

FILED

APR 11 2011

CITY CLERK

**SPECIAL ORDINANCE NO. 10 2011**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

**SECTION I.** That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-12 1, thereof, District Maps, is hereby amended to read as follows:

Lots 17, 18, 19 and 20 in Krumbhaar Place Land Company's First Subdivision, being a Subdivision of Lots 1, 2, 5, 6, 9, 10, 13, 14, 17, 18 and 21 Krumbhaar Place a Subdivision of part of the Southwest Quarter of Section 33, Township 12 North of Range 9 West.

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

Parcel #84-06-33-331-005.000-002

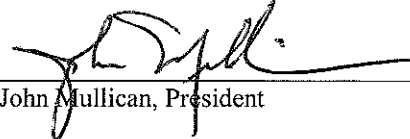
Commonly known as: 2509 S. 1<sup>st</sup> Street, Terre Haute, Indiana 47802

be and the same is, hereby established a C-2 Community Commerce District 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.

**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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

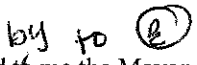
Presented by Council Member,   
Rich Dunkin, Councilperson

Passed in open Council this 12<sup>th</sup> day of May 2011.

  
John Mullican, President

ATTEST:

  
Charles P. Hanley, City Clerk

Presented <sup>by to</sup>  me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of May 2011.

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13<sup>th</sup> day of MAY, 2011.

  
Duke A. Bennett, Mayor


ATTEST:

  
Charles P. Hanley, City Clerk

This instrument prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., 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.

  
Rhonda D. Oldham

**PETITION TO REZONE REAL PROPERTY #10**

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, Rick Lasure, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 17, 18, 19 and 20 in Krumbhaar Place Land Company's First Subdivision, being a Subdivision of Lots 1, 2, 5, 6, 9, 10, 13, 14, 17, 18 and 21 Krumbhaar Place a Subdivision of part of the Southwest Quarter of Section 33, Township 12 North of Range 9 West.

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

Parcel #84-06-33-331-005.000-002

Commonly known as: 2509 S. 1<sup>st</sup> 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-1 Single Family.

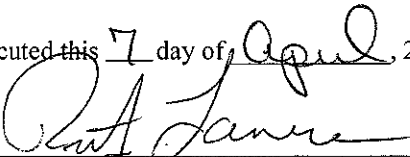
Your petitioner would respectfully state that the real estate is now R1 Single Family. Your petitioner intends to use the real estate as recreation establishment.

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 such use 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.

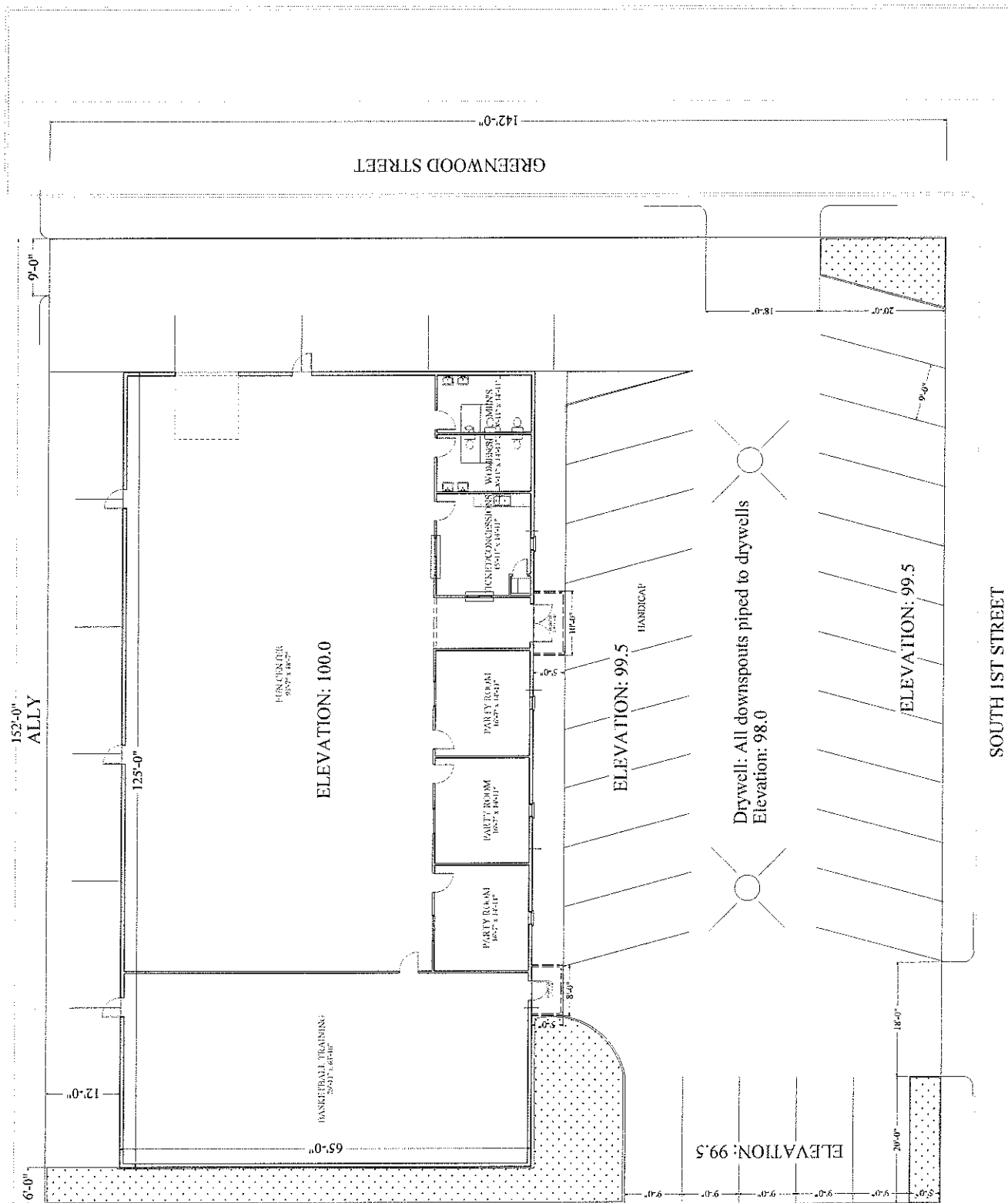
IN WITNESS WHEREOF, This petition has been duly executed this 7 day of April, 2011.

BY:   
Rick Lasure

PETITIONER: Rick Lasure d/b/a Rick Lasure Development PO Box 10602, Terre Haute, IN 47801

This instrument was prepared by:

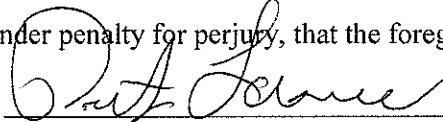
Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807



**AFFIDAVIT OF:**

COMES NOW affiant, Rick Lasure and affirms under penalty of law that affiant is the owner of record of the property located at 2509 S. 1<sup>st</sup> St. , Terre Haute, IN 47802 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

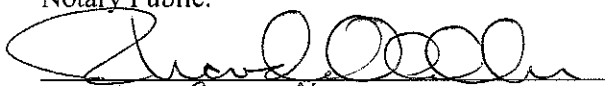
I affirm under penalty for perjury, that the foregoing representations are true.

  
Rick Lasure

STATE OF INDIANA )  
                              ) SS:  
(COUNTY OF VIGO )

Personally appeared before me, a Notary Public in and for said County and State, Rick Lasure 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 7 day of April, 2011.

Notary Public:  
  
Rhonda Oldham

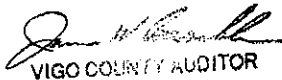
My Commission Expires: 3/29/16

My County Of Residence: Vigo

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

2008007559 WD \$18.  
05/27/2008 12:46:08P 2 PGS  
RAYMOND L. WATTS  
VIGO County Recorder IN  
Recorded as Presented

MAY 27 2008

  
VIGO COUNTY AUDITOR

## WARRANTY DEED

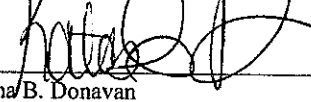
THIS INDENTURE WITNESSETH, THAT Katasha B. Donovan and Kris Donovan, of Tipton County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEY AND WARRANT unto Rick Lasure Development, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

✓ Lots 17, 18, 19 and 20 in Krumbhaar Place Land Company's First Subdivision, being a Subdivision of Lots 1, 2, 5, 6, 9, 10, 13, 14, 17, 18 and 21 Krumbhaar Place a Subdivision of part of the Southwest Quarter of Section 33, Township 12 North of 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 Katasha B. Donovan and Kris Donovan have hereunto set their hands and seals, this 22<sup>nd</sup> day of May, 2008.

  
Katasha B. Donovan (SEAL)

  
Kris Donovan (SEAL)

STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 22 day of May, 2008, personally appeared Katasha B. Donovan 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:

July 22, 2010  
Vigo

  
Notary Public

CYNTHIA Z. COX  
Typewritten or printed name of notary

STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 22 day of May, 2008, personally appeared Kris Donovan and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

My County of residence is:

July 22, 2012  
Vigo

  
Notary Public

CYNTHIA Z. COX  
Typewritten or printed name of notary

HENDRICH

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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.

  
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: 3850. N State Road 63, West Terre Haute, IN 47885

MAIL TAX STATEMENTS TO: PO Box 10602 Terre Haute, IN 47801

\\Lawfirm\vol1\USER\WilliamsD\Real Estate\HENDRICH\Deeds\Rick Lasure Development 5/12/2008 dgw



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: May 5, 2011

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #10-11

CERTIFICATION DATE: May 4, 2011

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. 10-11. This Ordinance is a rezoning of the property located at 2509 South 1<sup>st</sup> Street. The Petitioner, Rick Lasure, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-2, Community Commerce District, for a recreation establishment. 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. 10-11 at a public meeting and hearing held Wednesday, May 4, 2011. 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. 10-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 10-11 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. 10-11, was FAVORABLE.

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 5<sup>th</sup> day of May, 2011



STAFF REVIEW -- CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #10-11

Doc: # 26

Date: May 2011

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## APPLICATION INFORMATION

Petitioner: Rick Lasure

Property Owner: Same-As-Above

Representative: Rhonda D. Oldham

Proposed Use: Recreation Establishment

Proposed Zoning: C-2, Limited Community Commercial District

Current Zoning: R-1, Single-Family Residence District

Location: SW corner of the South 1<sup>st</sup> Street and Greenwood Street

Common Address: 2509 South 1<sup>st</sup> Street, Terre Haute, IN 47804

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## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Reuse and Redevelopment Areas

- All policies from Neighborhood Enhancement
- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Allow for a range of housing densities based on the 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: South 1<sup>st</sup> Street, is a local level Roadway

Dev. Priority: Neighborhood Commercial at intersection of at least an arterial and/or sub-collector roadways: Center with 100,000 SQ. FT. Maximum size on 10 acres or less could be in low to high Intensity residential areas with appropriate buffering

Doc: # 26

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## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single Family Residence District  
R-3, General Residence District  
**East** – C-4, Restricted Central Business District  
R-1, Single Family Residential  
**South** – R-1, Single Family Residential  
**West** – R-1, Single Family Residential



**Character of Area:** The petitioned property is on the western fringe of the U.S. Highway 41 and I-70 Regional Commercial District. Land-uses in this area consist of residential, and commercial spill-over from use that front on South 3<sup>rd</sup>/U.S. Highway 41.

**Contig. Uses & Zones:** The contiguous zoning is R-1, Single-Family Residence District; with uses that are permitted.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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## 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: 40 feet from centerline;  
Rear setback 11’;  
Interior setback of 5’ from the interior lot line;  
Parking Requirements for Amusement Establishments  
Five (5) spaces per one thousand (1,000) square feet gross floor area

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## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #10-11

Doc: # 26

Date: May 2011

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### FINDINGS and RECOMMENDATION

**Staff Findings:**

The Thrive 2025 Comprehensive Plan has identified this area within the City of Terre Haute for reuse and redevelopment. The development priority for commercial development within this area could be low to high intensity based on the local thoroughfare network. High intensity commercial development and uses need to have direct access without traffic intrusion onto residential neighborhoods, and needs the appropriate buffering.

Buffered from adjacent residential uses by all of the following:

- Scale of building design
- Landscaping
- Loading

**Recommendation:**

Staff has a Favorable Recommendation for a C-2, Community Commercial District.