



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 17

COMMON ADDRESS OF LOTS TO BE REZONED:

1308 and 1322 Buckeye St. Terre Haute, IN 47804

Current Zoning: R - 2, Two - family Residence District.

Requested Zoning: C - 2, Community Commerce District

Proposed Use: Off - Site Parking Lot. Two existing buildings on property to be re - zoned.

Name of Owner: Gary G. Greiner

Address of Owner: 49 Bogart Dr. Terre Haute, IN 47803

Phone Number of Owner: 812-234-8200

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: _____

Council Sponsor: _____

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

FILED

APR 13 2012

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 17, 20 12

CITY CLERK

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

SECTION I. 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:

95 feet off the East end of Lots 189 and 192 in Lincoln Place, a subdivision of part of the Northeast Quarter of Section 15,
Township 12 North, Range 9 West, in Terre Haute, Indiana, in Vigo County, Indiana.

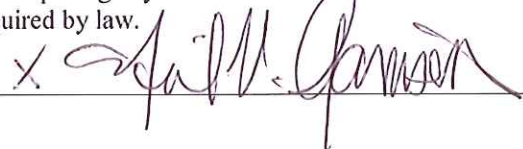
37 fee of the West end of Lots 189 and 192 in Lincoln Place, a subdivision of part of the North East Quarter of Section 15,
Township 12 North, Range 9 West, in Terre Haute, Indiana, in Vigo County, Indiana.

Commonly known as: 1308 and 1322 Buckeye St. Terre Haute, IN 47804 Vigo County Indiana

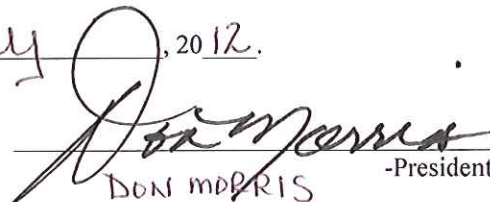
Be and the same is hereby established as a C-2 Community Commerce District,
together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of
the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or
otherwise."

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 this 10th day of may, 20 12.


DON MORRIS -President

ATTEST:



Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 11th day of may, 20 12


Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 11th day of MAY, 20 12

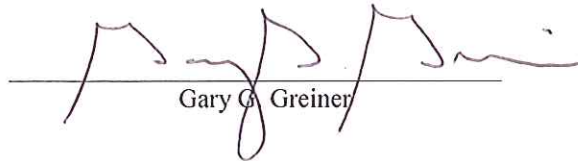
ATTEST:


Charles P. Hanley, City Clerk


Duke A. Bennett, Mayor

This instrument prepared by: Gary G. Greiner 49 Bogart Dr. Terre Haute, IN 47804

I affirm, under the penalties for perjury, that I taken reasonable care to redact each social security number
in this document, unless required by law.


Gary G. Greiner

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, Gary G. Greiner, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

95 feet off the East end of Lots 189 and 192 in Lincoln Place, a subdivision of part of the Northeast Quarter of Section 15, Township 12 North, Range 9 West, in Terre Haute, Indiana, in Vigo County, Indiana.

37 feet off the West end of Lots 189 and 192 in Lincoln Place, a subdivision of part of the North East Quarter of Section 15, Township 12 North, Range 9 West, in Terre Haute, Indiana, in Vigo County, Indiana.

Commonly known as: 1308 and 1322 Buckeye St., 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 - 2, Two - family Residence District

Your petitioner would respectfully state that the real estate is now residential. Your petitioner intends to use the real estate to off street parking.

Your petitioner would request that the real estate described herein shall be zoned as a C - 2, Community Commerce District . Your petitioner would allege that the C - 2, Community 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 - 2, Community Commerce 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 WITNES WHEREOF, This petition has been duly executed this 12 day of April, 2012.


BY: Gary G. Greiner

PETITIONER: Gary G. Greiner

This instrument was prepared by Gary G. Greiner 49 Bogart Dr. Terre Haute, IN 47803

AFFIDAVIT OF:

COMES NOW affiant _____

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

at 1308 + 1322 Bucheye St. 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.

Gary G. Greiner

SIGNATURE: _____

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Gary G. Greiner

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 12 day of April, 20012.

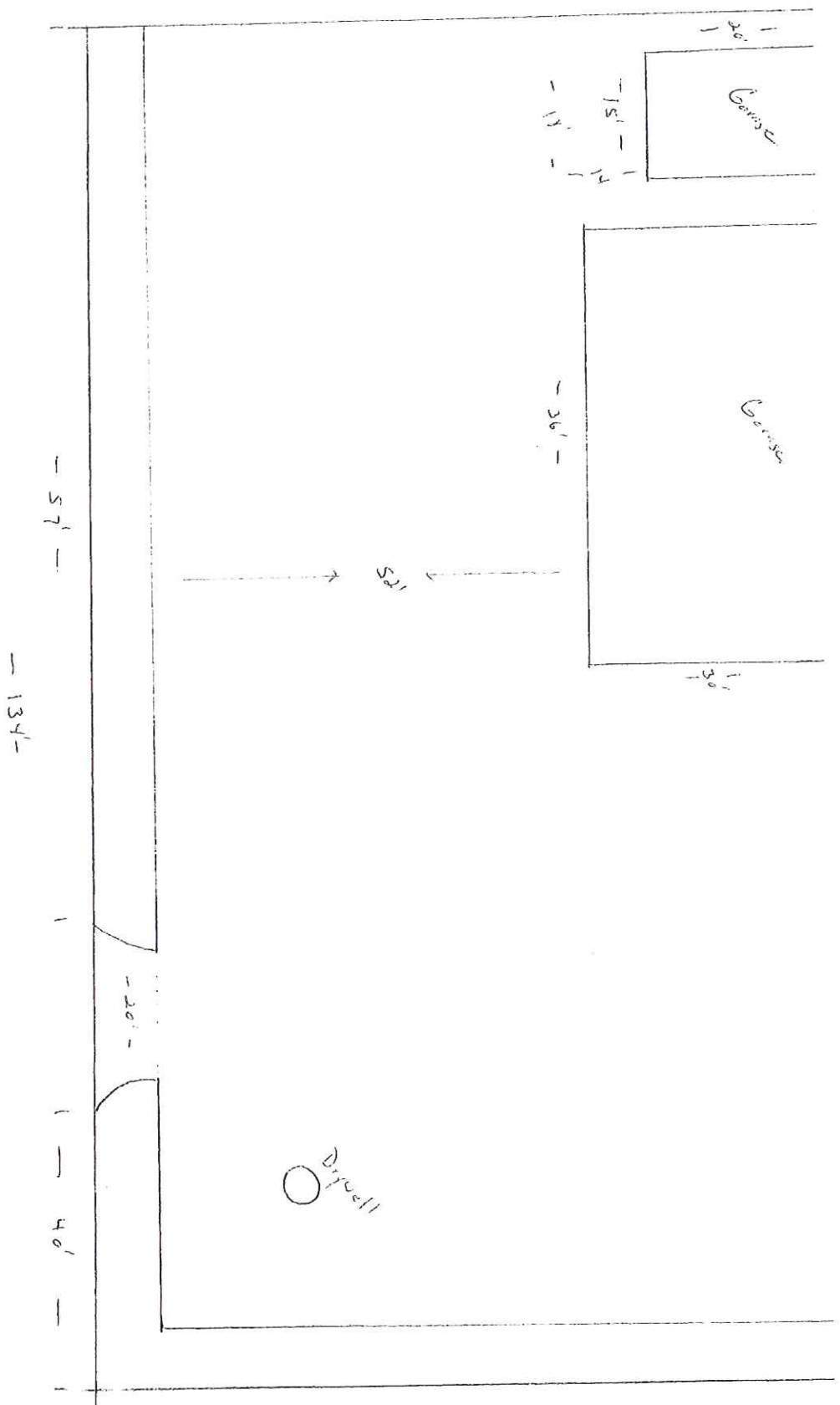
Notary Public:

Daniel B. Jane, [Signature]
[Typed name]

My Commission Expires: 8-15-19

My County Of Residence: Vigo

North
↑



Gary Greiner / Greiner Funeral Home
1308 + 1322 Boyle

LANDSCAPE, INC.

Invoice

Bill To
Greiner Funeral Home 2005 North 13th St. Terre Haute, IN 47804

Date	Invoice #
4/4/2012	1846761

Amount Due	\$4,275.00
Amount Paid	

PLEASE REMIT TOP PORTION WITH PAYMENT

Quantity	Description	Amount
	Plant (parking lot) 4/13/12	
40	Arbor-Vitae Techny 4.5'	
10	cy Hardwood Mulch	
20	lb Iron Oxysulphate	
20	lb Fertilizer 20-10-10	
375	Drip Line Blank Tube	
15	ft Swing Pipe Rainbird Green 1"	
1	Drip Tee 17mm	
1	Faucet Programmable Timer Two Port	
1	Hose Y Metal Connector with Shut Off	
1	PVC Female Adapter FIPTxSlip FS3/4"	
1	PVC Male Adapter MIPTxslip MS3/4"	
	Labor	2,500.00T
		1,600.00

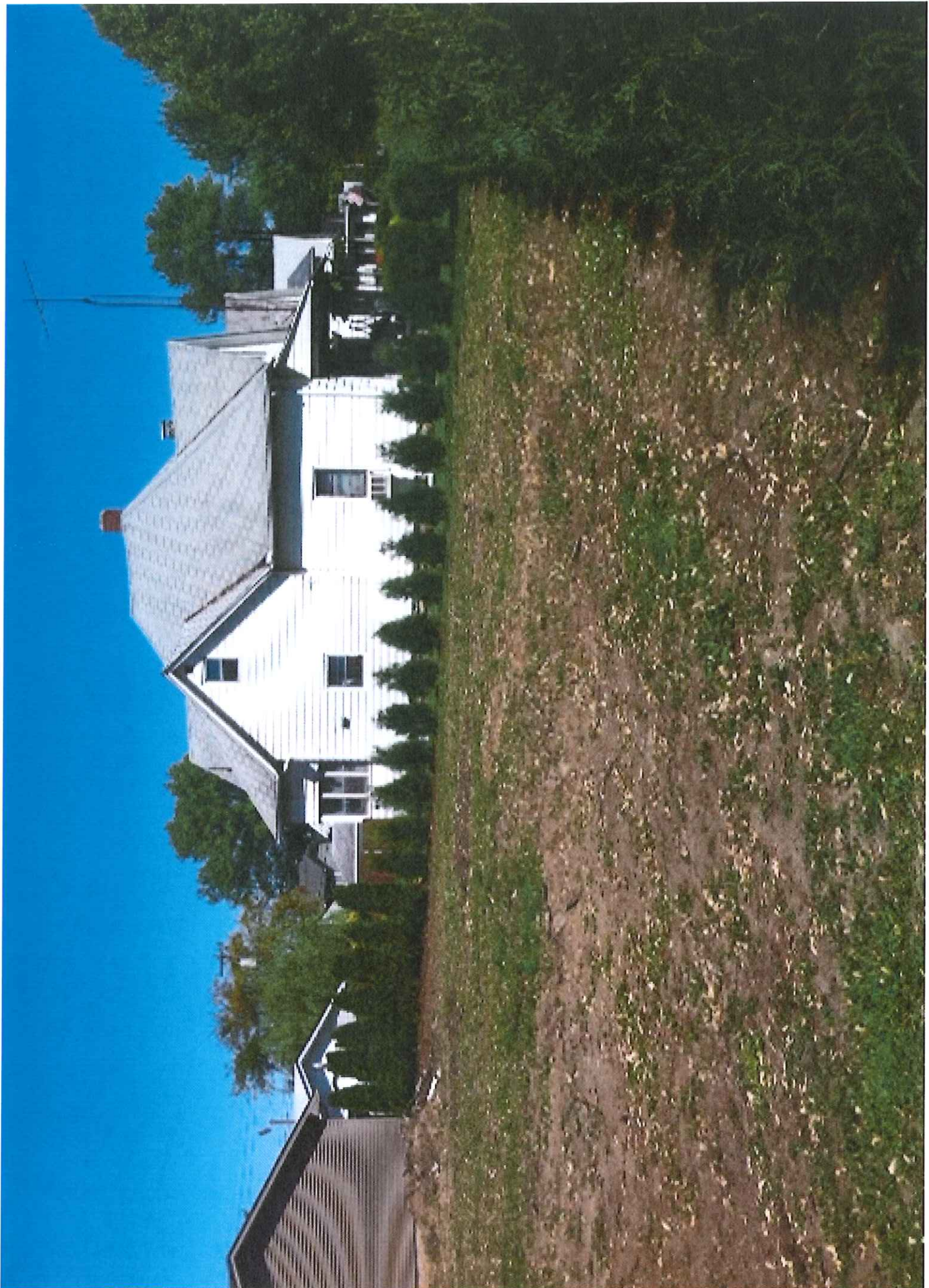
Paid
4/4/12

THANK YOU, WE APPRECIATE YOUR BUSINESS!

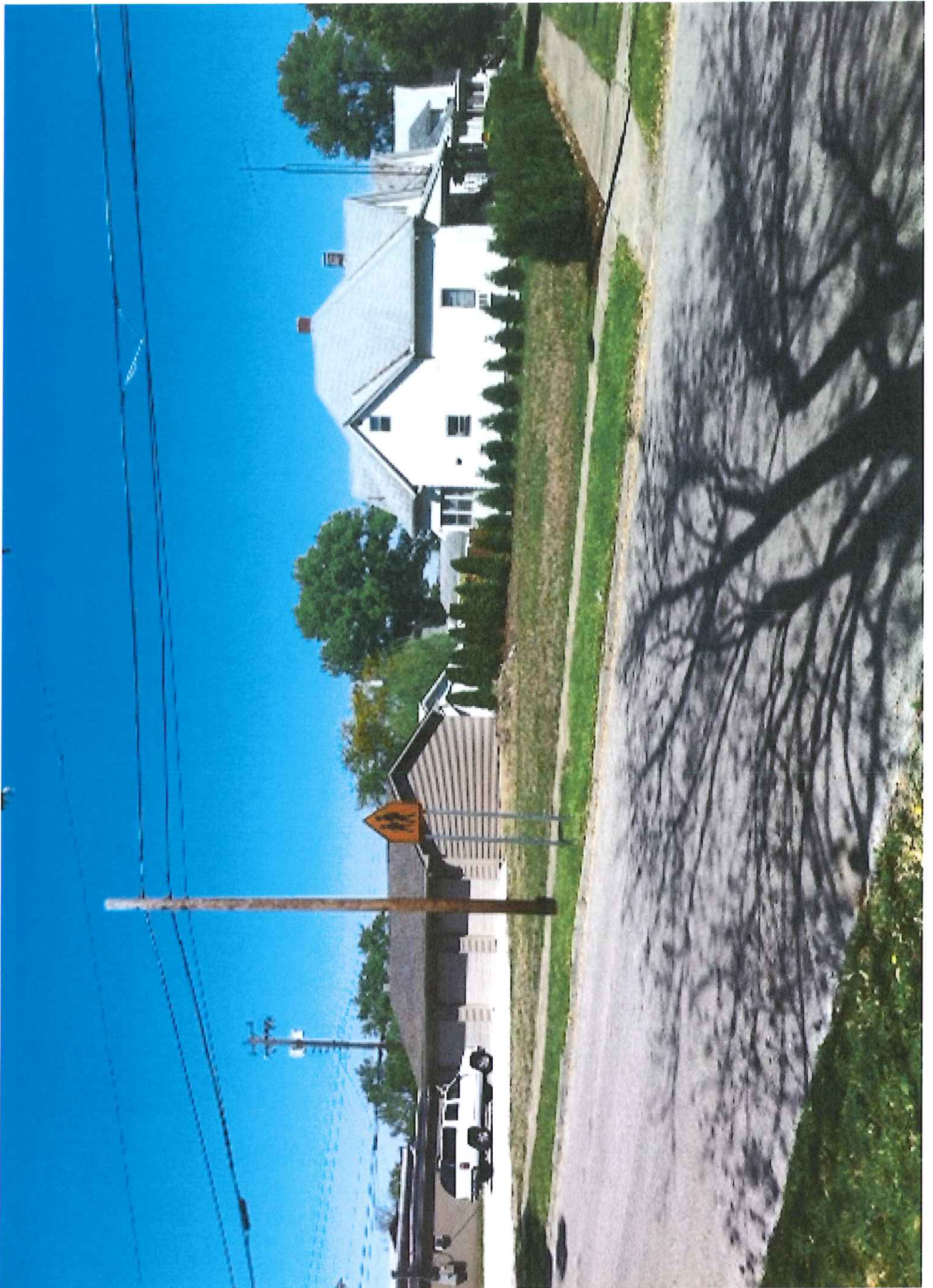
INVOICE PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS INVOICE. PLEASE INCLUDE INVOICE NUMBER ON CHECK WHEN MAKING PAYMENT. PAST DUE INVOICES BEAR INTEREST AT THE RATE OF 1.5% PER MONTH.

WE NOW ACCEPT DISCOVER, MASTER CARD AND VISA CREDIT CARDS.

Subtotal	\$4,100.00
Sales Tax (7.0%)	\$175.00
Total	\$4,275.00
Payments/Credits	\$0.00
Balance Due	\$4,275.00







WARRANTY DEED

THIS INDENTURE WITNESSETH, That Anton Smodilla and Grace Smodilla, husband and wife, of Vigo County, State of IN, 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, CONVEY AND WARRANT unto Gary G. Greiner, of Vigo County, State of IN, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

37 feet off the West end of Lots 189 and 192 in Lincoln Place, a subdivision of part of the North East Quarter of Section 15, Township 12 North, Range 9 West.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Anton Smodilla and Grace Smodilla have hereunto set their hands and seals, this 26 day of Oct, 2011.

x Anton Smodilla (SEAL)
Anton Smodilla

x Grace Smodilla (SEAL)
Grace Smodilla

STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 26 day of Oct, 2011, personally appeared Anton Smodilla and Grace Smodilla and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:



My County of residence is:

DEBRA S. KELLER
NOTARY PUBLIC - STATE OF INDIANA
CLAY COUNTY
MY COMMISSION EXPIRES
AUGUST 20 2016

Debra S Keller
Notary Public

Typewritten or printed name of notary

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.

Donald J. Bonomo
Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 49 BOGART DRIVE, TERRE HAUTE, IN 47803

MAIL TAX STATEMENTS TO: 2005 N 13th St, Ter, IN 47804
Gracie Funeral Home


VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Stacy Ann Jarvis, f/k/a Stacy Lowe, of Vigo County, State of Indiana, 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, CONVEYS AND WARRANTS unto Gary G. Greiner, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

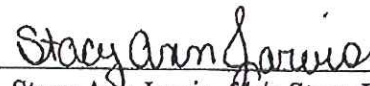
95 feet off the East end of Lots 189 and 192 in Lincoln Place, a subdivision of part of the Northeast Quarter of Section 15, Township 12 North, Range 9 West, in Terre Haute, Indiana, in Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

Grantor further warrants and represents that she is the one and the same person as that Grantee, Stacy Lowe, in that deed dated January 31, 2007 and recorded February 8, 2007 as Instrument Number 2007002026, and that subsequent thereto she intermarried with William Wayne Jarvis on or about September 22, 2007 and is now known as Stacy Ann Jarvis.

IN WITNESS WHEREOF the above referred to Stacy Ann Jarvis, f/k/a Stacy Lowe, has hereunto set her hand and seal, this 7th day of November, 2008.


Stacy Ann Jarvis, f/k/a Stacy Lowe (SEAL)

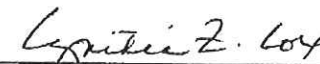
STATE OF Indiana, Vigo COUNTY, SS:

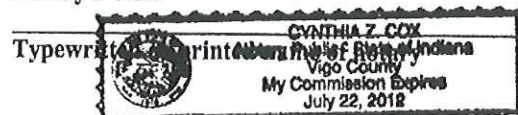
Before me, the undersigned, a Notary Public in and for said county and state, this 7th day of November, 2008, personally appeared Stacy Ann Jarvis, f/k/a Stacy Lowe, being first duly sworn, stated that the representations therein contained are true, and acknowledged the execution of the annexed Deed to be her voluntary act and deed.

WITNESS my hand and Notarial Seal.

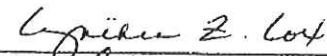
My Commission Expires:

My County of residence is:


Notary Public



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.


CYNTHIA Z. COX

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting

from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 49 Bogart Dr. Terre Haute, IN 47803

MAIL TAX STATEMENTS TO: 49 Bogart Dr. Terre Haute, IN 47803

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Receipt

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

TERRE HAUTE, IN
PAID

Date: 4-13-12

APR 13 2011

Name: Mary Greiner

CONTROLLER

Reason: Reopening 4 Variance

Cash: _____

Check: _____

Credit: _____

Total: 75.00

CK #3899

Received By: Pat Ellis



TERRE HAUTE
A LEVEL ABOVE

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: May 3, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #17-12

CERTIFICATION DATE: May 2, 2012

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. 17-12. This Ordinance is a rezoning of the property located at 1308 and 1322 Buckeye.. The Petitioner, Gary G. Greiner, Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-2, Community Commerce District, for a off-site parking lot. 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. 17-12 at a public meeting and hearing held Wednesday, May 2, 2012. 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. 17-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 17-12 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. ¹⁷~~15~~-12, was FAVORABLE.

A handwritten signature in black ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jeremy Weir".

Jeremy Weir, Executive Director

Received this 3rd day of May, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-12

Doc: # 20

Date: May 2nd, 2012

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Gary G. Greiner

Property Owner: Same as Above

Representative: Same as Above

Proposed Use: (Off-Site) Parking lot areas to support the Greiner Funeral Home

Proposed Zoning: C-2, Limit Community Commerce District

Current Zoning: R-2, Two-Family Residence District

Location: The property is located on the northwest Corner of North 13th ½ Street and Buckeye Street

Common Address: 1308 and 1322 Buckeye Street, Terre Haute, IN 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Recommended Use: Enhancement areas

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- Allow for a range of housing densities based on zoning ordinance.
- 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: Access to the property is from Buckeye Street. Buckeye is a local level roadway.

Dev. Priority: The petitioned property has a high priority for new development.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-12

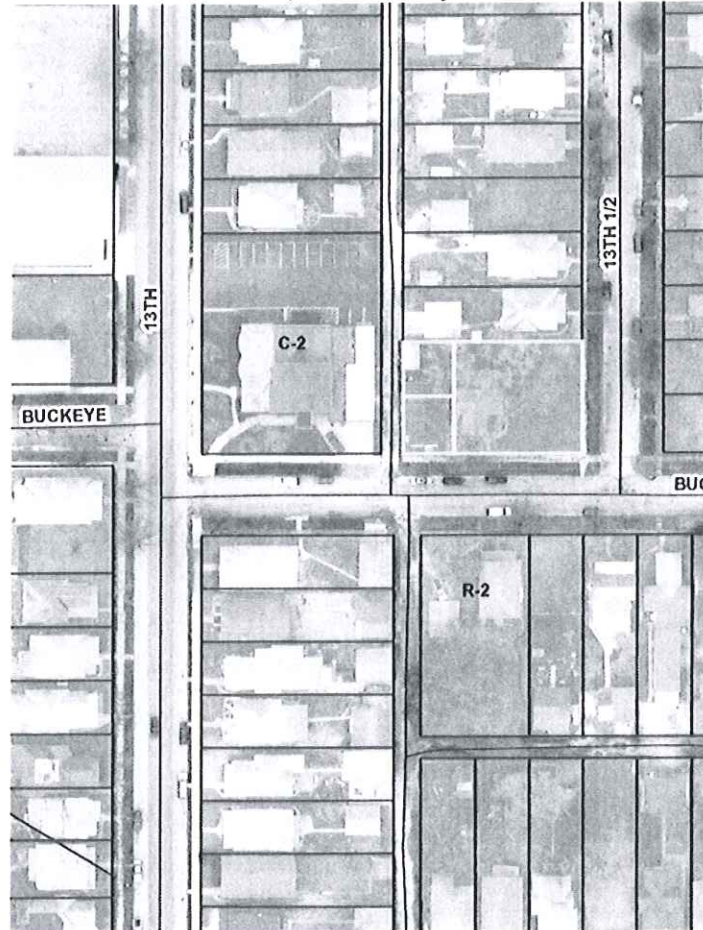
Doc: # 20

Date: May 2nd, 2012

Page 2 of 4

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two-Family Residence District
East – R-2, Two-Family Residence District
South – R-2, Two-Family Residence District
West – R-2, Two-Family Residence District,
and C-2, Community Commerce District



Character of Area: The petitioned property is located within an established residential neighborhood. The majority of the residential dwellings in this area were built in the twenty century.

Contig. Uses & Zones: The properties to the North, East, and South are zoned R-2, Two-Family Residence District. Single-family detached dwellings are primary use of property within the immediate area. The property to the west is zoned C-2, Community Commerce District and is the location of the (principle zoning lot) and the current use is the Greiner Funeral Home.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-12

Doc: # 20

Date: May 2nd, 2012

Page 3 of 4

ZONING REGULATIONS

- C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.
- C-2 Uses: Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photos tatting establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, 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), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)
- C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.9 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Setback buffer of 50’ buffer at right angles along the interior property lines when adjacent to Residential or a Setback of 5’ when adjacent to other uses.
Mortuary/Crematorium
One (1) space per thirty-two (32) square feet of area in parlor and assemble rooms/
-

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-12

Doc: # 20

Date: May 2nd, 2012

Page 4 of 4

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting a change in zoning of the petitioned property to allow for an off-site parking lot. The principle zoning lot is zoned C-2, Limit Community Commerce District and is located at (Greiner Funeral Home) 2005 North 13th Street, which is just west and a crossed the alley right of way. C-2 Community Commerce district within the City of Terre Haute require a minimum of 50' buffer space between residential and commercial use. This buffer space can be open space or off-street parking.

The Comprehensive Zoning Ordinance for the City of Terre Haute requires one parking space per 32 square feet of gross floor area of parlor and assemble rooms for a Mortuary/Crematorium uses. The Greiner Funeral Home's parlor and assemble rooms have a total Gross Floor area 1600 Square Feet, which requires a total of 50 on-site parking spaces. There are currently 25 on site-parking spaces, and the petitioned off site-parking (Lot) facility will add an additional 21 parking spaces.

Off-Site parking areas need a Special Use approval from the City of Terre Haute Board of Zoning Appeals as required Section 10-137 c(3).

Recommendation:

Favorable Recommendation, with the condition the petitioner must seek the City BZA Special Use approval.

Receipt

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

Date: 4-13-12

Name: Mary Greiner

Reason: _____

Reasoning & Variance

Cash: _____

Check: _____

Credit: _____

Total: 75.00

CK #3899

Received By: Pat Heelis

TERRE HAUTE, IN
PAID

APR 13 2011

CONTROLLER