



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 16

COMMON ADDRESS OF LOTS TO BE REZONED:
1509 Washington Ave Terre Haute, IN 47802

Current Zoning: R-2 Two Family Residential District

Requested Zoning: M1 – Light Industry

Proposed Use: Towing Service and Impound Yard

Name of Owner: Thermal Zone Insulation- Brian Holley

Address of Owner: 7018 E. Debney Ave Terre Haute, IN 47805
Phone Number of Owner: 812 841-2102

Attorney Representing Owner (if any): N/A

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: _____

Council Sponsor: Martha Crossen

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

FILED

MAR 03 2017

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 16, 2017

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:

Lots 26 and 27 in Heil's Subdivision of a part of Lots 1 and 2
in Dean's Subdivision of that part of the South one-half of the
Southeast Quarter of Section Twenty-seven (27), Township
Twelve (12) North, Range Nine (9) West, lying East of the
Wabash and Erie Canal in the City of Terre Haute, Indiana, as
shown in Plat Record Ten (10) Page Twenty-nine (29), in the
Recorder's Office of Vigo County, Indiana.

Commonly known as: 1509 Washington Ave, Terre Haute, Vigo County Indiana 47802

Be and the same is hereby established as a MI- Light Industry, 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, Martha Crossen
Martha Crossen

Passed in Open Council this 11th day of April, 2017.

Kartum Nasser
Kartum Nasser-President

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 17th day of April, 2017.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 12th day of April, 2017.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

This instrument prepared by: Brian Holley. 7018 E Debney Ave Terre Haute, IN 47805

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.



Brian Holley

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, Thermal Zone Insulation- Brian Holley respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 26 and 27 in Heini's Subdivision of a part of Lots 1 and 2 in Dean's Subdivision of that part of the South one-half of the Southeast Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, lying East of the Wabash and Erie Canal in the City of Terre Haute, Indiana, as shown in Plat Record Ten (10) Page Twenty-nine (29), in the Recorder's Office of Vigo County, Indiana.

Commonly known as: 1509 Washington Ave, 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-2 Two Family Residential District**

Your petitioner would respectfully state that the real estate is now used as storage. Your petitioner intends to use the real estate as a **Towing Service and Impound Yard**

Your petitioner would request that the real estate described herein shall be zoned as an **M1-Light Industry District**. Your petitioner would allege that the **LIGHT INDUSTRY 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 **M1 Light Industry** 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 3 day of March, 2017.

BY: 
Thermal Zone Insulation- Brian Holley

PETITIONER: Brian Holley 7018 E. Debney Ave. Terre Haute, IN 47805.
This instrument was prepared by Brian Holley, 7018 E. Debney Ave Terre Haute, IN 47805
812-841-2102

AFFIDAVIT OF:

COMES NOW affiant **Brian Holley**

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

at **1509 Washington Ave 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 for perjury, that the foregoing representations are true.

Thermal Zone Insulation- Brian Holley

SIGNATURE: *Brian Holley*

SIGNATURE: _____

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 *3rd* day of *March*, 20*17*.

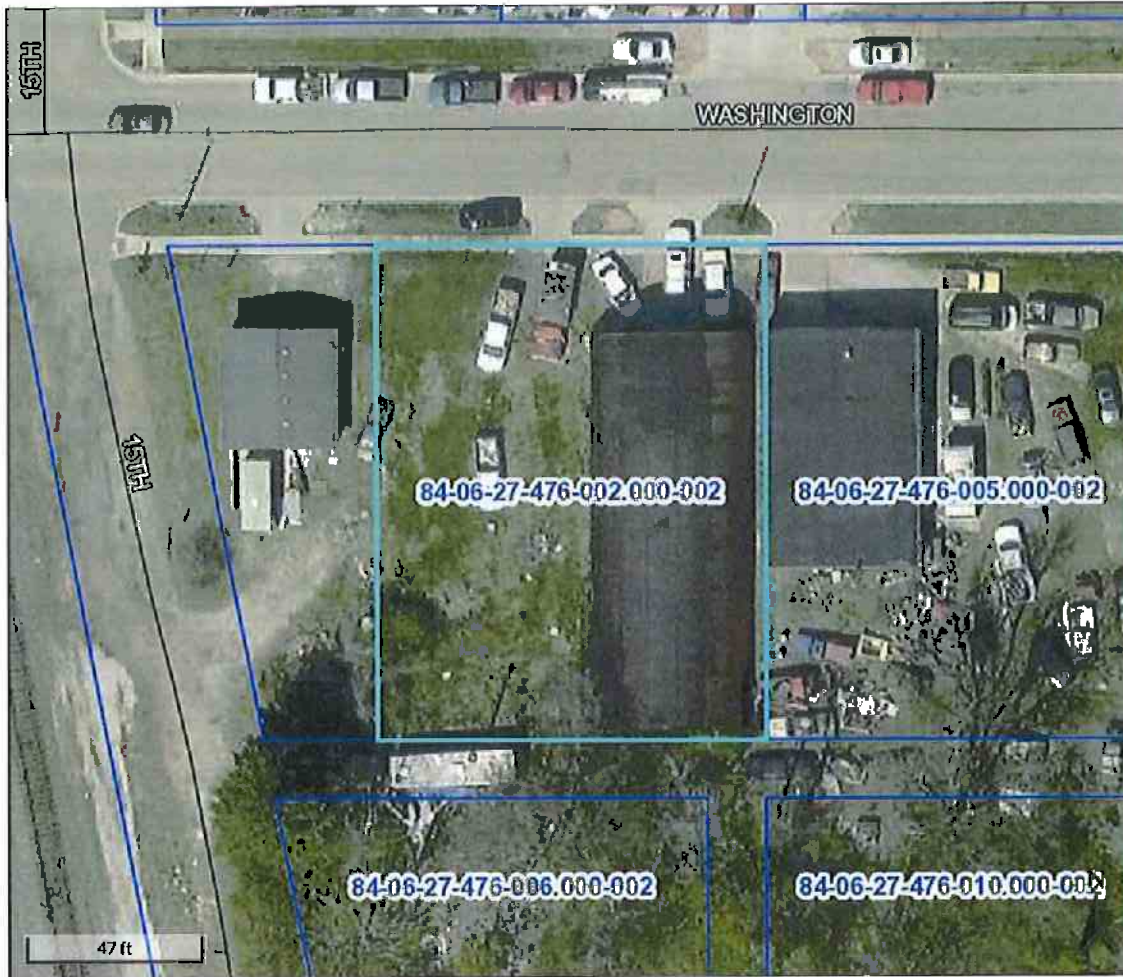
Notary Public:
Melissa Kuykendall
Mrs. Melissa Kuykendall

My Commission Expires: *MARCH 30, 2025*

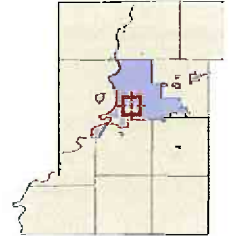
My County Of Residence: *Vigo*



Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

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

Parcel ID	84-06-27-476-002.000-002	Alternate ID	118-06-27-476-002	Owner Address	THERMAL ZONE INSULATION INC
Sec/Twp/Rng	27	Class	Commercial Warehouse		7018 E DEBNEY AVE
Property Address	1509 WASHINGTON AVE TERRE HAUTE	Acreage	n/a		TERRE HAUTE, IN 47805
District	002 HARRISON				
Brief Tax Description	HEINLS SUB (1509 WASHINGTON) (924 LAFAYETTE AVE).000 26- 27 <i>(Note: Not to be used on legal documents)</i>				

Date created: 2/28/2017
Last Data Uploaded: 1/21/2017 1:28:54 AM



Developed by
The Schneider Corporation

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

201000663 SWD \$20.00
01/22/2010 03:01:47P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

JAN 22 2010

Tammy M. Spivey
VIGO COUNTY AUDITOR

SPECIAL WARRANTY DEED

This Deed is from **COCA-COLA ENTERPRISES INC.**, a corporation organized and existing under the laws of the State of Delaware, successor by merger to Hondo Incorporated, an Indiana corporation, successor by merger to Coca-Cola Bottling Company of Chicago, a Delaware corporation, successor by merger to Terre Haute Coca-Cola Bottling Co. Inc., an Indiana corporation, having its principal office in 2500 Windy Ridge Parkway, Atlanta, GA 30339 ("Grantor"), to **THERMAL ZONE INSULATION, INC.** ("Grantee") and to Grantee's successors and assigns.

For value received, Grantor hereby grants, remises, aliens and conveys unto Grantee, and to Grantee's successors and assigns forever, but without recourse, representation or warranty, except as expressed herein, all of Grantor's right, title and interest in and to that certain tract or parcel of land situated in the County of Vigo, State of Indiana, described as follows (the "Premises"):

(SEE ATTACHED EXHIBIT "A")

And Grantor, for itself and its successors does covenant, promise and agree, to and with Grantee, Grantee's successors and assigns, that Grantor has not done or suffered to be done anything whereby the Premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that Grantor will warrant and forever defend title to the Premises, against all persons lawfully claiming or who may claim the same, by, through or under Grantor but not otherwise.

The undersigned persons executing this Deed on behalf of Grantor represent and certify that they are fully empowered to execute and deliver this Deed; that Grantor has the full capacity to convey the Premises; and that all necessary partnership action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 15th day of January, 2010.

COCA-COLA ENTERPRISES INC., a Delaware corporation



By: *Matthew J. Fanoë*
Name: Matthew J. Fanoë
Title: Corporate Director
Real Estate and Facilities

STATE OF GEORGIA)
) SS
COUNTY OF COBB)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Matthew J. Fance, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained and who further acknowledged that he is the Corporate Director of Real Estate and Facilities of Coca-Cola Enterprises Inc. and is authorized to execute this instrument on behalf of Coca-Cola Enterprises Inc.

Witness my hand, at office, this 15th day of January, 2010.

Celeste H. Burr

Notary Public

My Commission Expires:
6/1/2013



This Instrument Prepared by:

Jeff Guild, Esq.
Miller & Martin
Suite 1000, Volunteer Building
832 Georgia Avenue
Chattanooga, TN 37402

Send Deed and Tax Bills to:

Coca-Cola Enterprises Inc. Thermal Zone Insulation, Inc.
~~no~~ Tax Department 7018 E. Debnay Ave.
~~2500 Windy Ridge Parkway~~ Terre Haute, IN 47805
~~Atlanta, GA 30339~~

EXHIBIT A

Lots 26 and 27 in Heini's Subdivision of a part of Lots 1 and 2 in Dean's Subdivision of that part of the South one-half of the Southeast Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, lying East of the Wabash and Erie Canal in the City of Terre Haute, Indiana, as shown in Plat Record Ten (10) Page Twenty-nine (29), in the Recorder's Office of Vigo County, Indiana.

Receipt

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

Date: 3/3/17

Name: Monica Baez-Holley

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

TERRE HAUTE, IN
PAID
MAR 03 2017
CONTROLLER

Cash: _____

Check: #3222 \$45.00

Credit: _____

Total: \$45.00

Received By: L. Ellis



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: April 6, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #16-17

CERTIFICATION DATE: April 5, 2017

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

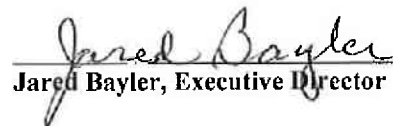
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 16-17. This Ordinance is a rezoning of the property located at 1509 Washington Avenue. The Petitioner, Thermal Zone Insulation/Brian Holley, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to M-1, Light Industry District, for towing services and impound yard. 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(e).

The Area Plan Commission considered Special Ordinance No. 16-17 at a public meeting and hearing held Wednesday, April 5, 2017. 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. 16-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 16-17 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. 16-17 was FAVORABLE.


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 6th day of April, 2017

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #16-17

Doc: # 23

Date: April 5th

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APPLICATION INFORMATION

Petitioner: Thermal Zone Insulation Inc. –Brain Holley

Owner: Same

Representative: Same

Proposed Use: Towing Service and Impound Yard

Proposed Zoning: M-1, Light Industrial District

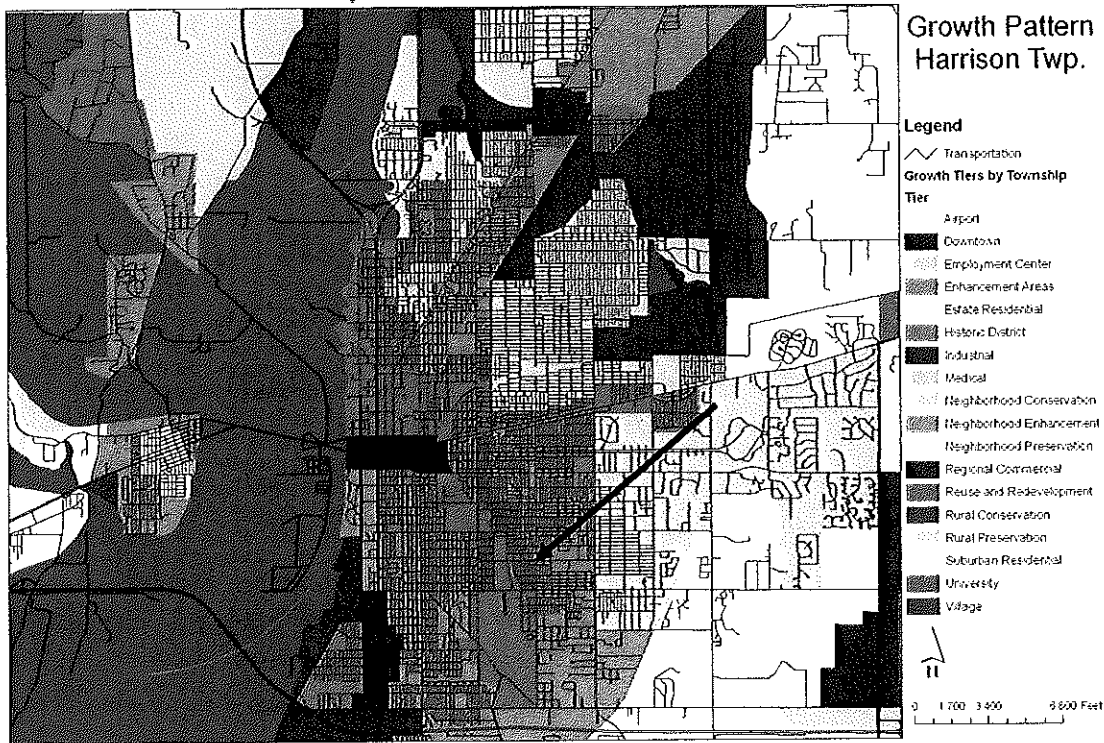
Current Zoning: R-2, Two-Family Residence District

Location: The Property is located on the south side of Washington Ave, 150 ft. east of South 15th Street.

Common Address: 1509 Washington Ave Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



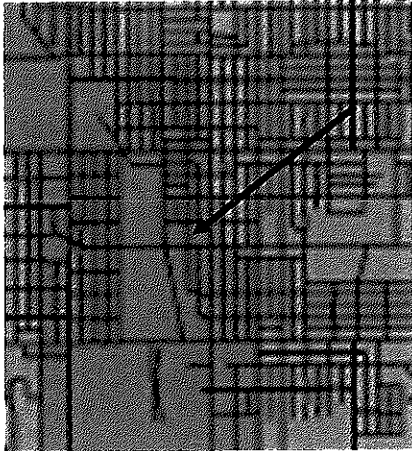
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Guiding Policies: Reuse and Redevelopment

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:

- 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

Street Access: Washington Ave is a local level roadway

Dev. Priority: Reinvestment and rehabilitation are a high priority.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2, C-5, C-6, M-1, R-2

East – C-6, R-2

South – R-2

West – C-6, M-2, R-2

Character of Area: The petitioned property is located within the vicinity of the old Terre Haute coke and carbon and just east of the CSX rail-line. There are many uses adjacent to this site that are automotive related.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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ZONING REGULATIONS

It is the purpose of this classification to provide for complete separation of residential and commercial areas, from industrial areas for the mutual protection of both industrial and residential, and commercial uses. It is recognized that for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion. In the granting of special uses, this goal must be paramount in the consideration thereof and special uses not clearly of manufacturing or industrial nature must be incidental to an established industrial facility.

The Light Industrial zone classification provides for additional sites in a more densely developed area. It provides for those industries which are more compatible with densely developed, contiguous, residential and commercial uses and which can readily meet the industrial performance standards as contained in Sec. 10-143.

Uses, Permitted - M-1 Light Industry District.

The following uses are permitted, provided that all business, servicing, or processing shall take place 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 and off-street loading and parking as regulated in Sec. 10-137. Any production, processing, cleaning, servicing, testing, repair, or storage of material, goods, or products which shall conform with the performance standards set forth in Sec. 10-143 (except such uses as are specifically excluded), and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat. Within three hundred feet (300') of a Residence District, all storage except of motor vehicles, shall be within completely enclosed buildings or may be located out-of-doors if it is effectively screened by a solid wall or fence (including solid entrance and exit gates) as specified in Sec. 10-172 e. for junkyards.

The following is a list of approved uses of an M-1 zoning: Automobile laundries. (3) Building materials sales, (4) Contractor or construction office, shops, and yards; such as:(A) Building.(B) Cement.(C) Electrical.(D) Heating, ventilating and air conditioning.(E) Roofing.(F) Masonry.(G) painting.(H) Plumbing.(I) Refrigeration.(5) Fuel and ice sales, if located in completely enclosed buildings.(6) Garages and parking lots, for motor vehicles.(7) Public utility and public service uses, including:(A) Bus terminals, bus garages, bus lots.(B) Electric sub-stations.(C) Fire stations.(D) Gas utility service sub-stations.(E) Police stations.(F) Railroad passenger stations.(G) Railroad rights-of-way.(H) Telephone exchanges, microwave relay towers, and water filtration plants.(I) Water filtration plants.(J) Water

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Doc: # 23

Date: April 5th

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pumping stations.(K) Sewage or storm water pumping stations.(8) Signs as regulated in Sec. 10-141. (9) Trade schools. (10) Accessory uses.

FINDINGS and RECOMMENDATION

Staff Findings: The property is located in the middle of C-6 zoned properties. The commercial property to the west is being used as an office for this business (Absolute Towing). The property to the north is an auto sales, repair business. On S. 15th Street, approximately 1 block away another towing and storage yard exist. White rock and a new screened fence have been added for the storage parking lot.

Recommendation: Staff offers a Favorable Recommendation on the rezoning.