

FILED

MAR 11 2010

CITY CLERK

SPECIAL ORDINANCE NO. 2 (As Amended)

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 10-121, thereof, District Maps, is hereby amended to read as follows:

Bailey Place S ½ -1 5' W Side S ½ -2 Lots 1 and 2
18-06-22-402-018.00

Bailey Place 30' E PRT S ½ -2 14.67' W PRT S ½ -3 Lots 2 and 3

Subject to any and all easements of record and taxes of record

Commonly known as 1450 Eagle Street, Terre Haute, Indiana 47807.

be and the same is, hereby established as a C-5 General Central Business District, subject to a five (5) foot buffer, 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.

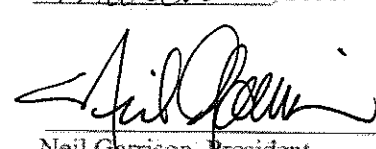
Presented by Council Member,


John Mullican, Councilperson

Passed in open Council this 11 day of March, 2010.

ATTEST

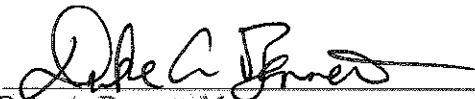

Charles P. Hanley, City Clerk


Neil Garrison, President

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


Charles P. Hanley, City Clerk

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


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Darin Higgs, 676 Ohio Street, Terre Haute, Indiana 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.


Darin Higgs

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

**Bailey Place S ½-1 5' W Side S ½-2 Lots 1 and 2
18-06-22-402-018-00.**

Bailey Place 30' E PRT S ½-2 14.67' W PRT S ½-3 Lots 2 and 3

Subject to any and all easements of record and taxes of record

Commonly known as: **1450 Eagle Street**, Terre Haute, Indiana **47807**.

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 **Multifamily Residential District**.

Your petitioner would respectfully state that the real estate is now **Vacant**. Your petitioner intends to use the real estate to **temporarily store automobiles**.

Your petitioner would request that the real estate described herein shall be zoned as a ^{C-5} **General Central Business District**. Your petitioner would allege that the **General Central Bus.** would not alter the general characteristics of this neighborhood. **District**

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 ^{C-5} the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **General Central Business District** 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 2nd day of February, 2010.

BY: _____

Larry Switzer

PETITIONER: Larry Switzer.

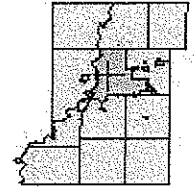
This instrument was prepared by Darin Higgs, 676 Ohio Street, Terre Haute, IN 47807 (812) 238-2565.

Date Created: 1/25/2010







Map Scale: 1 in = 53 ft



Overview



Legend

-  Road Centerlines
-  Parcels
-  Blocks
-  Sections
-  Political Townships
-  Corporate Limits

Parcel ID 84-06-22-402-018.000-002

Sec/Twp/Rng

Property Address 1450 EAGLE ST
TERRE HAUTE

Alternate ID N/A

Class Res Vacant platted lot

Acreage 0.00

Owner Name SWITZER LARRY

Owner Address SWITZER LARRY
1440 EAGLE ST
TERRE HAUTE, IN 47807

District 002 HARRISON

Brief Tax Description BAILEY PLACE S-1/2 LOTS 1-2 & 14.67' W SIDE S 1/2 LOT 3
22-12-9

(Note: Not to be used on legal documents)

Last Data Upload: 1/23/2010 5:28:19 AM



developed by
The Schneider Corporation
www.schneidercorp.com

SITE PLAN

The future intended use of the property is as follows:

To extend and enclose the property consisting of the public access, located between Parcel #84-06-22-402-018.000-002 and Parcel #84-06-22-402-015.000-002, and adjoining Parcel #84-06-22-402-018.000-002 with a chain-linked fence as an extension of Switzer's Auto Repair, a business located on adjoining Parcel #84-06-22-402-015.000-002. The lot will be used as **TEMPORARY** storage of vehicles at the facility. Vehicles will only be stored as needed until they are repaired. The lot will be covered with white rock and minimum to moderate landscaping.

AFFIDAVIT OF LARRY SWITZER

Larry Switzer, being first duly sworn upon his oath, deposes and says:

1. I am over the age of eighteen (18) and am not currently suffering under any condition which would affect my ability to make this Affidavit.
2. I am currently the owner of Parcel #84-06-22-402-018.000-002 located at 1450 Eagle Street, Terre Haute, Indiana.

Further Affiant saith not.

I affirm under the penalties for perjury that the above and foregoing is true and accurate to the best of my knowledge.

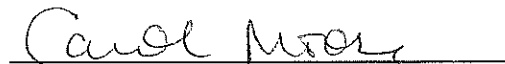


LARRY SWITZER

SUBSCRIBED and SWORN TO before me, a Notary Public, in and for the County of Vigo, State of Indiana, this 2nd day of Feb, 2010.

My Commission Expires:

3-18-2017



Notary Public
County of Residence: Vigo

AUG 07 2008

CORRECTIVE QUIT CLAIM DEED

[Signature]
VIGO CO. CLERK

THIS INDENTURE WITNESSETH, that Brett Gibson, (hereinafter referred to as "Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby **CONVEY AND QUIT CLAIM TO** Larry Switzer, the following described **REAL ESTATE** located in the County of Vigo, State of Indiana, to-wit:

Bailey Place S 1/2-1 5' W Side S 1/2-2 Lots 1 and 2
18-06-22-402-018-00.

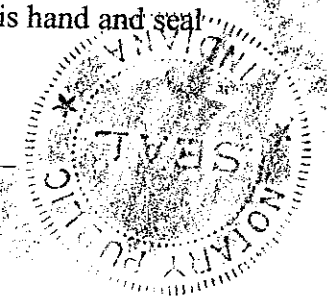
Bailey Place 30' E PRT S 1/2-2 14.67' W PRT S 1/2 -3 Lots 2 and 3

Subject to any and all easements of record and taxes of record.

This conveyance is made only for the purpose of correcting an error in the legal description of a Quit-Claim Deed dated June 4, 2008 and recorded on July 29, 2008 as Instrument No. 2008010405, in the records of the Recorder's Office of Vigo County, Indiana.

IN WITNESS WHEREOF, Grantor, Brett Gibson, has hereunto set his hand and seal
this 6 day of August, 2008.

[Signature]
Brett Gibson, Grantor



STATE OF INDIANA :
: SS
COUNTY OF VIGO :

Before me, a Notary Public in and for said County and State, personally appeared Brett Gibson, and acknowledged this conveyance to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this 6 day of August, 2008.

My Commission Expires:

Nov 6, 2008

[Signature]
, Notary Public
County of Residence VERMILION

2

This instrument was prepared by the undersigned. I affirm under the penalties of perjury that I have taken reasonable action to redact each social security number from this document unless required by law.

Peter J. Sacopulos - PJS/ML

Peter J. Sacopulos
SACOPULOS, JOHNSON & SACOPULOS
676 Ohio Street
Terre Haute, IN 47807
Telephone (812) 238-2565
Facsimile (812) 238-1945

Grantee
1440 Eagle St.

Terre Haute, IN 47807

This instrument prepared by: Peter J. Sacopulos, Sacopulos Johnson & Sacopulos, 676 Ohio Street, Terre Haute, Indiana 47807



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: March 4, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #2-10

CERTIFICATION DATE: March 3, 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. 2-10. This Ordinance is a rezoning of the property located at 1450 Eagle Street. The Petitioner, Larry Switzer, Petitions the Plan Commission to rezone said real estate from zoning classification R-3 to C-5, General Central Business District, for extension of Switzer's Auto Repair.

Special Ordinance No. 2-10 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. 2-10 at a public meeting and hearing held Wednesday, March 3, 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. 2-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 2-10 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. 2-10, was FAVORABLE for C-5 zoning WITH THE CONDITION that the Petitioner provides a five foot (5) buffer between the proposed automobile staging lot and the residential structure to the East of this site.

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 4th day of March, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #02-10

Doc: # 10

Date: March 2010

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APPLICATION INFORMATION

Petitioner: Larry Switzer

Property Owner: Same-As-Above

Representative: Darin Higgs

Proposed Use: Extension of Switzer's Auto Repair, to be used as temporary storage of automobiles

Proposed Zoning: C-5, General Central Business District

Current Zoning: R-3, General Residence District

Location: The property is located on the north side of Eagle Street at the intersection of North 14th ½ Street.

Common Address: 1450 Eagle Street

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: Eagle Street is a Local Roadway

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #02-10

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3, General Residence District
East – R-3, General Residence District
South – C-2, Community Commerce District
West – C-5, General Central Business District

Character of Area: Eagle Street acts as a fringe in this area with commercial or industrial uses and zoning to the south, and residential uses and zoning to the north. Many commercial, industrial, and residential uses in this area are in a deteriorated state.

Contiguous Uses & Zones: Residential uses are contiguous to the north and east of the proposed site. The current zoning is R-3, General Residence District. The majority of the dwelling units are single-family in nature.

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 shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

C-6 Uses: Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk (*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk (*), Motor vehicle 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, Mini warehouses.

C-6 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.5 %

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #02-10

Doc: # 10

Date: March 2010

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Street Setback: 40 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

Three (4) spaces per one thousand (1,000) Sq. Ft. of service area

FINDINGS and RECOMMENDATION

Staff Findings:

The Thrive 2025 Comprehensive Plan identifies this site as a reuse and redevelopment area within the City of Terre Haute. Reuse and redevelopment can include both residential and commercial or industrial developments. To promote development in reuse and redevelopment areas four key incentives related to the zoning and the development process should be encouraged: reduce lot sizes; setbacks; parking requirements; allow zoning for mixed-use development; and increase the allowable densities.

The expansion of a C-5, General Central Business District in this area may promote future mixed-uses. The City’s UZO permits residential apartment units in C-5 Districts. Future uses of this site and the high density residential zoning that is contiguous may provide an added benefit for future commercial/residential mixed-use growth.

Recommendation: Favorable Recommendation with one condition. The petitioner provides a five ft. (5’) buffer between the proposed automobile staging lot and the residential structure to the east of this site.