

APPLICATION FOR REZONING PETITION -- CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 17, 2010

Address of lots to be rezoned: 2501 – 2503 Poplar Street, Terre Haute, Indiana

Rezone From: C-2

Rezone To: C-5, General Central Business District (CBD)

Proposed Use: Branch Bank with Drive-thru

Name of Owner: Terre Haute Savings Bank

Address of Owner: 533 Ohio Street
Terre Haute, IN 47807

Phone Number of Owner: (812) 234-4864

Attorney Representing Owner: Scott Craig

Address of Attorney: COX ZWERNER GAMBILL & SULLIVAN
511 Wabash Avenue,
Terre Haute, Indiana 47807
scraig@coxlaw.net

Phone Number of Attorney: (812) 232-6003

For Information Contact: Attorney

Council Sponsor: Pat Ralston

FILED

JUN 04 2010

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 17, 2010

CITY CLERK

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

SECTION 1. 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:

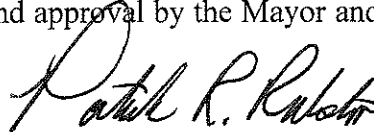
That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

The North half of Lot 1 in Vigo County Commissioner's Subdivision of the North half of the Northeast quarter of Section 26, Township 12 North, Range 9 West, as shown by the plat recorded July 3, 1856 in Plat Record 1, page 40. EXCEPT that party conveyed to Merchants Savings Association by Deed dated October 13, 1978 and recorded in Deed Record 377, page 416, all records of the Recorder's Office of Vigo County, Indiana.

be and the same is hereby established as C-5, General Central Business District, as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-5, General Central Business District, authorizing the use of said real estate for the operation of business and professional offices as well as the other uses permitted by such designation, together with all rights, privileges, and provisions 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 2. 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 approval by the Mayor and publication as required by law.

Presented by Councilperson:



Pat Ralston

Passed in open Council this 8th day of July, 2010.



Neil Garrison
Terre Haute City Council President

ATTEST: Charles E Hanley
Charles Hanley, City Clerk

Presented by me to the Mayor this 9th day of July, 2010.

Charles E Hanley
Charles Hanley, City Clerk

Approved by me, the Mayor, this 9th day of July, 2010.

Duke A Bennett
Duke A. Bennett, Mayor
City of Terre Haute

ATTEST: Charles E Hanley
Charles Hanley, City Clerk

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.

Scott Craig
Scott Craig

This instrument prepared by Scott Craig, COX, ZWERNER, GAMBILL & SULLIVAN, 511
Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Ladies and Gentlemen:

Terre Haute Savings Bank, petitioner, is the owner of the following described real estate located in Vigo County, Indiana, to-wit:

The North half of Lot 1 in Vigo County Commissioner's Subdivision of the North half of the Northeast quarter of Section 26, Township 12 North, Range 9 West, as shown by the plat recorded July 3, 1856 in Plat Record 1, page 40.

EXCEPT that part conveyed to Merchants Savings Association by deed Dated October 13, 1978 and recorded in Deed Record 377, page 416, all records of the Recorder's Office of Vigo County, Indiana.

which real estate is commonly known as **2501-2503 Poplar Street, Terre Haute, Indiana.**

The owner proposes to use the property for a Branch Banking Center with drive-thru services available to customers. Site plans are attached.

Petitioner is informed and believes that according to *Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute,"* and amendments thereto, the above described real estate is currently zoned **C-2, Community Commerce District**. Petitioner is further informed and believes that the operation of petitioner's businesses as proposed requires said real estate to be rezoned to the classification as **C-5, General Central Business District (CBD)** under which classification Section 10.207(k), "Uses Permitted -- C-5" would authorize such business


operations, in particular the operation of a Banking Center offering drive-thru service to customers.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

1. The business proposed to be located on said real estate will be beneficial to the local community, will generate employment for citizens of the community, will increase the assessed valuation of the area, and will provide important services for members of the community.
2. The real estate is located in the heart of areas which are currently zoned for commerce, including numerous businesses offering drive-thru service to customers and numerous parcels zoned in the commercial classifications.
3. The real estate is located on the south-east corner of the intersection of 25th Street and Poplar Street which provides access to customers in the immediate area as well as in other parts of town.
4. The use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood.
5. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.

WHEREFORE, petitioner respectfully requests 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 for Terre Haute, and declare the above-described real estate to be a part of " **C-5, General Central Business District (CBD)**" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioner, Terre Haute Savings Bank, has duly executed
this instrument this _____ day of June, 2010.

By:  _____
BART COLWELL, PRESIDENT
TERRE HAUTE SAVINGS BANK

This instrument prepared by Scott Craig, COX, ZWERNER, GAMBILL & SULLIVAN, 511 Wabash
Avenue, Terre Haute, IN 47807; (812) 232-6003

SOUTH TWENTY-FIFTH STREET

EAST POPLAR STREET

21 PARKING

A SITE PLAN
SCALE: 1" = 20'

S 01°08'46"W 149.52'

50' R/L

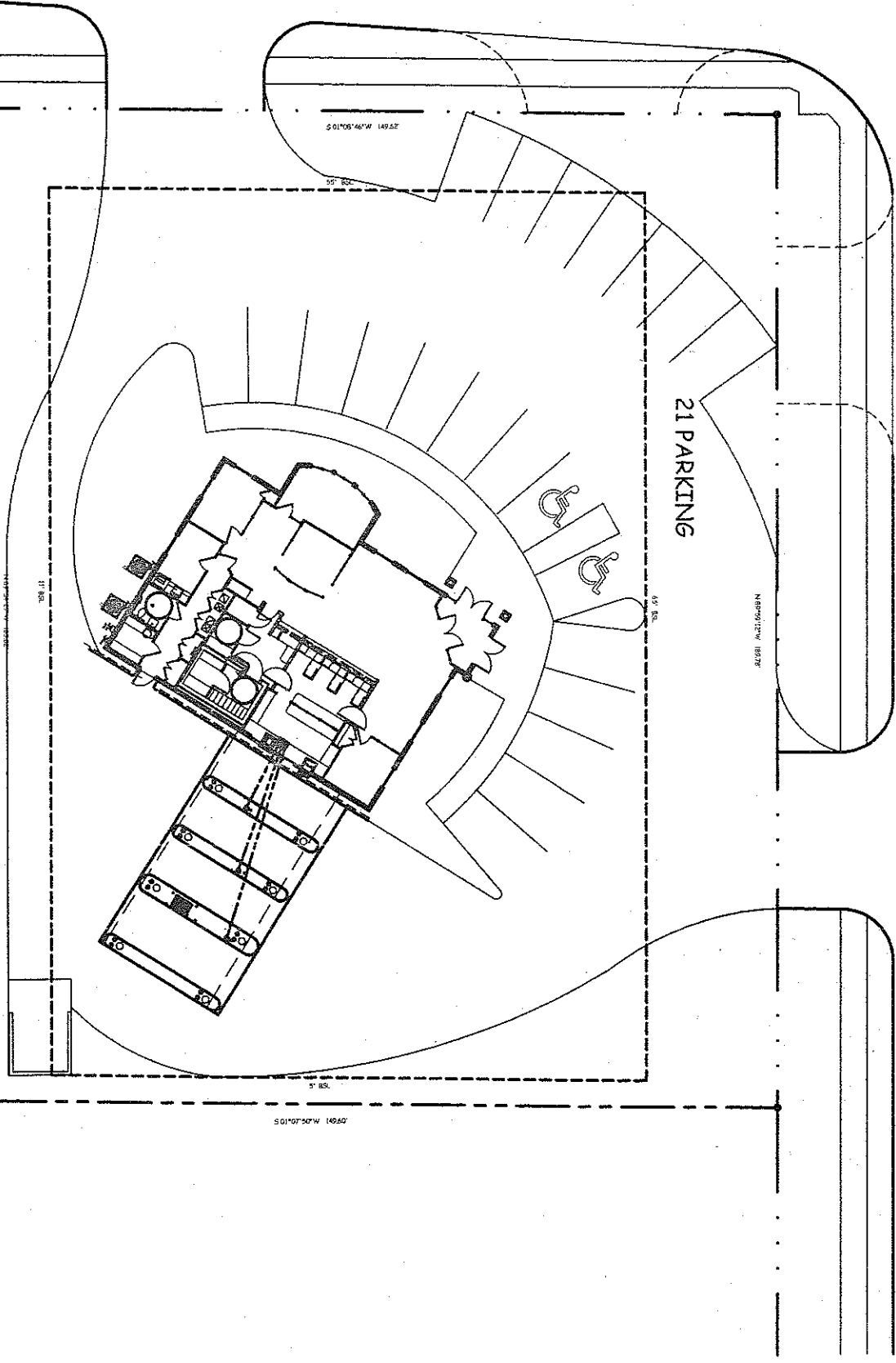
N 88°09'12"W 183.78'

45' R/L

11' R/L

5' R/L

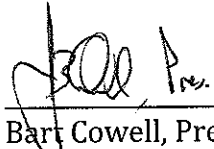
S 01°07'50"W 149.50'



AFFIDAVIT OF OWNERSHIP

COMES NOW affiant, Bart Colwell, President of Terre Haute Savings Bank, and affirms under penalty of law that Terre Haute Savings Bank is the owner of record of the property located at 2501 - 2503 Poplar Street, Terre Haute, Indiana, for which a rezoning is requested and attached hereto are deeds evidencing such ownership.

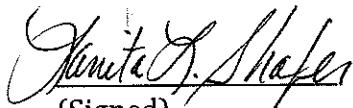
I affirm, under penalties for perjury, that the foregoing representations are true.


Bart Cowell, President
Terre Haute Savings Bank

STATE OF INDIANA)
) ss:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Bart Cowell, who acknowledges the execution of the above and foregoing Affidavit, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 4th day of June, 2010.


(Signed)

LANITA L. SHAFER
(Printed Name)

My Commission Expires: 5/12/17 My County of Residence: Vigo



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

DATE: July 8, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #17-10

CERTIFICATION DATE: July 7, 2010

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

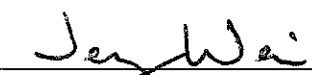
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 17-10. This Ordinance is a rezoning of the property located at 2501-2503 Poplar. The Petitioner, T.H. Savings Bank/Bart Colwell, President, Petitions the Plan Commission to rezone said real estate from zoning classification C-2 to C-5, General Central Business District, for a bank. 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. 17-10 at a public meeting and hearing held Wednesday, July 7, 2010. 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. 17-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 17-10 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. 17-10, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 8th day of July, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #09-08

Doc: #36-47

Date: May 2008

Page 1 of 3

7-2010

APPLICATION INFORMATION

Petitioner: Terre Haute Savings Bank

Property Owner: Same-As-Above

Representative: Scott Craig

Proposed Use: Branch Bank with Drive-thru

Proposed Zoning: C-5, General Central Business District

Current Zoning: C-2, Community Commerce District

Location: Southeast corner of the intersection of South 25th Street and Poplar Street.

Common Address: 2501 Poplar Street, Terre Haute, IN 47803

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- 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.
- New retail activities in an area should contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Poplar Street (Secondary Arterial)

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #09-08 17-12

Doc: # 36 47

Date: May 2008 17-12

Page 2 of 3

Dev. Priority: Maintenance and upgrades to improve viability of the commercial node.

ZONING COMPATIBILITY

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

Character of Area: A commerce node at the intersection of South 25th and Poplar St, serving local residents.

Contig. Uses & Zones: Uses that are contiguous to this property are commercial in use and nature.

ZONING REGULATIONS

C-5 Purpose: 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.

C-5 Uses: 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-5 Standards: Minimum Lot Size: N/A;
Street Setback: 50 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
4 parking space per 1,000 square feet of gross floor area.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #09-08 10

Doc: # 36 47

Date: May 2008 17

Page 3 of 3

Drive-thru Standards, specify Five (5) stacking spaces for the first drive through window and two (2) stacking spaces for each additional window.

FINDINGS and RECOMMENDATION

Staff Findings: The property being rezoned is part of a commercial node that offers goods and services to the surrounding neighborhoods. The diversity of those goods and services enrich the neighborhood quality among the surrounding areas.

That the site is large enough to meet all development standards.

That the character of the neighborhood is not changing.

Recommendation: Favorable Recommendation.