

FILED

MAR 6 2013

CITY CLERK

#### APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO7
COMMON ADDRESS OF LOTS TO BE REZONED:
108 North 25 <sup>th</sup> St., Terre Haute, IN 47803
Current Zoning: R-2 Two Family
Requested Zoning: C-1 Neighborhood Commerce
Proposed Use: professional office - bookkeeping/taxes
Name of Owner: B.M.A. Property Management, Inc.
Address of Owner: 1475 Locust St., Terre Haute, IN 47807
Phone Number of Owner: 812-232-6864

Attorney Representing Owner: Rhonda D. Oldham

Address of Attorney: 191 Harding Avenue, Terre Haute, IN 47807

Phone Number of Attorney: 812-238-2421

For Information Contact: Rhonda D. Oldham

Council Sponsor: Neil Garrison

\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION

#### SPECIAL ORDINANCE NO. 7 20 13

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 1. 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 Number 30, 31 and 32 in Dick's Subdivision of Lot No. 5 in Linton and Madrigal's Subdivision of that part of the West half of Section 23, Township 12 North of Range 9 West lying North of the National Road now Wabash Avenue in the City of Terre Haute, Indiana, Section 23, Township 12 North of Range 9 West of the 2d Principal Meridian, as recorded in Plat Record 6, page 48 in the Office of the Recorder of Vigo County Indiana.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Conditions, restrictions, covenants and easements as set forth on the Plat of Dicks Subdivision, recorded in Plat Record 6, page 48.

Parcel #84-06-23-182-006.000-002

Commonly known as 108 North 25th St., Terre Haute, 1N 47803

be and the same is, hereby established as a C-1 Neighborhood Commerce 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,

Neil Garrison, Councilperson

Passed in open Council this 15th day of\_

.2013.

Norm Loudermilk. Presiden

Charles P. Hanley, Cify∕Clerk

Presented by me to the Mayor of the City of Terre Haute, this Aday of April 2013.  Mules Haute
Charles P. Hanley, City Clerk
Approved by me, the Mayor of the City of Terre Haute, this That of April 2013.
Duke A. Bennett, Mayor
ATTEST:  Charles P. Hanley, City Clerk

This instrument prepared by:

Rhonda D. Oldham, OLDHAM LAW P.C., 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 # 7

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, Michael Perkins, President, B.M.A. Property Management, Inc. respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Number 30, 31 and 32 in Dick's Subdivision of Lot No. 5 in Linton and Madrigal's Subdivision of that part of the West half of Section 23, Township 12 North of Range 9 West lying North of the National Road now Wabash Avenue in the City of Terre Haute, Indiana, Section 23, Township 12 North of Range 9 West of the 2d Principal Meridian, as recorded in Plat Record 6, page 48 in the Office of the Recorder of Vigo County Indiana.

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Parcel #84-06-23-182-006.000-002

Commonly known as 108 North 25th St., Terre Haute, IN 47803

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.

Your petitioner would respectfully state that the real estate is now R-2 Two Family Residential. Your petitioner intends to use the real estate as a professional office - bookkeeping/taxes.

Your petitioner would request that the real estate described herein shall be zoned as a C-1 Neighborhood Commerce. Your petitioner would allege that the Neighborhood Commerce 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-1 Neighborhood Commerce 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 day of March, 2013.

Michael Perkins, President,

B.M.A. Property Management, Inc.

PETITIONER: Michael Perkins, President, B.M.A. Property Management, Inc., 1475 Locust, Terre Haute, IN 47807

This instrument was prepared by:

Rhonda D. Oldham, OLDHAM LAW P.C., 191 Harding Av., Terre Haute, IN 47807

DULY ENTERED FOR TAXATION Subject to final acceptance for transfer

FEB 19 2013

2013002928 CORP HD \$18.0 02/19/2013 02:51:20P 2 PGS NANCY S. ALLSUP VISO County Recorder IN Recorded as Presented

Jimaly m Shower VIGO COUNTY AUDITOR

#### CORPORATE WARRANTY DEED

This indenture witnesseth that Harvey's, Inc. a corporation organized and existing under the laws of the State of Indiana

Convey(s) and Warrant(s) to **B.M.A. Property Management, Inc.**, of Vigo County in 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 Real Estate in Vigo County in the State of Indiana, to-wit:

Lots Number 30, 31 and 32 in Dick's Subdivision of Lot No. 5 in Linton and Madrigal's Subdivision of that part of the West half of Section 23, Township 12 North or Range 9 West lying North of the National Road now Wabash Avenue in the City of Terre Haute, Indiana, Section 23, Town 12 North of Range 9 West of the 2d Principal Meridian, as recorded in Plat Record 6, page 48 in the Office of the Recorder of Vigo County, Indiana.

For information purposes only, the property address is purported to be: 108 N 25TH ST., TERRE HAUTE, IN 47803.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Conditions, restrictions, covenants and easements as set forth on the Plat of Dicks Subdivision, recorded in Plat Record 6, page 48.

Parcel No. 84-06-23-182-006.000-002

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 Corporate Resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full Corporate capacity to convey the real estate described herein; and that all necessary Corporate action for the making of such conveyance has been taken and done.

Further, Grantor represents and certifies that Grantor was dissolved pursuant to Articles of Dissolution of a Domestic Nonprofit Corporation filed with the Indiana Secretary of State on July 18, 2008 and as shown by Certificate of Dissolution of Harvey's Inc. filed by the State of Indiana, Office of the Secretary of State, on July 18, 2008, and that this deed is being prepared pursuant to Indiana Code 23-1-45-5(a)(2) to wind up and liquidate its business and affairs by disposing of its properties that will not be distributed in kind to its shareholders.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this
By By Crmal Harvey IV President Erma J. Harvey, Secretary
State of Indiana, County of Vigo ) SS:
Before me, a Notary Public in and for said county and state, this day of Land 1, 2013, personally appeared Robert W. Harvey II, President and Erma J. Harvey, Secretary, of Harvey's, Inc., who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.
official sealty Public Seal State of Indiana  My Commission Expires:  My County, of Residence:  Printed:
This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 224 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527D-1583; HCT-2013-0038 I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini
Mail tax bills to Grantee: 1475 Locust St, Terre Haute, IN 47807

Return Deed to: Honey Creek Vigo Title Svcs, Inc., 405 S. 6th Street, Terre Haute, IN 47807

#### **AFFIDAVIT OF:**

COMES NOW affiant, B.M.A. Property Management, Inc. and affirms under penalty of law that affiant is the owner of record of the property located at 108 N. 25th St., Terre Haute, IN 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.	
Mickel deckin	
Michael Perkins, President	
B.M.A. Property Management, Inc.	
STATE OF INDIANA )	×o
) SS:	The state of the s
COUNTY OF VIGO )	
Personally appeared before me, a Notary Public in and for said County and Sta President B.M.A. Property Management, Inc. who acknowledged the execution foregoing, after being duly sworn upon his oath and after having read this Affic WITNESS my hand and notarial seal, this 6 day of My Commission Expression Printed My County Of Research	n of the above and davit, 2013.  xpires:

# TERRE TRAINER ABOVE

## Receipt

The content was paid to the city of terre Haute, Controller's Office.
Date: March 6,3013
vame: Olaham Rayo
Reason: Rezonina filina de 25,00
10 A D 1. 10 A D. 9
M. Parkens
TERRE HAUTE IN
ach.
\$45.00 CK#1161
Total: \$45.00
Received By: M. Dowell (K)
Necested by:



### 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 11, 2013

#### REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL ORDINANCE NUMBER #7-13

**CERTIFICATION DATE: April 10, 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. 7-13. This Ordinance is a rezoning of the property located at 108 North 25<sup>th</sup> Street. The Petitioner, B.M.A. Property Management, Inc.., Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-1, Neighborhood Commerce District, for professional office — bookkeeping/taxes (Larrison's Tax Service). 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. 7-13 at a public meeting and hearing held Wednesday, April 10, 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. 7-13 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-13 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. 3-13, was FAVORABLE.

....

Jeremy Weir, Executive Director

Wilson President

Received this 11th day of April, 2013

Number: SO #7-13

Doc: #24

Date: April 10<sup>th</sup>, 2013

Page 1 of 5

#### APPLICATION INFORMATION

Petitioner:

B.M.A. Property Management, Inc.

Property Owner:

Same-As-Above

Representative:

Rhonda D. Oldham

Proposed Use:

Professional Office for Bookkeeping and Taxes

Proposed Zoning:

C-1, Neighborhood Commerce District

Current Zoning:

R-2, Two-Family Residence District

Location:

The property is located on the east side of North 25<sup>th</sup> Street

between Sycamore Street and Cleveland Avenue, 300 ft. north of intersection of North 25<sup>th</sup> Street and Wabash Ave.

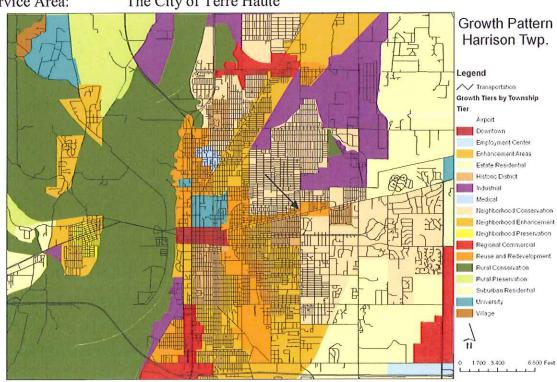
Common Address:

108 North 25<sup>th</sup> Street, Terre Haute IN, 47803

#### **COMPREHENSIVE PLAN GUIDANCE**

Service Area:

The City of Terre Haute



Number: SO #7-13 Doc: # 24 Date: April 10<sup>th</sup>, 2013 Page 2 of 5

Guiding Policies: Reuse and Redevelopment Areas

- Incentives to be provided to support redevelopment
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment
- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- 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: North 25<sup>th</sup> Street is a Secondary Arterial Roadway. Cleveland Ave.

and Sycamore Street are both local level Roadways

Dev. Priority: This area has a high priority for capital investment

Number: SO #7-13 Date: April 10<sup>th</sup>, 2013 Doc: # 24 Page 3 of 5

#### **ZONING COMPATIBILITY**

Sur. Zones and Uses: North - R-1, Single-family Residence District

East - C-2, Limited Community Commerce District

C-3, Regional Commerce District

South - C-5, General Central Business District

C-6, Strip Business District

West - R-1, Single-family Residence District R-3 84-06-23 CLEVELAND 84-06-23-182-007.000-002 R-2 SYCAMORE 84-06-23-183-005.000-002 C-5 WABASH 84-06-2 84-06-23-185-001:000-002

Character of Area: The petitioned property sites on the western edge of an already established C2, Community Commerce District, and north of a C-5 General Central
Business District. Surrounding uses within these two districts consist of small
convenience stores, specialty shops, and small ancillary fast food shops all
anchored Kroger and CVS Pharmacy.

Number: SO #7-13 Doc: # 24 Date: April 10<sup>th</sup>, 2013 Page 4 of 5

Contig. Uses & Zones: The contiguous zoning is R-1, Single-Family Residence District its uses are single family dwellings.

#### **ZONING REGULATIONS**

C-1 Purpose:

The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses:

Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

C-1 Standards:

Minimum Lot Size: 3,300 Sq. Ft.

**FAR 0.7 %** 

Street Setback: 55 feet from centerline;

Rear setback 11';

Interior setback of 5' from the interior lot line;

Club/Lodge Three (3) space per one thousand (1000) square feet of

gross floor area.

Park lots for more than ten (10) cars will need visual buffering

from adjacent residential properties

Number: SO #7-13 Doc: # 24 Date: April 10<sup>th</sup>, 2013 Page 5 of 5

#### FINDINGS and RECOMMENDATION

Staff Findings:

The petitioned site was home to Harvey's Formal Wear Store a non-conforming use at the time, which was destroyed by fire on May 20<sup>th</sup> of 2008. The Petitioner has proposed a construction of a 3200 square feet building on the site with 20 parking spaces, which is within the development standards for the C-1 Neighborhood Commercial District. The proposed use is in harmony with the

comprehensive plan.

Recommendation:

Favorable Recommendation.

#### 108 N. 25th Street Docket #24, S.O. #07-13 From R-2 to C-1





0 25 50 100 Feet

Parcel: 84-06-23-182-006.000-002

Area of Interest

Prepared by the Vigo County Department of Area Planning



FILED

MAR 6 2013

CITY CLERK

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Presented by Council Member,		
Passed in open Council thisday of	2013.	
	Norm Loudermilk, President	
ATTEST:		
Charles P. Hanley, City Clerk		

Presented by me to the Mayor of the City of Terre Haute, this	day of	2013.
	Charles P. Hanley, City Cler	k
Approved by me, the Mayor of the City of Terre Haute, this _	day of	2013.
ATTEST:	Duke A. Bennett, Mayor	
Charles P. Hanley, City Clerk		
This instrument prepared by: Rhonda D. Oldham, OLDHAM LAW P.C., 191 Harding Av.,	Гегге Haute, IN 47807	
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·	Rhonda D. Oldham	Dem

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IN WITNESS WHEREOF, This petition has been duly executed this day of March, 2013.

Michael Perkins President

B.M.A. Property Management, Inc.

PETITIONER: Michael Perkins, President, B.M.A. Property Management, Inc., 1475 Locust, Terre Haute, IN 47807

This instrument was prepared by:

Rhonda D. Oldham, OLDHAM LAW P.C., 191 Harding Av., Terre Haute, IN 47807