

TERRE HAUTE

A LEVEL ABOVE

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 23

COMMON ADDRESS OF LOTS TO BE REZONED:

2520 South 5th Street, Terre Haute, IN 47802

Current Zoning: R-1 residential single family

Requested Zoning: C-5 general central business district (G.B.D.)

Proposed Use: retail commercial use and warehouse

Name of Owner: Terre Haute Wilbert Burial Vault Co., Inc.

Address of Owner: 509 Preston St., Terre Haute, IN 47802

Phone Number of Owner: 812-235-0339

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: Rich Dunkin

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

FILED

SEP 02 2010

SPECIAL ORDINANCE NO. 23 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 number fifty-three (53) in Greenwood, a subdivision of lots numbers seven (7) and eight (8) of Mary Bartlett's subdivision of the northeast quarter (1/4) of the southeast quarter (1/4) of Section thirty-three (33), Township twelve (12) north, Range nine (9) west, as shown by the recorded plat thereof, recorded in Plat Record Ten (10) page fifty-three (53), records of Recorder's Office.

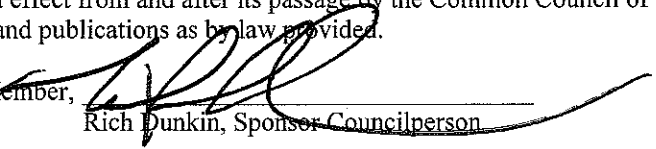
Commonly known as 2520 South 5th Street, Terre Haute, IN 47802

Parcel #: 84-06-33-430-004.000-002.

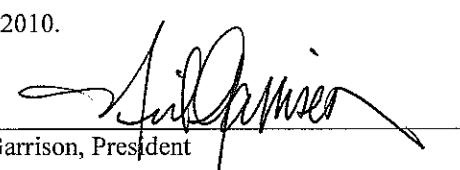
be and the same is, hereby established as a C-5 general central business district (C.B.D.) together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed 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,


Rich Dunkin, Sponsor Councilperson

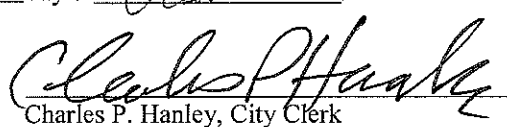
Passed in open Council this 14th day of October, 2010.


Neil Garrison, President

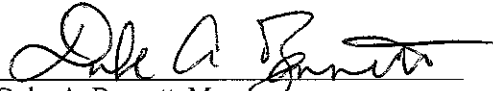
ATTEST:


Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 15th day of October, 2010.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15th day of OCTOBER, 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 # 23

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, Terre Haute Wilbert Burial Vault Co., Inc., by its, President, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot number fifty-three (53) in Greenwood, a subdivision of lots numbers seven (7) and eight (8) of Mary Bartlett's subdivision of the northeast quarter (1/4) of the southeast quarter (1/4) of Section thirty-three (33), Township twelve (12) north, Range nine (9) west, as shown by the recorded plat thereof, recorded in Plat Record Ten (10) page fifty-three (53), records of Recorder's Office.

Parcel #: 84-06-33-430-004.000-002.

Commonly known as: 2520 South 5th Street, Terre Haute, IN 47802, Terre Haute, Indiana

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 residential single family. Your petitioner intends to use the real estate for retail commercial use 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 (G.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 27th day of August, 2010.

BY: 

, President

Terre Haute Wilbert Burial Vault Co., Inc.

PETITIONER: Terre Haute Wilbert Burial Vault Co., Inc. , 509 E. Preston St., Terre Haute, IN 47802.

This instrument was prepared by:

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

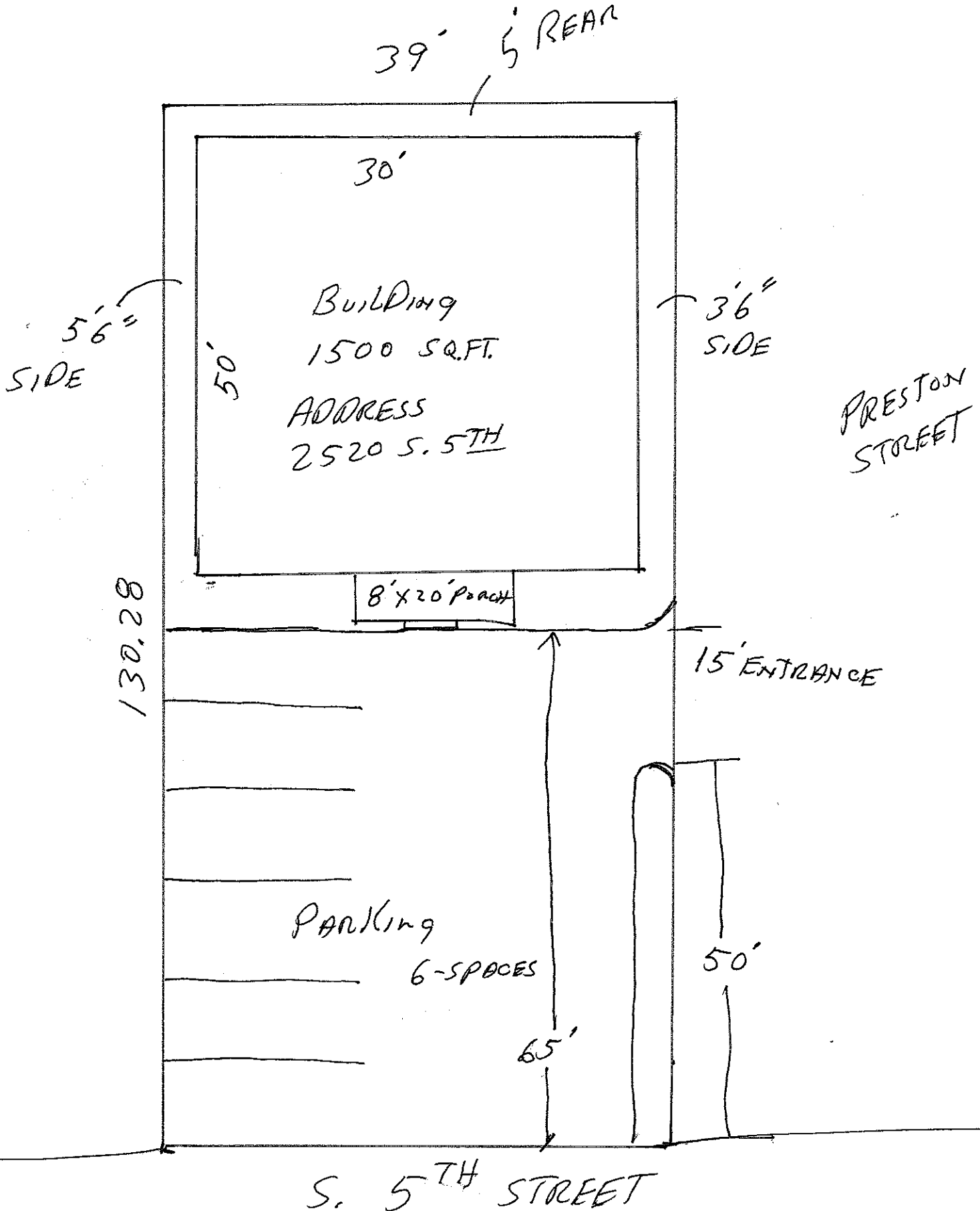
Lasure Construction Inc.

COMMERCIAL BUILDER AND DEVELOPER

812-533-9494

Rick Lasure

P.O. 10602
Terre Haute, IN
47801



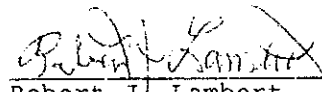
W A R R A N T Y D E E D

THIS INDENTURE WITNESSETH THAT ROBERT J. LAMBERT, competent adult, "Grantor" of Vigo County in the State of Indiana conveys and warrants to TERRE HAUTE WILBERT BURIAL VAULT CO., INC., an Indiana corporation, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following real estate in Vigo County in the State of Indiana, to wit:

Lot Number Fifty-three (53) in Greenwood, a Subdivision of Lots Numbers Seven (7) and Eight (8) of Mary Bartlett's Subdivision of the Northeast quarter (1/4) of the South East quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof, recorded in Plat Record Ten (10) page fifty-three (53), records of Recorder's Office.

Taxes shall be prorated to the date of this deed.

DATED this 13th day of May, 1994.


Robert J. Lambert

1761-2

STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

Before me, the undersigned, a Notary Public in and for said County and State, this 13th day of May, 1994, personally appeared Robert J. Lambert, competent adult, and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires:

April 1, 1996

Notary Public Yuana Wright
Printed: Yuana Wright
Residing in Vermillion County

Mail Tax Statements: 509 E. Preston
Terre Haute, IN 47802

Mail Deed To: 509 E Preston
Terre Haute, IN 47802

This instrument prepared by: Terry R. Modesitt, MODESITT & BOUGH, 321 Ohio, Terre Haute, IN 47807.

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DULY ENTERED
FOR TAXATION

MAY 13 1994

Judith Anderson
AUDITOR VIGO COUNTY

RECEIVED FOR RECORD
AT 2:30 O'CLOCK P M
RECORD 439 PAGE 176

MAY 13 1994

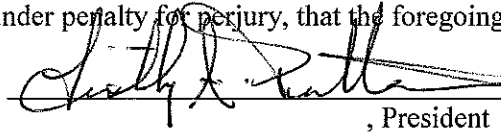
James E. Lambert
RECORDED 0 VIGO COUNTY

9.00

AFFIDAVIT OF:

COMES NOW affiant, Terre Haute Wilbert Burial Vault Co., Inc. by its President,
and affirms under penalty of law that affiant is the owner of record of the property located
at 2520 South 5th Street, Terre Haute, IN 47802
for which a rezoning is requested and hereto a copy of the deed is attached evidencing such
ownership.

I affirm under penalty of perjury, that the foregoing representations are true.


_____, President
Terre Haute Wilbert Burial Vault Co., Inc.

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for
said County and State, Terre Haute Wilbert Burial Vault Co., Inc., by its President,
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 26 day of August, 2010.

Notary Public:



(signature)

Greg Puttmann

(printed name)

My Commission Expires: June 4, 2015

My County Of Residence: Vigo



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

FILED

OCT 06 2010

CITY CLERK

DATE: October 7, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #23-10

CERTIFICATION DATE: October 6, 2010

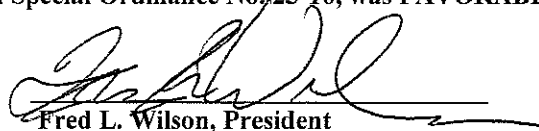
TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 23-10. This Ordinance is a rezoning of the property located at 2520 South 5th Street. The Petitioner, T.H. Wilbert Burial Vault Co., Inc., 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. The Ordinance 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).

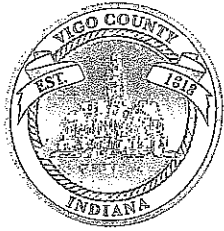
The Area Plan Commission considered Special Ordinance No. 23-10 at a public meeting and hearing held Wednesday, October 6, 2010. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 23-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 23-10 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. 23-10, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 7th day of October, 2010



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

October 6, 2010

STAFF:

Jeremy Weir, Executive Director

Darren Maher, Assistant Director

Vickie L. French, Administrative Assistant

Ryan Wickens, General Planner

Jan Emsweller, General Planner II

Penny Kahl, Research Associate

TO: APC COMMISSION MEMBERS

Larry Agee

Todd Brinza

Mike Carrell

Chuck Ennis

Norm Froderman

John Hanley

Wayne Langman

Steve Marrs

Paul Mason

Don Morris

Earl Rodgers

Brent S. Spier

Mark Tarrh

Fred L. Wilson

The next regular meeting (#507), of the Vigo County Area Plan Commission will be held Wednesday, October 6, 2010 at 7:00 p.m. in the Council Room of the Vigo County Annex, 127 Oak Street, Terre Haute, Indiana 47807.

AGENDA:

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Consideration of Previous Minutes

E. Status Report on Items Previously Heard

F. Report of Executive Director

G. Committee Reports

H. Communications Received

I. Communications Received From The Public (Other Than Agenda Items)

J. OLD BUSINESS

A. REZONINGS - CITY

None

B. REZONINGS - COUNTY

None

C. SUBDIVISIONS/COUNTY REZONINGS

None

D. SUBDIVISIONS-Minor - Primary/Secondary

None

E. SUBDIVISIONS-Major/Primary

None

- F. SUBDIVISIONS-Major/Secondary
None
- G. SUBDIVISIONS-Major, Primary/Secondary
None
- K. NEW BUSINESS
 - A. REZONINGS - CITY
 - 1. DOCKET #68, S.O. #23-10, 2520 South 5th Street
From R-1 to C-5, General Central Business District
 - B. SUBDIVISIONS - MINOR, Primary/Secondary
 - 1. DOCKET #65, File #37-10, BitterSweet Estates, Phase II, 3-Lot
 - 2. DOCKET #69, File #39-10, Pfizer Addition to the Vigo County
Industrial Park Phase I, 1-Lot
 - C. SUBDIVISIONS/CITY REZONINGS
None
 - D. SUBDIVISIONS/COUNTY REZONINGS
 - 1. DOCKET #63, File #36-10, Eagle Ridge Subdivision - Replat of Lot #1, 2-Lot, M/P/S
 - 2. DOCKET #64, UZO #10-10, Eagle Ridge Subdivision - Replat of Lot #1
 - ~~B~~ SUBDIVISIONS/COUNTY REZONINGS
None
 - ~~E~~ SUBDIVISIONS - MAJOR/Primary
 - 1. DOCKET #66, File #38-10, Terra Vista Glen - First Addition, 13-Lot, M/P
 - ~~F~~ SUBDIVISIONS - MAJOR/Secondary
None
 - ~~G~~ SUBDIVISIONS - MAJOR, Primary/Secondary
None
 - ~~H~~ REZONINGS - COUNTY
 - 1. DOCKET #67, UZO #11-10, Lots 32, 33, 34, 35, 37 of Lakewood 18th Plat
From R-1 and R-S to R-2M, Medium Density Residential District
 - 2. DOCKET #70, UZO #12-10, #84-12-34-227-005.000-016, S. S.R. 63
From R-S to A-1, Agricultural District
 - L. PLAN COMMISSION DISCUSSION
Unified Development Ordinance
 - M. ADJOURN



Fred L. Wilson, President, APC

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #23-10

Doc: # 68

Date: October 2010

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APPLICATION INFORMATION

Petitioner: Terre Haute Wilbert Burial Vault Co., Inc.

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 Southeast corner of South 5th Street and East Preston Street.

Common Address: 2520 South 5th Street, Terre Haute, 47802

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 #23-10

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Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: South 5th Street is a Primary Collector Roadway

Dev. Priority: New Retail Investments that encompass the thrive 2025 Comprehensive Plan are a High Priority

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-Family Residential District
C-1, Neighborhood Commerce District
East – R-1, Single-Family Residential District
C-2, Community Commerce District
South C-6, Strip Business District
C-2, Community Commerce District
West – R-1, Single-Family Residential District
C-2, Community Commerce District
C-3, Regional Commercial District

Character of Area: This area has a mix of Commercial, Industrial, and Residential uses, which are located along a railroad spur, U.S. Highway 41, and Voorhees Avenue. The area is within the U.S. Highway 41, and I-70 Regional Commercial Corridor.

Contig. Uses & Zones: R-1 Single-Family Residence District is contiguous, use of this property are single-family dwelling, and church related uses.

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #23-10

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storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only, and mini warehouses.

C-5 Standards: Floor Area Ratio of 0.7; street setback of 40 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.