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FEB 03 2011

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 6, 2011**

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

SECTION 1. BE IT ORDIANED 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 One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Thirteen (13), Fourteen (14) and Fifteen (15) in Sweet, Owens and Ehrmann's Subdivision of the following described real estate to-wit:

Beginning at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section Ten (10), Township Twelve (12) North, Range Nine (9) West and running thence East Six-Hundred Seventy-three and Eighty-hundredths (673.80) feet, thence North Thirteen Hundred Twenty-four and Twenty-hundredths (1324.20) feet, thence West One Hundred Ninety-three and Fifty-hundredths (193.50) feet to the right-of-way of the Terre Haute and Clinton Electric Railway, thence South Thirty-one (31) degrees Twenty-four (24) minutes West Eleven Hundred Ninety-eight and Seventy-hundredths (1198.70) feet; thence East One Hundred Thirty-four (134) feet to the East line of the said Northeast Quarter of the Northeast Quarter of Section Ten (10), thence South Three Hundred One (301) feet to the place of beginning.

Also

Beginning at the Southeast corner of Lot 8 of Sweet, Owens and Ehrmann's Subdivision in the City of Terre Haute, Indiana, thence Northeasterly and parallel to Lafayette Avenue, along the East boundary of Lots 1 through 8 of said

Subdivision to the South right of way line of the easement for Ft. Harrison Road, thence East 15 feet to the Northwest corner of Lot 9 of said Subdivision, thence Southwesterly along the West boundary of said Lot 9 to the Southwest corner of said Lot 9, thence East along the South line of said Lot 9 and Lot 10 of said Subdivision to the Southeast corner of said Lot 10, thence South 15 feet to the Northeast corner of Lot 11 of said subdivision, thence West along the North lines of Lots 11 through 14 of said Subdivision to the Northwest corner of said Lot 14, thence Southwesterly along the West boundary of Lots 14 and 15 of said Subdivision to the Southwest corner of said Lot 15, thence West to the place of beginning (the above being those two alleyways 15 feet wide as shown on the plat of said Subdivision recorded in

Plat Record 10, Page 21, Office of the Recorder of Vigo County, one alleyway which separates Lots 1 through 8 from Lots 9, 14 and 15, and the other alleyway which separates Lots 9 and 10 from Lots 11 through 15)

Except The South half of the Alley, being 15 feet in width, adjoining said Lots 11 and 12 in Sweet, Owens and Ehrmanns Subdivision, on the North as vacated by Special Ordinance No. 96, 1984 recorded in Miscellaneous Record 190, Page 620 and Miscellaneous Record 190, Page 622, records of Recorder's Office of Vigo County, Indiana.

Subject to existing easements for public utilities and for Ft. Harrison Road and Kennedy Avenue.

Commonly known as: **2003 Fort Harrison Road, Terre Haute, Vigo County, Indiana 47807**

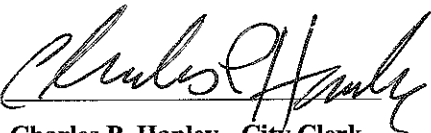
Be and the same is hereby established as a **C-3 Regional Commerce District**, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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 - Council Member**

Passed in Open Council this 10th day of March, 2011.

ATTEST:


Charles P. Hanley - City Clerk


John Mullican - President


Presented by me to the Mayor of the City of Terre Haute this 11th day of March, 2011.


Charles P. Hanley - City Clerk

Approved by me, the Mayor, this 11th day of MARCH, 2011.

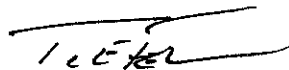

Duke Bennett - Mayor

ATTEST:


Charles P. Hanley - City Clerk

This instrument prepared by: **Timothy E. Fears, 901 Wabash Avenue, Suite 300, Terre Haute, IN 47807, 812-235-5959**

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.

A handwritten signature in black ink, appearing to read 'T. Fears', written over a horizontal line.

Timothy Fears, Attorney At Law

SAMPLE PETITION FOR A REZONING

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

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Thirteen (13), Fourteen (14) and Fifteen (15) in Sweet, Owens and Ehrmann's Subdivision of the following described real estate to-wit:

Beginning at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section Ten (10), Township Twelve (12) North, Range Nine (9) West and running thence East Six-Hundred Seventy-three and Eighty-hundredths (673.80) feet, thence North Thirteen Hundred Twenty-four and Twenty-hundredths (1324.20) feet, thence West One Hundred Ninety-three and Fifty-hundredths (193.50) feet to the right-of-way of the Terre Haute and Clinton Electric Railway, thence South Thirty-one (31) degrees Twenty-four (24) minutes West Eleven Hundred Ninety-eight and Seventy-hundredths (1198.70) feet; thence East One Hundred Thirty-four (134) feet to the East line of the said Northeast Quarter of the Northeast Quarter of Section Ten (10), thence South Three Hundred One (301) feet to the place of beginning.

Also

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Subdivision to the South right of way line of the easement for Ft. Harrison Road, thence East 15 feet to the Northwest corner of Lot 9 of said

Subdivision, thence Southwesterly along the West boundary of said Lot 9 to the Southwest corner of said Lot 9, thence East along the South line of said Lot 9 and Lot 10 of said Subdivision to the Southeast corner of said Lot 10, thence South 15 feet to the Northeast corner of Lot 11 of said subdivision, thence West along the North lines of Lots 11 through 14 of said Subdivision to the Northwest corner of said Lot 14, thence Southwesterly along the West boundary of Lots 14 and 15 of said Subdivision to the Southwest corner of said Lot 15, thence West to the place of beginning (the above being those two alleyways 15 feet wide as shown on the plat of said Subdivision recorded in

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Subject to existing easements for public utilities and for Ft. Harrison Road and Kennedy Avenue.

Commonly known as: **2003 Fort Harrison Road, Terre Haute, Vigo County, 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 **C-2 Limited Community Commerce and R-1 Single Family Residential.**

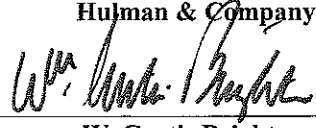
Your petitioner would respectfully state that the real estate is now a **vacant commercial building.** Your petitioner intends to redevelop the real estate to bring **commercial and/or retail** business to the area.

Your petitioner would request that the real estate described herein shall be zoned as a **C-3 Regional Commerce District.** Your petitioner would allege that the **Regional Commerce 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-3 Regional Commerce** 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 WITNES WHEREOF, This petition has been duly executed this 31st day of JANUARY, 2011.

Hulman & Company
BY: 
W. Curtis Brighton

PETITIONER: **Hulman & Company, 900 Wabash Avenue, Terre Haute, Indiana 47807**

This instrument was prepared by Timothy E. Fears, 901 Wabash Avenue, Suite 300, Terre Haute, IN 47807, 812-235-5959.

AFFIDAVIT OF:

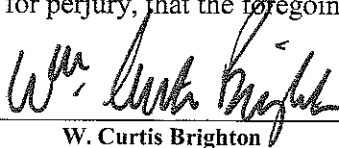
COMES NOW affiant W. Curtis Brighton

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

at 2003 Fort Harrison Road, Terre Haute, Vigo County, Indiana 47807

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.


W. Curtis Brighton

SIGNATURE: _____

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

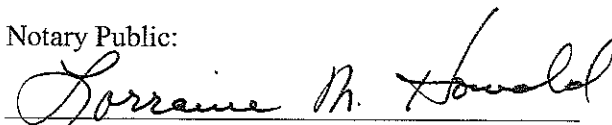
Personally appeared before me, a Notary Public in and for

said County and State, W. Curtis Brighton

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 31 day of JANUARY, 2011.

Notary Public:


Lorraine M. Howard

My Commission Expires: 1-31-2016

My County Of Residence: Vigo

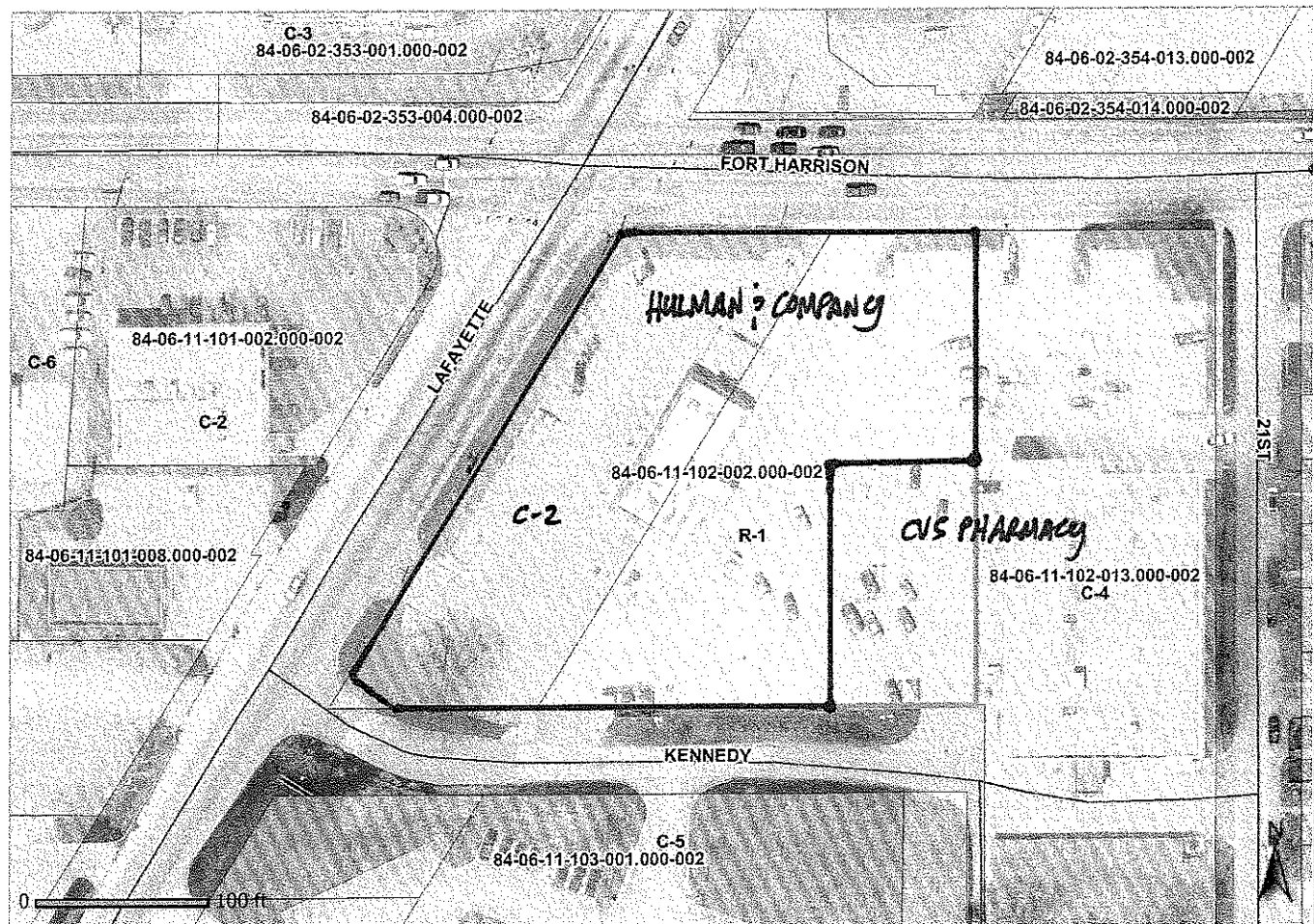


Site Plan

Date Created: 1/24/2011

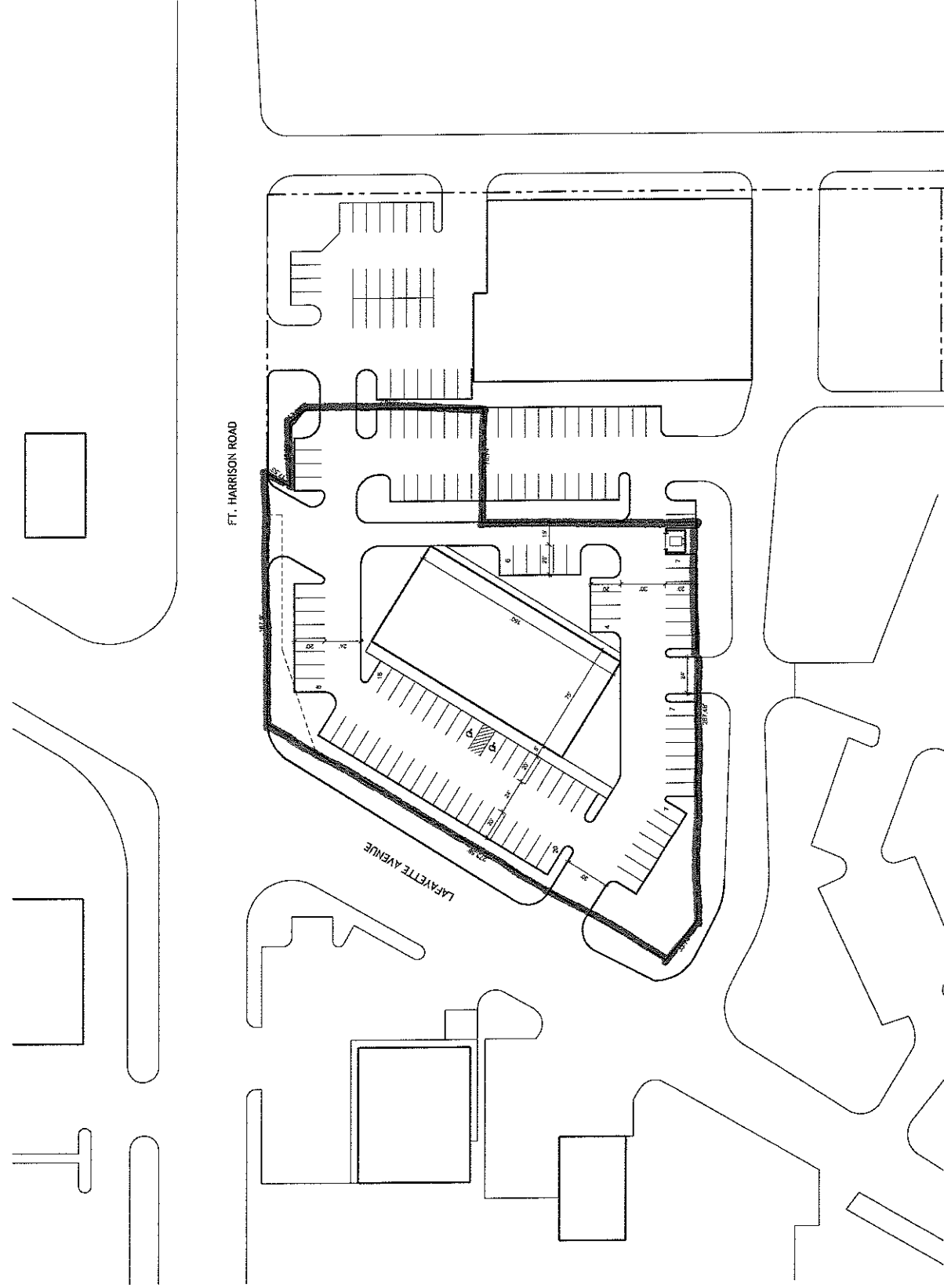
Map Scale: 1 in = 100 ft

Current Zoning

**Parcel ID** 84-06-11-102-002.000-002**Sec/Twp/Rng****Property Address** 2003 FT HARRISON RD
TERRE HAUTE**Alternate ID** 118-06-11-102-002**Class** Com Vacant land**Acreage** 0.00**Owner Address** HULMAN & COMPANY
P O BOX 4349
ANAHEIM, CA 92803-4349**District** 002 HARRISON**Brief Tax Description** SWEET OWEN & EHREMANNS SUB EX PRT TAKEN STREET ALSO
VAC 15' VAC ALLEY 11-12-9 LOTS 1-10&13-15
(Note: Not to be used on legal documents)

Last Data Upload: 1/22/2011 2:14:28 AM

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The Schneider Corporation
www.schneidercorp.com



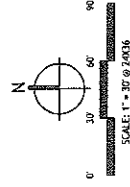
SITE INFORMATION

Site Area: 73,148 Sq. Ft.
1.67 Acres

Building Area: 11,250 Sq. Ft.

Parking Spaces: 77

Parking Ratio: 77/11.25 = 6.8



Drawn By:	Version:
ADR	1.0
Rev	1.1
Rev	1.2

NOTE: THIS CONCEPTUAL SITE PLAN IS BASED ON PRELIMINARY SITE INFORMATION FROM THE DEVELOPER AND IS APPROXIMATE IN NATURE. IT IS NOT A FINAL SITE PLAN AND DOES NOT CONSTITUTE A SURVEY MAP AND AN INVESTIGATION OF LOCAL MUNICIPALITY REQUIREMENTS.



THOMPSON THRIFT

FT. HARRISON & LAFAYETTE SITE TERRE HAUTE, INDIANA

JANUARY 25, 2011
PROPOSED SITE PLAN 1.2



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

MAR 03 2011

CITY CLERK

DATE: March 3, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #6-11

CERTIFICATION DATE: March 2, 2011

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. 6-11. This Ordinance is a rezoning of the property located at 2003 Fort Harrison Road. The Petitioner, Hulman and Company, Petitions the Plan Commission to rezone said real estate from zoning classification C-2 and R-1 to C-3, Regional Commerce District, for commercial/retail. 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. 6-11 at a public meeting and hearing held Wednesday, March 2, 2011. 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. 6-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 6-11 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. 6-11, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 3rd day of March, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #06-11

Doc: # 11

Date: March 2nd

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APPLICATION INFORMATION

Petitioner: Hulman & Company

Property Owner: Hulman & Company

Representative: Timothy E. Fears

Proposed Use: Retail, Commercial

Proposed Zoning: C-3, Regional Commerce Zone

Current Zoning: R-~~1~~, Two-Family Residence District and
C-2, Community Commerce District

Location: The property is located on the southeast corner of Fort Harrison
Road and Lafayette Ave

Common Address: 2003 Fort Harrison Road.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Recommended Use: Regional Commercial

- 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.

Available Services: Area is well served by utilities.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #06-11

Doc: # 11

Date: March 2nd

Page 2 of 4

Soil Limitations: Not studied.

Street Access: Fort Harrison Road is Primary Arterial Roadway

Dev. Priority: A high priority for capital reinvestment.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2, Community Commerce District
C-5, General Central Business District; and
C-3, Regional Commerce District
East – C-4, Restricted Central Business District;
R-1, Single-Family Residence District
South – C-5, General Central Business District; and
R-1, Single-Family Residence District
West – C-6, Strip Business District
C-2, Single Family Residence District; and
C-5, General Central Business District

Character of Area: This area is characterized with a mix of existing commercial uses along Fort Harrison Road and Lafayette Ave. The presence of the North Shop Plaza helps to identify the district as a whole. Future developments will help to promote a high-quality mix of comparative shopping that will encourage a homogeneous Regional Commerce District.

Contig. Uses & Zones: C-4, Restricted Central Business District and C-5 General Central Business District, with primary uses that are supported within the zoning districts. The Old National Bank to the south and CVS Corporation to the east.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #06-11

Doc: # 11

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ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Floor Area Ratio of 2.0; street setback of 55 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and Meet the minimum parking requirement per table 4. Off-street parking areas for more than ten (10) vehicles, and off-street loading areas, shall be effectively screened on each side, which adjoins or faces residential or institutional premises situated in any R-District. All parking lots shall be illuminated. Such lighting shall be composed of light posts, which are compatible with the architecture of the building and are wired internally and underground. All commercial and public lots shall have an average intensity of not more than one (1) to four (4) during the period of use.

Illumination of an off-street parking area shall be arranged so as to reflect direct rays of light into adjacent residential districts and streets. In no case shall such lighting cause more than three (3) footcandles of light to fall on adjacent properties as measured horizontally at the lot line.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #06-11

Doc: # 11

Date: March 2nd

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FINDINGS and RECOMMENDATION

Staff Findings: The petitioned property commonly known as 2003 Fort Harrison Road is located within an area that has been identified by the Thrive 2025 Comprehensive Plan for Regional Commerce Uses. New commercial developments need to focus on comparative shopping, providing a wide variety of goods and services with no single type of retail activity dominating the district.

Developments need to reduce future traffic congestion and more closely tie existing retail centers with existing transit operations.

Recommendation: Favorable Recommendation.