



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 48, 2022

COMMON ADDRESS OF LOT TO BE REZONED:

2522 N 17th St., Terre Haute, IN 47804

Parcel Number: 84-06-10-433-010.000-002

Current Zoning: R-1 Single Family Residence District

Requested Zoning: C-1 Neighborhood Commerce District

Proposed Use: Accessory off-site storage of motor vehicles for local business.

Name of Owner: Phil Deckert

Address of Owner: 1540 Spruce Street, Terre Haute IN 47807

Phone Number of Owner: 812-281-2108

Attorney Representing Owner (if any): Jeffrey A. Lewellyn

Address of Attorney: 333 Ohio Street Terre Haute IN 47807

Phone Number of Attorney: 812-232-4311

For Information Contact: Jeffrey A. Lewellyn

Council Sponsor: **Cheryl Loudermilk**

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

FILED

NOV 02 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 48, 2022**

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 ORDINATED 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:

Lots 150 and 151 in Highland Place Subdivision, Section 10, Township 12, Range 9 in the City of Terre Haute Indiana.

(Commonly known as: 2522 N. 17th Street, Terre Haute, Vigo County, Indiana 47804)

Be and the same is hereby established as a **C-1 Neighborhood Commerce District**, together with all rights and privileges that may insure 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,


Cheryl Loudermilk

Passed in Open Council this 8th day of December, 2022.

Cheryl Loudermilk
Cheryl Loudermilk -President

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 9th day of
December 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 9th day of
December, 2022.

Duke A Bennett
Duke A. Bennett, Mayor

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Jeffrey A Lewellyn
Jeffrey A. Lewellyn, Attorney

This instrument prepared by: **Jeffrey A. Lewellyn, 333 Ohio Street, Terre Haute Indiana 47807, 812-232-4311**

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 GENTLEMAN:

The undersigned, Phil Deckert, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 150 and 151 in Highland Place Subdivision, Section 10, Township 12, Range 9 in the City of Terre Haute Indiana.

(Commonly known as: 2522 N. 17th Street, Terre Haute, Vigo County, Indiana 47804)

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-1 Single Family Residence District**.

Your petitioner would respectfully state that the real estate at issue was recently acquired by the petitioner through tax sale proceedings and is currently classified as a commercial use premises for tax purposes and has a commercial building on the premises, although no current business use is operated on the property. Your petitioner intends to sell the property, contingent upon rezoning approval, for use as an off-site vehicle storage facility used in conjunction with a local vehicle collector and restoration business. The C-1 zoning designation will allow for a special use exception to be approved by the Board of Zoning Appeals to use the property as proposed.

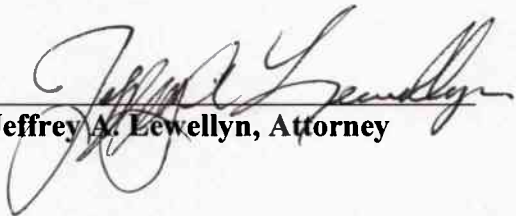
Your petitioner would request that the real estate described herein shall be zoned as a **C-1 Neighborhood Commerce District**. Your petitioner would allege that the Neighborhood Commerce District and proposed special use will not alter the general characteristics of this neighborhood. As noted above, the property has already been developed and used for a commercial purpose.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-1 Neighborhood Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, this petition has been duly executed this 1st day of November, 2022.

BY:


Jeffrey A. Lewellyn, Attorney

PETITIONER: Phil Deckert
1540 Spruce Street,
Terre Haute IN 47807

Prepared By: Jeffrey A. Lewellyn, No. 15216-34
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311



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
- 2022 Sales**

Parcel ID	84-06-10-433-010.000-002	Alternate ID	84-06-10-433-010.000-002	Owner Address	Deckert Phil
Sec/Twp/Rng	10	Class	Com Other commercial structure		1540 Spruce St
Property Address	2522 N 17TH ST	Acreage	n/a		Terre Haute, IN 47807
	TERRE HAUTE				
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	HIGHLAND PLACE (2522 N 17TH ST)				
	2005004323 10-12-9 LOTS 150-151				
	(Note: Not to be used on legal documents)				

Date created: 10/24/2022
 Last Data Uploaded: 10/24/2022 6:13:22 AM





Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

Parcel ID	84-06-10-433-010.000-002	Alternate ID	84-06-10-433-010.000-002	Owner Address	Deckert Phil
Sec/Twp/Rng	10	Class	Com Other commercial structure		1540 Spruce St
Property Address	2522 N 17TH ST TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47807
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	HIGHLAND PLACE (2522 N 17TH ST) 2005004323 10-12-9 LOTS 150-151 <i>(Note: Not to be used on legal documents)</i>				

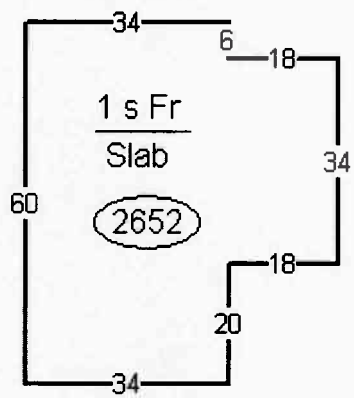
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Developed by Schneider
GEOSPATIAL





05/27/2022



01 FENCING

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20 (320)

AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Jeffrey A. Lewellyn, Attorney for **Phil Deckert** and affirms under penalty of law that Phil Deckert is the owner of record of the property located at **2522 N. 17th St., Terre Haute, IN 47804, Parcel Number: 84-06-10-433-010.000-002** for which a rezoning is requested and attached hereto is a copy of the deed evidencing such ownership. Further, as attorney for Phil Deckert it is represented that he is seeking to rezone the subject property to **C-1 Neighborhood Commerce District** to allow for use as an off-site vehicle storage facility used in conjunction with a local vehicle collector and restoration business.


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


Jeffrey A. Lewellyn

STATE OF INDIANA)
 :SS
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Jeffrey A. Lewellyn**, 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 2nd day of November, 2022.


Debra L. Hileman, Notary
Resident of Vigo County,

My commission expires:
Public 05/19/2023
Indiana



ENTERED FOR TAXATION
Subject to final acceptance for Transfer

202206888 TAX DEED \$25.00
06/07/2022 11:42:43A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

JUN 07 2022


JAMES W. BRAMBLE
VIGO COUNTY AUDITOR
Prescribed by the State Board of Accounts



TAX DEED

WHEREAS PHIL DECKERT did the 10th day of May, 2022 produce to the undersigned, JAMES W. BRAMBLE, Auditor of the County of Vigo in the State of Indiana, a certificate of sale dated the 31st day of March, 2021, signed by JAMES W. BRAMBLE who, at the date of sale, was Auditor of the County, from which it appears that PHIL DECKERT on the 31st day of March, 2021, purchased at public auction, held pursuant to law, the real property described in this indenture for the sum of \$2,002.00 TWO THOUSAND TWO AND 00/100 DOLLARS, being the amount due on the following tracts of land returned delinquent in the name CHAPMAN KRISTOFER A for 2019 and prior years, namely:

Property ID: 84-06-10-433-010.000-002
Legal: HIGHLAND PLACE LOTS 150-151 10-12-9
Commonly known as: 2522 North 17th Street, Terre Haute, Indiana 47804

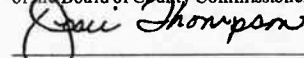
Such real property has been recorded in the Office of the Vigo County Auditor as delinquent for the nonpayment of taxes and proper notice of the sale has been given. It appearing that PHIL DECKERT, the owner(s) of the certificate of sale, that the time for redeeming such real property has expired, that the property has not been redeemed, that the undersigned has received a court order for the issuance of a deed for the real property described in the certificate of sale, that the records of the Vigo County Auditor's Office state that the real property was legally liable for taxation, and the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for 2019 and prior years.

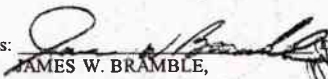
THEREFORE, this indenture, made this 17th day of May, 2022 between the State of Indiana by JAMES W. BRAMBLE Auditor of Vigo County, of the first part, and PHIL DECKERT of the second part, witnesseth; That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second part, their heirs and assigns, the real property described in the certificate of sale, situated in the County of Vigo, and State of Indiana, namely and more particularly described as follows:

Property ID: 84-06-10-433-010.000-002
Legal: HIGHLAND PLACE LOTS 150-151 10-12-9
Commonly known as: 2522 North 17th Street, Terre Haute, Indiana 47804

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said County is empowered to convey the same.

In testimony whereof, JAMES W. BRAMBLE, Auditor of Vigo County, has hereunto set his/her hand, and affixed the seal of the Board of County Commissioners, the day and year last above mentioned.


Attest: JOSIE THOMPSON
Treasurer: Vigo County
State of Indiana)
) SS.
County of Vigo)

Witness:  S.)
JAMES W. BRAMBLE,
Auditor of Vigo County

Before me, the undersigned, BRADLEY M. NEWMAN, in and for said County, this day, personally came the above named JAMES W. BRAMBLE, Auditor of said County, and acknowledged that he/she signed and sealed the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 17th day of May, 2022.


BRADLEY M. NEWMAN,
Clerk of Vigo County CP

This instrument prepared by JAMES W. BRAMBLE, 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. JAMES W. BRAMBLE, Auditor
The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is: PHIL DECKERT, 1540 Spruce Street, Terre Haute, IN 47807. The mailing address of the grantee is: PHIL DECKERT, 1540 Spruce Street, Terre Haute, IN 47807.

Lots 150 and 151 in Highland Place Subdivision, Section
10 Township 12 Range 9 in the City of Terre Haute,
Indiana.

Receipt

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

Date: 11/2/22

Name: Wilkinson Law

Reason: reasoning - notice of filing \$25

reasoning - petition - \$20

Variance - B2A \$45

30

\$75

Cash: \$75-

Check: _____

Credit: _____

Total: \$75-

TERRE HAUTE, IN
PAID
NOV - 2022
CONTROLLER

Received By: Erin Wtk



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807
Telephone: (812) 462-3354 Fax: (812) 234-3248

TERRE HAUTE
A BETTER ABOVE

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: December 8, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 48-22

CERTIFICATION DATE: December 7, 2022

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

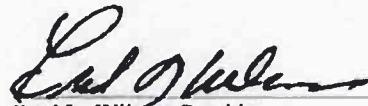
The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 48-22. This Ordinance is a rezoning of 2522 N. 17th Street, Terre Haute. The Petitioner, Phil Deckert petitions the Plan Commission to rezone said accessory off-site storage of motor vehicles for local business from zoning classification R-1 to C-1, Neighborhood Commerce 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. 48-22 at a public meeting and hearing held Wednesday, December 7, 2022. Remonstrators were 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. 48-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 48-22 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. 48-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approval of Special Use and Variances by City Board of Zoning Appeals 2) Site plan and stormwater drainage approval by City Engineering.




Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 8th day of December, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 48-22
Date: December 2022

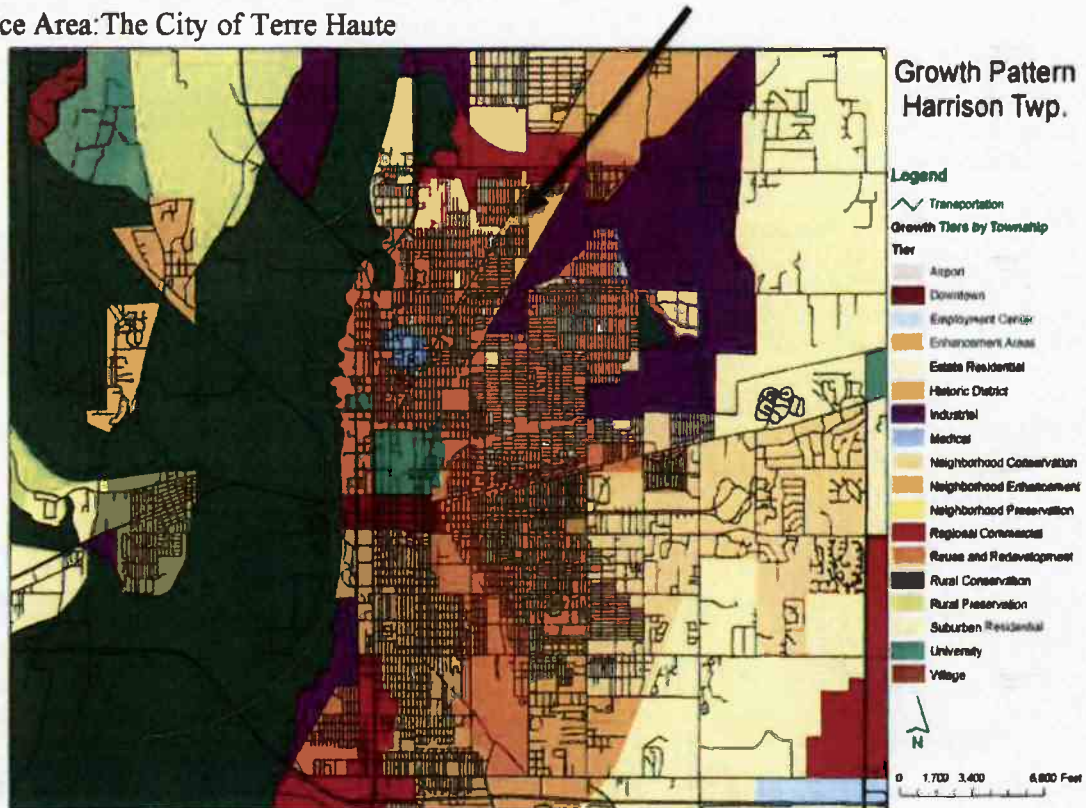
Doc: # 90
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APPLICATION INFORMATION

Property Owner: Phil Deckert
Proposed Use: Accessory off-site storage of motor vehicles for local business
Proposed Zoning: C-1, Neighborhood Commerce District
Current Zoning: R-1 Single Family Residence District
Location: The property is located on the west side of N. 17th Street approximately 108 feet south of intersection of N. 17th Street & Delaware Ave.
Common Address: 2522 N. 17th Street, Terre Haute
Parcel#: 84-06-10-433-010.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 48-22

Doc: # 90

Date: December 2022

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Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 48-22

Doc: # 90

Date: December 2022

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Street Access: N. 17th Street

Character of Area: The petitioned property is surrounded by Residential.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1

East – R-1

South – R-1

West – R-1

ZONING REGULATIONS

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

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

C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.7 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
Office Space, Three (3) spaces per one thousand (1000) square feet of gross floor area.

FINDINGS and RECOMMENDATION

Staff Findings: The petitioner is requesting to rezone to C-1, Neighborhood Commerce District, to use the property for off-site parking for vehicles for a local business. The petitioner is requesting a Special Use to allow accessory off-street storage of private passenger automobiles located elsewhere than on the same zoning lot as the principal use served. They are also requesting a variance from the 5' interior setback for the existing building and a variance from the required hard-surfacing. No motor vehicle repair work is allowed in a C-1 District.

Parking must be hard-surfaced if variances are not granted and a stormwater drainage plan approved by City Engineering. Parking must be effectively screened on each side which adjoins or faces residential properties. Residentially zoned properties exist on all sides. The ingress/egress must meet commercial drive requirements.

According to the Comprehensive Plan, Enhancement areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts.

This use and zoning classification, at this location, could be considered spot zoning. However, the property appears to have operated as non-residential for several years.

Recommendation: The staff gives a Favorable Recommendation with the following condition(s):

1. Approval of Special Use and Variances by City Board of Zoning Appeals
2. Site plan and stormwater drainage approval by City Engineering

 **Beacon**TM Vigo County, IN / City of Terre Haute

Docket #90 SO #48-22

2522 N 17th Street

