

November 15, 2022

Commissioners Conference Room
Vigo County Government Center
Terre Haute, Indiana

Present: Mike Morris and Brendan Kearns
9:40 a.m. the Board held a rezoning hearing.

OLD BUSINESS

UZO #14-22: Parcel No. 84-13-22-200-004.000-006. This property does not have an address but is the vacant field located approximately 3,000 feet south of the intersection of Hook Drive/Pimento Circle on the west side of S. US Highway 41 in Terre Haute, Indiana. This UZO was tabled last month for the M-1 Light Industrial District for the research laboratory. Richard Shagley, attorney for the petitioner, requested that this be tabled to the December meeting because they are still working on some details that might be important to help factor in a decision on this matter. Mike Morris made a motion to table the matter until December. Brendan Kearns seconded the motion. With a voice vote of 2-0, the motion unanimously passed. There was discussion about going ahead with public comments on this matter since it had been tabled and remonstrators were present. It was decided to open the meeting for comments. Carl Conwell, residing directly across the road from the property in question, expressed concern about potential pathogens being released into the environment and is worried about his grandchildren being exposed. Nancy Hoopingarner, a Vigo County resident but not a neighbor, spoke against this matter because of the moral and ethical aspect of the business. Lindy Miller, petitioner, was invited to talk about the facility and set the record straight about the operation and the animals used. He said they focus strictly on dogs and cats and do not plan to do any infectious disease work. That testing requires a permit from the USDA and they have let that permit expire because they do not intend to do that kind of work anymore. They did that type of work at a former location but do not plan to do that going forward. This facility will primarily be a canine care facility. They will work with dogs and cats because there is a lot of new technology to bring to the pet market. Their work will be monoclonal antibody in nature. Some of them are cancer treatments. He explained what they do in detail and the reporting that takes place. They are regulated by the USDA, the FDA, the Center for Veterinary Medicine, the Food & Drug Administration, and Center for Veterinary Biologics. They are inspected routinely. They are striving to give the animals human attention. They are trying to, and investing heavily in, retirement programs for the animals so they can be adopted out after their service and went into detail about how that works. He said they do important work to provide responsible, sustainable research in order to make better products to treat our animals with. There was a lengthy discussion about the animals. There were questions/comments from Rita Palazzolo in the audience that the microphone could not pick up. There was discussion about how to continue the comments. Commissioner Kearns said that he was concerned about the zoning process. There was lengthy discussion about the choice of the land, why it was chosen, and how this all came about in connection with the rezoning process. It was noted that his inspection information for the operation could be obtained on line through the Freedom of Information Act. Commissioner Morris said he had a concern about a possible contractor. Amish contractors had been mentioned and he was aware that there had been problems encountered around the county with some of the guarantees they give that do not meet with building requirements/standards. Mr. Morris asked if he would comply with any ordinances that were in place. Mr. Shagley assured compliance. A scenario was also discussed about what would happen if this zoning were approved today and the processes that would take place going forward. No further processes had been commenced since all other steps are on hold pending approval on rezoning being granted. It was also discussed what it would mean for the County going forward if this was rezoned M-1. Other options, including the possibility of subdividing the parcels and only rezoning a small portion was also discussed. Jared Bayler stated that Area Plan would never recommend property to people. People can come to Area Plan with options and Area Plan will provide them with best or worst case scenarios at each location

and they choose which one they want to go forward with. Mr. Miller could not build the business where he lived because you cannot have a house in an Industrial Zoning District. Samantha Morton, Indiana State Director for the Humane Society of the United States, spoke against this rezoning and quoted statistics about several issues and talked about alternative research methods. Lengthy discussion took place during which Mr. Shagley pointed out that this was a locally owned business that did not conduct extensive testing on many species and were trying to change the end result of a lot of facilities by socializing and finding homes for these animals at the end of their service. Emily Turner of West Terre Haute, an employee of St. Francis Canine Rescue, spoke against this rezoning. Sierra Hamilton, a resident of Terre Haute, spoke about her experience in performing cleaning services at the prior location and opposed the rezoning. Nancy Hoopingarner spoke again with questions. When she asked if the facility would be dealing exclusively with cats and dogs for the existence of the company, Mr. Miller replied affirmatively at that location. Discussion continued. Commissioner Morris said that the mission here is to zone or not rezone the property but the discussion seems to be that you're either for or against animal testing. He said he needed to digest some of the comments that had been made. There was discussion whether this matter would be continued to the December 6 meeting or if it needed to be heard on December 20. Jared Bayler said it could be continued on December 6 but it would not be a part of the Area Plan meeting agenda. It was decided to continue this matter to the December 6 Commissioners' meeting. Vickie Curtis spoke about her concerns. During the discussion, she stated that she was not against all research, just research that is redundant. Vickie Scheid, owner of the property next to the property up for rezoning, expressed her concerns. During the discussion, she questioned why the entire 40 acres needed to be rezoned. She would be more comfortable with him rezoning the small section of property that he will be using for the facility but she is not comfortable with the whole 40 acres. Lengthy discussion then took place whether or not subdividing the property and rezoning a smaller section could be an option. This matter will be heard again after the December 6 Commissioners' meeting.

NEW BUSINESS

UZO #15-22: Parcel No. 84-09-08-102-001.000-004. This property is located on the east side of S. State Road 63, Terre Haute, Indiana, approximately 120 feet north of West Durham Drive. The proposed use is for a used car lot. Currently zoned R-S Single Family Residential Suburban District with the proposed zoning to be C-3 Regional Commercial District. The address is 4050 S. State Road 63, Terre Haute, Indiana. Recommended use is suburban residential. The area is served with public utilities. Surrounding uses are M-2 to the north, R-S to the south, agricultural to the east and open space to the west. The area is primarily low intensity residential with a mix of uses. Property owner and petitioner is Charles Edward Norris. The petitioner is requesting rezoning to allow for a used car lot.

Proposed use is a tough fit for the location. To bring the property into compliance with the C-3 standards, the petitioner will need to do the following: install a type C landscape buffer where residential adjoins; the existing home cannot be utilized for a residence and must be made unlivable if it is to remain; all public use areas will need to be hard surfaced; a commercial drive cut will need to be installed; approval from INDOT for the design and placement must be approved; INDOT may also request changes be made to State Road 63 to accommodate the commercial use; variances may be needed for setbacks on the accessory structures; it is uncertain what utilities are available. Public water and sewer must be utilized or approval by IDEM for privately developed systems. Staff would be in favor of allowing the petitioner to utilize the property as an in-home business to sell a single car at a time and to seek a variance from Section 2-B Home Occupation (d) which states that a home occupation is not permitted to utilize "any outdoor storage or activities other than receipt or delivery associated with the business activity." Further a Planned Unit Development may serve to better structure the proposed use and provide relief from the standards as set forth in the C-3 District. If approval of the C-3 is granted, then all conditions set forth above will serve as conditions of approval. It received a favorable recommendation from the Plan Commission. A petition of remonstrance was received containing 11 signatures, 3 of which did not have addresses. The remaining addresses were all within .3

miles or less. An individual letter was also received from 3 others, all of whom were citing concerns of issues over lighting, fluid runoff, contaminants to wells as many people there are on wells, and associated with their drinking water.

Richard Shagley was present on behalf of the petitioner. It is petitioner's intention to sell the property to the owners of Approved Automotive, who intends to open this as a second location for approximately 10-12 cars. This will improve curb appeal to the area. There are structures at the location that will be removed. They do plan to conform to lighting standards and not flood the neighbors with light. Should it become an issue, there are avenues to pursue to require the petitioner to make those changes. They do not plan to work on any vehicles at this location. Repair and maintenance of the vehicles will be done at another location so they do not anticipate any problems with fluid contamination. Discussion continued. Leona Bosc, 1501 West Durham Drive, lives directly next to the property. Her concerns included respecting property lines, she wants a fence erected to separate the business from the residential area, and she believes the removal of some large trees may have damaged her well and/or her septic system since her water turned brown and has now stopped altogether. It was disclosed that the property is being sold contingent upon this rezoning issue. Mr. Shagley indicated his client would be cooperative regarding the lighting and fencing and want to be a good neighbor. Ms. Bosc also had concerns that with the speed limit being 50 mph, the possibility of an accident occurring was great. There was also concern about subdividing the property. There was lengthy discussion. Manual Roth, a resident on Durham Drive, relocated there about a year ago. He has concerns about runoff from a hard surfaced lot will not only contaminate the ground water for their wells but that a drainage system that will need to be utilized for the hard surface will absorb surrounding water and affect the water tables for their wells. He also believes it will adversely affect their property values. It was established that city water was available in that area. Discussion continued. Brendan Kearns made a motion to approve the zoning for the property. Mike Morris seconded the motion. Upon a voice vote of 2-0, the motion unanimously passed.

UZO #16-22: Parcel No. 84-09-02-426-003.000-004. This property is located approximately 721 feet south of the intersection of E. Davis Drive and South Fagin Street on the west side, Terre Haute, Indiana. The proposed use is for single family residential suburban. Currently zoned C-2 Community Commercial District with the proposed zoning to be R-S Single Family Residential Suburban District. The property has no address and is located approximately 721 feet south of the intersection of E. Davis Drive and South Fagin Street on the west side in Terre Haute, Indiana. Recommended use is suburban residential. Surrounding uses are R-S to the north, R-1 and M-1 to the south, A-1 to the west and A-1 to the east. Property owner and petitioner is Gary G. Greiner. The petitioner is requesting rezoning to allow for single family residential.

Area Plan offered a favorable recommendation. Staff offered a favorable recommendation on this request pending the recording of "Greiner 3 Lot Sub." There were no remonstrators present at the meeting. Brendan Kearns made a motion to approve the zoning for the property. Mike Morris seconded the motion. Upon a voice vote of 2-0, the motion unanimously passed.

UZO #17-22: Parcel No. 84-07-18-300-005.000-008. This property is located at the corner of Beech Street and Schulte Drive/North 43rd Street, Terre Haute, Indiana. The proposed use is for a small farm. Currently zoned R-T Mobile Home Park Residential District with the proposed zoning to be A-1 Agricultural District. The property has a temporary address of 4301 Beech Street, Terre Haute, Indiana. Surrounding uses are A-1 to the north, R-T and O-1 to the south, M-2 to the west and A-1 and R-S to the east. Property owner and petitioner is Henry Batchelor. The petitioner is requesting rezoning to allow for a small farm. Notices were sent out to property owners within ½ mile of the property. Barnyard animals will be permitted but are not anticipated.

Area Plan offered a favorable recommendation. Staff offered a favorable recommendation on this request so long as no property owners within ½ mile object. There were no remonstrators present at the meeting. Mike Morris made a motion to approve the zoning for the property. Brendan Kearns seconded the motion. Upon a voice vote of 2-0, the motion unanimously passed.

UZO #18-22: Parcel Nos. 84-02-32-200-008.000-025, 84-02-32-200-007.000-025, 84-02-32-200-013.000-025, 84-02-28-300-001.000-025, 84-02-32-200-001.000-025. The properties are located in and around Bolton Road and West Sandford Avenue, Terre Haute, Indiana. The proposed use is for a gasification plant. Currently zoned A-1 Agricultural District with the proposed zoning to be M-2 Heavy Industrial District. The property has no address. Surrounding uses are M-2 and A-1 to the north, A-1 and M-2 to the south, A-1 to the west and M-2 to the east. Property owners and petitioners are Wabash Valley Resources LLC and H.B. White Investments, Inc. The petitioners are requesting rezoning to allow for a gasification plant.

Area Plan offered a favorable recommendation with the following conditions: 1) BZA approval; 2) DNR clarification; 3) all permits from Homeland Security must be obtained; 4) local public services must be contacted and approval gained; and 5) approval of all state and federal and local agencies must be given. It did receive BZA approval. Staff offered a favorable recommendation on this request with the same conditions. There were no remonstrators present at the meeting. Brendan Kearns made a motion to approve the zoning for the property. Mike Morris seconded the motion. Upon a voice vote of 2-0, the motion unanimously passed.

With no further business, the Board recessed at 11:35 a.m.



Chris Switzer, President



Mike Morris, Vice President



Brendan Kearns, Secretary

Attest:



James W. Bramble, Auditor