

TERRE HAUTE

A LEVEL ABOVE

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 7

COMMON ADDRESS OF LOTS TO BE REZONED:

2425 Ft. Harrison, Terre Haute, Indiana 47804

Current Zoning: R-1 Residential Single Family

Requested Zoning: C-5 General Central Business District (C.B.D.)

Proposed Use: retail commercial use and warehouse

Name of Owner: Rick Lasure

Address of Owner: P.O. Box 10602, Terre Haute, IN 47801

Phone Number of Owner: (812)208-5530

Attorney Representing Owner: Rhonda D. Oldham

Address of Attorney: 191 Harding Avenue, Terre Haute, IN 47807

Phone Number of Attorney: (812)238-2421

For Information Contact: Rhonda D. Oldham

Council Sponsor: _____

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

FILED

MAR 04 2010

SPECIAL ORDINANCE NO. 7 2010**CITY CLERK**

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:

Lot Numbers Two hundred forty-four (244), Two hundred forty-five (245) and Two hundred forty-six (246) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots One (1), Two (2), Three (3), Four (4), Five (5), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

ALSO

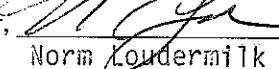
Commencing at a point 144 feet East of the North West corner of Lot Number 247 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section 11, Township 12 North, Range 9 West, thence East to the Northeast corner of said Lot 247; thence Southwesterly along the East line of said Lot 247 to a point due South of the point of beginning; thence North to the point of beginning.

Parcel No. 84-06-11-127-011.000-002
84-06-11-127-012.000-002

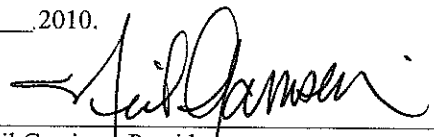
Commonly known as 2425 Ft. Harrison, Terre Haute, IN 47804.

be and the same is, hereby established as a C-5, 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, 
Norm Loudermilk, Councilperson

Passed in open Council this 15 day of April, 2010.


Neil Garrison, President

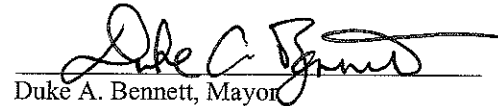
ATTEST:


Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 16th day of April, 2010.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 16th day of April, 2010.


Duke A. Bennett, Mayor

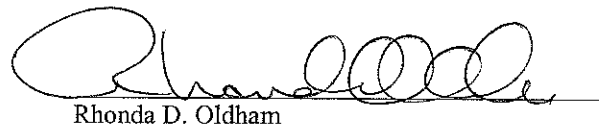
ATTEST:


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 # 7

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, Rick Lasure, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Numbers Two hundred forty-four (244), Two hundred forty-five (245) and Two hundred forty-six (246) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots One (1), Two (2), Three (3), Four (4), Five (5), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

ALSO

Commencing at a point 144 feet East of the North West corner of Lot Number 247 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section 11, Township 12 North, Range 9 West, thence East to the Northeast corner of said Lot 247; thence Southwesterly along the East line of said Lot 247 to a point due South of the point of beginning; thence North to the point of beginning.

Parcel No. 84-06-11-127-011.000-002
84-06-11-127-012.000-002

Commonly known as: 2425 Ft. Harrison, Terre Haute, Indiana 47804.

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 R-1 Residential 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 for retail commercial trade and warehouse.

Your petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District (C.B.D.) Your petitioner would allege that the General Central Business 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 C-5 General Central Business District (C.B.D.) 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 3 day of MARCH, 2010.



BY:

Rick Lasure

PETITIONER: Rick Lasure, P.O. Box 10602, Terre Haute, IN 47801

This instrument was prepared by:

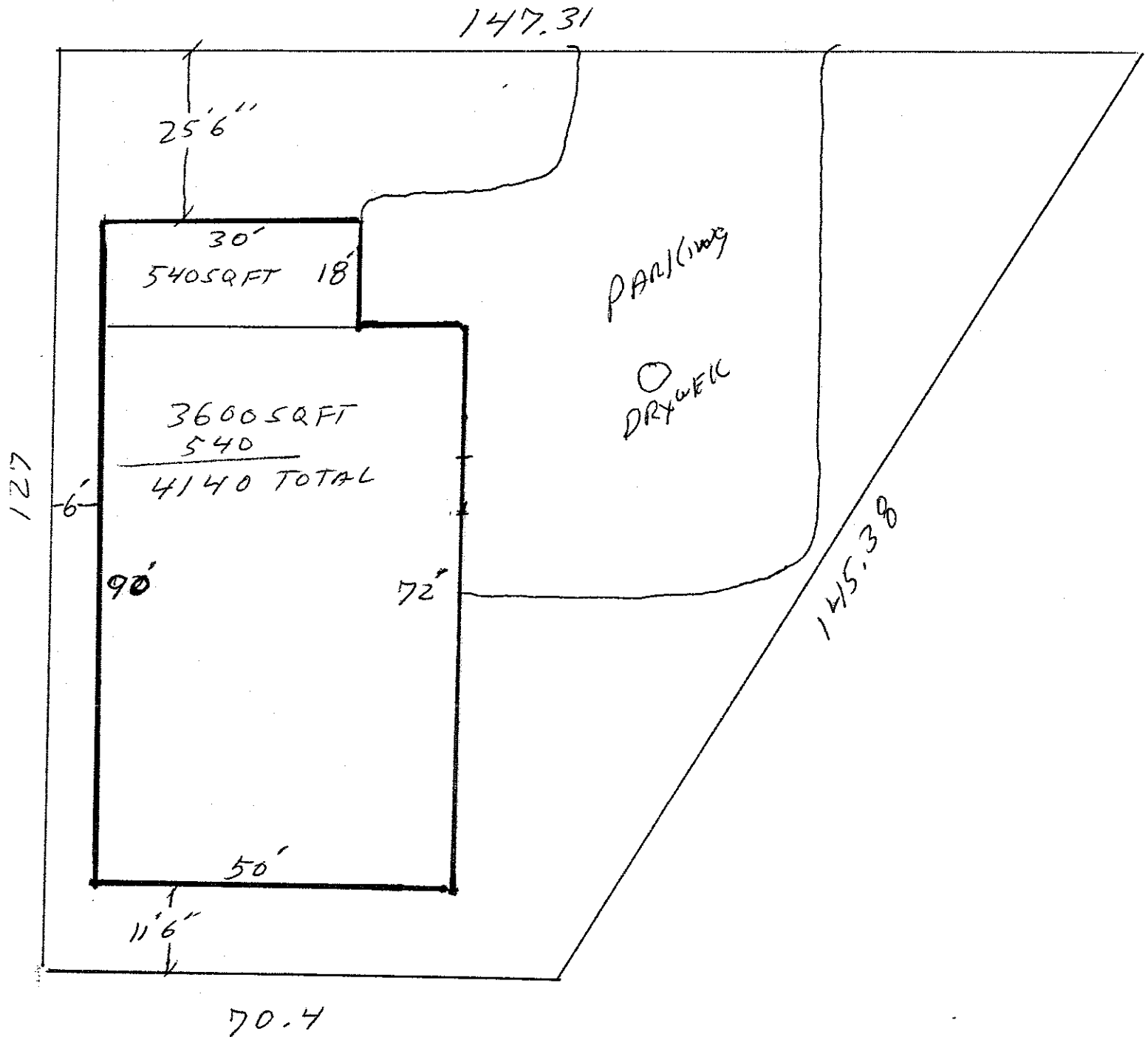
Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

Lasure Construction Inc.
COMMERCIAL BUILDER AND DEVELOPER
812-533-9494

Rick Lasure


P.O. 10602
Terre Haute, IN
47801

2425 Fort Harrison Road



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 29 2010

2010001103 SD \$22.00
01/29/2010 01:34:47P 4 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


Timothy M. Sprock
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE

SHERIFF'S DEED

THIS INDENTURE WITNESSETH:

WHEREAS on the 11th day of April, 2008, in the Vigo Superior Court, the City of Terre Haute Department of Redevelopment recovered an in rem judgment against the following described real estate, to-wit:

Lot Numbers Two hundred forty-four (244), Two hundred forty-five (245) and Two hundred forty-six (246) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots One (1), Two (2), Three (3), Four (4), Five (5), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

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Commonly known as 2425 Fort Harrison, Terre Haute, Vigo County, Indiana.

Parcel No. 84-06-11-127-011.000-002
84-06-11-127-012.000-002

all without relief from valuation or appraisement laws, which judgment and Order of Court more fully appear in Vigo Superior Court Cause No. 84DO2-0710-PL-10746, of the records of said Court and for the foreclosure of the judgment sued upon by City of Terre Haute Department of Redevelopment in its complaint.

WHEREAS, on the 16th day of May, 2008, a copy of the Agreed Judgment and Decree of Foreclosure and Order of Sale in said cause was issued and certified to the Sheriff of Vigo County by the Clerk of said Court under the seal thereof, and no owner or part owner of the real estate described in said proceedings and hereinafter described or other person legally entitled thereto, has paid to the Clerk of the Vigo Superior Court in Vigo County, Indiana, the amount of said judgment, interest and costs rendered in said cause within three (3) months from the filing of suit, (October 11, 2007) or prior to the issuance by the Clerk of said Court of said Decree and Order of Sale; and,

WHEREAS, pursuant to said Decree and Order of Sale after notice of such sale was given by me, by advertising the same once each week for three (3) successive weeks in a daily or weekly newspaper of general circulation printed in the English language and published in Vigo County, Indiana, which publications were made on the 17th, 24th and 31st day of July, 2008, more than thirty (30) days before the date fixed for such sale, to-wit: August 21, 2008, and by posting written or printed notices in at least three public places in Harrison Township of said Vigo County, Indiana, where the real estate is located, I duly offered for sale at public auction, the real estate described in said proceedings and hereinafter described; and,

WHEREAS, Rick Lasure at such sale bid the sum of Three Hundred Forty-seven and 25/100 Dollars (\$347.25), that being the highest bid made at such sale.

NOW, THEREFORE, I, Jon Marvel as such Sheriff, for and in consideration of the aforesaid sum bid and paid, do hereby convey to Rick Lasure the following described real estate in Vigo County, State of Indiana, to-wit:

Lot Numbers Two hundred forty-four (244), Two hundred forty-five (245) and Two hundred forty-six (246) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots One (1), Two (2), Three (3), Four (4), Five (5), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Fort Harrison Heights, a subdivision in the North half of the Northwest quarter of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

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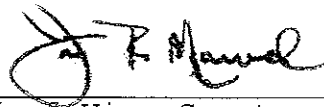
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Commonly known as 2425 Fort Harrison, Terre Haute, Vigo County, Indiana.

Parcel No. 84-06-11-127-011.000-002
84-06-11-127-012.000-002

IN WITNESS WHEREOF, I, the aforesaid Sheriff, have hereunto set my hand and seal, this 21 day of August, 2008.



Sheriff of Vigo County, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Jon Marvel, Sheriff of Vigo County, Indiana, and acknowledged the above and foregoing Sheriff's Deed for the uses and purposes therein set forth.

WITNESS my hand and notarial seal this 21 day of August, 2008.



Printed: Vicki S. Allen
Notary Public
Resident of Vigo County, IN

My Commission Expires:
4-20-15

4

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.


Printed: Rhonda Oldham

Grantee's Address: P.O. Box 10602, Terre Haute, IN 47801

Mail tax statements to: P.O. Box 10602, Terre Haute, IN 47801

This instrument prepared by Rhonda Oldham, Attorney at Law, The
Tudor House, 191 Harding Ave., P.O. Box 410, Terre Haute,
Indiana, 47808-0410.

AFFIDAVIT OF:

COMES NOW affiant, Rick Lasure,

and affirms under penalty of law that affiant is the owner of record of the property located

at 2425 Ft. Harrison, Terre Haute Indiana

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.

Rick Lasure
Rick Lasure

STATE OF Florida
SS: (COUNTY OF Lee)

Personally appeared before me, a Notary Public in and for

said County and State, Rick Lasure

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 3 day of March, 2010.

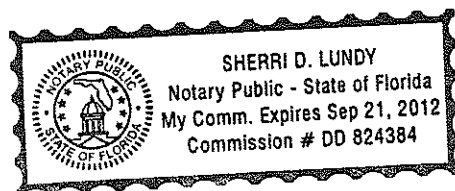
Notary Public:

Sherri D. Lundy
Signature


Sherri D. Lundy
Printed Name

My Commission Expires: Sept 21, 2012

My County of Residence: Lee



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2010001103 SD \$22.00
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WHEREAS, Rick Lasure at such sale bid the sum of Three Hundred Forty-seven and 25/100 Dollars (\$347.25), that being the highest bid made at such sale.

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Parcel No. 84-06-11-127-011.000-002
84-06-11-127-012.000-002

IN WITNESS WHEREOF, I, the aforesaid Sheriff, have hereunto set my hand and seal, this 21 day of August, 2008.

Jon Marvel

Sheriff of Vigo County, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Jon Marvel, Sheriff of Vigo County, Indiana, and acknowledged the above and foregoing Sheriff's Deed for the uses and purposes therein set forth.

WITNESS my hand and notarial seal this 21 day of August, 2008.

Vicki S. Allen

Printed: Vicki S. Allen
Notary Public
Resident of Vigo County, IN

My Commission Expires:
6-20-15

4

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.


Printed: Rhonda Oldham

Grantee's Address: P.O. Box 10602, Terre Haute, IN 47801

Mail tax statements to: P.O. Box 10602, Terre Haute, IN 47801

This instrument prepared by Rhonda Oldham, Attorney at Law, The
Tudor House, 191 Harding Ave., P.O. Box 410, Terre Haute,
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COMES NOW affiant, Rick Lasure,

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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.

Rick Lasure
Rick Lasure

STATE OF Florida
SS: (COUNTY OF Lee)

Personally appeared before me, a Notary Public in and for

said County and State, Rick Lasure

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 3 day of March, 2010.

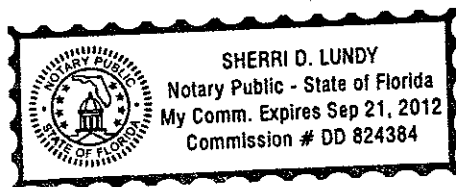
Notary Public:

Sherry D. Lundy
Signature

Sherry D. Lundy
Printed Name

My Commission Expires: Sept 21, 2012

My County of Residence: Lee



TERRE HAUTE
A LEVEL ABOVE

Receipt

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

Date: 3-4-10

Name: Rick LaSire

Reason: _____

Cash: _____

Check: _____

Creditcard: _____

Total: 45⁰⁰

Received By: Sgt / J Ellis

TERRE HAUTE, IN
PAID
MAR - 4 2010
CONTROLLER



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: April 15, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #7-10

CERTIFICATION DATE: April 14, 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. 7-10. This Ordinance is a rezoning of the property located at 2425 Ft. Harrison. The Petitioner, Rick Lasure, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-5, General Central Business District, for retail commercial use and warehouse.

Special Ordinance No. 7-10 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. 7-10 at a public meeting and hearing held Wednesday, April 14, 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. 7-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-10 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. 7-10, was FAVORABLE.


Fred L. Wilson, President
Jeremy Weir, Executive Director

Received this 5th day of April, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-10

Doc: # 23

Date: April 2010

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Rick Lasure

Property Owner: Same-As-Above

Representative: Rhonda D. Oldham

Proposed Use: Retail Commercial Use and warehouse

Proposed Zoning: C-5, General Central Business District

Current Zoning: R-1, Single-Family Residence District

Location: The property is located on the South side of Fort Harrison Rd.
about 350 feet east of North 24th Street

Common Address: 2425 Ft. Harrison Rd, Terre Haute, 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: City of Terre Haute

Recommended Use: Regional Commercial

- Spatial containment of commercial activities to existing commercially zoned sites; maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
- Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkage between and among major existing activity centers.
- Increase the Identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
- Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes. Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
- Ensure that future retail commercial development in the area does not detract from the viability of residential Neighborhoods in the vicinity.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-10

Doc: # 23

Date: April 2010

Page 2 of 3

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Fort Harrison Road is a Primary Collector Roadway

Dev. Priority: New Retail investments are a low priority

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-Family Residential District
C-1, Neighborhood Commerce District
East – M-2, Heavy Industrial District
C-2, Community Commerce District
South R-1, Single-Family Residential District
West – R-1, Single-Family Residential District
C-1, Neighborhood Commerce District

Character of Area: This area has a high capacity roadway (Ft Harrison) which links regional shopping centers to urban neighborhoods, and industrial areas. Properties with double fronts on Ft. Harrison Rd. and local side-streets have the tendency to be rezoned for commercial use.

Contig. Uses & Zones: R-1 Single-Family Residence District, which is being used as a dwelling

ZONING REGULATIONS

C-5 Purpose: The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and sharing the retailing trade to a more limited degree with the C-4 District. It is characterized by high volume of trucks and vehicles as well as pedestrian traffic.

C-5 Uses: Any use permitted in C-1, C-2, C-3, and C-4. Motor vehicles sales, of vehicles not over 1½-ton capacity, Recording Studios, Television studios, warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only, and mini warehouses.

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C-5 Standards: Floor Area Ratio of 0.7; street setback of 50 feet from centerline; rear setback 11' from the rear property line; Meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

Staff Findings: The Comprehensive Plan has identified this area as a Regional Commercial Zone. The Comp Plan also states Regional Commercial zones need to be developed, in a state that will reduce future traffic congestion and more closely tie existing retail centers with transit operations.

Recommendation: Favorable Recommendation.