

APPLICATION FOR REZONING PETITION
CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 7-2020

COMMON ADDRESS OF LOTS TO BE REZONED:

2700 S. 3rd Street
Terre Haute, IN 47802
Parcel No. 84-06-33-414-006.000-002

REZONE FROM: Strip Business (C-6)

REZONE TO: Regional Commercial District (C-2)

PROPOSED USE: Parking space and warehousing which
would be related to the adjoining
retail space that is operated by Wabash
Valley Goodwill Industries, Inc.

PROPERTY OWNER: Wabash Valley Goodwill Industries, Inc.

ADDRESS OF OWNER: 2702 S 3rd Street.
Terre Haute, IN 47802

PHONE NO. OF OWNER: (812) 232-4311 - Darwinson A. Valdez

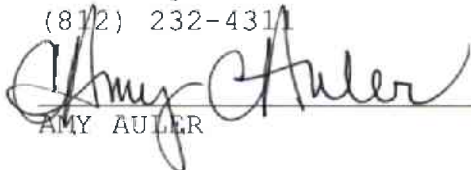
ATTORNEY REPRESENTING OWNER/PURCHASER:
Darwinson A. Valdez
Attorney at Law, #34806-49

ADDRESS OF ATTORNEY: Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy, LLP
333 Ohio St.,
Terre Haute, IN 47807

PHONE NO. OF ATTORNEY: (812) 232-4311

FOR INFORMATION CONTACT: Attorney, Darwinson A. Valdez
(812) 232-4311

COUNCIL SPONSOR:


AMY AULER

Copy of Site Plan Must Accompany This Application.

FILED

APR 29 2020

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 7 - 2020
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

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

SECTION I. BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" 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:

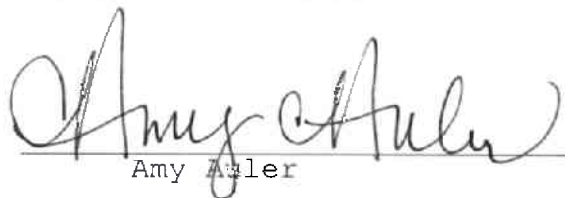
See Exhibit A attached hereto and incorporated herein.

Currently commonly known as: 2700 S. 3rd Street
Terre Haute, IN 47802
Parcel No. 84-06-33-414-006.000-002

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 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:


Amy Auler

Passed in Open Council this 4 day of June 2020.



President
Common Council of
City of Terre Haute, Indiana

ATTEST:



Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 8th
day of JUNE, 2020.



Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th
day of JUNE, 2020.

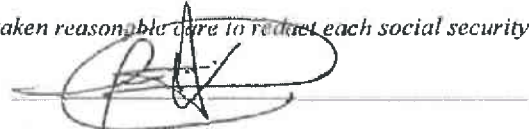


Duke Bennett, Mayor,
City of Terre Haute, Indiana

ATTEST:


Michelle Edwards, 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.



Darwinson A. Valdez

This instrument prepared by: Darwinson A. Valdez, Attorney,
333 Ohio Street, Terre Haute, IN 47807.

EXHIBIT A

The following described real estate located in the County of Vigo, State of Indiana, to-wit:

Part of the North West Quarter of the South East Quarter of Section 33, Township 12 North of Range 9 West, described as follows: Commencing at a point 779 feet East of a point 730 feet South of the North West corner of the South East Quarter of said Section, running thence East to the East line of said Quarter Quarter Section, thence South to the South East corner of said Quarter Quarter Section, thence West to a point South of the place of beginning and thence North to the place of beginning except the right of way of the Cincinnati and Terre Haute, now the Evansville and Indianapolis Railroad, the said real estate being Lots 17, 22 and 23, and 120 feet off the East end of Lots 18, 21 and 24 all in Krumbhaar Subdivision of the North West Quarter of the South East Quarter of said Section 33, EXCEPT that part thereof as conveyed to Chrysler Motors Corporation, as shown in Deed Record 335, Page 401, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part thereof as conveyed to Hugh T. Cummings as shown in Deed Record 346, Page 227, dated September 24, 1968 and recorded September 27, 1968, records of Recorder's Office of Vigo County, Indiana. Subject to an easement to Carl E. Verble and W. Jane Verble, husband and wife, dated November 12, 1969 and recorded November 18, 1969 in Deed Record 349, Page 669, records of Recorder's Office, Vigo County, Indiana.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

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
OF VIGO COUNTY, INDIANA;

LADIES AND GENTLEMEN:

The undersigned, **Wabash Valley Goodwill Industries, Inc.** respectively submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

See attached Exhibit A, legal description.

Commonly known as: 2700 S. 3rd Street
Terre Haute, IN 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 (C-6) Strip Business.

Your Petitioner would respectively state that the real property is approximately 2.30 acres of land with an existing automobile sales and service type improvement. The property was previously used as Automobile sales and service property. Your Petitioner has purchased this property for develop and would like to remove the current improvement on the property, to develop the property and create automobile parking and to add warehousing in the future to the petitioner business which is adjacent to this lot.

Your Petitioner requests that the real estate described herein shall be zoned as a (C-3) Regional Commercial District. Your Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood. There are (C-3) properties adjoining on the north and south property line of the subject real estate.

Your Petitioner would respectively 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 respectively 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, Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for 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 benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on this 29 day of April, 2020.

Wabash Valley Goodwill Industries, Inc.

By: 
Darwinson A. Valdez, Attorney

Petitioner: Wabash Valley Goodwill Industries, Inc.
2702 S. 3rd Street
Terre Haute, IN 47802

Prepared By: Darwinson A. Valdez, No. 34806-49
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311

EXHIBIT A

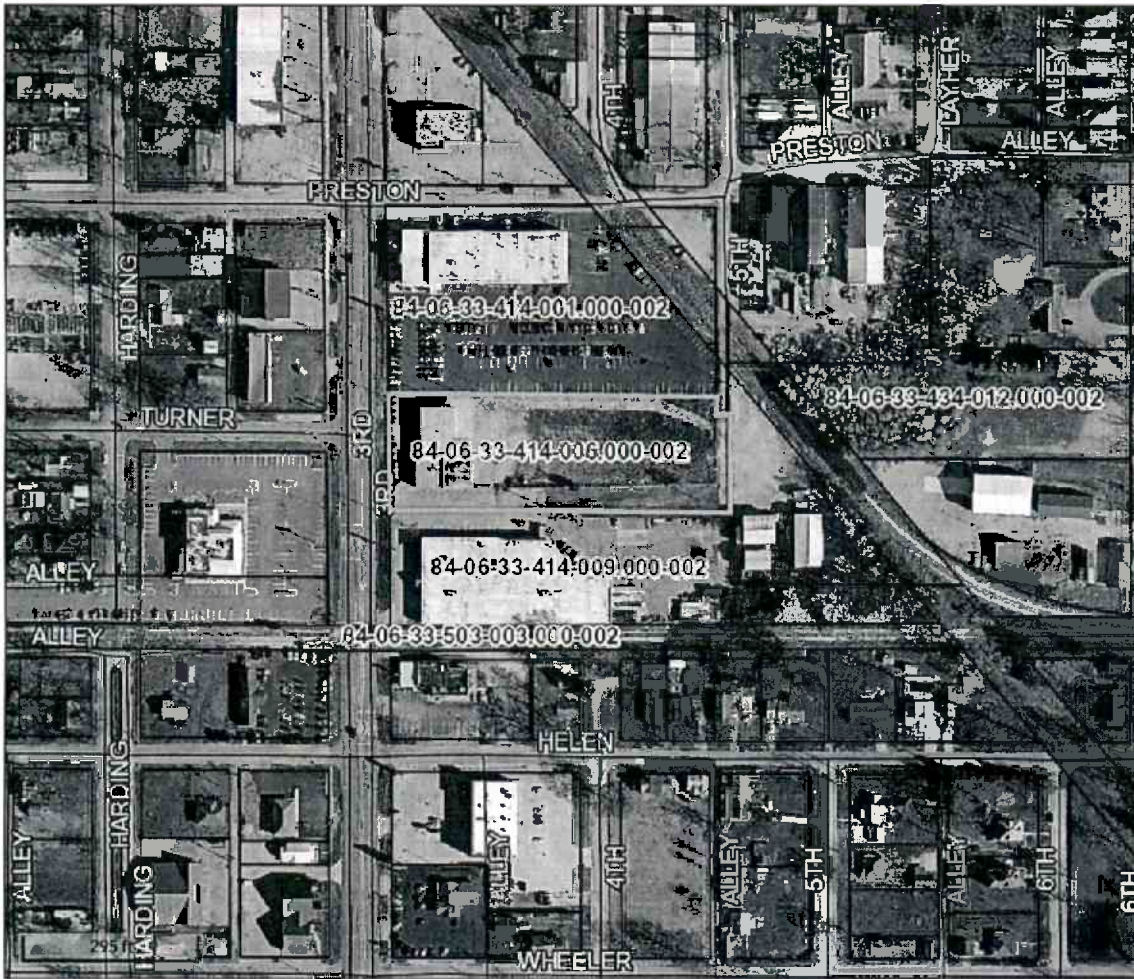
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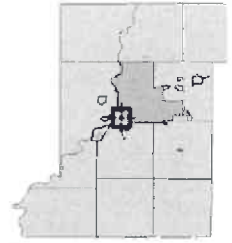
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Beacon™ Vigo County, IN / City of Terre Haute



Overview



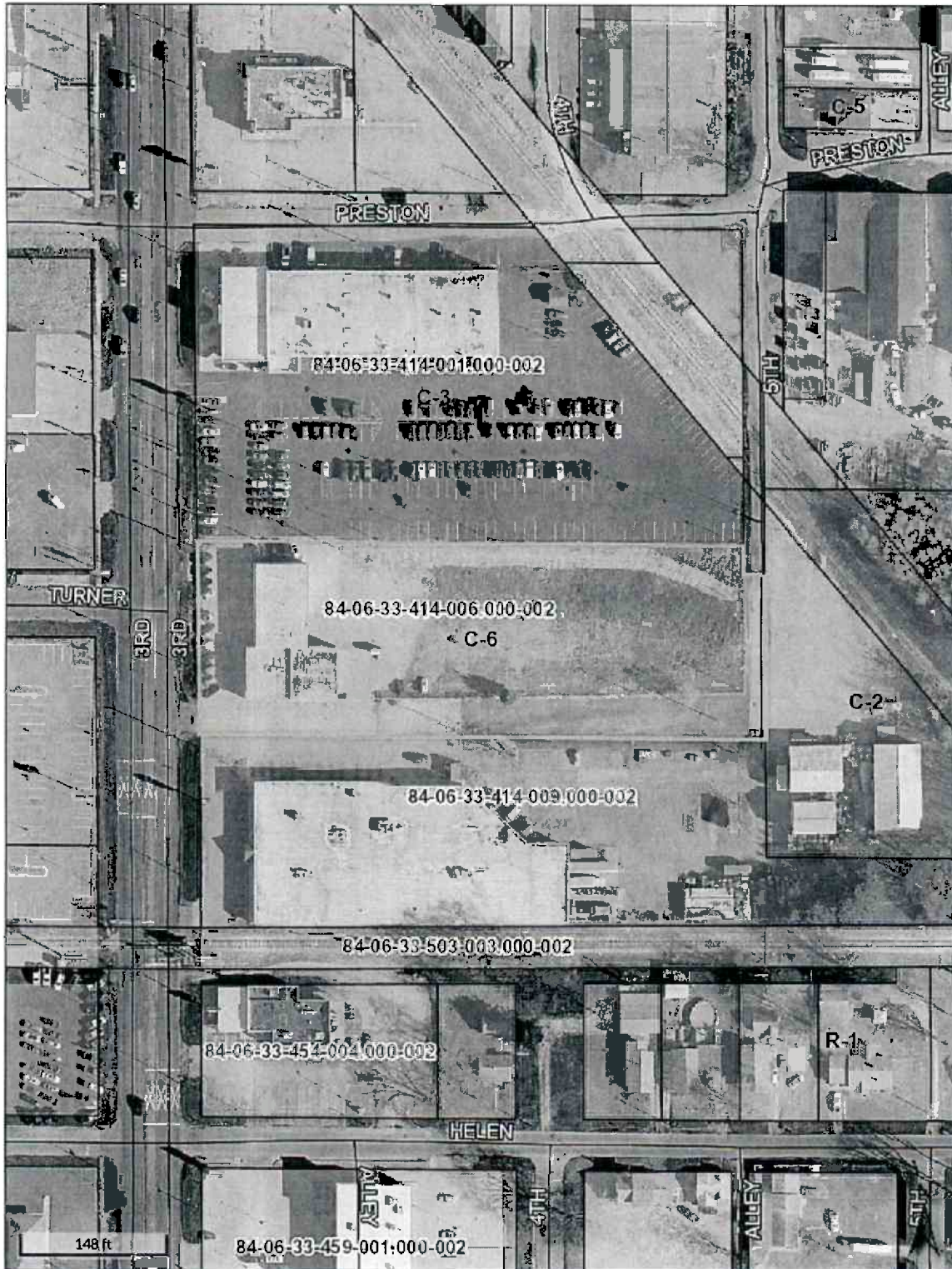
Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2019 Sales

Parcel ID	84-06-33-414-006.000-002	Alternate ID	118-06-33-414-006	Owner Address	WABASH VALLEY GOODWILL INDUSTRIES INC
Sec/Twp/Rng	33				2702 S 3RD ST
Property Address	2700 S 3RD ST	Class	Exempt: Charities		TERRE HAUTE, IN 47802
Neighborhood	118317 - HARRISON	Acreage	n/a		
District	002 HARRISON				
Brief Tax Description	KRUMBHAAR SUB 48' N-22-23 136' S-21 ALSO VAC ST ADJ 200311591 2003032670 200209284 33-12-9 LOTS 21-24 (Note: Not to be used on legal documents)				

Date created: 3/3/2020
Last Data Uploaded: 3/2/2020 8:36:35 PM

Developed by  Schneider
GEOSPATIAL




Overview



AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Darwinson A. Valdez, Attorney for **Wabash Valley Goodwill Industries, Inc.**, an Indiana nonprofit corporation, (the "Corporation") and affirms under penalty of law that the Corporation is the owner of record of the property located at **2700 S. 3rd Street, Terre Haute, IN 47802, Parcel No. 84-06-33-414-006.000-002** for which a rezoning is requested and attached hereto is a copy of the deed evidencing such ownership. Further, as attorney for the Corporation it is represented that the Corporation is seeking to rezone the subject property to **(C-3) Regional Commercial District** to allow for the construction of a warehousing space.

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

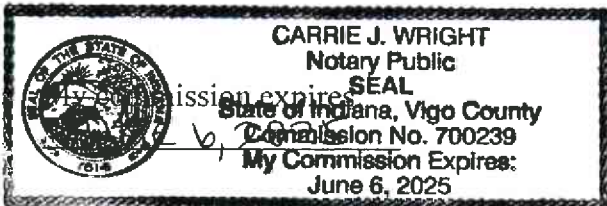


Darwinson A. Valdez

STATE OF INDIANA)
 :SS
COUNTY OF VIGO)


Personally appeared before me, a Notary Public in and for said County and State **Darwinson A. Valdez**, who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 24 day of April 2020.



Carrie J. Wright
Carrie J. Wright Notary Public
Resident of Vermillion County, Indiana

2020000410 WD \$25.00
01/13/2020 02:40:01P 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH, That Burger Caldwell Real Estate, LLC, Grantor, an Indiana limited liability company, ***CONVEYS AND WARRANTS*** to Wabash Valley Goodwill Industries, Inc., Grantee, an Indiana corporation, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

Part of the North West Quarter of the South East Quarter of Section 33, Township 12 North of Range 9 West, described as follows: Commencing at a point 779 feet East of a point 730 feet South of the North West corner of the South East Quarter of said Section, running thence East to the East line of said Quarter Quarter Section, thence South to the South East corner of said Quarter Quarter Section, thence West to a point South of the place of beginning and thence North to the place of beginning except the right of way of the Cincinnati and Terre Haute, now the Evansville and Indianapolis Railroad, the said real estate being Lots 17, 22 and 23, and 120 feet off the East end of Lots 18, 21 and 24 all in Krumbhaar Subdivision of the North West Quarter of the South East Quarter of said Section 33,

EXCEPT that part thereof as conveyed to Chrysler Motors Corporation, as shown in Deed Record 335, Page 401, of the records of the Recorder's Office of Vigo County, Indiana.

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Subject to an easement to Carl E. Verble and W. Jane Verble, husband and wife, dated November 12, 1969 and recorded November 18, 1969 in Deed Record 349, Page 669, records of Recorder's Office, Vigo County, Indiana.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Page 1 of 3

ENTERED FOR RECORD
Subject to final acceptance by RECORDER

JAN 13 2020


VIGO COUNTY RECORDER

2

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

The undersigned person executing this Warranty Deed on behalf of Grantor represents and certifies that he is a member of said limited liability company and has been fully empowered, by proper resolution of the members or the Operating Agreement of Burger Caldwell Real Estate, LLC, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed this 30th day of December, 2019.

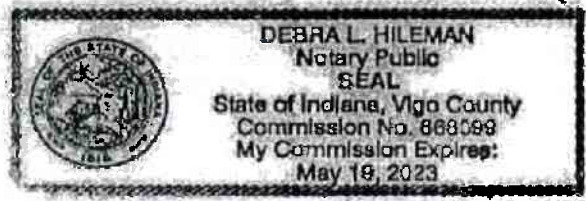
Burger Caldwell Real Estate, LLC

By: 
Robert K. Caldwell, Member

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Robert K. Caldwell, Member of Burger Caldwell Real Estate, LLC, an Indiana Limited Liability Company, organized and existing under the laws of the State of Indiana, and acknowledged the execution of the foregoing Warranty Deed for and on behalf of said limited liability company, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of December, 2019.



Debra L. Hileman
Notary Public

Debra L. Hileman
Printed Name

My Commission Expires: 05/19/2023

My County of Residence: Vigo

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.

/s/ Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to Grantee: 2702 South Third Street, Terre Haute, IN 47802

Property address: 2700 South Third Street, Terre Haute, IN 47802
Parcel No. 84-06-33-414-006.000-002



Receipt

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

TERRE HAUTE, INC.
PAID
APR 29 2020
CONTROLLER

Date: 4/30/2020

Name: Wabash Valley Goodwill

Reason: Reopening - Notice of Filing \$ 25.00

Petition \$ 20.00

Cash: _____

Check: # 101929 \$ 45.00

Credit: _____

Total: \$ 45.00

Received By: [Signature]



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: June 4, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 7-20**

CERTIFICATION DATE: June 3, 2020

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. 7-20. This Ordinance is a rezoning of the property located at 2700 South 3rd Street. The Petitioner, Wabash Valley Goodwill Industries, Inc., petitions the Plan Commission to rezone said real estate from zoning classification C-6 to C-3, Regional Commercial District.

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. 7-20 at a public meeting and hearing held Wednesday, June 3, 2020. 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. 7-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-20 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. 7-20 was **FAVORABLE WITH NO CONDITIONS.**



Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 4th day of June, 2020

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-20

Doc: # 23

Date: June 2020

Page 1 of 4

APPLICATION INFORMATION

Property Owner: Wabash Valley Goodwill Industries, Inc

Representative: Darwinson Valdez: Attorney at Law

Proposed Use: Parking space and warehousing which would be related to the adjoining retail space that is operated by WVGW Ind. Inc.

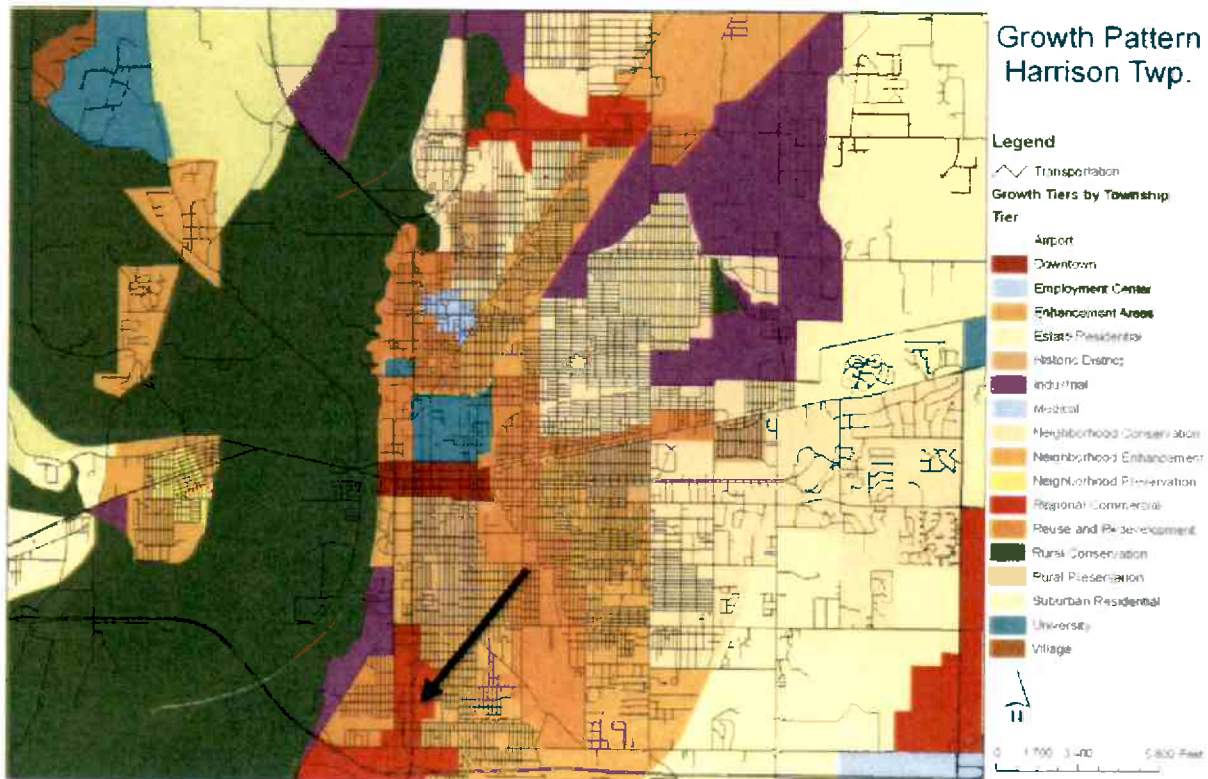
Proposed Zoning: C-3, Regional Commercial District

Current Zoning: C-6, Strip Business

Common Address: 2700 S. 3rd Street, Terre Haute

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-20

Doc: # 23

Date: June 2020

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Regional Commercial

Regional commercial areas are major retail centers providing the widest variety of retail goods and services (comparative shopping goods such as jewelry, apparel, household goods, and general merchandise) to a market area larger than the community, with no single type of retail activity dominating the district. The vitality of the areas is based upon the diversity of retail activities being located in a relatively concentrated area. With respect to these major regional shopping areas, future planning should consider the district or area as a whole, thereby assuring the vitality and viability of these regional commercial areas.

Additional policies to guide future development decisions include:

- Utilize spatial containment of commercial activities to existing commercially zoned sites to:
 - Maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
 - Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkages 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 existing activity centers and does not detract from the livability of residential Neighborhoods in the vicinity.

Available Services: Area is well served by utilities.

Street Access: S. 3rd Street

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-3

East – C-2

South – C-3

West – C-6

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-20

Doc: # 23

Date: June 2020

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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: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostatting 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.

FINDINGS and RECOMMENDATION

Staff Findings:

The petition seeks to rezone the property to be utilized as additional parking and warehousing for the existing business immediately to the south. The previous use was in support of a car dealership which has relocated.

No additional buffering will be required as commercial uses immediately surround this property.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-20

Doc: # 23

Date: June 2020

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Staff has no additional concerns with this request so long as any future site plans Meet City Code and are approved by City Engineering.

Recommendation: Favorable on the C-3 rezoning request.