

November 14, 2019

County Council Room
Vigo County Annex
Terre Haute, Indiana

Roll Call:

Present: Brad Anderson, Brendan Kearns

Others Present: County Auditor James Bramble; Jared Bayler; Richard Shagley; Joe Adams, PLS; Paul Elkins

1:00 PM the Board held a rezoning hearing.

UZO #10-19: Parcel Nos. 84-02-07-353-019.000-025, 020.026.029 & 030. This property is located on Highway 150 approximately 380 feet north of the intersection of Highway 150 & Durkees Ferry Road on the West side. Rezone from A-1 and R-2 Agricultural & Single Family Suburban District to C-2, Community Commercial District. Proposed use is a Dollar General Retail Store. Property owner and petitioner is Paul and Virginia Elkins. Received a favorable recommendation with the following conditions: 1. Landscape and buffering plan be submitted and approved; and 2. Major subdivision be submitted and approved. This was adopted November 6, 2019 at the Area Plan Commission Meeting with a favorable recommendation. There were remonstrators at the Area Plan Commission meeting but there were no remonstrators present at this meeting. **Motion: Action:** Approved. **Moved by:** Brendan Kearns. **Seconded by:** Brad Anderson. **Passed:** all ayes.


UZO #11-19: Parcel Nos. 84-02-13-151-001.000-013, 84-02-13-152-003.000-013, 84-02-12-152-005.000-013, 84-02-13-152-007.000-013, 84-02-13-151-007.000-013, 84-02-130-152-015.000-013, 84-02-12-152-002.000-013; 84-02-13-152-004.000-013, 84-02-13-152-006.000-013, 84-02-12-151-006.000-013, 84-02-13-151-004.000-013. Common Address of 8701 N. Raintree Court, Terre Haute, IN. This property is located approximately 330 feet from N. U.S. Highway 41 and E. Evans Avenue on the North side of the street. Rezone from R-S, Single Family Suburban Residential District to C-3 Regional Commercial District. Proposed use is to allow storage unit. Property owner and petitioner is Lumina Properties LLC. Received a favorable recommendation with the following conditions: 1. approval of a landscape plan; 2. approval of a major subdivision. This was adopted November 6, 2019 at the Area Plan Commission Meeting with a favorable recommendation. There were no remonstrators present at the area Plan Commission Meeting or at this meeting. **Motion: Action:** Approved. **Moved by:** Brendan Kearns. **Seconded by:** Brad Anderson. **Passed:** all ayes.

There being no further business, it is now ordered the Board be recessed.



Brad Anderson, President

Judy Anderson, Secretary



Brendan Kearns, Member

Attest:



James W. Bramble, Auditor



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: November 7, 2019

REPORT TO THE VIGO COUNTY COMMISSIONERS ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HERBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER UZO #10-19

CERTIFICATION DATE: November 6, 2019

TO: The Honorable Vigo County Commissioners

Dear Members:

The Vigo County Area Plan Commission offers you the following report and certification on UZO #10-19. This ordinance is a rezoning of the property located on Highway 150 approximately 380 feet north of the intersection of Highway 150 & Durkees Ferry Road on the west side. The Petitioner, Paul & Virginia Elkins, petitions the Area Plan Commission to rezone said real estate from A-1 & R-S to C-2, Community Commercial District for the development of a Dollar General Retail Store.

Unified Zoning Ordinance #10-19 was published in the Tribune Star Newspaper in accordance with I.C. 5-3-1 and Division XIII of the Unified Zoning Ordinance for Vigo County. Further, this ordinance was posted by the Area Planning Department in accordance with I.C. 36-7-4-604 (c).

The Area Plan Commission considered UZO #10-19 at a public meeting and hearing held Wednesday, November 6, 2019. Remonstrators were present. At this meeting, a quorum was present throughout the meeting pursuant to I.C. 36-7-4-301 and the Area Plan Commission took official action on UZO #5-19 as required by I.C. 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance UZO #10-19 as required by I.C. 6-7-4-401 (a) (7) and I.C. 36-7-4-605 (c).

Therefore, the Area Plan Commission's certified recommendation on UZO #10-19 was FAVORABLE with the following conditions:

1. Landscape and buffering plan be submitted and approved
2. Major Subdivision be submitted and approved.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President, APC

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 7th day of November, 2019

STAFF REVIEW – VIGO COUNTY UNINCORPORATED ZONE CHANGE

Number: UZO #10-19

Doc: # 64

Date: Nov 6, 2019

Page 1 of 3

APPLICATION INFORMATION

Property Owner: Paul & Virginia Elkins

Application Preparer: The Overland Group

Proposed Use: Dollar General Retail Store

Proposed Zoning: C-2, Community Commercial District

Current Zoning: A-1 & R-S Agricultural & Single Family Suburban District

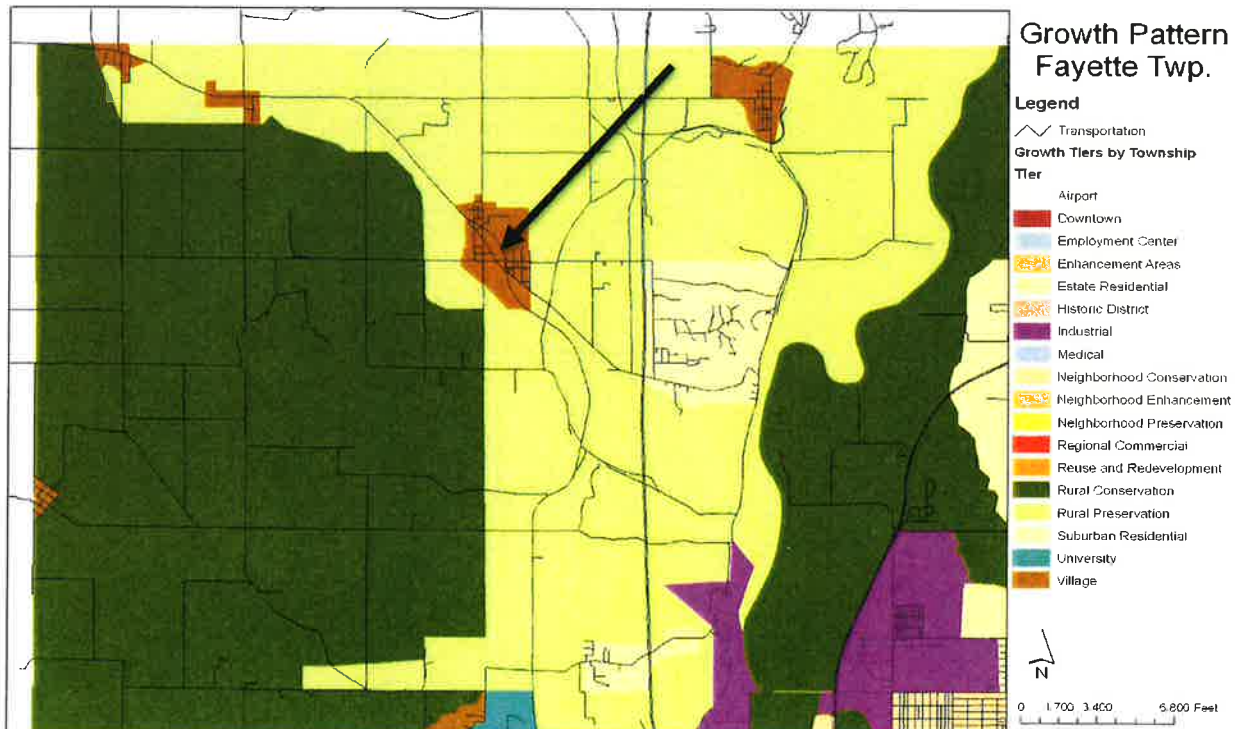
Location: The property is located on Hwy 150 approximately 380 ft. north of the intersection of Hwy 150 & Durkees Ferry Rd. on the West side.

Common Address: Parcels #84-02-07-353-019.000-025,020.026.029. & 030

Property Description: The proposed parcel is being used as agri-vacant land

COMPREHENSIVE PLAN GUIDANCE

Service Area: Fayette Township



Village

The locations identified on the Growth Pattern maps as Villages are those areas, primarily in unincorporated Vigo County, that have developed at an urban density. The Villages identified acknowledge the existing areas that have developed at an urban density without being incorporated as cities or towns. They also provide for additional growth in and around the existing development of this type. Future development of the Villages should continue the street pattern and density of the existing village development to the extent that such development doesn't conflict with sound environmental or land use principles.

Available Services: Area is served by urban utilities. No sanitary sewer.

Dev. Priority: Low

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – A-1, R-S, C-1

South – R-S

West – R-S

East – A-1 & R-S

ZONING REGULATIONS

C-2 Purpose: The purpose of this district is to: permit a variety of retail and service establishments which satisfy the occasional needs of residents in the surrounding community; promote convenience by serving the daily and occasional needs of residents in the local community; and, provide for more intense commercial activities which should be buffered from nearby residential districts.

C-2 Uses: Any use Permitted in the C-1 District. Athletic Club; Auditorium; Assembly Hall; Automobile Related uses; Blueprinting; Caterer; Clubs and Lodges (non-profit and fraternal); Community, Multi-Service, Neighborhood or Senior Citizens' Center Crating and Packaging Service; Currency Exchange; Dental and Medical Laboratory; Funeral Parlor / Mortuary; Medical Equipment (sales and leasing); Offices; Post Office; Private Swim Clubs; Public Pools; Religious Use; Rental, Leasing, and repair of household goods; Repossession Service (other than automotive); Restaurant (any type, excluding live entertainment and dancing); Retail-Type use: Antique Store.

C-2 Dev. Standards: Minimum lot width and Frontage of 50' (fifty feet). Minimum Front Yard of 10', Rear yard 5', Minimum Side yard Buffer 20', all setbacks are from the property line. The Site needs an approved drainage plan.

FINDINGS and RECOMMENDATION

Staff Findings:

Common concerns can be raised with this location as have been with previous locations. Items such as trash, lighting and landscaping may need to be addressed.

The applicant is required to get a road-cut permit from the State Highway Department, which may include any of the following; a passing lane, passing blister, and an acceleration lane.

As with any commercial development hard surface parking will be required. Also, the subdivision must be approved. The subdivision will address storm water drainage and erosion control.

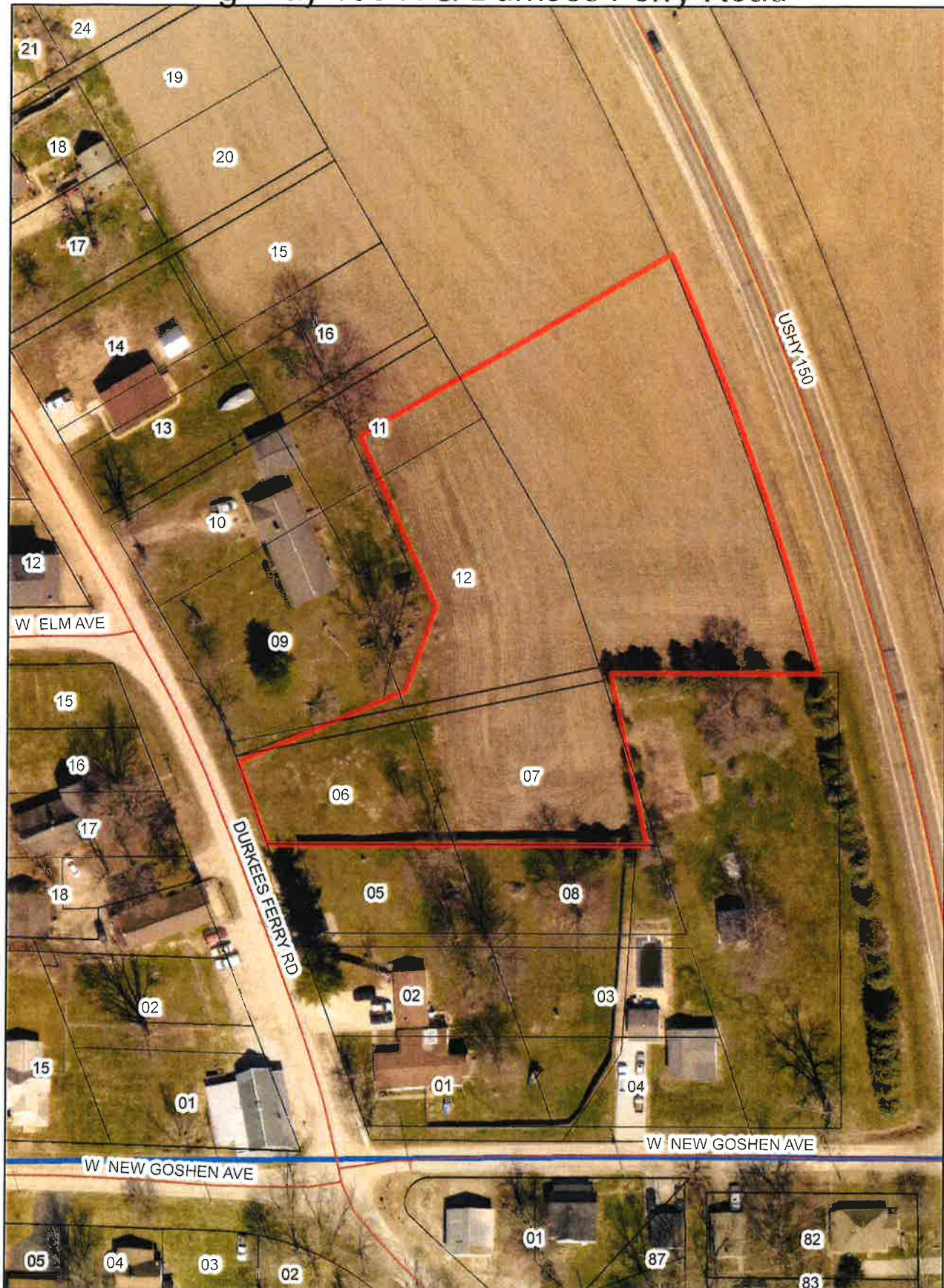
A major subdivision has been submitted with this petition and must be approved for the zoning to be valid.

We have seen a number of similar developments in outlying areas of Vigo County in the past few years. The business model for these type of stores places convenience within the reach of areas not otherwise served. If this development moves forward it will eliminate the need for residents of NW Vigo County to travel to either Paris or West Terre Haute for some of their basic needs.

Recommendation: Based upon the above finding staff offers a FAVORABLE RECOMMENDATION on the C-2, Community Commercial District rezoning request with the following conditions:

1. Landscape and buffering plan be submitted and approved
2. Major Subdivision be submitted and approved.

Paul and Virginia Elkins
Docket #64, UZO #10-19 From R-S and A-1 to C-2
Highway 150 N & Durkees Ferry Road



0 55 110 Feet



Parcel: 84-02-07-353-030.000-025

Prepared by Vigo County
Department of Area Planning

Docket #64

VIGO COUNTY BOARD OF COMMISSIONERS

UNIFIED ZONING ORDINANCE NO. 10-19 DATED _____

Common Address: Highway 150 N & Durkees Ferry Road, West Terre Haute, IN 47885
Parcel Number: **84-02-07-353-030.000-025 (part), 84-02-07-353-026.000-025,
84-02-07-353-020.000-025, 84-02-07-353-019.000-025**
Current Zoning: R-S & A-1
Proposed Zoning: C-2
Proposed Use: Dollar General Retail Store
Property Owner: Paul and Virginia Elkins
Address: 10013 Hutchinson Road, West Terre Haute, IN 47885
Phone No.: 812-838-2121
Application Preparer: The Overland Group
Address: 1598 Imperial Center, Suite 2001, West Plains, MO 65775
Phone No.: 417-256-4790
Information Contact: Russell W. Doss
Commissioner Sponsor: _____

COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION. PLAN MUST BE TO SCALE AND SHOW NORTH DIRECTION, PROPERTY BOUNDARIES, ADJACENT ALLEYS AND STREETS, LOCATION OF ALL STRUCTURES, BUILDINGS, UTILITIES, AND EASEMENTS.

UNIFIED ZONING ORDINANCE NUMBER _____ 20 _____
COUNTY OF VIGO, STATE OF INDIANA

An ordinance amending the UNIFIED ZONING ORDINANCE FOR VIGO COUNTY, INDIANA. Certified by the Vigo County Plan Commission on November 6, 1996, adopted by the Board of Commissioners of Vigo County on November 22, 1996, as amended, in accordance with Indiana Code 3-7-4 et seq, designating the same as part of the Comprehensive Plan for Vigo County, Indiana, providing penalties for violation thereof and declaring an emergency.

BE IT ORDAINED, by the Board of Commissioners of Vigo County, State of Indiana, as follows:

SECTION 1 GENERAL PROVISIONS

5. Title

This Ordinance shall hereinafter be known and cited as "Unified Zoning Ordinance of Vigo County, Indiana."

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICT AND OFFICIAL ZONING MAPS

And Paragraph 3.02 Official Zoning Maps

5. the Vigo County Zoning Maps:

are hereby amended to read as follows:

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

A PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 13 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, VIGO COUNTY, INDIANA, BEING A PART OF THE PROPERTY CONVEYED TO PAUL AND VIRGINIA ELKINS IN WARRANTY DEED RECORDED IN BOOK 389, PAGE 990 IN THE VIGO COUNTY RECORDER'S OFFICE MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1" IRON PIPE AT THE SOUTHWEST CORNER OF LOT 6 IN THE PLAT OF NEW GOSHEN AS RECORDED IN PLAT BOOK 1 PAGE 11 IN THE VIGO COUNTY RECORDER'S OFFICE; THENCE NORTH 19 DEGREES 13 MINUTES 37 SECONDS WEST (BEARINGS BASED ON INDIANA STATE PLANE COORDINATE SYSTEM, WEST ZONE (1302), NAD 83, 2011 ADJUSTMENT) 61.23 FEET ALONG THE WEST LINE OF SAID LOT 6 TO A 5/8" IRON PIPE BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO PAUL AND VIRGINIA ELKINS IN WARRANTY DEED RECORDED IN BOOK 364, PAGE 532 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID TRACT FOR THE NEXT THREE COURSES, NORTH 67 DEGREES 05 MINUTES 11 SECONDS EAST 128.05 FEET TO A 1" IRON PIPE; THENCE NORTH 20 DEGREES 02 MINUTES 55 SECONDS EAST 63.00 FEET TO A 5/8" IRON PIPE; THENCE NORTH 24 DEGREES 34 MINUTES 59 SECONDS WEST 130.23 FEET TO A 5/8" REBAR WITH "FARNSWORTH FIRM #0125" CAP SET ON THE NORTHWESTERLY LINE OF LOT 11 IN SAID PLAT OF NEW GOSHEN; THENCE NORTH 59 DEGREES 52 MINUTES 18 SECONDS EAST 254.35 FEET ALONG SAID NORTHWESTERLY LINE AND ITS NORTHEASTERLY EXTENSION TO A 5/8" REBAR WITH "FARNSWORTH FIRM #0125" CAP SET ON THE WESTERLY RIGHT-OF-LINE OF U.S. 150 AS DESCRIBED IN A RIGHT OF WAY GRANT RECORDED ON APRIL 12, 1954 IN BOOK 283, PAGE 22 IN SAID RECORDER'S OFFICE; THENCE SOUTHEASTERLY 310.86 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 2241.79 FEET AND WHOSE 310.61 FOOT CHORD BEARS SOUTH 19 DEGREES 27 MINUTES 09 SECONDS EAST TO A 1" IRON PIPE; THENCE SOUTH 89 DEGREES 57 MINUTES 43 SECONDS WEST 146.32 FEET TO A 5/8" REBAR AT THE NORTHEAST CORNER OF LOT 7 IN SAID PLAT OF NEW GOSHEN; THENCE SOUTH 11 DEGREES 59 MINUTES 39 SECONDS EAST 122.72 FEET TO A 5/8" REBAR WITH "SPIRES IN LS 29900015" CAP AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 89 DEGREES 59 MINUTES 07 SECONDS WEST 267.80 FEET ALONG THE SOUTH LINES OF SAID LOTS 7 AND 8 TO THE POINT OF BEGINNING, CONTAINING 2.052 ACRES, MORE OR LESS.

Commonly known as:

Highway 150 N & Durkees Ferry Road, West Terre Haute, IN 47885

be and the same, is hereby established as a C-2 zoning district, together with all the rights and privileges that may accrue to said real estate and owners thereof by virtue of the law in such cases provided, subject to all limitation and restrictions imposed thereon by deed or otherwise.

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 Board of Commissioners of Vigo County and publication as required by law.

Presented By: _____
Vigo County Commissioner

Passed by: Vigo County Board of Commissioners on this _____ day of _____, 20____.

Signed: _____
Brad Anderson

Date: _____

Judy Anderson

Date: _____

Brendan Kcarns

Date: _____

ATTEST: _____
James Bramble

Date: _____

This instrument Prepared By:

Russell W. Doss
The Overland Group
1598 Imperial Center, Suite 2001
West Plains, Missouri 65775

PETITION TO REZONE REAL PROPERTY

TO: The President and Members of the Board of Commissioners of Vigo County, Indiana,
and the President and Members of the Area Planning Commission of Vigo County,
Indiana.

LADIES AND GENTLEMEN;

The undersigned, Paul and Virginia Elkins, respectfully submits this petition to rezone the following described real estate in the County of Vigo, State of Indiana, to-wit:

A PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 13 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, VIGO COUNTY, INDIANA, BEING A PART OF THE PROPERTY CONVEYED TO PAUL AND VIRGINIA ELKINS IN WARRANTY DEED RECORDED IN BOOK 389, PAGE 990 IN THE VIGO COUNTY RECORDER'S OFFICE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE AT THE SOUTHWEST CORNER OF LOT 6 IN THE PLAT OF NEW GOSHEN AS RECORDED IN PLAT BOOK 1 PAGE 11 IN THE VIGO COUNTY RECORDER'S OFFICE; THENCE NORTH 19 DEGREES 13 MINUTES 37 SECONDS WEST (BEARINGS BASED ON INDIANA STATE PLANE COORDINATE SYSTEM, WEST ZONE (1302), NAD 83, 2011 ADJUSTMENT) 61.23 FEET ALONG THE WEST LINE OF SAID LOT 6 TO A 5/8" IRON PIPE BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO PAUL AND VIRGINIA ELKINS IN WARRANTY DEED RECORDED IN BOOK 364, PAGE 532 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID TRACT FOR THE NEXT THREE COURSES, NORTH 67 DEGREES 05 MINUTES 11 SECONDS EAST 128.05 FEET TO A 1" IRON PIPE; THENCE NORTH 20 DEGREES 02 MINUTES 55 SECONDS EAST 63.00 FEET TO A 5/8" IRON PIPE; THENCE NORTH 24 DEGREES 34 MINUTES 59 SECONDS WEST 130.23 FEET TO A 5/8" REBAR WITH "FARNSWORTH FIRM #0125" CAP SET ON THE NORTHWESTERLY LINE OF LOT 11 IN SAID PLAT OF NEW GOSHEN; THENCE NORTH 59 DEGREES 52 MINUTES 18 SECONDS EAST 254.35 FEET ALONG SAID NORTHWESTERLY LINE AND ITS NORTHEASTERLY EXTENSION TO A 5/8" REBAR WITH "FARNSWORTH FIRM #0125" CAP SET ON THE WESTERLY RIGHT-OF-LINE OF U.S. 150 AS DESCRIBED IN A RIGHT OF WAY GRANT RECORDED ON APRIL 12, 1954 IN BOOK 283, PAGE 22 IN SAID RECORDER'S OFFICE; THENCE SOUTHEASTERLY 310.86 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 2241.79 FEET AND WHOSE 310.61 FOOT CHORD BEARS SOUTH 19 DEGREES 27 MINUTES 09 SECONDS EAST TO A 1" IRON PIPE; THENCE SOUTH 89 DEGREES 57 MINUTES 43 SECONDS WEST 146.32 FEET TO A 5/8" REBAR AT THE NORTHEAST CORNER OF LOT 7 IN SAID PLAT OF NEW GOSHEN; THENCE SOUTH 11 DEGREES 59 MINUTES 39 SECONDS EAST 122.72 FEET TO A 5/8" REBAR WITH "SPIRES IN LS 29900015" CAP AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 89 DEGREES 59 MINUTES 07 SECONDS WEST 267.80 FEET ALONG THE SOUTH LINES OF SAID LOTS 7 AND 6 TO THE POINT OF BEGINNING, CONTAINING 2.052 ACRES, MORE OR LESS.

Commonly known as:

Highway 150 N & Durkees Ferry Road, West Terre Haute, IN 47885

Your petitioner is informed and believes that in accordance with the Unified Zoning Ordinance of Vigo County, Section 3.02, Zoning Maps, adopted November 22, 1996, as amended, the above-described real estate is now zoned as R-S and A-1.

Your petitioner would respectfully state that the real property is now being used as vacant land. Your Petitioner intends to use the real estate as commercial retail.

Your petitioner requests that the real estate described herein shall be zoned C-2. Your petitioner would allege that this change in zoning and use 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 Planning Commission of Vigo County and the Board of County commissioners of Vigo County, Indiana, favorably consider the passage of a UNIFIED ZONING ORDINANCE amending the Unified Zoning Ordinance of Vigo County dated November 22, 1996, as amended, and declaring the above-described real estate to be part of the C-2 zoning district of Vigo county, 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 zoning designation subject to all limitations imposed by deed or otherwise.

AFFIDAVIT OF:

COMES NOW affiant Paul & Virginia Elkins

and affirms under penalty of law that affiant is the owner of record of the property located

at Highway 150 N & Durkees Ferry Road, West Terre Haute, IN 47885

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.

Paul E. Elkins Jr. Virginia R. Elkins
Paul E. Elkins, Jr. and Virginia R. Elkins

Signature: _____

Signature: _____

STATE OF INDIANA)

) SS:

COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Paul E. Elkins, Jr + Virginia R. Elkins

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 15 day of October, 20 19.

Notary Public:

Alexa Maurer

My Commission Expires:

My County Of Residence:



IN WITNESS WHEREOF, this petition has been duly executed on this 15 day of
October, 2019.

BY Paul Elkins Virginia L. Elkins
PAUL AND VIRGINIA ELKINS

Property Owner: Paul & Virginia Elkins, 10013 Hutchinson Road, West Terre Haute, IN 47885
812-838-2121

Prepared by: The Overland Group, 1598 Imperial Center, Ste 2001, West Plains, MO 65775, 417-256-4790

87-81-2672

QUIT CLAIM DEED

DULY ENTERED FOR TAXATION

389/991
 April 22 1954
 Wm Paul Newton
 Auditor Vigo County

THIS INDENTURE WITNESSETH, That Faris D. Whitesell and Irlene F. Whitesell, his wife, of San Bernardino County, in the State of California, RELEASE AND QUIT CLAIM to Paul B. Elkins, Jr. and Virginia L. Elkins, husband and wife, of Vigo County, in the State of Indiana, for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

The Lots and Part of the Southwest fractional quarter (4) Section 7, Township 13 North, Range 9 West, Fayette Township, Vigo County, Indiana, and more particularly described to wit: Commencing at the Southwest corner of Section 7, Township 13 North, Range 9 West, Fayette Township, Vigo County, Indiana, thence East 556.85 feet; thence North 19 degrees 15 minutes West 232.75 feet to the place of Beginning; thence North 19 degrees 15 minutes West 60.25 feet; thence North 67 degrees 05 minutes East 128 feet; thence North 20 degrees 06 minutes East 63 feet; thence North 24 degrees 34 minutes 30 seconds West 190.11 feet to a point 19 feet Southeasterly of the North line (extended) of Lots 13 and 16, said Hamilton Smith's Plat; thence South 59 degrees 52 minutes West, parallel to and 19 feet Southeasterly of the North line of said lots 13 and 16, said Hamilton Smith's Plat, 54.69 feet; thence North 31 degrees 00 minutes 46 seconds West, and 5 feet southwesterly of and parallel to the East line of Lots 13 and 14 said Plat, 85.0 feet, to the North line of said Lot 14; thence North 59 degrees 52 minutes East 5 feet to the Northeast corner of said Lot 14; thence along and with the Lot lines of Hamilton Smith's Plat, the next 4 courses and distances; thence North 31 degrees 00 minutes 46 seconds West 525.70 feet; thence North 00 degrees 35 minutes West 42.3 feet; thence West 22.04 feet; thence North 00 degrees 35 minutes West 132 feet, to the Northeast corner of Lot 33, said Plat, (said point lying 1231.31 feet North, and 152 feet East of the Southwest corner of said Section 7, measured parallel to the South line and the West line thereof); thence East 242.83 feet to a point in a 2 degree 33 minutes 21 second curve at the west Right of Way line of U. S. Highway 150 (as Per Deed Record 283 page 22 recorded April 12, 1954); thence right on a 2 degree 33 minute 21 second curve to the right, (Radius 2242 feet) 1024.24 feet, with a chord Bearing South 28 degrees 37 minutes 47 seconds East 1015.36 feet; thence West 146.48 feet to the Northeast corner of Lot 7 said Plat; thence along and with the Hamilton Smith Plat the Next 2 courses and distances; thence South 12 degrees 03 minutes 50 seconds East 123 feet to the South east corner of said Lot 7; thence West 267.92 feet to the Place of Beginning, and containing 7.364 Acres, more or less, together with all of our interest if any to the alleys within the described 7.364 Acres. Except the coal underlying said real estate as conveyed to Archibald Cummins by deed dated Sept. 30, 1909 and

recorded in Deed Record 127 page 371 Records of the Vigo County Recorder.

Grantors set out and affirm that the real estate being conveyed by this Quit Claim Deed is the same land conveyed in said Grantors' Warranty Deed executed this same date wherein Paul B. Elkins, Jr. and Virginia L. Elkins, husband and wife, are the Grantees, except that the herein legal description describes not only the lots and open land owned by Grantors west of the U. S. Highway 150, but also includes all abandoned and unused alleys contained within the boundaries of the herein described real estate. Further, Grantors set out that the total real estate being sold consists of lots and alleys containing 3.036 acres and open not platted land containing 4.328 acres, which real estate totals 7.364 acres, more or less.

IN WITNESS WHEREOF, The said Paris D. Whitesell and Irlene F. Whitesell, his wife, have hereunto set their hands and seals, this 16th day of March, 1982.

Paris D. Whitesell (SEAL)
Paris D. Whitesell
Irlene F. Whitesell (SEAL)
Irlene F. Whitesell

STATE OF CALIFORNIA, San Bernardino COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 16th day of March, A.D. 1982, personally appeared the within named Paris D. Whitesell and Irlene F. Whitesell, his wife, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

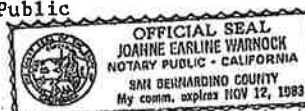
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Joanne Earline Warnock
Notary Public

My commission expires:

11-12-83

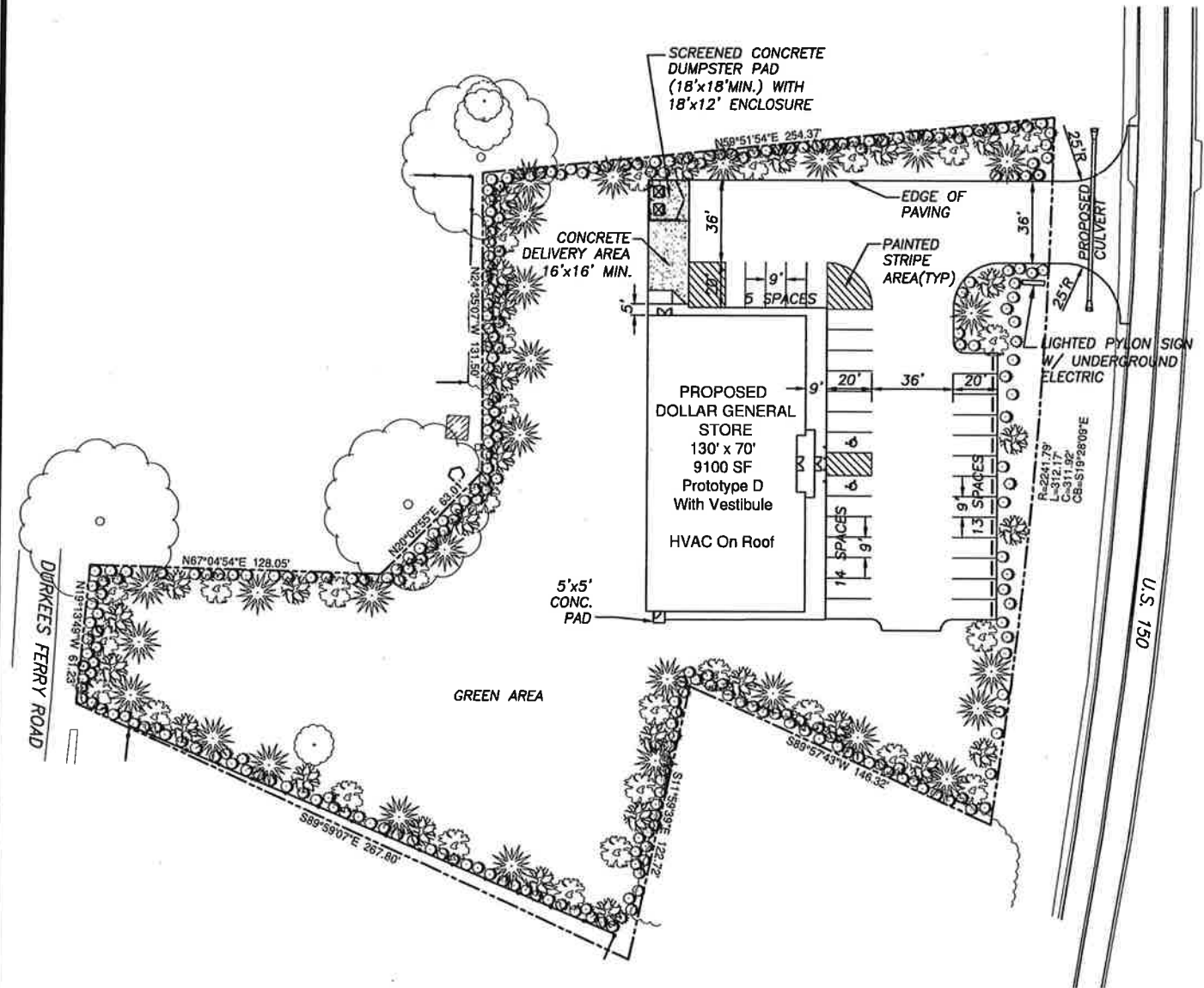
My County of Residence is San Bernardino








This instrument was prepared by William J. Maher, Attorney-at-Law, 314 Ohio St., Terre Haute, Indiana 47807.

RECEIVED FOR RECORD THE
22 DAY OF April 19 82
AT 2 O'CLOCK PM
RECORD 389 PAGE 991
WILLIAM BRAMBLE, RECORDER

SITE PLAN		CITY, STATE - STREET:		NEW GOSHEN, IN		
PROTOTYPE:	D	DEVELOPER	DESIGNER	DATE:		
BLDG/SALES SF:	9,100 / 7,302	COMPANY: OVERLAND PROPERTIES, LLC	COMPANY: OVERLAND ENGINEERING, LLC	9/26/19		
ACREAGE:	±2.20	NAME: ROD HAMBY	NAME: ERIC OBERDORF			
PARKING SPACES:	32	PHONE #: 417-258-4790	PHONE #: 417-258-8150			
PARKING SPACES REQUIRED BY CODE: 3.5/1000 sf GFA = 32						



LANDSCAPING SYMBOL LEGEND

-  PROPOSED CANOPY TREE
-  PROPOSED UNDERSTORY TREE
-  PROPOSED EVERGREEN TREE
-  PROPOSED DECIDUOUS SHRUB
-  PROPOSED EVERGREEN SHRUB

NOTE:
FRONT: 10' TYPE B BUFFER

SIDE: 20' TYPE C BUFFER

REAR: 20' TYPE C BUFFER

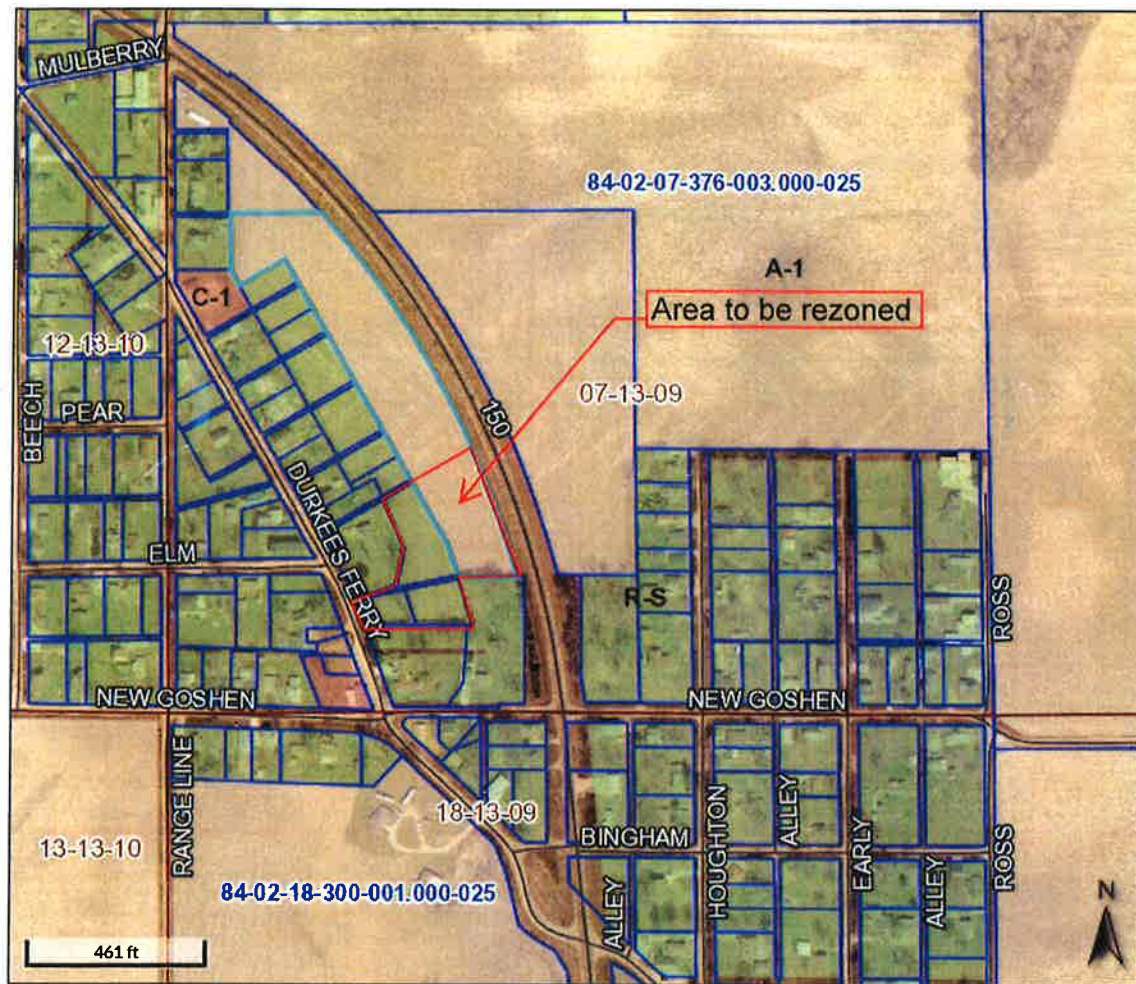


SCALE = NTS

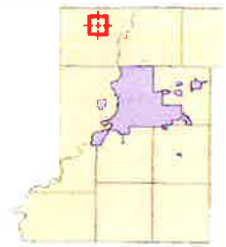


Beacon™

Vigo County, IN / City of Terre Haute



Overview



Legend

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

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR
- M-2PD
- M-O

- M2SPU
- MHCU
- MO
- O-1
- O-2
- O-S
- OS
- PUD
- R-1
- R-1CU
- R-1NR
- R-1PD
- R-1SU
- R-2
- R-2M
- R-2PD
- R-2SU
- R-3
- R-3H
- R-3NR
- R-3PD
- R-S
- R-T
- R3PUD

2019 Sales

Parcel ID 84-02-07-353-030.000-025 Sec/Twp/Rng 7 Property Address US HIGHWAY 150 N WEST TERRE HAUTE Neighborhood 101101 - FAYETTE District 025 FAYETTE Brief Tax Description IN MID PRT SW SW D- 389/990-9917-13-9 4.278 AC (Note: Not to be used on legal documents)	Alternate ID 101-02-07-353-030 Class Agri Vacant land Acreage 4.278	Owner Address ELKINS PAUL E JR & VIRGINIA L 10013 HUTCHISON RD WEST TERRE HAUTE, IN 47885
---	--	--

Date created: 9/26/2019
 Last Data Uploaded: 9/26/2019 11:15:01 AM

Developed by  Schneider
 GEOSPATIAL

TO: AREA PLAN COMMISSION & MY REPRESENT.
JOHN HANLEY,

THINK OK IF THEY PLANT SCREEN OR
COVER OF TREES ALONG US[#]41. WHITE
PINE WOULD BE GOOD - HAS COVER IN
SUMMER & WINTER AND GROWS GOOD IN
SANDY SOIL - AND IT IS SANDY! I FARM
THIS FIELD IN THE 1950'S - 60'S.

J. W. Dennis
9300 N. US HWY. 41
ROSEDALE, IN. 47874

UNIFIED ZONING ORDINANCE NUMBER 10 2019
COUNTY OF VIGO, STATE OF INDIANA

An ordinance amending the UNIFIED ZONING ORDINANCE FOR VIGO COUNTY, INDIANA. Certified by the Vigo County Plan Commission on November 6, 1996, adopted by the Board of Commissioners of Vigo County on November 22, 1996, as amended, in accordance with Indiana Code 3-7-4 et seq, designating the same as part of the Comprehensive Plan for Vigo County, Indiana, providing penalties for violation thereof and declaring an emergency.

BE IT ORDAINED, by the Board of Commissioners of Vigo County, State of Indiana, as follows:

SECTION 1 GENERAL PROVISIONS

5. Title

This Ordinance shall hereinafter be known and cited as "Unified Zoning Ordinance of Vigo County, Indiana."

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICT AND OFFICIAL ZONING MAPS

And Paragraph 3.02 Official Zoning Maps

5. the Vigo County Zoning Maps:

are hereby amended to read as follows:

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

A PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 13 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, VIGO COUNTY, INDIANA, BEING A PART OF THE PROPERTY CONVEYED TO PAUL AND VIRGINIA ELKINS IN WARRANTY DEED RECORDED IN BOOK 389, PAGE 990 IN THE VIGO COUNTY RECORDER'S OFFICE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE AT THE SOUTHWEST CORNER OF LOT 6 IN THE PLAT OF NEW GOSHEN AS RECORDED IN PLAT BOOK 1 PAGE 11 IN THE VIGO COUNTY RECORDER'S OFFICE; THENCE NORTH 19 DEGREES 13 MINUTES 37 SECONDS WEST (BEARINGS BASED ON INDIANA STATE PLANE COORDINATE SYSTEM, WEST ZONE (1302), NAD 83, 2011 ADJUSTMENT) 61.23 FEET ALONG THE WEST LINE OF SAID LOT 6 TO A 5/8" IRON PIPE BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO PAUL AND VIRGINIA ELKINS IN WARRANTY DEED RECORDED IN BOOK 364, PAGE 532 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID TRACT FOR THE NEXT THREE COURSES, NORTH 67 DEGREES 05 MINUTES 11 SECONDS EAST 128.05 FEET TO A 1" IRON PIPE; THENCE NORTH 20 DEGREES 02 MINUTES 55 SECONDS EAST 63.00 FEET TO A 5/8" IRON PIPE; THENCE NORTH 24 DEGREES 34 MINUTES 59 SECONDS WEST 130.23 FEET TO A 5/8" REBAR WITH "FARNSWORTH FIRM #0125" CAP SET ON THE NORTHWESTERLY LINE OF LOT 11 IN SAID PLAT OF NEW GOSHEN; THENCE NORTH 59 DEGREES 52 MINUTES 18 SECONDS EAST 254.35 FEET ALONG SAID NORTHWESTERLY LINE AND ITS NORTHEASTERLY EXTENSION TO A 5/8" REBAR WITH "FARNSWORTH FIRM #0125" CAP SET ON THE WESTERLY RIGHT-OF-LINE OF U.S. 150 AS DESCRIBED IN A RIGHT OF WAY GRANT RECORDED ON APRIL 12, 1954 IN BOOK 283, PAGE 22 IN SAID RECORDER'S OFFICE; THENCE SOUTHEASTERLY 310.86 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 2241.79 FEET AND WHOSE 310.61 FOOT CHORD BEARS SOUTH 19 DEGREES 27 MINUTES 09 SECONDS EAST TO A 1" IRON PIPE; THENCE SOUTH 89 DEGREES 57 MINUTES 43 SECONDS WEST 146.32 FEET TO A 5/8" REBAR AT THE NORTHEAST CORNER OF LOT 7 IN SAID PLAT OF NEW GOSHEN; THENCE SOUTH 11 DEGREES 59 MINUTES 39 SECONDS EAST 122.72 FEET TO A 5/8" REBAR WITH "SPIRES IN LS 29900015" CAP AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 89 DEGREES 59 MINUTES 07 SECONDS WEST 267.80 FEET ALONG THE SOUTH LINES OF SAID LOTS 7 AND 6 TO THE POINT OF BEGINNING, CONTAINING 2.052 ACRES, MORE OR LESS.

Commonly known as:

Highway 150 N & Durkees Ferry Road, West Terre Haute, IN 47885

be and the same, is hereby established as a C-2 zoning district, together with all the rights and privileges that may accrue to said real estate and owners thereof by virtue of the law in such cases provided, subject to all limitation and restrictions imposed thereon by deed or otherwise.

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 Board of Commissioners of Vigo County and publication as required by law.

Presented By: Judy Anderson
Vigo County Commissioner

Passed by: Vigo County Board of Commissioners on this 11th day of November, 2019.

Signed: Brad Anderson
Brad Anderson

Date: 11/14/19

Judy Anderson
Judy Anderson

Date: 11/14/19

Brendan Kearns
Brendan Kearns

Date: 11/14/19

ATTEST: James Bramble
James Bramble

Date: 11/14/19

This instrument Prepared By:

Russell W. Doss
The Overland Group
1598 Imperial Center, Suite 2001
West Plains, Missouri 65775



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: November 7, 2019

REPORT TO THE VIGO COUNTY COMMISSIONERS ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HERBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER UZO #11-19

CERTIFICATION DATE: November 6, 2019

TO: The Honorable Vigo County Commissioners

Dear Members:

The Vigo County Area Plan Commission offers you the following report and certification on UZO #11-19. This ordinance is a rezoning of the property located on 8701N. Raintree Ct., Terre Haute, IN. The Petitioner, Lumina Properties, LLC, petitions the Area Plan Commission to rezone said real estate from R-S to C-3, Regional Commercial District for the development of storage units.

Unified Zoning Ordinance #11-19 was published in the Tribune Star Newspaper in accordance with I.C. 5-3-1 and Division XIII of the Unified Zoning Ordinance for Vigo County. Further, this ordinance was posted by the Area Planning Department in accordance with I.C. 36-7-4-604 (c).

The Area Plan Commission considered UZO #11-19 at a public meeting and hearing held Wednesday, November 6, 2019. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to I.C. 36-7-4-301 and the Area Plan Commission took official action on UZO #11-19 as required by I.C. 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance UZO #11-19 as required by I.C. 36-7-4-401 (a) (7) and I.C. 36-7-4-605 (c).

Therefore, the Area Plan Commission's certified recommendation on UZO #11-19 was FAVORABLE with the following conditions:

1. Approval of a landscape plan.
2. Approval of a major subdivision.



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President, APC

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 7th day of November, 2019

STAFF REVIEW – VIGO COUNTY ZONE CHANGE

Number: UZO #11-19

Doc: # 65

Date: November 2019

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Lumina Properties LLC

Property Owner: Same-as-above

Representative: Richard Shagley II

Proposed Use: Storage units

Proposed Zoning: C-3, Regional Commercial District

Current Zoning: R-S, Single Family Suburban Residential District

Location: The property is located approximately 330 ft. from N. U.S Hwy 41 & E. Evans Avenue on the North side of the street.

Parent parcel/ Address: 8701 N. Raintree Ct., Terre Haute, IN

84-02-13-151-001.000-013 84-02-12-152-002.000-013

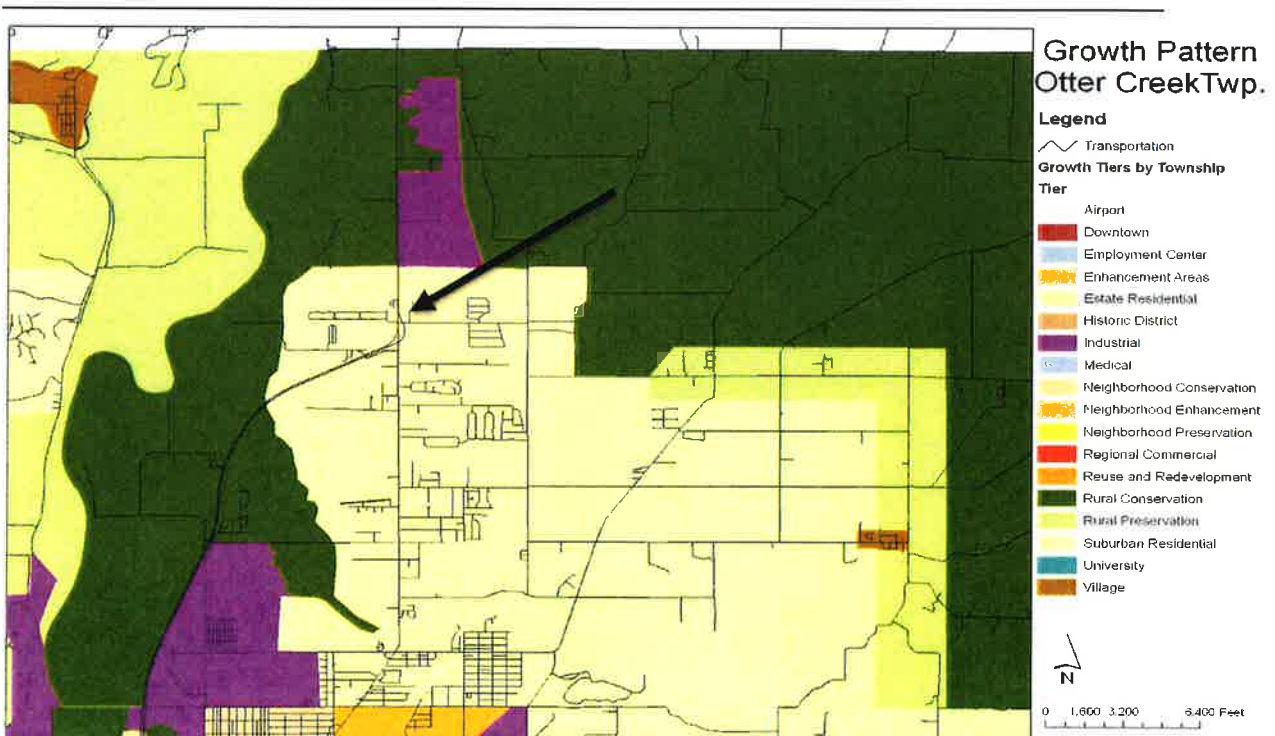
84-02-13-152-003.000-013 84-02-13-152-004.000-013

84-02-12-152-005.000-013 84-02-13-152-006.000-013

84-02-13-152-007.000-013 84-02-12-151-006.000-013

84-02-13-151-007.000-013 84-02-13-151-004.000-013

84-02-13-152-015.000-013



COMPREHENSIVE PLAN GUIDANCE

Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Street Access: N. Raintree Ct.

Dev. Priority: High intensity residential

STAFF REVIEW – VIGO COUNTY ZONE CHANGE

Number: UZO #11-19

Doc: # 65

Date: November 2019

Page 3 of 4

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – A-1

South – A-1

West – R-1, R-T

East – A-1

ZONING REGULATIONS

C-3 Purpose: The purpose of this district is to accommodate major retail and service shopping centers which offer a complete range of goods and services to consumers of the Wabash Valley region. This district should be located along arterial and collector streets and not along any minor, local, or sub-collector streets except when such streets are created coincident with and for the purpose of serving this district.

C-3 Uses: Automobile related uses, Dealers, Leasing, Rental, Recovery, Service Repossession, Service Brake System Repair or service, Glass Replacement Shop, Major Engine Repair, Muffler Shop, Repair or Service of Lawn Mowers, Mini-warehouses, Retail uses, Restaurants, etc.

C-3 Dev. Standards: 30' Front yard setbacks, 5' rear setback, 5' side yard and 20' minimum rear buffer yard where residential is contiguous, all setbacks are from the property line.

FINDINGS and RECOMMENDATION

Staff Findings: This request is to rezone the western portion of the existing property to accommodate approximately 70 storage units in Phase 1, 115 units in phase 2 and 115 in phase 3. The property as it sits is legal nonconforming multifamily.

It has been the preference of the Plan Commission and for good cause, to limit the intrusion of commercial development into residential districts. This preventative action limits many of the corresponding hazards associated with potential commercial development that could detrimentally alter the nature of the surrounding residential uses. In each of these cases the surrounding uses were not buffered by arterial corridors and were adjacent to single family uses. These are not single family uses and are all currently rental units.

STAFF REVIEW – VIGO COUNTY ZONE CHANGE

Number: UZO #11-19

Doc: # 65

Date: November 2019

Page 4 of 4

The petitioner will need to install a Type C buffer yard where residential is adjacent.

The public use areas will need to be hard surfaced.

A storm water and drainage plan will be required by the County Engineer.

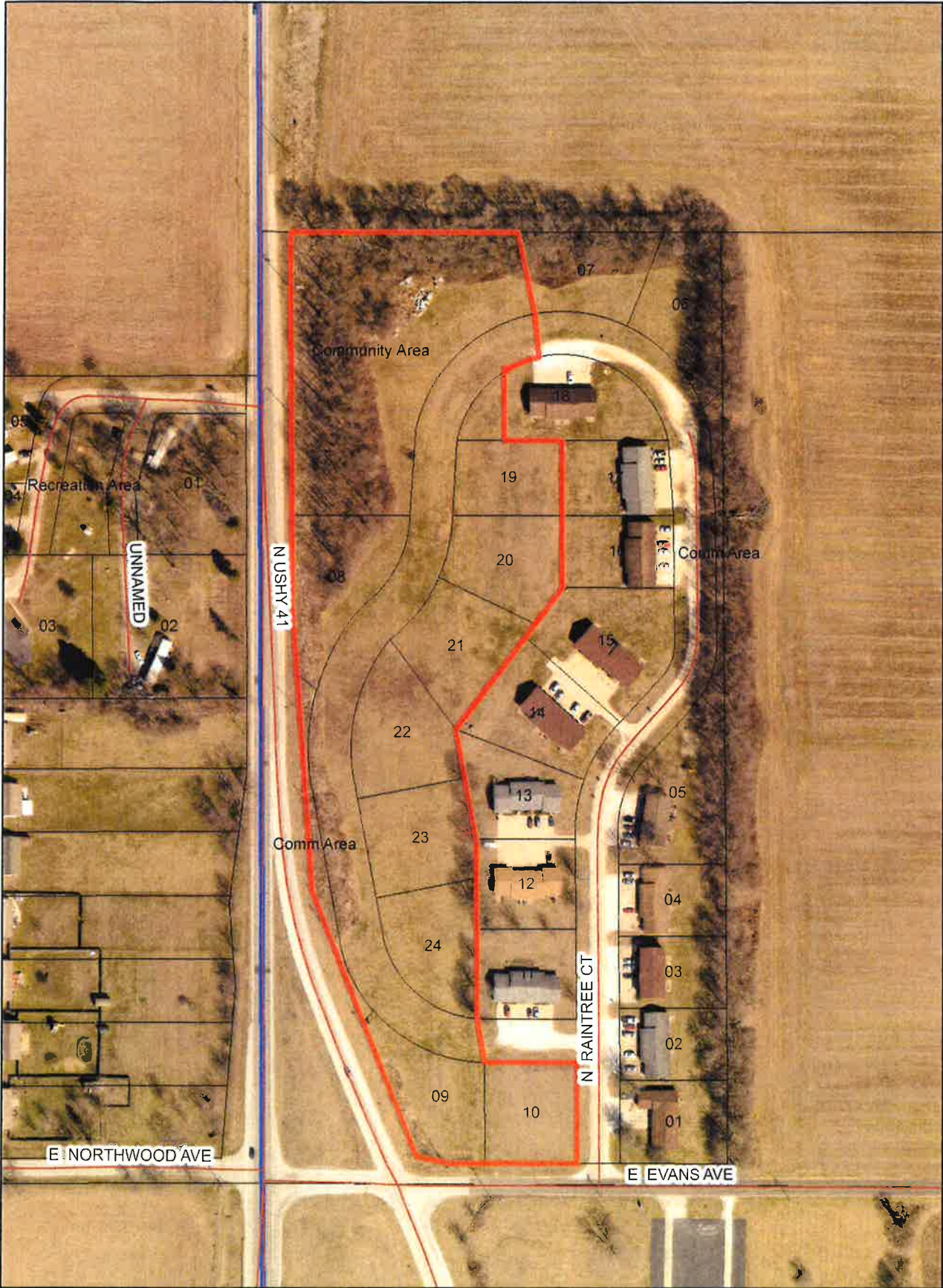
A major subdivision must be approved.

Mini warehouses are a permitted use by right in a C-3 zoning.

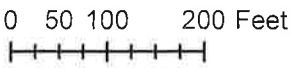
Recommendation: Staff can offer a favorable recommendation due to the multifamily residential use instead of single family immediately adjacent. If approval is granted of this petition then the following conditions will apply.

1. Approval of a landscape plan.
2. Approval of a major subdivision

Lumina Prop Properties, LLC.
Docket #55, UZO 11-19 From R-S to C-3
8701 North Raintree Ct.



Parcel: 84-02-13-152-005.000-013




Area-Of-Interest

Prepared by Vigo County
Department of Area Planning

Doc #65

**APPLICATION FOR REZONING PETITION
UNIFIED ZONING ORDINANCE FOR VIGO COUNTY
JURISDICTION
VIGO COUNTY BOARD OF COMMISSIONERS**

UNIFIED ZONING ORDINANCE NO. 11-19

DATED: _____, 2019

Common Address: 8701 N. Raintree Court, Terre Haute, IN 47805

Parcel ID Number: 84-02-13-151-001.000-013 84-02-12-152-002.000-013
84-02-13-152-003.000-013 84-02-13-152-004.000-013
84-02-12-152-005.000-013 84-02-13-152-006.000-013
84-02-13-152-007.000-013 84-02-12-151-006.000-013
84-02-13-151-007.000-013 84-02-13-151-004.000-013
84-02-13-152-015.000-013

Current Zoning: R-S Single Family Residential Suburban District

Proposed Zoning: C-3 Regional Commercial District

Proposed Use: Storage Units

Property Owner: Lumina Properties LLC

Address: 8701 B. Raintree Court
Terre Haute, IN 47805

Phone No.: c/o Attorney, (812) 232-3388

Application Preparer: Richard J. Shagley II, Attorney
WRIGHT, SHAGLEY & LOWERY, P.C.

Address: 500 Ohio Street
Terre Haute, IN 47807

Phone No.: (812) 232-3388

Information Contact: Richard J. Shagley II

Commissioner Sponsor:



COPY OF THE SITE PLAN MUST ACCOMPANY THIS APPLICATION. PLAN MUST BE TO SCALE AND SHOW NORTH DIRECTION, PROPERTY BOUNDARIES, ADJACENT ALLEYS AND STREETS, LOCATION OF ALL STRUCTURES, BUILDINGS, UTILITIES AND EASEMENTS.

UNIFIED ZONING ORDINANCE NO. 1-19

COUNTY OF VIGO, STATE OF INDIANA

An Ordinance Amending the UNIFIED ZONING ORDINANCE FOR VIGO COUNTY, INDIANA, Certified by the Vigo County Plan Commission on November 6, 1996, adopted by the Board of Commissioners of Vigo County on November 22, 1996, as amended, in accordance with Indiana Code 36-7-4 et seq, designating the same as part of the Comprehensive Plan for Vigo County, Indiana, providing penalties for violations thereof and declaring an emergency.

BE IT ORDAINED by the Board of Commissioners of Vigo County, State of Indiana, as follows:

SECTION 1 GENERAL PROVISIONS

A. Title

This Ordinance shall hereinafter be known and cited as "Unified Zoning Ordinance of Vigo County, Indiana."

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAPS

and Paragraph 3.02 OFFICIAL ZONING MAPS

5. the Vigo County Zoning Maps;

are hereby amended to read as follows:

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

A part of Raintree Village Subdivision recorded October 31, 1978 as Plat Book 22 page 12 of part of the Northwest Quarter of Section 13, Township 13 North, Range 9 West of the Second Principal Meridian, Otter Creek Township, Vigo County, Indiana described as follows;

All of Lots 8, 9, 10, and 19, 20, 21, 22, 23, and 24, and portions lots 13, 14, and 18, and portions of the common areas and private roadway that was never constructed being West of Raintree Court;

Commencing at the Southwest corner of the Northwest quarter of said section; thence East along the South line of said Northwest Quarter a distance of 440 feet more or less to a point due South of the Southeast corner of lot ten (10) of said Raintree Village Subdivision; thence North a distance of 30 feet more or less to the North right-of-way of Evans Avenue and Southeast corner of lot ten (10) and the Point of Beginning of this description; thence Westerly along said North right-of-way a distance of 224 feet more or less to the East right-of-way of U.S. Highway 41; thence Northerly along said East right-of-way a distance of 396 feet more or less; thence continuing Northerly along said East right-of-way a distance of 919 feet more or less to the Northwest corner of said Raintree Village Subdivision; thence Easterly, leaving said right-of-way, along the North line of said subdivision a distance of 320 feet more or less to the Northwest corner of lot seven (7); thence Southerly a distance of 123 feet more or less to the Southwest corner of said lot seven (7); thence Southerly a distance of 60 feet more or less to the North line of lot eighteen (18); thence Southwesterly along said North line a distance of 46 feet more or less to a point 102 feet North of and 81 feet West of the Northeast corner of lot nineteen (19); thence South a distance of 102 feet more or less to the North line of lot nineteen (19); thence East 81 feet more or less to the Northeast corner of said lot nineteen (19); thence South along the East line of lots nineteen (19) and twenty (20) a distance of 205 feet more or less to the Southwest corner of lot sixteen (16); thence continuing southwesterly along said lot twenty (20) and lot twenty-one (21) a distance of 193 feet more or less to a point due North of the Northwest corner of lot twelve (12); thence South 195 feet more or less to the Northwest corner of said lot twelve (12); thence South 250 feet more or less to the Southeast corner of lot twenty-four (24); thence Southerly a distance of 60 feet more or less to the Northwest corner of lot ten (10); thence East along the North line of lot ten (10) a distance of 130 feet more or less to the Northeast corner of said lot; thence South a distance of 140 feet more or less to Point of Beginning containing 8.4 acres, more or less.

Commonly known as 8701 N. Raintree Court, Terre Haute, Indiana 47805.

be and the same, is hereby established as C-3 Regional Commercial District as cited in the Unified Zoning Ordinance of Vigo County, Indiana 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.

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 Board of Commissioners of Vigo County and publication as required by law.

Presented By: _____
_____, Commissioner

Passed by: Vigo County Board of Commissioners on this ____ day of _____, 2019.


Signed: _____ Date _____
Brad Anderson, President

_____ Date _____
Judith A. Anderson, Member

_____ Date _____
Brendan Kearns, Member

Attest: _____ Date _____
Jim Bramble, Vigo County Auditor

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.



Richard J. Shagley II

This Instrument Prepared By: Richard J. Shagley II, WRIGHT, SHAGLEY & LOWERY, P.C.,
500 Ohio Street, P.O. Box 9849, Terre Haute, IN 47807; (812) 232-3388.

PETITION TO REZONE REAL PROPERTY

TO: The President and Members of the Board of Commissioners of Vigo County, Indiana, and the President and Members of The Area Plan Commission of Vigo County, Indiana.

LADIES AND GENTLEMEN:

The undersigned, Lumina Properties, LLC ("Petitioner") respectfully submit this petition to rezone the following described real estate in the County of Vigo, State of Indiana, to-wit:

The following described real estate situated in Vigo County, Indiana:

A part of Raintree Village Subdivision recorded October 31, 1978 as Plat Book 22 page 12 of part of the Northwest Quarter of Section 13, Township 13 North, Range 9 West of the Second Principal Meridian, Otter Creek Township, Vigo County, Indiana described as follows;

All of Lots 8, 9, 10, and 19, 20, 21, 22, 23, and 24, and portions lots 13, 14, and 18, and portions of the common areas and private roadway that was never constructed being West of Raintree Court;

Commencing at the Southwest corner of the Northwest quarter of said section; thence East along the South line of said Northwest Quarter a distance of 440 feet more or less to a point due South of the Southeast corner of lot ten (10) of said Raintree Village Subdivision; thence North a distance of 30 feet more or less to the North right-of-way of Evans Avenue and Southeast corner of lot ten (10) and the Point of Beginning of this description; thence Westerly along said North right-of-way a distance of 224 feet more or less to the East right-of-way of U.S. Highway 41; thence Northerly along said East right-of-way a distance of 396 feet more or less; thence continuing Northerly along said East right-of-way a distance of 919 feet more or less to the Northwest corner of said Raintree Village Subdivision; thence Easterly, leaving said right-of-way, along the North line of said subdivision a distance of 320 feet more or less to the Northwest corner of lot seven (7); thence Southerly a distance of 123 feet more or less to the Southwest corner of said lot seven (7); thence Southerly a distance of 60 feet more or less to the North line of lot eighteen (18); thence Southwesterly along said North line a distance of 46 feet more or less to a point 102 feet North of and 81 feet West of the Northeast corner of lot nineteen (19); thence South a distance of 102 feet more or less to the North line of lot nineteen (19); thence East 81 feet more or less to the Northeast corner of said lot nineteen (19); thence South along the East line of lots nineteen (19) and twenty (20) a distance of 205 feet more or less to the Southwest corner of lot sixteen (16); thence continuing southwesterly along said lot twenty (20) and lot twenty-one (21) a distance of 193 feet more or less to a point due North of the Northwest corner of lot twelve (12); thence South 195 feet more or less to the Northwest corner of said lot twelve (12); thence South 250 feet more or less to the Southeast corner of lot twenty-four (24); thence Southerly a distance of 60 feet more or less to the Northwest corner of lot ten (10); thence East along the North line of lot ten (10) a distance of 130 feet more or less to the Northeast corner of said lot; thence South a

distance of 140 feet more or less to
Point of Beginning containing 8.4 acres, more or less.

Commonly known as 8701 N. Raintree Court, Terre Haute, Indiana 47805.

(the "Real Estate").

Petitioner is informed and believes that in accordance with the Unified Zoning Ordinance of Vigo County, Section 3.02, Zoning Maps, adopted November 22, 1996, as amended, the Real Estate is now zoned as R-S Single Family Residential Suburban District.

Petitioner would respectfully state that the Real Estate is now vacant but was intended to be developed for residential purposes. Petitioner intends to use the Real Estate for storage units.

Petitioner requests that the Real Estate described herein shall be zoned as C-3 Regional Commercial District as cited in the Unified Zoning Ordinance of Vigo County, Indiana. Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood, would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood or adversely affect property values.

WHEREFORE, Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Board of Commissioners of Vigo County, Indiana, favorably consider the passage of a SPECIAL ORDINANCE amending the Unified Zoning Ordinance of Vigo County dated November 22, 1996, as amended, and declaring the Real Estate to be part of the C-3 Regional Commercial District of Vigo County, 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 zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on this 1 day of October, 2019.

PETITIONER:

LUMINA PROPERTIES, LLC

By: 

Sonia Lee, Member

Property Owner:

LUMINA PROPERTIES, LLC
8701 N. Raintree Court
Terre Haute, IN 47805

Preparer:

Richard J. Shagley II
WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street, P.O. Box 9849
Terre Haute, IN 47807

SITE PLAN

8701 N. Raintree Court
Terre Haute, IN 47805

Rezone from R-S to C-3



0' 40' 80'
SCALE 1" = 40'

TOTAL BUILD-OUT = 59,200 SF
PHASE 1 = 13,800 SF
PHASE 2 = 20,700 SF
PHASE 3 = 20,700 SF
ROADWAY = 10,000 SY +/-
PHASE 1 = 3,000 SY
PHASE 2 = 3,500 SY
PHASE 3 = 4,000 SY

PRELIMINARY
NOT FOR
CONSTRUCTION

Keymark

ALL LOCATIONS
ARE TO BE
LOCATED WITHIN
THE 1/2" = 40' SCALE
KEYMARK

Raintree Court and Evans Ave.
Terre Haute
Vigo County
Indiana



DATE	REVISION	BY	DATE
10/13/11	1	KEYMARK	10/13/11

Keymark

Raintree Storage
Site Plan Option-2

PROJECT NO.	DATE	PROJECT NUMBER	DATE
11111	10/13/11	11111	10/13/11
11111	10/13/11	11111	10/13/11
11111	10/13/11	11111	10/13/11

THIS PLAN IS THE PROPERTY OF MYERS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.

ZONE MAP

8701 N. Raintree Court, Terre Haute, IN 47805

Current Zoning: R-S; Proposed Zoning: C-3



STATE OF ~~INDIANA~~ ^{New York})
COUNTY OF ~~VIGO~~ ^{Sullivan}) SS:

AFFIDAVIT

COMES NOW, Affiant, Lumina Properties, LLC, by Member, Sandra Lee, and affirms under the penalty of perjury that Affiant is the owner of record of the real estate for which a rezoning is requested in the Petition to which this Affidavit is attached and copy of the deed by which it acquired title to said real estate is attached evidencing such ownership.

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

Gail S. Simpson
GAIL S. SIMPSON
Notary Public
In The State of New York
Sullivan Co. No. 2367
Commission Expires 7/14/20

LUMINA PROPERTIES, LLC

By: [Signature]

STATE OF _____)
COUNTY OF _____) SS:

I, a Notary Public in and for said county and state, do hereby certify that _____, Member of Lumina Properties, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such officer, and to be such officer, appeared before me this day in person and, being first duly sworn, said and acknowledged that he is such officer and that she signed and delivered said Affidavit as a free and voluntary act as such Member of Lumina Acres, LLC and that he is duly authorized to make, execute, and deliver this Affidavit and that the representations contained therein are true.


Given under my hand and notarial seal, this _____ day of _____, 2019.

Notary Public

(Printed Name)

My Commission Expires: _____ My County of Residence: _____

JAN 31 2008


VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Thomas D. Plant and Karen J. Plant, husband and wife, and Harry H. Plant and Kathy M. Plant, husband and wife, of VIGO 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 Lumina Properties, LLC, of ORANGE County, State of New York, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

- ✓ Raintree Village Subdivision, being lots 1 through 24 and community areas, being a part of the Northwest Quarter (NW ¼) of Section Thirteen (13), Township Thirteen (13) North, Range Nine (9) West, as shown by the recorded plat thereof, recorded in Plat Record 22 Page 12, records of Recorder's Office of Vigo County, Indiana.

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 Thomas D. Plant, Karen J. Plant, Harry H. Plant and Kathy M. Plant have hereunto set their hands and seals, this 31st day of JANUARY, 2008.


Thomas D. Plant (SEAL)


Karen J. Plant (SEAL)


Harry H. Plant (SEAL)

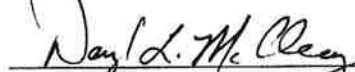

Kathy M. Plant (SEAL)

STATE OF INDIANA, VIGO COUNTY, SS:

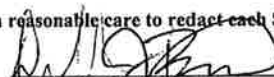
Before me, the undersigned, a Notary Public in and for said county and state, this 31st day of JANUARY, 2008, personally appeared Thomas D. Plant, Karen J. Plant, Harry H. Plant and Kathy M. Plant and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: SEPT. 6, 2015
My County of residence is: VIGO


Notary Public
DARYL L. MC CREEY
Typewritten or printed name of notary

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, 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 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: 137 PIKE STREET PORT JERVIS, NY 12771

MAIL TAX STATEMENTS TO: 137 PIKE STREET PORT JERVIS, NY 12771

\\Lawfirm\user\WilliamsD\Real Estate\HENDRICH\Deeds\Lumina Properties, LLC 1/28/2008 dgw

HENDRICH ABST
498 OHIO
TERRE HAUTE IN 47807

10/30/19

Ref: Docket #65, VZO #11, Parcel #R-S to C-3

Allowing a commercial property at Raintree Court where Evans Ave. crosses US 41 is a bad idea. That crossing is already extremely dangerous with high traffic, including many school buses. Living nearby for many years, we have witnessed frequent personal injury accidents and during the recent Covered Bridge, there was a pedestrian fatality close by. Again, unless the safety of that crossing can be vastly improved, adding traffic to a commercial destination is a bad idea.