

APPLICATION FOR REZONING PETITION – CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 7, 2017

COMMON ADDRESS OF LOTS TO BE REZONED:

East Side of State Highway 40/46 at Bill Farr Drive, Terre Haute IN 47803

Current Zoning: M2 – Heavy Industrial District

Requested Zoning: C3 – Regional Commerce District

Proposed Use: Retail Development

Name of Owner: Gibson Development LLC

Address of Owner: 3200 E. Haythorne Ave, Terre Haute, IN 47805

Phone Number of Owner: (812) 466-1233

Attorney Representing Owner (if any): Jeff Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 234-5463

For Information Contact: Jeff Lind

Council Sponsor: George Azar

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

FILED

JAN 06 2017

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 7, 2017

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:

A part of that tract described in Deed Record 422, Page 491, as recorded in the Office of the Vigo County Recorder, described as follows: Commencing at the Southwest corner of Section 32, Township 12 North, Range 8 West, Lost Creek Township, Vigo County, Indiana; thence North 00 degrees 02 minutes East, bearing is assumed, along and with the West line of Section 32, a distance of 1029.90 feet to the place of beginning; thence North 00 degrees 02 minutes East 957.11 feet to the Northwest corner of said tract; thence North 89 degrees 49 minutes East along the North line of said tract a distance of 350.00 feet; thence South 00 degrees 02 minutes West, parallel with the East line of said tract, a distance of 955.81 feet to the Northeast corner of the Francis tract described in Deed Record 370, Page 581, as recorded in the Office of the Vigo County Recorder; thence South 89 degrees 37 minutes West along the North line of said Francis tract a distance of 350.00 feet to the point of beginning, containing 7.7 acres, more or less.

EXCEPT that part conveyed to the State of Indiana as shown by Warranty Deed dated January 27, 2009 and recorded July 16, 2009, in Instrument Number 2009009462, in records of the Recorder's Office of Vigo County, Indiana.

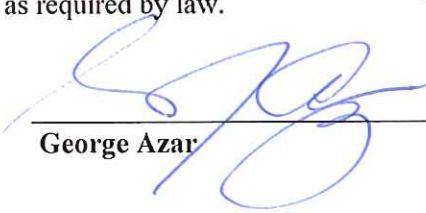
ALSO EXCEPT that part conveyed to the state of Indiana as shown by Warranty Deed dated January 27, 2009 and recorded July 16, 2009, in Instrument Number 2009009464, in the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **East Side of State Highway 40/46 at Bill Farr Drive, Terre Haute, Vigo County Indiana 47803**

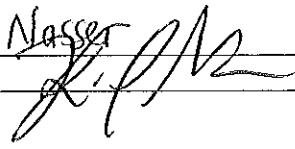
Be and the same is hereby established as a **C-3 Regional Commerce District**, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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 Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,


George Azar

Passed in Open Council this 9 day of FEBRUARY, 2017.

Karrum Nasser
, President

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

Presented by me to the Mayor of the City of Terre Haute this 10 day of February, 2017.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 10th day of FEBRUARY, 2017.

Duke A. Bennett
Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley
Charles P. 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. *Jeff Lind, Attorney*

This instrument prepared by Jeff Lind, 400 Ohio Street, Terre Haute, IN 47807, (812) 234-5463.

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 GENTLEMEN:

The undersigned, Gregory L. Gibson, the Manager of **Gibson Development LLC**, an Indiana limited liability company, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of that tract described in Deed Record 422, Page 491, as recorded in the Office of the Vigo County Recorder, described as follows: Commencing at the Southwest corner of Section 32, Township 12 North, Range 8 West, Lost Creek Township, Vigo County, Indiana; thence North 00 degrees 02 minutes East, bearing is assumed, along and with the West line of Section 32, a distance of 1029.90 feet to the place of beginning; thence North 00 degrees 02 minutes East 957.11 feet to the Northwest corner of said tract; thence North 89 degrees 49 minutes East along the North line of said tract a distance of 350.00 feet; thence South 00 degrees 02 minutes West, parallel with the East line of said tract, a distance of 955.81 feet to the Northeast corner of the Francis tract described in Deed Record 370, Page 581, as recorded in the Office of the Vigo County Recorder; thence South 89 degrees 37 minutes West along the North line of said Francis tract a distance of 350.00 feet to the point of beginning, containing 7.7 acres, more or less.

EXCEPT that part conveyed to the State of Indiana as shown by Warranty Deed dated January 27, 2009 and recorded July 16, 2009, in Instrument Number 2009009462, in records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part conveyed to the state of Indiana as shown by Warranty Deed dated January 27, 2009 and recorded July 16, 2009, in Instrument Number 2009009464, in the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **East Side of State Highway 40/46 at Bill Farr Drive, Terre Haute IN, Vigo County Indiana 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 a **M-2 Heavy Industrial District**.


Your petitioner would respectfully state that the real estate described herein shall be zoned as a **C-3 Regional Commerce District** to allow for the retail development. Your Petitioner would allege that the development would not alter the general characteristics of this neighborhood.

Your Petitioner would respectfully show the proposed use 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 of 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-3 Regional Commerce District** of the City of Terre Haute, Indiana, and entitled to the rights and the benefits that may accrue to the subject 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 on this 21st day of December, 2016.

Gibson Development LLC

By: 
Gregory L. Gibson, Manager

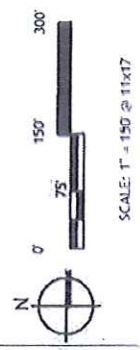
PETITIONER: **Gibson Development LLC**
3200 E. Haythorne Avenue
Terre Haute, IN 47805

This instrument prepared by Jeff Lind, 400 Ohio Street, Terre Haute, IN 47807, (812) 234-5463.



SITE INFORMATION

- LOT 1**
 Site Area: 10.9 Acres
 Building Area: 60,000 Sq Ft
 Parking Spaces: 574
 Parking Ratio: 576/60.0 = 9.6
- OUTLOT 1**
 Site Area: 1.23 Acres
 Building Area:
 Parking Spaces:
 Parking Ratio:
- OUTLOT 2**
 Site Area: 1.07 Acres
 Building Area:
 Parking Spaces:
 Parking Ratio:
- OUTLOT 3**
 Site Area: 1.07 Acres
 Building Area:
 Parking Spaces:
 Parking Ratio:
- OUTLOT 4**
 Site Area: 1.07 Acres
 Building Area:
 Parking Spaces:
 Parking Ratio:
- OUTLOT 5**
 Site Area: 2.39 Acres
 Building Area: 18,533 Sq Ft
 Parking Spaces: 114
 Parking Ratio: 114/18.5 = 6.2
- OUTLOT 6**
 Site Area: 2.39 Acres
 Building Area:
 Parking Spaces:
 Parking Ratio:



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now Gregory L. Gibson, the Manager of **Gibson Development LLC**, an Indiana limited liability company, being duly sworn upon his oath, deposes and says:

1. That Gibson Development LLC is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of that tract described in Deed Record 422, Page 491, as recorded in the Office of the Vigo County Recorder, described as follows: Commencing at the Southwest corner of Section 32, Township 12 North, Range 8 West, Lost Creek Township, Vigo County, Indiana; thence North 00 degrees 02 minutes East, bearing is assumed, along and with the West line of Section 32, a distance of 1029.90 feet to the place of beginning; thence North 00 degrees 02 minutes East 957.11 feet to the Northwest corner of said tract; thence North 89 degrees 49 minutes East along the North line of said tract a distance of 350.00 feet; thence South 00 degrees 02 minutes West, parallel with the East line of said tract, a distance of 955.81 feet to the Northeast corner of the Francis tract described in Deed Record 370, Page 581, as recorded in the Office of the Vigo County Recorder; thence South 89 degrees 37 minutes West along the North line of said Francis tract a distance of 350.00 feet to the point of beginning, containing 7.7 acres, more or less.

EXCEPT that part conveyed to the State of Indiana as shown by Warranty Deed dated January 27, 2009 and recorded July 16, 2009, in Instrument Number 2009009462, in records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part conveyed to the state of Indiana as shown by Warranty Deed dated January 27, 2009 and recorded July 16, 2009, in Instrument Number 2009009464, in the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **East Side of State Highway 40/46 at Bill Farr Drive, Terre Haute IN, Vigo County Indiana 47803**

2. That a copy of the Quit Claim Deed dated June 20, 2014, and recorded June 23, 2014 at Instrument Number 2014007438, in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to **Gibson Development LLC** is attached hereto and made a part hereof and marked as Exhibit "A".

3. That Affiant makes this Affidavit for the sole purpose of affirming that the Affiant is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone as filed by Affiant.

4. Further Affiant sayeth not.

DATED at Terre Haute, Indiana this 21 day of December, 2016.

Gibson Development LLC

By: 
Gregory L. Gibson, Manager

STATE OF INDIANA, COUNTY OF VIGO, SS:

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 21 day of December, 2016.


Notary Public

My Commission expires: 3-10-19
County of Residence: Vermillion

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 Lind, Attorney*

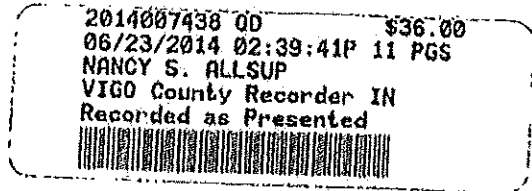
This instrument prepared by Jeff Lind, 400 Ohio Street, Terre Haute, IN 47807, (812) 234-5463.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUN 23 2014

Timothy M. Lynskey
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE



QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that Gregory L. Gibson, (hereinafter called GRANTOR), for and in consideration of the payment to it of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONVEYS AND QUITCLAIMS unto Gibson Development, LLC, (hereinafter called GRANTEE), the following-described real estate in Vigo County, Indiana, to-wit:

[See the legal description attached hereto as Exhibit "A" and incorporated herein by reference]

IN WITNESS WHEREOF, Gregory L. Gibson has executed this Deed, this 20 day of June, 2014.

Gregory L. Gibson


Gregory L. Gibson

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

I, Stacy Morgan, a Notary Public in and for said county and state, do hereby certify that Gregory L. Gibson, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and, being first duly sworn, said and acknowledged he signed and delivered the foregoing deed as his free and voluntary act for the use and purposes therein set forth and that the representations contained therein are true.

Given under my hand and Notarial Seal this 20 day of June, 2014.

Stacy Morgan
Notary Public
Stacy Morgan
(Printed Name)



My Commission Expires:
3-10-19

My County of Residence:
Vermillion

I prepared the foregoing instrument and 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.

J.A. Lind
Jeffrey A. Lind
Lind Law Firm
400 Ohio Street
Terre Haute, IN 47807
Phone: (812) 234-5463

The deed was prepared at the request of the parties or their authorized representative based solely on information supplied by one or more of the parties to this conveyance without examination of title or abstract of title.

Mail tax duplicates to GRANTEE:

Gibson Development, LLC
c/o Gregory L. Gibson, Manager
3200 Haythorne Avenue
Terre Haute, IN 47805

Parcel ID 84-07-29-351-001.000-009 and Parcel ID 84-07-29-301-003.000-009

Part of the South West quarter of Section 29, Township 12 North, Range 8 West, more particularly described as follows:

That part of 38 rods off of the West side of 15 acres off of the South end of the Northwest quarter of the southwest quarter of Section 29, Township 12 North, Range 8 West, and that part of 306.3 feet of even width off of the North side of 38 rods off of the West side of the Southwest quarter of the Southwest quarter of Section 29, Township 12 North, Range 8 West, both lying East of the East right of way line of State Highway 46, containing 9.84 acres, more or less.

ALSO an easement for ingress and egress, 20 feet by 20 feet square, south of and adjacent to the Southwest corner of the above described tract.

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

ALSO an easement 60 feet in even width off the entire West side of the following described real estate in Vigo County, State of Indiana, to-wit:

Ninety five one-hundredths acres in the Southwest Corner of Twenty-five acres off of the North side of the Northwest Quarter of the Southwest quarter of Section 29, Township 12 North, Range 8 West, in Lost Creek township, Vigo County, Indiana, the same being more particularly described as follows: Commencing at the intersection of the East Right of Way line of State Road #46 with the South line of the above described twenty-five acres of land, thence running North with said East line of said highway #46, 267 feet, thence running East 152 3/10 feet, thence running South 267 feet to the South line of the above described twenty-five acre tract, thence running West with said South line of said twenty-five acre tract 152.3 feet to the point of beginning, containing 95/100 acres, more or less.

Which easement has no limitations on its usage as reserved in that certain warranty deed dated September 15, 1993, recorded September 16, 1993 in Deed Record 438, page 1050 records of the Recorder's Office of Vigo County, Indiana.

ALSO

Parcel ID 84-07-29-301-004.000-009

Commencing 50 rods South of the North East corner of West half (1/2) South West quarter (1/4) of Section 29 Township 12 North Range 8 West, thence West 42 rods, thence South 59 9/19 rods, thence East 42 rods, thence North 59 9/19 rods, to the place of beginning.

ALSO

Parcel ID 84-07-32-101-016.000-009 and Parcel ID 84-07-32-126-001.000-009

Twenty (20) acres off of the East side of the West 1/2 of the North West 1/4 of Section 32, Township 12 North, Range 8 West

EXCEPT the south 880.00 feet of twenty (20) acres off of the East side of the West 1/2 of the North West 1/4 of Section 32, Township 12 North, Range 8 West.

ALSO

Beginning at the North West corner of the East 1/2 of the North West 1/4 of Section 32, Township 12 North, Range 8 West, and running thence South 158 rods; thence East 19 rods; thence North 158 rods; thence West 19 Rods to the place of beginning.

ALSO

Parcel ID 84-07-32-176-001.000-009 and Parcel ID 84-07-32-300-001.000-009

A tract 2 rods in width off the South end of the East half of the Northwest quarter of Section 32, Township 12 North, Range 8 West.

ALSO

The North half of the Northwest quarter of the Southwest quarter of Section 32, Township 12 North, Range 8 West.

ALSO

6

15 acres off the West end of the North half of the North East quarter of the South West quarter of Section 32, Township 12 North, Range 8 West.

EXCEPT that part thereof as appropriated by the State of Indiana and shown in Cause No. 47800 of Vigo County Superior Court.

SUBJECT to Right of Way Grant to the State of Indiana, as shown in Deed Record 336 page 292 of the records of the Recorder's Office of Vigo County, Indiana.

EXCEPT that part thereof as conveyed to the city of Terre Haute by Deed dated April 23, 2014 and recorded May 1, 2014 in Instrument Number 2014005673.

ALSO

Parcel ID 84-07-32-300-020.000-009

A part of that tract described in Deed Record 422 Page 491, as recorded in the Office of the Vigo County Recorder, described as follows: Commencing at the Southwest corner of Section 32, Township 12 North, Range 8 West, Lost Creek Township, Vigo County, Indiana; thence North 00 degrees 02 minutes East, bearing is assumed, along and with the West line of Section 32, a distance of 1029.90 feet to the place of beginning; thence North 00 degrees 02 minutes East 957.11 feet to the Northwest corner of said tract; thence North 89 degrees 49 minutes East along the North line of said tract a distance of 350.00 feet; thence South 00 degrees 02 minutes West, parallel with the East line of said tract, a distance of 955.81 feet to the Northeast corner of the Francis tract described in Deed Record 370 Page 581, as recorded in the Office of the Vigo County Recorder; thence South 89 degrees 37 minutes West along the North line of said Francis tract a distance of 350.00 feet to the point of beginning, containing 7.7 acres, more or less.

ALSO

Parcel ID 84-07-31-251-004.000-009 and Parcel ID 84-07-31-276-006.000-009

Lot 1 Sycamore Terrace North Subdivision, being a subdivision of a part of the Northeast Quarter of Section 32, Township 12 North, Range 9 West as appears in the plat thereof dated

7

August 4, 2010 and recorded November 29, 2010 in Instrument Number 2010015813, in the Records of the Recorder's Office of Vigo County, Indiana.

Except that part thereof as conveyed to Sycamore Terrace Apartments, LLC by deed dated December 28, 2012 and recorded December 28, 2012 in Instrument Number 2012019381.

ALSO

Lot 3 Sycamore Terrace North Subdivision, being a subdivision of a part of the Northeast Quarter of Section 32, Township 12 North, Range 9 West as appears in the plat thereof dated August 4, 2010 and recorded November 29, 2010 in Instrument Number 2010015813; in the records of the Recorder's Office of Vigo County, Indiana.

ALSO

Parcel ID 84-07-31-401-004.000-009

All that part of the following lying North of and adjacent to the North line of Margaret Avenue Phase III as shown by Instrument dated May 21, 2010 and recorded May 28, 2010 in Instrument Number 2010006549, to-wit:

Beginning Forty (40) rods West of the Northeast corner of the Southeast Quarter of Section Thirty-one (31) in Township Twelve (12) North, Range Eight (8) West, and running thence South Ninety-one (91) rods and Ten (10) links; thence West Eighty (80) rods; thence North Ninety-one (91) rods and Ten (10) links; thence East to the place of beginning, containing Forty-five and Seven-tenths (45.7) acres, more or less.

Subject to rights granted to John G. Leminger and Rose Leminger, husband and wife, as shown by Deed Record 313 Page 579, records of Recorder's Office of Vigo County, Indiana.

Except that part thereof as platted into Sycamore Plaza Subdivision #2 as shown by the plat thereof, dated May 24, 2005 and recorded May 24, 2005 in Instrument Number 2005008659 and as amended by document dated May 23, 2005 and

recorded June 6, 2005 in Instrument Number 2005009496.

ALSO

Parcel 84-07-31-476-016.000-009

Tract 3 in Sycamore Terrace Southwest, being a subdivision of a part of the Southeast Quarter of Section 31, Township 12 North, Range 9 West as shown on the plat thereof, dated June 21, 2011 and recorded June 21, 2011 in Instrument Number 2011007789.

ALSO

Parcel ID 84-07-31-426-004.000-009

All that part of the following described tract which lies immediately South of and adjacent to the South line of Bill Farr Drive and immediately West of and adjacent to the West line of Joe Fox Drive, to-wit:

Beginning at a point which is 1145.1 feet South of the Northeast corner of the Southeast quarter of Section 31, Township 12 North, Range 8 West and running thence South 363 feet; thence West 660 feet; thence North 363 feet; thence East 660 feet to the place of beginning, containing 5 acres more or less.

ALSO

Parcel ID 84-07-31-252-001.000-009

All that part of the North East Quarter of Section 31, Township 12 North, Range 8 West which lies immediately South of and adjacent to the South line of the roadway as described in Instrument Number 2008012086, dated July 7, 2008 and recorded September 4, 2008; and Instrument Number 2010006549 dated May 21, 2010 and recorded May 28, 2010 and immediately West of and adjacent to the West line of lot #2 Sycamore Plaza Subdivision #2, as shown by the Plat thereof, dated May 24, 2005 and recorded May 24, 2005 in Instrument

9

Number 2005008659 and as amended by document dated May 23, 2005 and recorded June 6, 2005 in Instrument Number 2005009496.

Except that part thereof as conveyed to the City of Terre Haute by deed dated November 4, 2010 and recorded November 12, 2010 in Instrument Number 2010014922.

ALSO

Parcel ID 84-07-31-276-001.000-009

All that part of the following which lies North of and adjacent to the North line of a 64 foot wide roadway as described in Instrument Number 2008012086, dated July 7, 2008 and recorded September 4, 2008, to-wit:

Thirty-one (31) acres off the East side of all that part of the North East quarter of Section 31, Township 12 North of Range 8 West, EXCEPT 65 acres off the North side of said quarter Section and ALSO EXCEPT One (1) acre in a square form in the North East corner of said 31 acre tract. SUBJECT TO Right of Way grant to the State of Indiana dated June 25, 1941, and recorded October 21, 1941, in Deed Record 222 page 512 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT the following described Real Estate:

A part of the Northeast quarter of Section 31, Township 12 North, Range 8 West in Vigo County, Indiana, more particularly described as follows.

Beginning at a point on the West right-of-way line of State Highway Number 46, 40 feet West of the Southeast corner of the Northeast quarter of said Section 31, thence West along the South line of said quarter section, 466.7 feet; thence North and

parallel to the West right-of-way line of said State Highway Number 46, 466.7 feet; thence East and parallel to said South line, 466.7 feet to the said West right-of-way; thence South along said right-of-way line, 466.7 feet to the place of beginning, containing .5.0 acres more or less.

ALSO EXCEPT that part thereof as conveyed to Alfred L. Van Gilder and Judith M. Van Gilder by deed dated February 9, 1993 and recorded April 1, 1993 in Deed Record 436 Page 642.

ALSO EXCEPT that part as conveyed to Robert Morris and Elsa Morris by deed dated September 28, 1993 and recorded September 29, 1993 in Deed Record 438 Page 1266.

ALSO EXCEPT that part thereof as platted into Sycamore Plaza #1 as shown on plat dated November 9, 2004 and recorded February 22, 2005 in Instrument Number 2005002352.

ALSO

Parcel ID 84-07-31-276-002,000-009

All that part of the following which lies North of and adjacent to the North line of a 64 foot wide roadway as described in Instrument Number 2008012086, dated July 7, 2008 and recorded September 4, 2008, to-wit:

A part of the Northeast Quarter of Section 31, Township 12 North, Range 8 West in Vigo County, Indiana, more particularly described as follows: Beginning at a point on the West right-of-way line of State Highway Number 46, 40 feet West of the Southeast corner of the Northeast Quarter of said Section 31, thence West along the South line of said Quarter section, 466.7 feet; thence North and parallel to the West right-of-way line of said State Highway Number 46, 466.7 feet; thence East and parallel to said South line, 466.7 feet to the said West right-of-way; thence South along said right-of-way line, 466.7 feet to the place of beginning, containing 5.0 acres, more or less.

Receipt

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

Date: 1/6/17

Name: Lind Law Firm

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

Cash: \$45.00

Check: _____

Credit: _____

Total: \$45.00

TERRE HAUTE
RECEIVED BY
1/10/17
CONTROLLER

Received By: L. Ellis / gm



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

DATE: February 2, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #7-17**

CERTIFICATION DATE: February 1, 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. 7-17. This Ordinance is a rezoning of the property located at East side of St. Hwy. 40/46 at Bill Farr Dr.. The Petitioner, Gibson Development, LLC, petitions the Plan Commission to rezone said real estate from zoning classification M-2 to C-3, Regional Commercial District, for retail development. 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. 7-17 at a public meeting and hearing held Wednesday, February 1, 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. 7-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-17 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. 7-17 was FAVORABLE



Fred L. Wilson, President



Jared Bayler, Interim Director

Received this 2nd day of February 2017

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-17

Doc: #4

Date: Feb, 2017

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Gibson Development

Property Owner: Same as Above

Representative: Jeff Lind

Proposed Use: Commercial Retail

Proposed Zoning: C-3, Regional Commerce District

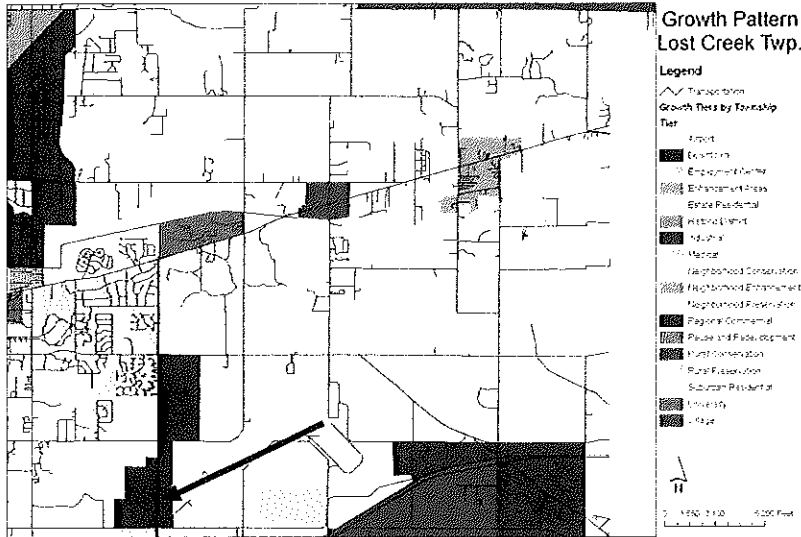
Current Zoning: M-2 Heavy Industrial District

Location: The property is located on the east side of State Hwy 40/46 at Bill Farr Drive

Common Address: No common address has been assigned at this time.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Recommended Use: Regional Commerce Area

- Spatial containment of commercial activities to existing commercially zoned sites; maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-17

Doc: #4

Date: Feb, 2017

Page 2 of 3

- Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkage between and among major existing activity centers.
- Increase the Identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
- Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes. Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
- Ensure that future retail commercial development in the area does not detract from the viability of residential Neighborhoods in the vicinity.

Available Services: Area is well served by utilities and urban services.

Street Access: State Road 46/US Highway 40/ Bill Farr Dr.

Dev. Priority: The petitioned property has a high priority for new development, as it is located in an area identified and zoned for regional commercial uses by the Thrive 2025 Comprehensive Plan.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-3, Regional Commerce
East – M-2, Heavy Industrial
South – C-3, Regional Commerce District, M-2, Heavy Industrial
West – C-3, Regional Commerce District

Character of Area: The petitioned property is located within the regional commercial hub centered on State Road 46 and I-70 Interchange. Within a close vicinity to this property is the International Airport, Sycamore Terrace, distribution services such as UPS and FedEx, and a few other heavy industrial uses. The majority of the area is undeveloped large open and flat ground fronting major thoroughfares.

ZONING REGULATIONS

- C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.
- C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.
- C-3 Standards: Floor Area Ratio of 2.0; street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.
-

FINDINGS and RECOMMENDATION

- Staff Findings: The rezoning request is in harmony with the development pattern identified by the Thrive 2025 Comprehensive Plan. Increasing the availability of goods and services within this district will help place emphasis on multiple-trip purpose activities with a regional significance.
- Future use of the property will require a subdivision. Preliminary site plan approval must come from the City of Terre Haute Engineering Department.
- Recommendation: Favorable Recommendation on the request to rezone the property to C-3, Regional Commercial.