



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 12

COMMON ADDRESS OF LOTS TO BE REZONED:

Commonly known as: 2056 North 4th St and 2048 North 4th St

Current Zoning: R3 General Residence District

Requested Zoning: General Central Business District C5

Proposed Use: Office, Storage warehouse _____

Name of Owner: Able 2 Plumbing LLC _____

Address of Owner: 76 Southgate Ct Terre Haute, In 47802 _____

Phone Number of Owner: (812)299-5783 _____

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Jeff Tarry _____

Council Sponsor: Neil Garrison _____

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

FILED

MAR 3 2016

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 2016

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: Lot number Sixty nine (69) in the First Addition to Maywood Terrace, being a Subdivision
of Lot 2 in the Subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Indiana
Also

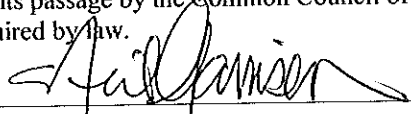
Lot number 70 and 71 in the First Addition to Maywood Terrace, being a subdivision of Lot 2 in the
subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Indiana as shown by the
recorded plat thereof recorded in Plat Record 6, page 30, records of Recorder's Office in Vigo County,
Indiana recorder's Office in Vigo County, Indiana.

Commonly known as: (2056 and 2048 North 4th Street Terre Haute, Indiana 47802)

Be and the same is hereby established as a (C-5 General Central Business 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."

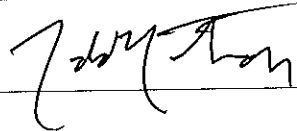
SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same
shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its
approval by the Mayor and publication as required by law.

Presented by Council Member, Neil Garrison



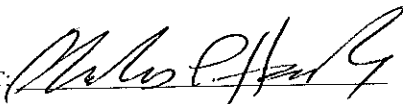
Passed in Open Council this 14th day of April, 2016.

Todd Nation



-President

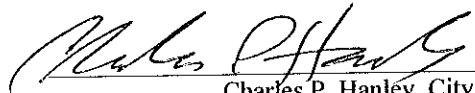
ATTEST:



Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this

15th day of APRIL, 2016



Charles P. Hanley, City Clerk

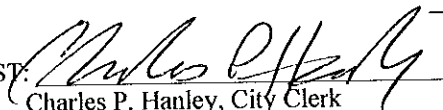
Approved by me, the Mayor, this

15th day of APRIL, 2016



Duke A Bennett
, Mayor

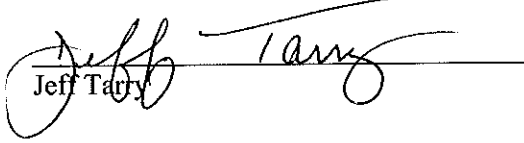
ATTEST:



Charles P. Hanley, City Clerk

This instrument prepared by Jeff Tarry, 76 Southgate Ct, Terre Haute, IN 47802 (812)299-5783

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.


Jeff Tarry

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, (Jeff Tarry owner of Able 2 Plumbing LLC), 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 Sixty nine (69) in the First Addition to Maywood Terrace, being a subdivision of Lot 2 in the subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Indiana

Also

Lot numbers 70 and 71 in the First Addition to Maywood Terrace, being a subdivision of Lot 2 in the subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Indiana as shown by the recorded plat thereof recorded in Plat Record 6, page 30, records of Recorder's Office in Vigo County, Indiana)

Commonly known as: (2056 North 4th Street and 2048 North 4th Street), Terre Haute, Indiana 47802.

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-3 General Residence District.)

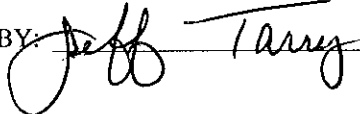
Your petitioner would respectfully state that the real estate is now (R3 General Residence District)Your petitioner intends to use the real estate to (Office, storage warehouse).

Your petitioner would request that the real estate described herein shall be zoned as a (C5 General Central Business District). Your petitioner would allege that the (C-5 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) 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 2 day of March, 2016.

BY:  _____

PETITIONER: (Jeff Tarry 76 Southgate Ct Terre Haute, Indiana 47802).

PETITIONER: (Jeff Tarry Owner of Able 2 Plumbing LLC).

This instrument was prepared by (Jeff Tarry 76 Southgate Ct Terre Haute, In 47802).

AFFIDAVIT OF:

COMES NOW affiant JEFF Tarry

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

at 2056 North 4th Street and 2048 North 4th Street Terre Haute IN

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.

Jeff Tarry owner of Able 2 Plumbing LLC _____

SIGNATURE: Jeff Tarry

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, IN

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 March, 2016.

Notary Public:

Connie Cusick Connie Cusick
[Typed name]

My Commission Expires: 1-3-18

My County Of Residence: Vigo






Overview



Legend

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

Date created: 2/22/2016
Last Data Upload: 2/22/2016 6:10:17 PM



Developed by
The Schneider Corporation

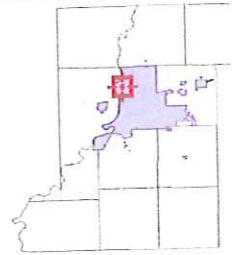
plat map

Maple Street





Overview



Legend

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

Date created: 3/2/2016
 Last Data Uploaded: 3/2/2016 4:12:03 AM

Developed by
 The Schneider Corporation

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer:

JAN 19 2016

Jessie M. Allsup
VIGO COUNTY AUDITOR

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer:

JAN 20 2016

Jessie M. Allsup
VIGO COUNTY AUDITOR

2016000760 WD \$18.00
01/20/2016 11:32:53A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH that Laura Phyllis Willsey (also known as L. Phyllis Willsey), of VIGO County, State of Indiana "Grantor", CONVEYS, GRANTS AND WARRANTS to Able 2 Plumbing, LLC, "Grantee", of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lot Number Sixty-nine (69) in the First Addition to Maywood Terrace, being a Subdivision of Lot 2 in the Subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Indiana.

ALSO

Lot Numbers 70 and 71 in the First Addition to Maywood Terrace, being a subdivision of Lot 2 in the subdivision of Section 16, Township 12 North, Range 9 West, Terre Haute, Indiana, as shown by the recorded plat thereof recorded in Plat Record 6, Page 30, records of Recorder's Office in Vigo County, Indiana.

Commonly known as: 2056 N 4th Street and 2048 N 4th Street, Terre Haute, IN 47804

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Taxes shall be prorated to the date of this deed.

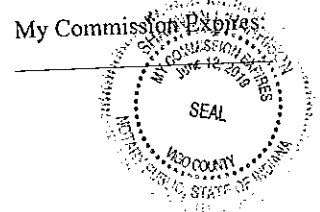
DATED this 19 day of JAN, 2016.

John R. Willsey POA for Laura P. Willsey
By: John R. Willsey, POA for
Laura Phyllis Willsey

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 19 day of JAN, 2016, personally appeared John R. Willsey, as the duly appointed Power-of-Attorney over Laura Phyllis Willsey (also known as L. Phyllis Willsey), and acknowledged the execution of the foregoing deed. Said Power of Attorney has been recorded in the Office of the Vigo County Recorder, as Instrument Number _____.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.



Shannon R. Harwood
Notary Public
Printed: _____
Residing in _____ County

Mail Tax Statements To: 76 Southgate Ct Terre Haute, IN
47802

Mail Decd To: Integrity Title Services, 1532 Wabash Ave., 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.

Shannon R. Harwood

This instrument was prepared by: John Gurchiek, GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. 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 this instrument.
CMT: 16 0118

Receipt

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

Date: 03/03/16
Name: Able 2 Plumbing Co.
Reason: Responding Filing & Petition

TERRE HAUTE, IN
PAID

MAR 03 2016

Cash: _____

Check: \$45.00 CK# 2158

Credit: _____

Total: \$45.00

CONTROLLER

Received By: K Ellis KC



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

FILED

APR 07 2016

CITY CLERK

DATE: April 7, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #12-16

CERTIFICATION DATE: April 6, 2016


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. 9-16. This Ordinance is a rezoning of the property located at 2056 and 2048 N. 4th St. The Petitioner, Able 2 Plumbing, LLC petitions the Plan Commission to rezone said real estate from zoning classification R-3 to C-5, General Central Business District, for a storage 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. 12-16 at a public meeting and hearing held Wednesday, April 6, 2016. 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. 12-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.12-16 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.12-16 was FAVORABLE.


Fred L. Wilson, President


Jared Bayler, Interim Director

Received this 7th day of April, 2016

APPLICATION INFORMATION

Petitioner: Jeff Tarry
Property Owner: Same as Above
Representative: Same as Above
Proposed Use: Business Office, Storage Warehouse
Proposed Zoning: C-5 General Business District
Current Zoning: R-3 Multifamily Residential
Location: The property is located on north 4th St. commencing approximately 90 feet south of Maple Ave and containing approximately 105 feet of road frontage. It is adjacent to Ouabache Elementary School.

Common Address: 2056 and 2048 N 4th St. Terre Haute, IN 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute
Flood Zone: A Unknown Flood Depth zone "A"
Firm Map#: 18167C0131C
Street Access: N. 4th St.
Dev. Priority: Low

Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

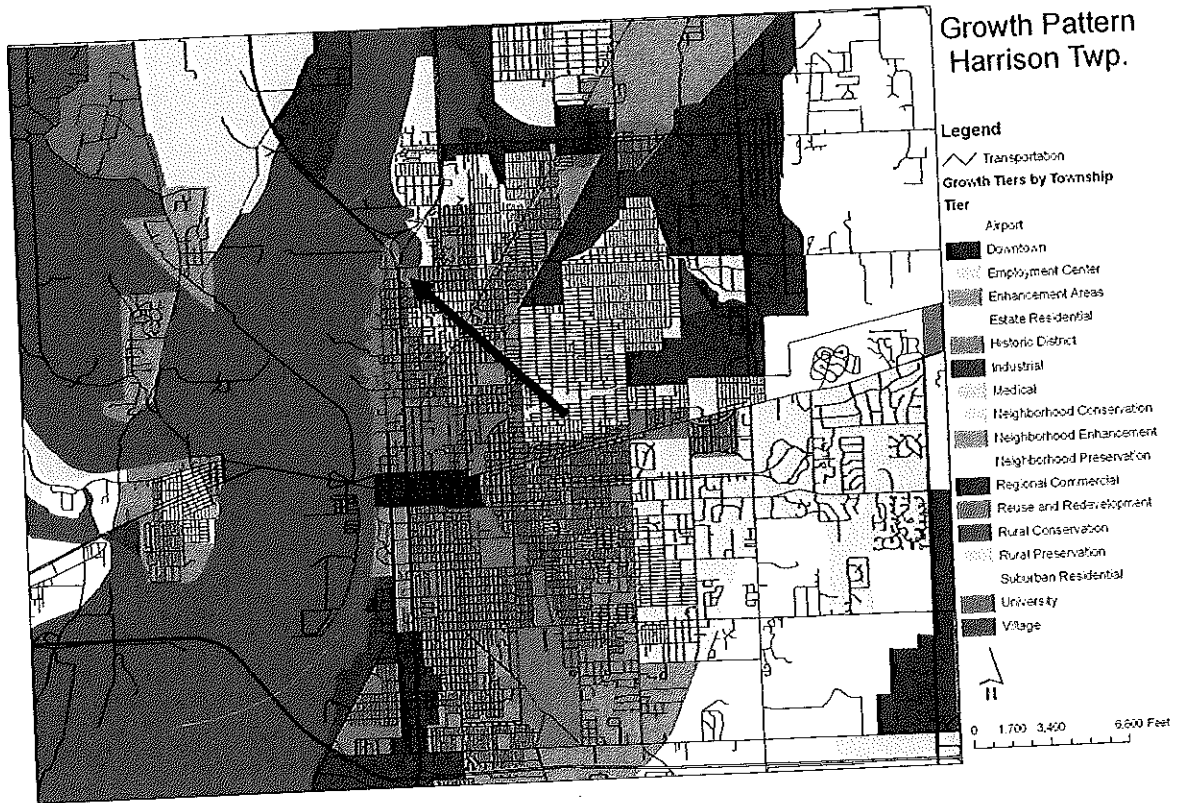
Additional policies for Reuse and Redevelopment Areas include:

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-16
Date: April, 2016

Doc: # 33
Page 2 of 5

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas



ZONING COMPATIBILITY

Sur. Zones and Uses:

North – R-3 Multi Family
East – R-3 Multi Family
South – R-3 Multi Family
West – C-6 Highway Commercial

Character of Area: The petitioned property is located within a variety of mixed uses. Adjacent rental properties or multifamily homes. Small commercial developments both in use and

vacant scatter the area. Ouabache Elementary School is an adjacent property use.

ZONING REGULATIONS

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.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128
(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) 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 Terre Haute City Code(*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) 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.

(F) Mini warehouses.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner has applied for a C-5 rezoning in an attempt to construct a warehouse/office for the small business he is the proprietor of. The building(s) would be constructed on 3 city lots and accessed from N. 4th St. Sufficient space should be available for onsite parking.

In an email received on 3/17 from Michael Klippel, whom is with the risk management department for The Vigo County School Corporation, he listed a few concerns he had with the proposal some of which include: 4th street south off of Maple Ave. is the sole access to Ouabache ES for all maintenance vehicles, deliveries of UPS, FedEx, all food deliveries and most important the buses drop off students in the morning, during the day special needs students use the same drop off location, field trips buses and after school pick up all utilize 4th St., staff have to use 4th street to access the parking lot, Union hospital day care is operated out of Ouabache, so any additional use of N. 4th St. is a year around issue.

All concerns as listed above resonate with staff as legitimate and we believe all concerns could be exacerbated as a result of the increase in traffic adjacent to the elementary school. Permitting of a business at this location could mean that children and distracted parent drivers may not be looking for commercial deliveries of supplies or company vehicles coming and going throughout the day. Also, it is to be assumed that over time the business at that location will continue to grow and will increase traffic flow on 4th St. even further.

If the C-5 zoning is permitted and should the business fail, the zoning classification at the location would remain. Potentially, this would allow almost any type business to locate at that location given they could fit in the space available.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-16

Doc: # 33

Date: April, 2016

Page 5 of 5

The location of the proposed building is in a F.E.M.A. identified S.F.H.A. Designated as an "A" flood zone. Flood depth and subsequent B.F.E. (base flood elevation) are unknown at this time for this location. The petitioner will be required to obtain a detailed study of the property to determine the flood depth at that location and elevation certificates to assure properly elevated building(s). The neighborhood is known to have a high water table and frequent problems with drainage.

Recommendation: Staff, due to any number of previously listed concerns with the location of a new business in proximity to the elementary school offers an Unfavorable Recommendation on the rezoning and would offer that this property would best be utilized as open space or single family homes.