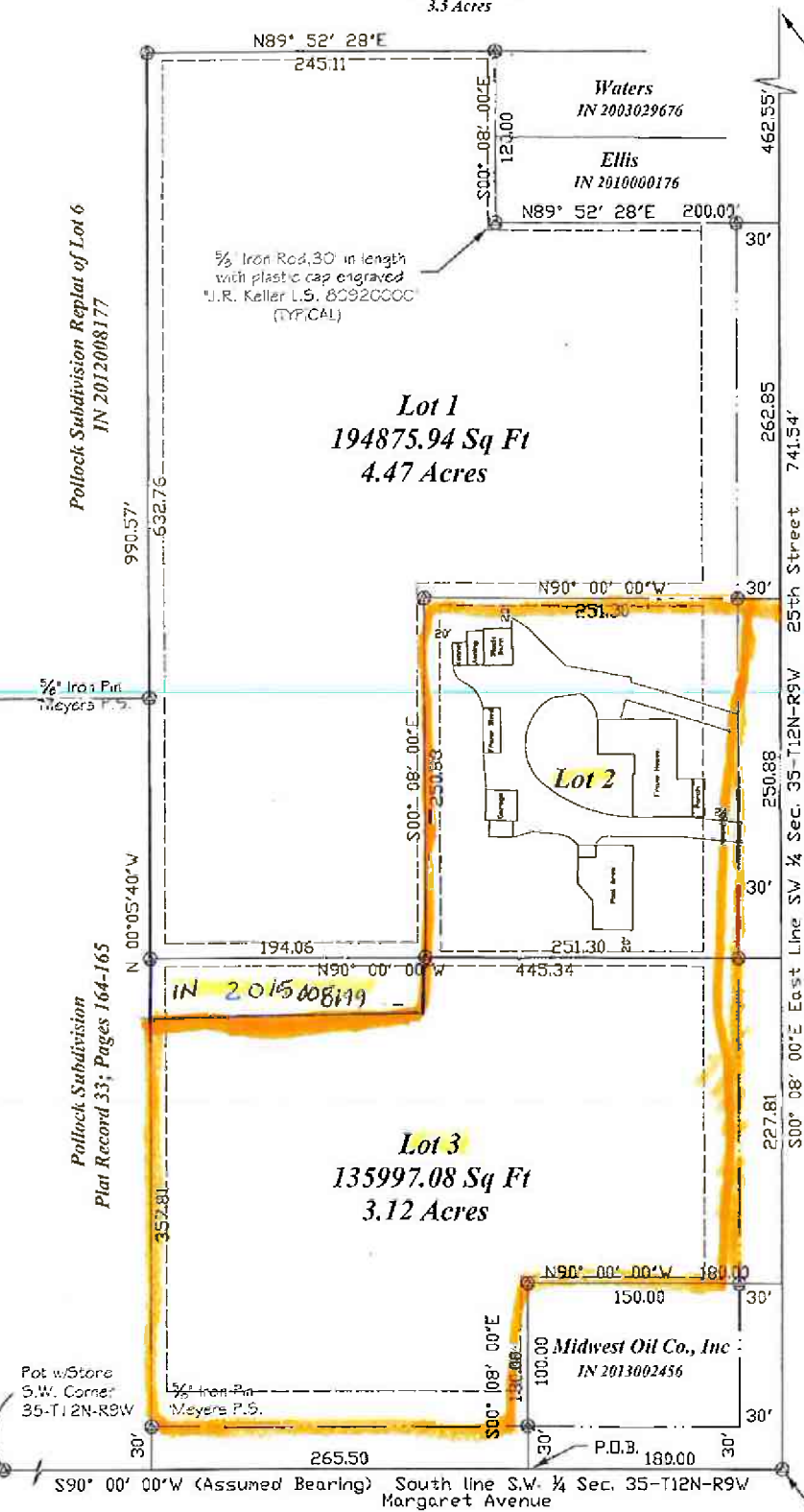
Leminger
D.R. 401; Pg 857
3.5 Acres

Pollock Subdivision Replat of Lot 6
IN 2012008177

5/8" Iron Pin
Meyers P.S.

Pollock Subdivision
Plat Record 33; Pages 164-165

Pot w/Store
S.W. Corner
35-T1 2N-R9W



5/8" Iron Pin measured on
1994 Survey of Kensington
Subdivision - Pin since destroyed
NE Corner, SE ¼, SW ¼
Sec. 35-T1 2N-R9W



Bauer - I.D. # 14019
Sec. 35-T1 2N-R9W
Harrison Township

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.

Lot 2
62979.05 Sq Ft
1.45 Acres

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 C
as per FIRI map 18167C0142C;
Effective date of February 18, 2011.
this is NOT a Flood Hazard Area

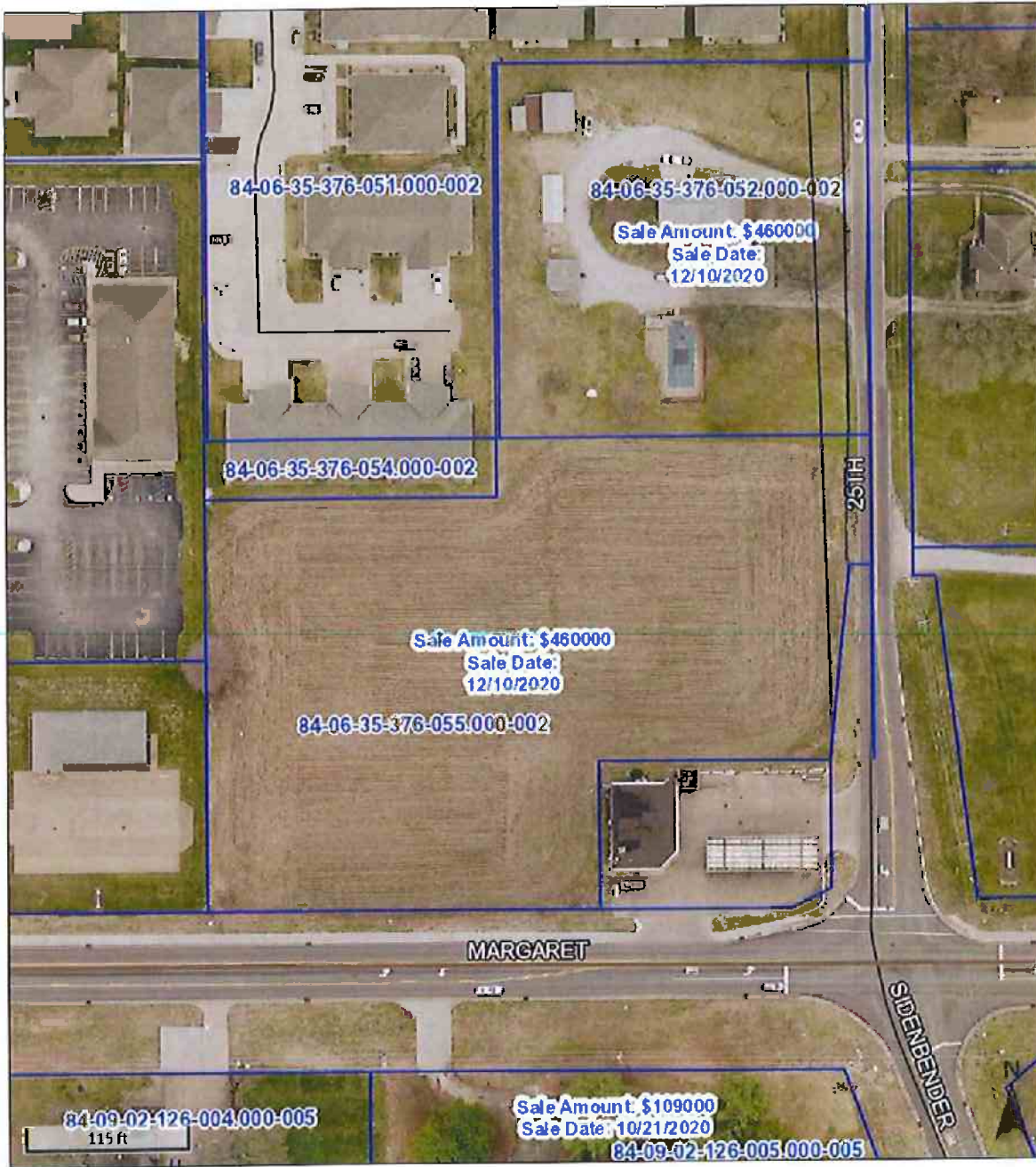
The area between the street right-of-way
and the building setback line is hereby
dedicated for the installation and
maintenance of public utilities and for
the installation and maintenance of
surface and subsurface drainage.

'X' on Stone in Pot
S.E. Corner SW ¼
Sec. 35-T1 2N-R9W



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

Beacon™ Vigo County, IN / City of Terre Haute



Overview

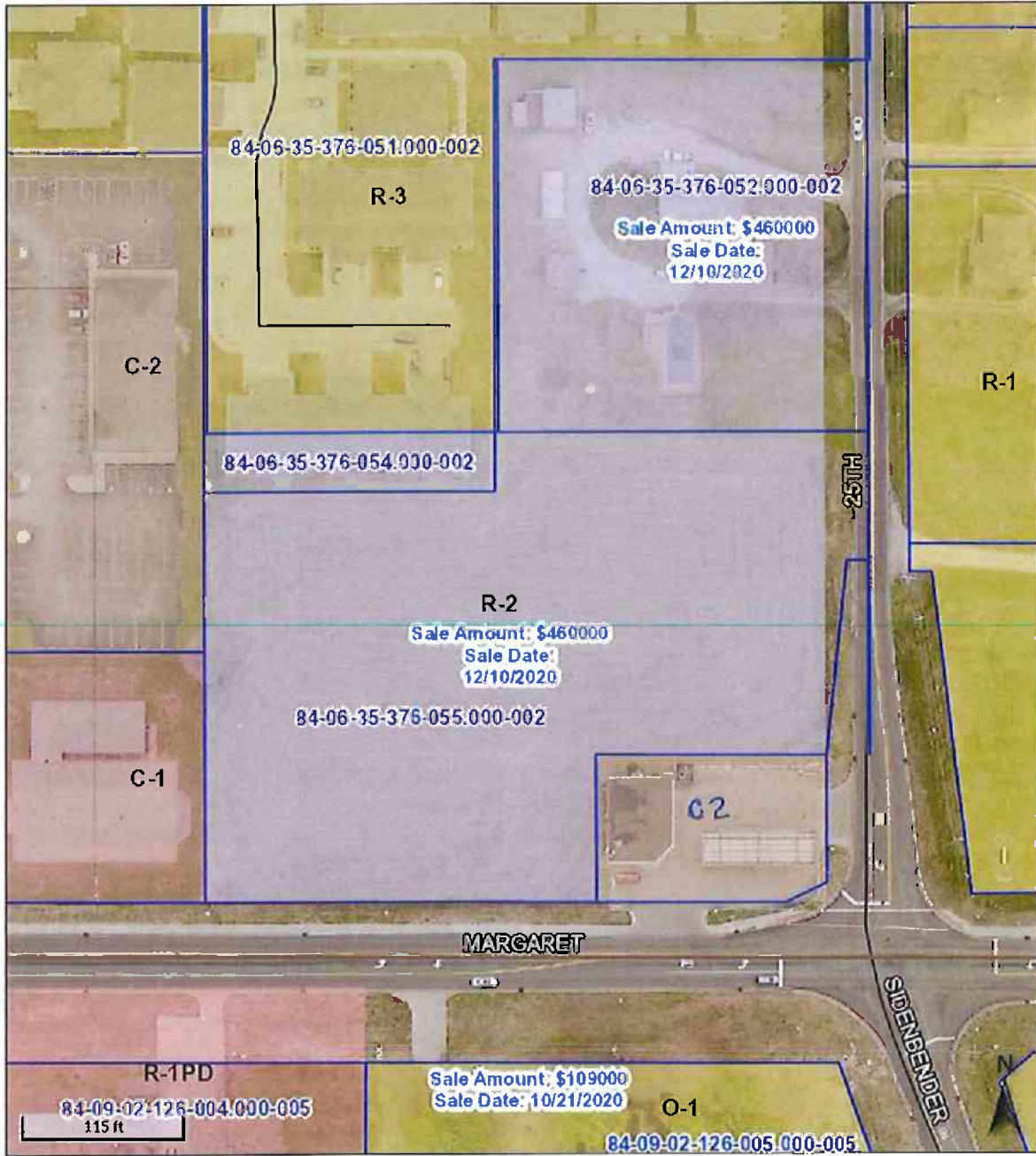


Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2020 Sales

Date created: 1/4/2021
Last Data Uploaded: 1/4/2021 5:09:12 AM

Developed by Schneider
GEO SPATIAL



Overview



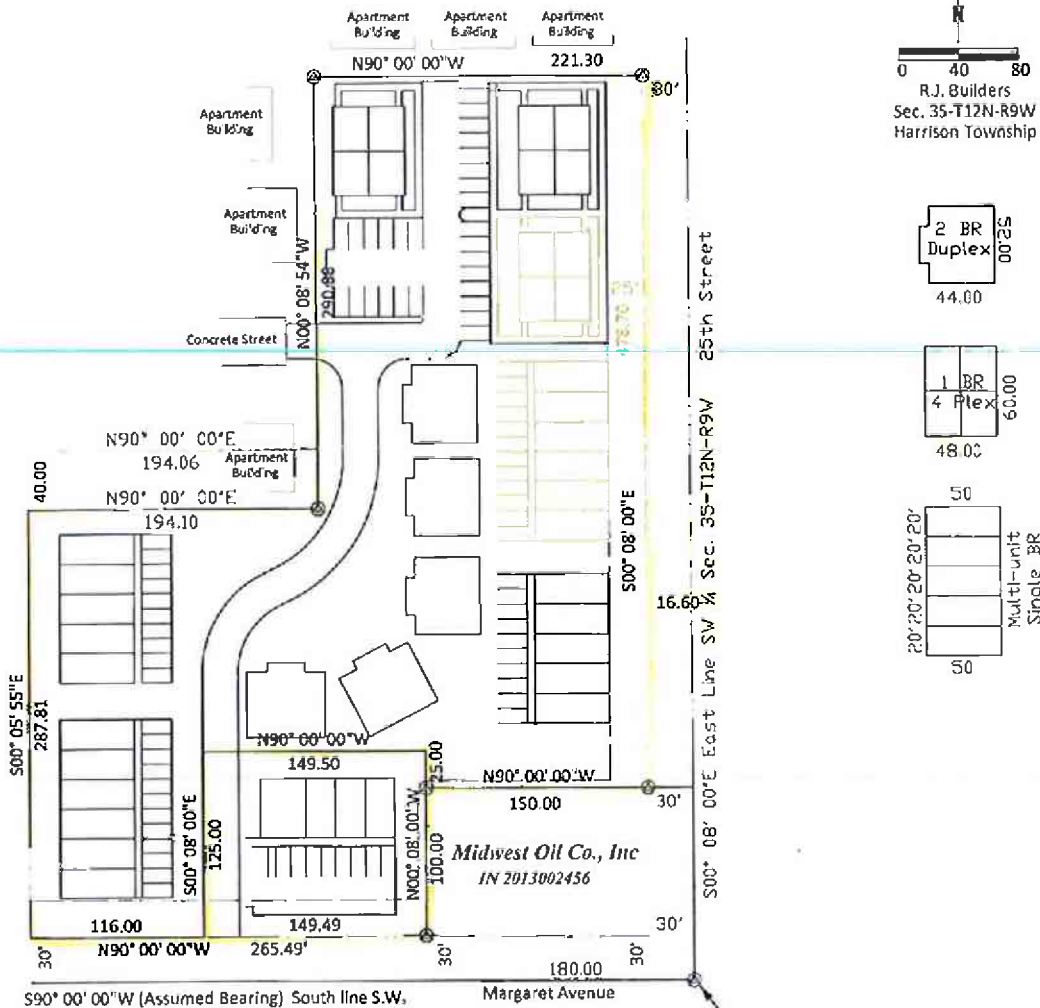
Legend

- Corporate Limits
 - Political Township
 - Sections
 - Blocks
 - Parcels
 - Road Centerlines
- Current Zoning Classifications**
- A-1
 - A-1MO
 - A-1NR
 - C-1
 - C-1PD
 - C-2
 - C-2PD
 - C-2SU
 - C-3
 - C-3NR
 - C-3PD
 - C-3SU
 - C-4
 - C-5
 - C-6
 - C-6PD
 - C-6SU
 - C-7
 - C-7NR
 - C-8
 - C-8PD
 - C-9
 - C3PUD
 - M-0
 - M-1
 - M-1PD
 - M-2
 - M-2NR
 - M-2PD
 - M-O

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.

Conceptual Drawing - Preliminary Site Plan



R.J. Builders
 Sec. 35-T12N-R9W
 Harrison Township

- 2 BR Duplex 44.00
- 1 BR 4 Plex 48.00
- 50
- Multi-unit Single BR
- 50

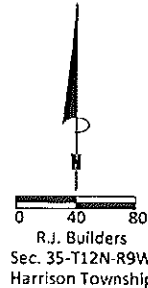
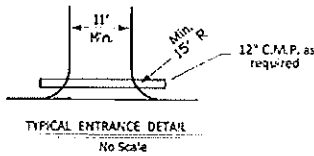
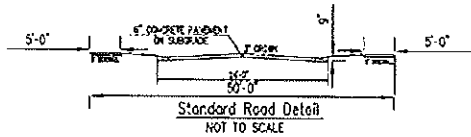
"X" on Stone in Pot
 S.E. Corner SW ¼
 Sec. 35-T12N-R9W

RICHARD JENKINS
 4301 South Sixth Street
 Terre Haute, IN 47802
 (812) 299-4128
 John R. Keller L.S. 60820000

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-plot of Lots 2 & 3 in Bauer Three Lot Subdivision
 a Subdivision in the SW 1/4 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.

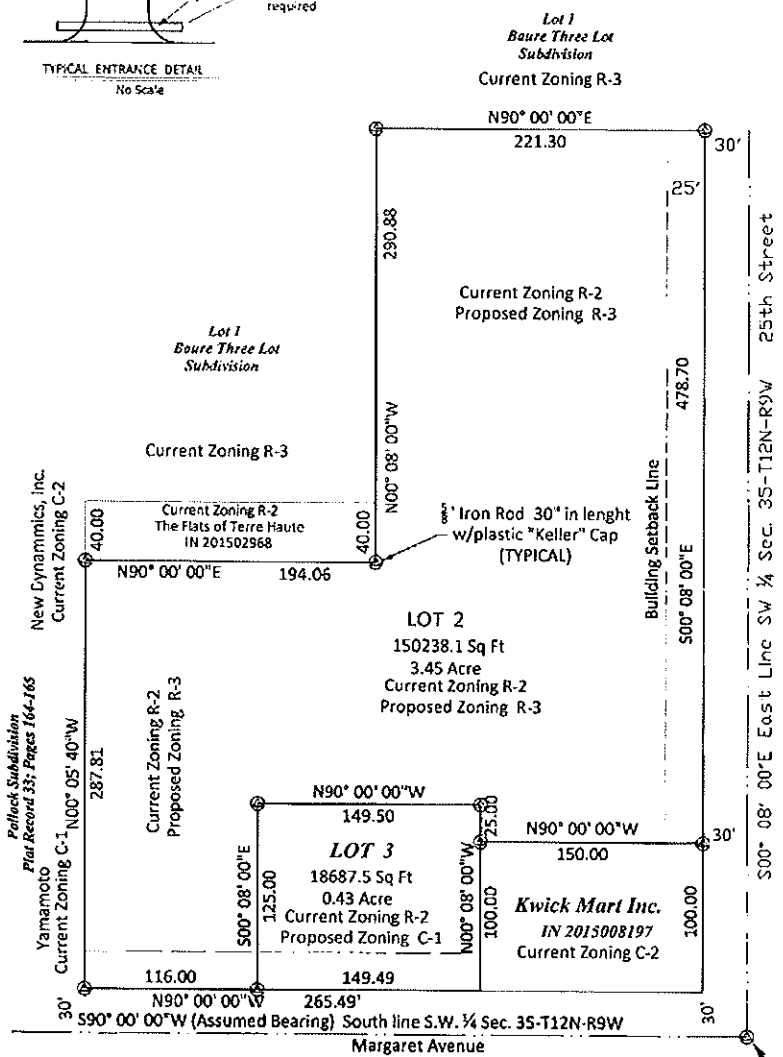
Setback Requirements
 Front 25'
 Side 5'
 Rear 11'

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 1/4
 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

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

Receipt

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

Date: 01-05-2021

Name: Richard Jenkins Construction

Reason: Resizing - Notice of Filing \$25.00
Resizing - Petition \$20.00
\$45.00

The Flats Phase 3 TERRE HAUTE, INC
PAID

Cash: _____
Check: \$45.00 #4334

Credit: _____

Total: \$45.00

JAN 05 2021
CONTROLLER

Received By: Lillis



TERRE HAUTE
A CITY 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: February 4, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 2-21

CERTIFICATION DATE: February 4, 2021

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

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 2-21. This Ordinance is a rezoning of part of 2917 S. 25th Street. The Petitioner, R.J Builders, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to R-3, General Residence District/ C-1, Neighborhood Commerce District for a multifamily apartment complex and single commercial building site.

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. 2-21 at a public meeting and hearing held Wednesday, February 3, 2021. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 2-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-20 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. 2-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) approval of subdivision 2) approval of site plan by City Engineering

Handwritten signature of Fred L. Wilson in cursive.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in cursive.

Jared Bayler, Executive Director

Received this 4th day of February, 2021

APPLICATION INFORMATION

Petitioner: The Flats of Terre Haute LLC

Property Owner: Same-As-Above

Proposed Use: Multi-family apartment complex & a single Commercial Building Site

Proposed Zoning: R-3 General Residence District/C-1 Neighborhood Commerce District

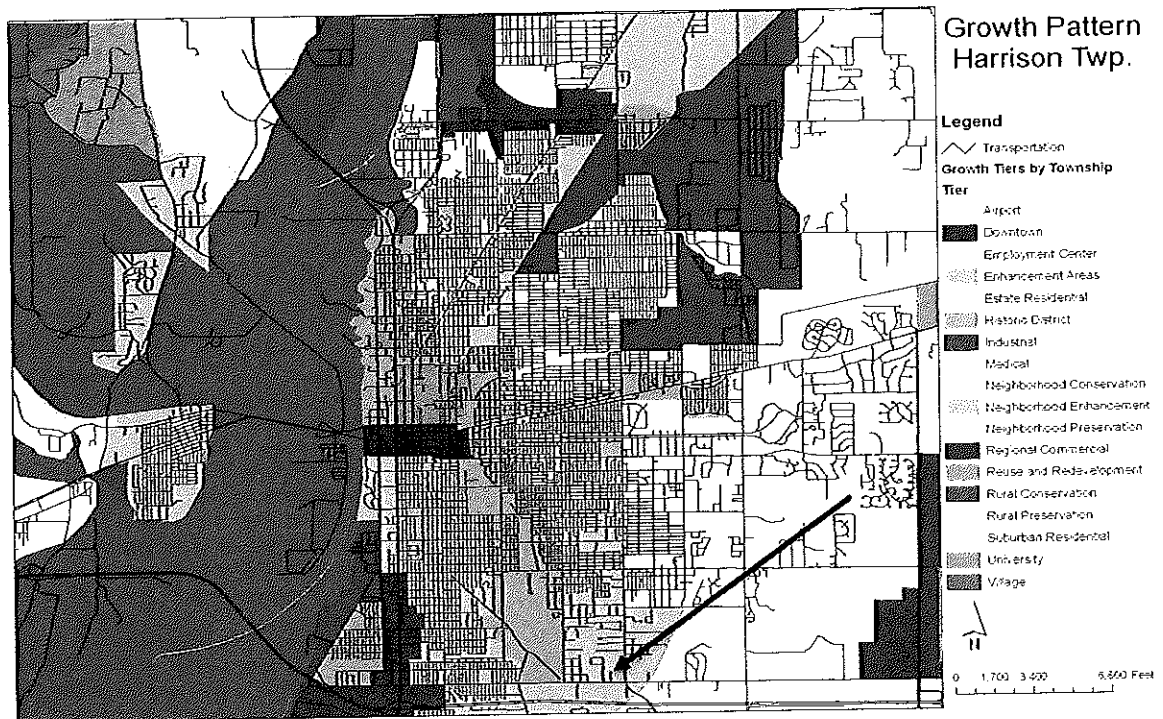
Current Zoning: R-2, Two-Family Residential

Location: 2917 S. 25th Street and E. Margaret – Bauer Three Lot Lot 2-3

Parcel #s: 84-06-35-376-055.000-002/84-06-35-376-052.000-002

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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #2-21
Date: February 2021

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Available Services: Area is well served by utilities.

Soil Limitations: unknown

Street Access: E Margaret Ave

Dev. Priority: High intensity residential

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3
 East – R-1
 South – R-1PD, C-2
 West – C-2, C-1

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #2-21

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1.5 parking spaces per 1 bedroom unit.

2.0 parking spaces per 2 bedroom unit.

3.0 parking spaces per 3 bedroom unit.

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.7 %

Street Setback: 55 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

Office Space, Three (3) spaces per one thousand (1000) square feet of gross floor area.

FINDINGS and RECOMMENDATION

Staff Findings:

The Flats of Terre Haute Phase 3 will be replatting Lots 2 and 3 in Bauer Sub, creating two new lots. Lot 2A, proposed R-3, will be multi-family residences with one bedroom apartments and two bedroom duplexes. Lot 3A, proposed C-1, will be office space to serve the apartment complex.

The proposed rezoning is in harmony with the Comprehensive Plan. Over the past 20 years the surrounding parcels have continued to infill and develop. The proposed development would continue the trend. The first portion of The Flats were rezoned in 2014 (SO #19-14).

Recommendation: Staff offers a FAVORABLE RECCOMENDATION with the following conditions:

1. Approval of subdivision
2. Approval of site plan by City Engineering