

FILED

DEC 14 2009

TERRE HAUTE
A LEVEL ABOVE

CITY CLERK

APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 1

COMMON ADDRESS OF LOTS TO BE REZONED:

1733, 1735, 1737 North 2nd Street, Terre Haute, IN 47804

Current Zoning: R-1, Single Family Dwelling

Requested Zoning: C-6, Strip Commercial

Proposed Use: Storage

Name of Owner: Robert M. Williams

Address of Owner: 1315 South 19th Street, Terre Haute, IN 47803

Phone Number of Owner: (812) 232-4270

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Robert M. Williams

Council Sponsor: Neil Garrison

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

FILED

FEB 02 2010

CITY CLERK

SPECIAL ORDINANCE FORA REZONING
SPECIAL ORDINANCE NO.1, 2010
AS AMENDED

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana"

SECTION 1. BE IT ORDAINED 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 Six (6), Eleven (11) and Fourteen (14) in Woodlawn Place, a subdivision of Lot 15 in the Subdivision of Section 16, Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Commonly known as: 1733, 1735, 1737 North 2nd Street, Terre Haute, IN 47804

Be and the same is hereby established as C-6, Strip Commercial District with limitation of indoor storage only, 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, _____


Neil Garrison


Passed in Open Council the 11 day of Feb, 2010


Neil Garrison, President

ATTEST: _____


Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 12th day of February, 2010.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute this 12th day of FEBRUARY, 2010.


Duke A. Bennett, Mayor

ATTEST: 
Charles P. Hanley, City Clerk

This instrument prepared by: Robert Williams, 1315 So. 19th Street, Terre Haute, IN 47803
(812) 232-4270

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. Robert M. Williams
Robert M. Williams

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, Robert M. Williams, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Six (6), Eleven (11) and Fourteen (14) in Woodlawn Place, a subdivision of Lot 15 in the Subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Vigo County Indiana.

Commonly known as: 1733, 1735, 1737 North 2nd Street, 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, Single Family Dwelling.

Your petitioner would respectfully state that the real estate is now vacant ground not in use. Your petitioner intends to use the real estate for personal and business related storage.

Your petitioner would request that the real estate described herein shall be zoned as a C-6 Strip Commercial. Your petitioner would allege that the Strip Commercial 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-6, Strip Commercial 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 14TH day of December, 2009.

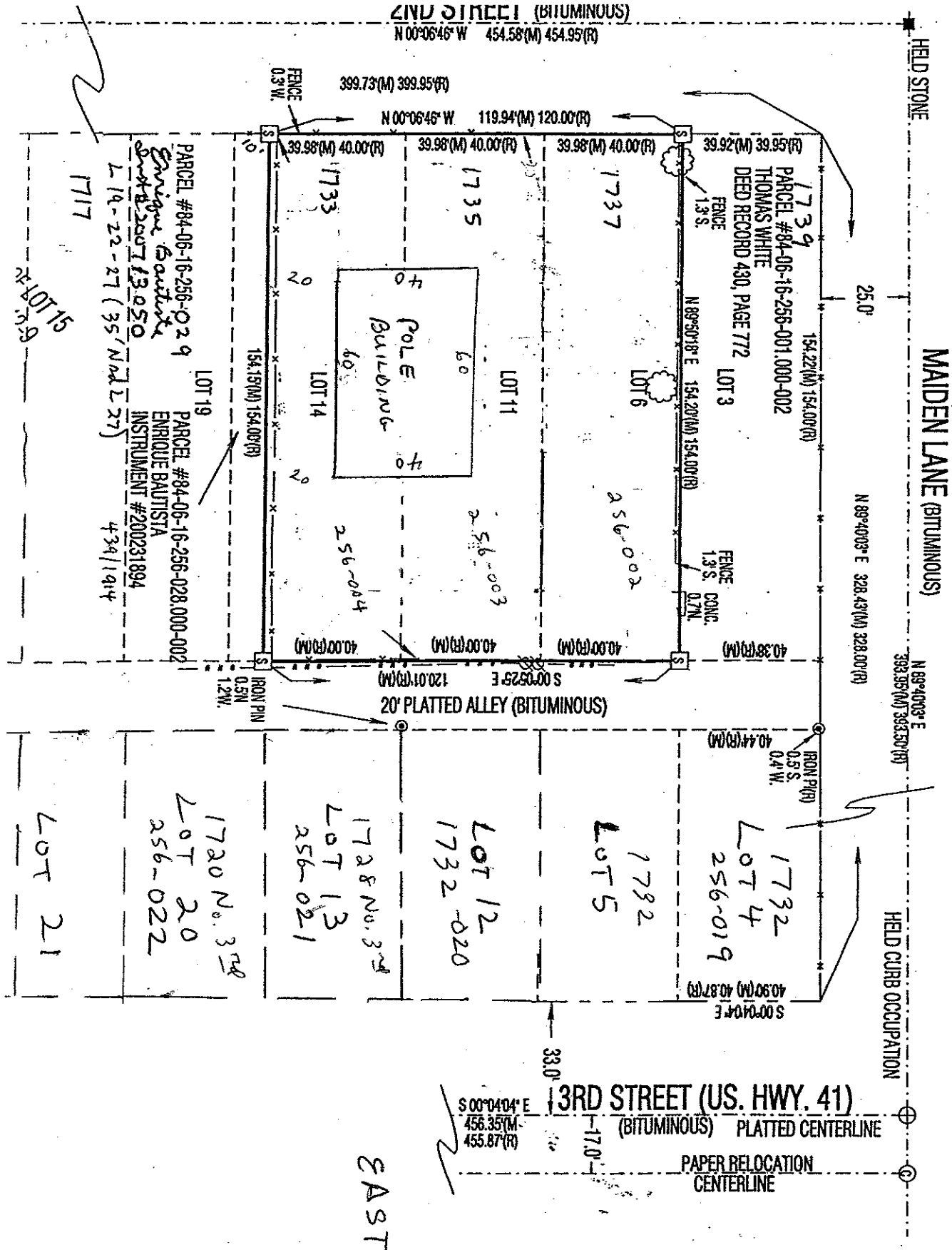
BY: Robert M. Williams
Robert M. Williams

PETITIONER: Robert M. Williams; 1315 South 19th Street, Terre Haute, IN 47803

This instrument was prepared by Robert M. Williams, 1315 South 19th Street, Terre Haute, IN 47803.
(812) 232-4270

Plat of Survey

Part of Lots 6, 11, & 14 of Woodlawn Place Subdivision, Plat Record 8, page 32,
A part of the West 1/2 of the Northeast 1/4 of Section 16, Township 12 North, Range 9 West,
Harrison Township, Vigo County, Indiana




DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 23 2009

Timothy M. Spade
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE

2009016424 QD
11/23/2009 12:02:45P \$20.00
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


QUIT CLAIM DEED

THIS INDENTURE WITNESSETH that the City of Terre Haute, Indiana, for the use and benefit of its Department of Redevelopment, ("Grantor"), RELEASES AND QUIT CLAIMS to Robert M. Williams, ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Lots 6, 11 and 14 in Woodlawn Place, a Subdivision of Lot 15, in the Subdivision of Section 16, Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Parcel No. 84-06-16-256-002.000-002 (Lot 6)
Common address: 1733 N 2nd Street, Terre Haute, IN

Parcel No. 84-06-16-256-003.000-002 (Lot 11)
Parcel No. 84-06-16-256-004.000-002 (Lot 14)
Common address: 1737 N 2nd Street, Terre Haute, IN

Subject to the following restrictions and covenants which shall remain with the land and bind Grantee and his successors and assigns:

- A) That all property taxes, liens and assessments shall be paid before the date causing said payment to be delinquent;
- B) The property must be maintained in compliance with all city ordinances concerning trash, weeds or junk cars;
- C) The property shall not be used for purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry or swine nor for the use of a kennel;
- D) That the property shall not be used in violation of the City of Terre Haute Zoning Ordinance;

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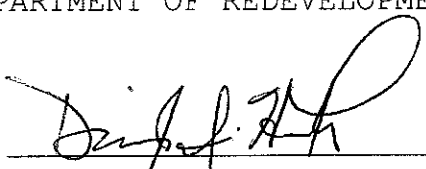
E) That Grantee shall seek and obtain a building permit to construct improvements on the real estate and complete said improvements within one year of the date of this Deed.

In the event Grantee or his successors and assigns fail to improve the real estate as required by Paragraph E, the real estate shall revert to the Grantor which shall have the immediate right of possession of the real estate and all right, title and interest of Grantee.

The undersigned persons executing this deed on behalf of said Grantor represent and certify that they have been fully empowered to execute and deliver this deed; that the Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this Deed this 18th day of Nov, 2009.

CITY OF TERRE HAUTE,
DEPARTMENT OF REDEVELOPMENT

By: 

Printed: David I. Heath

Title: President

ATTEST:

By: 

Printed: Jim L. Nichols


Title: Secretary

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STATE OF INDIANA)) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared David I. Heath and Jim L. Nichols, the President and Secretary of the City of Terre Haute, Department of Redevelopment, who acknowledged the execution of the foregoing Quit Claim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 18th day of Nov, 2009.


 Printed: H. DEAN BRANSON
 Notary Public, residing in
 Vigo County, Indiana

My Commission Expires:

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: H. DEAN BRANSON

Mail tax statements to Grantee's Address:

Robert M. Williams
1315 South 19th Street
Terre Haute, IN 47803

This instrument prepared by Rhonda D. Oldham, BRAMES & OLDHAM,
The Tudor House, 191 Harding Avenue, P.O. Box 9808, Terre Haute,
Indiana 47808-9808.

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AFFIDAVIT OF: ROBERT M. WILLIAMS

COMES NOW affiant ROBERT M. WILLIAMS

and affirms under penalty of law that affiant is the owner of record of the property located at
1733, 1735, 1737 North 2nd Street, Terre Haute, IN 47804, 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.

Robert M. Williams
ROBERT M. WILLIAMS

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for the County and State,

ROBERT M. WILLIAMS

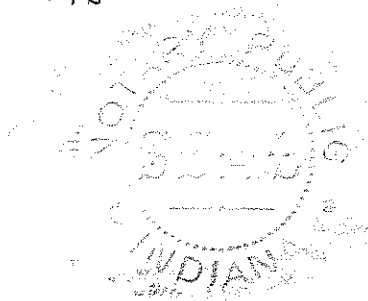
who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath
and after having read this Affidavit.

WITNESS my hand and notarial seal, this 7th day of December, 2009.

Cheryl K. Russell, Notary Public.
Cheryl K. Russell

My Commission Expires: July 4, 2016

My County of Residence: Vigo



only original

Receipt

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

Date: 12/14/09

Name: Robert Williams

Reason: _____

Reyzoning

Cash: 45.00

Check: _____

Credit: _____

Total: 45.00

TERRE HAUTE, IN
PAID

DEC 14 2009

CONTROLLER

Received By: Sgt J. Ellis



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: January 7, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #1-10

CERTIFICATION DATE: January 6, 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. 1-10. This Ordinance is a rezoning of the property located at 1733, 1735 and 1737 North 2nd Street (Woodlawn). The Petitioner, Robert M. Williams, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-6, Strip Business District, for storage.

Special Ordinance No. 1-10 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. 1-10 at a public meeting and hearing held Wednesday, January 6, 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. 1-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 1-10 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. 1-10, was FAVORABLE for INSIDE STORAGE ONLY.

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 7th day of January, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #01-10
Date: November 2010

Doc: # 05
Page 1 of 3

APPLICATION INFORMATION

Petitioner: Robert M. Williams

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: Indoor Storage

Proposed Zoning: C-6, Strip Business Zone

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

Location: The property is located on the east side of North 2nd St.
(Woodlawn Ave) 40 feet from the intersection of Maiden Lane and
North 2nd St.

Common Address: 1733, 1735, and 1737 North Woodlawn Ave

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Reuse and Redevelopment

- Encourage infill development that is compatible with the land use mix and intensity of existing development
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Woodlawn Ave. is a Local Roadway

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #01-10

Doc: # 05

Date: November 2010

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two-Family Residence District

East – C-6, Strip Business District

South – R-2, Two-Family Residence District

West – R-2, Two-Family Residence District

Character of Area:

Contiguous Uses & Zones: Residential uses are contiguous to the north and south. The current zoning of these uses is R-2, Two-Family Residence District, which permits the existing uses.

ZONING REGULATIONS

C-6 Purpose: The Strip Business Zone is a business use created primarily for transient's needs, but with some subjugated business uses serving neighborhood needs. It shall therefore be located only along major streets or expressways of the planning area and in addition shall be limited to Federal or state primary highways in densely developed areas only and not along "Limited" or "Controlled" access highways.

C-6 Uses: Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

C-6 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FAR 0.5 %

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #01-10

Doc: # 05

Date: November 2010

Page 3 of 3

Street Setback: 55 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

Three (3) spaces per one thousand (1,000) Sq. Ft. of gross floor area.

FINDINGS and RECOMMENDATION

Staff Findings: The proposed rezoning request is in harmony with the existing land-uses and zoning in this area. Expansion of the C-6, Strip Business District will provide additional ground to accommodate future commercial growth utilizing frontage off of North 3rd St/ US hwy 41.

Recommendation: Favorable Recommendation with one condition. The verbiage in the petitioned Special Ordinance needs to be amended to “Your petitioner would respectfully state that the real estate is now vacant ground not in use. Your petitioner intends to use the real estate for indoor storage to store personal and business related items.”