



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO 1.

COMMON ADDRESS OF LOTS TO BE REZONED: 2420 5th Avenue Terre Haute, IN 47807

Current Zoning: R-1, Single Family Residence District

Requested Zoning: R-3, General Residence District Planned Development

Proposed Use: A lodge for the Amvets Post 222

Name of Owner: Amvets Post 222

Address of Owner: 2420 5th Avenue

Phone Number of Owner: 812-917-5373

Representing Owner (if any): Kenny Burton

Address of Representative: 2420 5th Avenue, Terre Haute, IN 47803

Phone Number of Representative: 812-240-5640

For Information Contact: Kenny Burton

Council Sponsor:

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

FILED

JAN 03 2013

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING

SPECIAL ORDINANCE NO 1.

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

SECTION I. 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:

Legal Description

Lots 111, 112, 113, 114, 116 and 10' off west side of lot 117, in Patrick's Subdivision as shown by plat thereof, recorded June 6, 1872, in plat Record 2, Page 6 records of the Recorder's Offices of Vigo County, Indiana; and 40' East side of lot 117, in Patrick's Subdivision, as shown by the Recorded Plat thereof recorded June 6, 1872, in Plat Record 2, Page 6 records of the Recorder's Offices of Vigo County, Indiana. More commonly known as: 2420 5th Avenue, Terre Haute, Indiana 47807.

AM VETS Post 222
2420 5th Avenue
Terre Haute, IN 47807

Be and the same is hereby established as an R-3, General Residence District Planned Development, 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."

That the real estate described shall be a Planned Development in an R-3, General Resident District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used as a lodge for the Amvets Post 222
- (b) The real estate shall be subject to the following:
 - (1) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.

- (2) All such rights granted herein shall be fully transferable.
- (3) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval by the Council.

That the owner has met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that hardships do exist;

- (1) A hardship due to the general deterioration of the neighborhood. The petitioned property is located in an area identified by the Department of Redevelopment as a Redevelopment Target Area.
- (2) A Hardship due to the improvements on the land. The structure that houses the Amvets was built and used for church services. The structure is 2852 Sq. Ft. which is not suitable for residential reuse,

The Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance 10, 1999, be Division III Planned Development; and,

WHEREAS, a public hearing on SPECIAL ORDINANCE NUMBER 1, has been held pursuant to Chapter 10 of said ordinance and the owner of the real estate has demonstrated evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety, and the general welfare.

BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorize and approve the use of real estate described as R-3, General Residence Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest and that substantial justice will be done.

SECTION III. 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.

This instrument was prepared by: Clifford Stephens

Presented by Council Member,

James Chalos
James Chalos

Passed in Open Council this

14 day of Feb

, 2013.

Norman E. Loudermilk
Norman E. Loudermilk, President

ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 15th day of

February, 2013.

Charles P. Hanley
Charles P. Hanley, City Clerk

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

FEBRUARY, 2013.

Duke Bennett
Duke Bennett, Mayor

ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

This instrument was prepared by: Clifford Stephens

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.

Signature:

Clifford Stephens
Clifford Stephens

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, **AmVets Post 222**, respectfully submits this Petition to rezone the following real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 111, 112, 113, 114, 116 and 10' off west side of lot 117, in Patrick's Subdivision as shown by plat thereof, recorded June 6, 1872, in plat Record 2, Page 6 records of the Recorder's Offices of Vigo County, Indiana; and 40' East side of lot 117, in Patrick's Subdivision, as shown by the Recorded Plat thereof recorded June 6, 1872, in Plat Record 2, Page 6 records of the Recorder's Offices of Vigo County, Indiana. More commonly known as: 2420 5th Avenue, Terre Haute, Indiana 47807.

Commonly known as:

AM VETS Post 222
2420 5th Avenue
Terre Haute, IN 47807

Your Petitioner is informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as **R-1, Single-Family Residence District**.

Your Petitioner would respectfully state that the real estate is now a **Fraternal Lodge**. Your Petitioner intends to use the real estate for **Fraternal Lodge**.

Your Petitioner would request that the real estate described herein shall be zoned as **R-3, General Residence Planned Development District**. Your Petitioner would allege that the **Fraternal Lodge** 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.

WHEREAS, 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 District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-3, General Residence Planned Development 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.

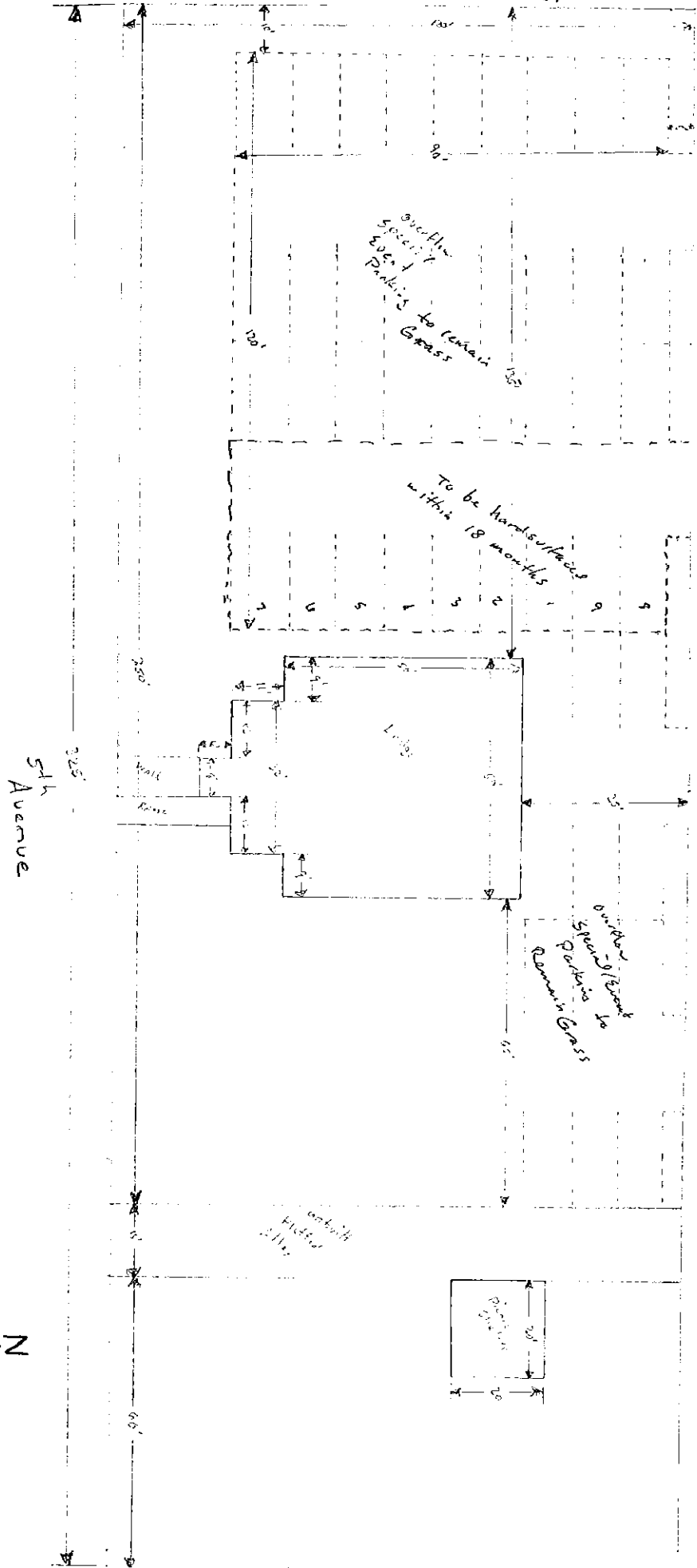
IN WITNESS WHEREOF, This Petition has been duly executed this 2 day of Jan, 2013.

BY: Clifford Stevens
Clifford Stevens

Petitioner: AmVets Post 222

This instrument was prepared by: Clifford Stevens

27th Street



Outdoor Seating/Event Parking Remaining Grass

To be Hard Surfaces within 18 months

Lobby

Outdoor Seating/Event Remaining Grass

Garage

5th Avenue

N
 1" = 20'
 SCALE

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2007018713 CORP WD \$20.0
12/27/2007 10:33:43A 3 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

Parcel No's.: 84-06-14-335-007.000-002, 84-06-14-335-008.000-002,
DEC 27 2007 84-06-14-335-014.000-002, 84-06-14-335-009.000-002,
84-06-14-335-015.000-002


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

The Grantor, CHURCH OF GOD OF PROPHECY, A 501(c)(3) CORPORATION, OF Wayne COUNTY MICHIGAN, for the sum of One Dollar (\$1.00) and other valuable consideration the receipt of which is hereby acknowledged, conveys and warrants to Grantee, AMVETS POST 222, A 501(c)(3) CORPORATION, OF VIGO COUNTY, INDIANA, the following described real estate situated in Vigo County, Indiana, in fee simple absolute:

PARCEL I

Lots 111 and 112 in Patrick's Subdivision, as shown by recorded plat thereof, recorded June 6, 1872, in Plat Record 2, Page 6, records of the Recorder's Office of Vigo County, Indiana.

PARCEL II

Lots 113 and 114 in Patrick's Subdivision, as shown by recorded plat thereof, recorded June 6, 1872, in Plat Record 2, Page 6, records of the Recorder's Office of Vigo County, Indiana.

PARCEL III

Lot 115 Patrick's Subdivision, as shown by the recorded Plat thereof recorded June 6, 1872, in Plat Record 2, Page 6, records of the Recorder's Office of Vigo County, Indiana.

PARCEL IV

Lots 116 and 10' off West side of Lot 117, in Patrick's Subdivision, as shown by the recorded Plat recorded June 6, 1872, in Plat Record 2, Page 6, records of the Recorder's Office of Vigo County, Indiana.

PARCEL V

40' East side of Lot 117, in Patrick's Subdivision, as shown by the recorded Plat thereof recorded June 6, 1872, in Plat Record 2, Page 6, records of the Recorder's Office of Vigo County, Indiana.

More commonly known as: 2420 5th Avenue, Terre Haute, Indiana 47807.

HONEYCREEK TITLE

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SUBJECT TO ANY CONDITIONS, RESTRICTIONS COVENANTS OR EASEMENTS OF RECORD.

THE WARRANTIES CONVEYED HEREIN ARE LIMITED TO THE ACTIONS OF THE GRANTOR ONLY.

THE UNDERSIGNED PERSON EXECUTING THIS DEED ON BEHALF OF GRANTOR REPRESENTS AND CERTIFIES THAT HE IS A DULY ELECTED OFFICER OF GRANTOR AND HAS BEEN FULLY EMPOWERED, BY PROPER MINUTES AND/OR RESOLUTIONS OF GRANTOR, TO EXECUTE AND DELIVER THIS DEED; THAT 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.

GRANTOR STATES THAT THERE ARE NO ADJUSTED GROSS INCOME TAXES DUE THE STATE OF INDIANA AT THIS TIME.

Dated: 12/20/2007

Church of God of Prophecy, Grantor

By: [Signature]
Its duly appointed and empowered representative

STATE OF MICHIGAN)
: SS
COUNTY OF Wayne)

On this 20 day of December, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared [Signature], and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal.

My commission expires: 5/5/2011
County of Residence is Wayne



MARIE ANN JAKACKI
Notary Public, State of Michigan
County of Wayne
My Commission Expires May 5, 2011
Acting in the County of Wayne

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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. Attorney Todd A. Berry.

Send Tax Statements to Grantee at Grantee's Address:

2420 5th Ave
Terre Haute IN 47807

Return Deed to HONEYCREEK TITLE SERVICES

This instrument was prepared by Attorney Todd A. Berry, #24797-84, 401 East Ohio Street, Suite A4, Terre Haute, Indiana, 47807; (812) 238-0100.

AFFIDAVIT OF:

COMES NOW affiant Amvets Post 222

and affirms under penalty of law that affiant is the owner of record of the property located
at 2420 5th Avenue Terre Haute Indiana 47803

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.

SIGNATURE: *Clifford Stephens*
Clifford Stephens

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

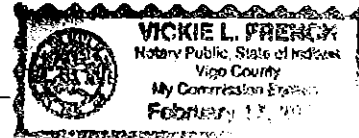
Personally appeared before me, a Notary Public in and for
said County and State, Vigo, Indiana

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 2nd day of January, 2013.

Notary Public:

Vickie L. French
Vickie L. French



My Commission Expires: 2-17-2017

My County Of Residence: Vigo



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: February 7, 2013

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #1-13**

CERTIFICATION DATE: February 6, 2013

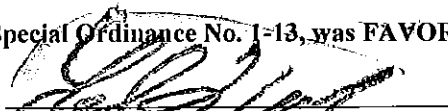
TO: The Honorable Common Council of the City of Terre Haute


Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 1-13. This Ordinance is a rezoning of the property located at 2420 5th Avenue. The Petitioner, Amvets Post 222, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-3, Planned Development District, for a Lodge. 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. 1-13 at a public meeting and hearing held Wednesday, February 6, 2013. 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. 1-13 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 1-13 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. 1-13, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 7th day of February, 2013

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #01-13

Doc: # 6

Date: February 6th

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Amvets Post 222

Owner: Amvets Post 222

Representative: Kenny Burton

Proposed Use: A lodge for the Amvets Post 222

Proposed Zoning: R-3, General Residence District Planned Development

Current Zoning: R-1, Single Family Residence District

Location: The property is located on the corner of North 24th Street and 5th Avenue

Common Address: 2420 5th Avenue Terre Haute in 47807.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- 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 site is off 5th Avenue which is a local level roadway. A parking-lot is planned for development which will span across lots 111, 112, and part of 113 Patrick's Subdivision. Egress and ingress to the parking-lot will be from the alley.

Dev. Priority: Reinvestment and infill development are a high priority within this area.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #01-13

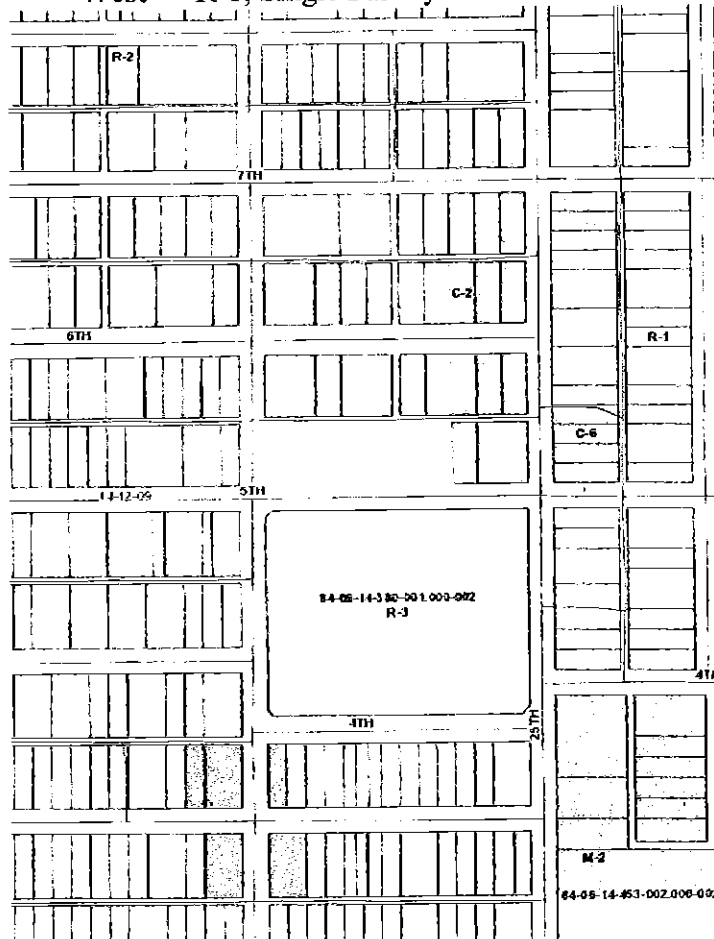
Doc: # 6

Date: February 6th

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single Family Residence,
C-2, Community Commerce District
East – R-1, Single Family Residence
South – R-3, General Residence,
West – R-1, Single Family Residence



Character of Area: Residential, Commercial, and Industrial uses are within a close proximity. There are many vacant lots within this neighborhood and the area is in need of reinvestment.

Contig. Uses & Zones: The area is contiguous to C-2, Community Commerce district on the east, R-3, General Residence to the south, and R-1 Single Family Residence to the

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #01-13

Doc: # 6

Date: February 6th

Page 3 of 3

north. The commercially zoned property on the east consists of a permitted commercial uses and a legal non-conforming residence.

ZONING REGULATIONS

R-3 PD Purpose: The General Residence District

R-3 PD Uses: Any use permitted in the R-1 and R-2 Districts, Apartment Hotels, Colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 PD Standards: Minimum Lot Size: N/A;
FAR 8.00 % or 384 Square Feet per bed
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
Clubs and Ledges require a parking ratio of 3 parking spaces per each one thousand (1000).Sq Ft of gross floor area for.

FINDINGS and RECOMMENDATION

Staff Findings: The AmVest Post 222 has been operating as a non-conforming use at this location since 2007. The proposed rezoning classification will be in harmony with the surrounding zonings and use of property. The Warren School property is to the south which has a large is a large parcel of developable ground zoned R-3, General Residence. There is a current proposal to develop up to 111 low income Housing units.

Recommendation: Staff offers a Favorable Recommendation.