

October 8, 2024

Council Chambers
Vigo County Government Center
Terre Haute, Indiana

Present: Chris Switzer, Mike Morris and Mark Clinkenbeard

9:10 a.m. the Board held a rezoning hearing.

Jared Bayler said there were 5 rezonings today and they would be presented out of order. The following were presented for consideration:

UZO #18-24: Parcel No. 84-02-26-229-003.000-013. This is property located at 6622 North Marmon Court, Terre Haute, Indiana. The property is located on the west side of Marmon Court just south of East Peggy Avenue. Currently zoned R-1 Single Family Residential District, with the proposed zoning to be R-2, Two-Family Residential District. The whole neighborhood is R-1 but there are a couple of R-2's on the northwest side. Surrounding uses are R-S to the north, A-1 to the south, R-S to the east, and R-S to the west. Property owners and petitioners are Charles R. Evans III and Deborah L. Evans. The petitioners have requested the rezoning to remodel a portion of an existing detached garage into a livable space for a family member. A variance has been applied for through the BZA for a reduction from the 25 foot rear yard setback. Staff is of the opinion this will not alter the general characteristics of the neighborhood. Sewer is available but public water is not. IDEM will have to approve the semi-public water system. Staff offered a favorable recommendation. Area Plan also offered a favorable recommendation. There were no remonstrators present. The only conditions to apply are BZA approval for the needed variances to bring the property into compliance with UZO standards; the converted garage must be inspected and found to be a habitable structure and in keeping with Indiana Residential Building Code; building permits must be issued for the converted livable building; and IDEM approval of the semipublic utility design. Mike Morris made a motion to approve this rezoning. Mark Clinkenbeard seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

UZO #14-24: Parcel No. 84-13-10-176-010.000-006. This is property located at 11583 South US Highway 41, Terre Haute, Indiana. The property is located on the west side of US Highway 41 approximately 1,851 feet south of Oregon Church Road, Terre Haute, Indiana. Currently zoned A-1 Agricultural District, with the proposed zoning to be C-7, General Commercial District for portable buildings, carports, fencing and sales office. Surrounding uses are A-1 to the north, A-1 to the south, C-3 to the east, and A-1 to the west. Property owners and petitioners are Fred and Beth Anne Butts. The property was rezoned in 2003 to allow for a retail establishment for fence decking, modular sales and sales office and has since become a location of portable buildings, carports, and fencing sales. The owner has expanded the display area and wishes to rezone the new area to allow for a continuation of the existing use. There was one letter of remonstrance from a gentleman stating that he didn't feel there was a need for the use at that location. There were no remonstrators present. Mark Clinkenbeard made a motion to approve this rezoning. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

UZO #15-24: Parcel No. 84-09-11-100-013.000-004/012/011. This is property located on Erie Canal Road, Terre Haute, Indiana. The site is located north of 4495 Erie Canal Road, Lot 1, 2 & 3 of Erie Canal Business Park. Currently zoned C-2 Community Commerce District, with the proposed zoning to be C-3 Regional Commercial District. Surrounding uses are C-2 to the north, C-2 to the south, A-1MO to the east, and A-1 to the west. Surrounding uses are either agricultural or commercial. Property owner and petitioner is Dennis Kerns and is represented by Louis F. Britton. The petitioner has requested the rezoning for retail sales. This

property is in a special flood hazard area. A detailed site plan will be required to ensure the new structure and any other development on the property meets all requirements of the Flood Hazard Ordinance. A grading plan was previously submitted for the project that did not meet requirements. Residential adjoins to the west and attention should be given to noise and light pollution. A Type C buffer will be required, along with hard surfacing of all public use areas. There is concern regarding ingress/egress for the 19th Street access because 19th Street is not constructed to handle commercial traffic. There is an existing road cut on Erie Canal Road but County Engineering may request improvements be made for safety purposes. Staff offered a favorable recommendation as did Area Plan, with the following contingencies: County Engineering review drive cut location; improvements needed to Erie Canal to facilitate safe ingress/egress; approval of the storm water and retention designs; combination of the parcels into one lot; Type C buffer yard where residential adjoins; and must meet requirements of the Flood Hazard Ordinance for Vigo County. Attorney Britton gave a detailed description of the location. Chris Switzer asked about the timeline. They generally don't take more than a few months after permitting process. Mark Clinkenbeard asked what the difference was between C-2 and C-3. Jared Bayler explained that a C-2 allows up to a 10,000 square foot building. A C-3 allows for buildings exceeding that 10,000 square foot limitation. Mr. Clinkenbeard also asked about the 19th Street concerns. It is expected that the main traffic will come from on Erie Canal Road. They also do not expect a great deal of additional traffic as this will be more of a convenience-type store. Chris Switzer reminded that the use of local labor is encouraged wherever possible. Mike Morris made a motion to approve this rezoning. Mark Clinkenbeard seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

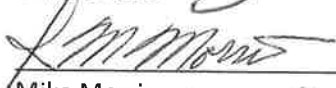
UZO #16-24: Parcel No. 84-02-36-453-001.000-013/002/009. This is property located on the northeast corner of South Fruitridge Avenue and East Haythorne Avenue and just south of East Hollywood Avenue, Terre Haute, Indiana. Currently zoned R-3 Multi-Family Residential District, with the proposed zoning to be C-3 Regional Commercial District. Surrounding uses are R-1 to the north, M-2PD (City Zoning) to the south, C-2 and R-1 to the east, and R-1 and M-1 to the west. This is a mixed area and surrounding zonings are either commercial industrial or residential. The petitioner has requested the rezoning for retail sales. This was last rezoned in 2007 for residential housing but the project never materialized. There is residential to the north, east and west so noise and light pollution will need to be taken into consideration. County Engineering may request improvements be made to safely facilitate the additional commercial ingress/egress. Hard surface parking will be required and County Engineering must approve storm water drainage and erosion control plan. There was one remonstrator present who had concerns about the entrance coming off of a roundabout and the additional traffic that may occur and cause accidents. Staff offered a favorable recommendation as did Area Plan, with the following contingencies: County Engineering review drive cut location; improvements, if needed, to Fruitridge Avenue to facilitate safe ingress/egress; approval of the storm water and retention designs; combination of the parcels into one lot; and Type C buffer yard where residential adjoins. Attorney Britton said that the concerns of the remonstrator will be discussed with the County Engineer. Mike Morris made a motion to approve this rezoning. Mark Clinkenbeard seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

UZO #17-24: Parcel No. 84-08-25-301-001.000-017. This is property located on the east side of South State Road 63 approximately 410 feet south of the intersection of West Kennett Drive, Terre Haute, Indiana. Currently zoned A-1 Agricultural District, with the proposed zoning to be C-2 Community Commercial District. The proposed use is a retail store. The area has been identified as residential suburban. Surrounding uses are A-1 to the north, A-1 to the south, A-1 to the east, and A-1 to the west. Property owners and petitioners are John R. Drake and James R. Drake and are represented by Louis F. Britton. The request did have an accompanying subdivision with it. The petitioner is requesting the rezoning of the C-2 Community Commercial rezoning for the use of a retail sales stores of a Dollar General under the 10,000 square foot maximum. Questions of sewer, water, and other available utilities at the location was answered with the subdivision request. Staff offered a favorable recommendation with the following contingencies: Approval

of the major subdivision; Type C buffer yard where residential adjoins; approval of the storm water and retention designs; INDOT approval of the road cut design and location; and any improvements needed to SR 63 to safely facilitate ingress/egress. Area Plan did forward a favorable recommendation. There were a number of remonstrators present at the meeting and a packet of remonstrations were submitted along with a petition (which contains 1,130 signatures). There are myriad concerns from the remonstrators, many of whom were present at the meeting to speak. Attorney Britton spoke about the project and suggested that the meeting be tabled until he and/or representatives from Dollar General could contact some of the concerned individuals to discuss their concerns. Chris Switzer said he would not be opposed to tabling the matter but he felt that there were individuals present who would like to speak and possibly took off work in order to be at the meeting and wanted to have their say. Attorney Britton then gave specifics of the project. The following remonstrators spoke: Cindy Morgan, Jennifer Lamberson (a local realtor and resident of the proposed area), Eddie Adams, Travis Clymer, John Farley, Caleb Barnhart, and Mrs. Voges. Some of the concerns stated: the proximity to the church, the sale of alcohol within 200 feet of their boundary, and the disruption of church functions that would be affected; property values; traffic safety concerns; proximity to their town park; no sidewalks; the water table if using well water and/or water pressure if hooking on to the local water system. Jim Drake, one of the current property owners, also corrected some misinformation that had been in the newspaper. Kevin Gardner, Vigo County Assessor, briefly addressed the meeting. He explained how property value changes were calculated. He had looked at the statistics in an area where a Dollar General had been built and statistically, property values have not changed as of today. He didn't know if that was due to the current market with the shortage of houses which drives the value up or not. He clarified that he was talking about market value (sales prices) and not assessed values. He could not give a number for what they would pay in property tax without knowing the construction costs. Mr. Drake, one of the current property owners, said he had never been approached by anyone to buy land for residential development. The Commissioners addressed a few of the comments that had been made. Mike Morris made a motion to table this rezoning until next month. Chris Switzer seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed. It was noted the next meeting for this would take place on November 12 due to the Election taking place on November 5 and county offices would be closed.

The meeting was adjourned at 10:40 a.m.


Chris Switzer


Mike Morris


Mark Clinkenbeard

Attest:


James W. Bramble, Auditor