

SPECIAL ORDINANCE NO. 17, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

3010 South 7th Street, Terre Haute, IN 47802
Parcel No. 84-06-10-180-003.000-002

Current Zoning: C-2 Limited Community Commerce

Rezone To: C-3 Regional Commerce

Proposed Use: Car Sales

Name of Owner: Carl E. Ross
Address of Owner: 10200 Israel Rd.
Terre Haute, Indiana 47802

Phone Number of Owner c/o (812) 234-5463

Attorney Representing Owner: Darrell E. Felling II

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

For Information Contact: Owner Attorney

Council Sponsor: Kandace Hinton

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

MAY 30 2024

SPECIAL ORDINANCE NO. 17, 2024

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 ORDIANED 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:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West $\frac{1}{4}$ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest $\frac{1}{4}$ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west $\frac{1}{4}$ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R, containing 54.14 acres. Also that part of the east half of the north west $\frac{1}{4}$ of section 3 township 11 north range 9 west described as follows:
Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

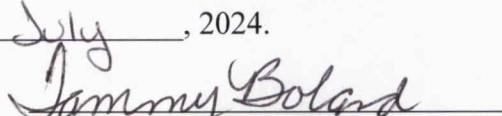
be and the same is, hereby established as C-3 Regional Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Introduced by Council Member,


Kandace Hinton, Councilperson

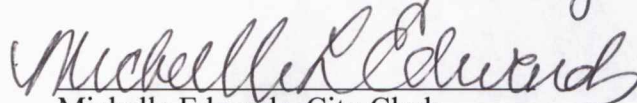
Passed in open Council this 11th day of July, 2024.


Tammy Boland, President

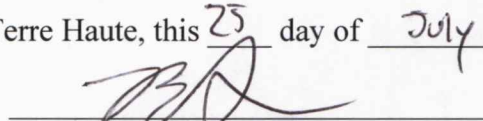
ATTEST:


Michelle Edwards, City Clerk

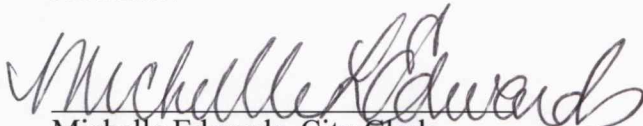
Presented by me, to the Mayor of the City of Terre Haute, this 25 day of July, 2024,
at 12:44 p.m.


Michelle Edwards, City Clerk

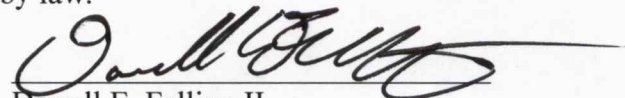
Approved by me, the Mayor of the City of Terre Haute, this 25 day of July, 2024.


Brandon Sakbun, Mayor

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.


Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Offices, 400 Ohio Street, Terre Haute, Indiana 47807.

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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Carl Ross, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West $\frac{1}{4}$ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest $\frac{1}{4}$ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west $\frac{1}{4}$ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9

west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R, containing 54.14 acres.

Also that part of the east half of the north west $\frac{1}{4}$ of section 3 township 11 north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2 Limited Community Commerce District.

Your Petitioner would respectfully state that the real estate is now being used as a car sales lot. Your Petitioner intends to use the real estate as a car sales lot.

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District. Your Petitioner would allege that the C-3 Regional Commerce zoning classification would not alter the general characteristics of this neighborhood.

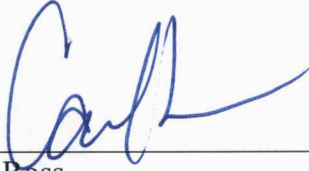
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps 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 is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 30th day of May 2024.

Signature Page to Follow

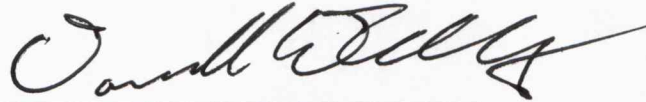
PETITIONER:



Carl Ross

Lind & Felling
400 Ohio Street
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: _____



Darrell E. Felling II #30608-84
Attorney for Petitioner

The owner and mailing address:

Carl Ross
10200 Israel Rd.
Terre Haute, IN 47802

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Carl Ross being duly sworn upon his oath, deposes and says:

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

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West ¼ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West ¼ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest ¼ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west ¼ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R.

thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R., containing 54.14 acres. Also that part of the east half of the north west $\frac{1}{4}$ of section 3 township 11 north range 9 west described as follows: Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Carl Ross is attached hereto and made a part hereof and marked as Exhibit A.

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

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 9th day of June, 2024.

[Signature]
Carl Ross

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, Carl Ross appeared in person and executed said document, this 30th day of June 2024.

[Signature] 4th June
Melody R. Scales, Notary Public

My Commission expires:
08/15/2029

My County of Residence:
Vigo



This instrument prepared by Darrell E. Felling II, Lind & Felling, 400 Ohio Street, Terre Haute, Indiana 47807.



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: July 8, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 17-24

CERTIFICATION DATE: July 3, 2024

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. 17-24. This Ordinance is a rezoning of property located at 3010 S 7th Street, Terre Haute, IN. Parcel number 84-09-03-108-003.000-005. The Petitioner, Carl Ross petitions the Plan Commission to rezone said car sales from zoning classification C-2 to C-3 Regional 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. 17-24 at a public meeting and hearing held Wednesday, July 3, 2024. 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. 17-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 17-24 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. 17-24 was FAVORABLE with the following conditions: 1) Site plan approval including parking and storm water drainage by the Department of Engineering 2) Area used for business must be hard surfaced or variance granted 3) The area currently owned by the railroad must not be use by the business



Norm Froderman, Vice President

Sydney Shahar, Assistant Director

Received this 8th day of July, 2024

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-24

Doc: #45

Date: July 2024

Page 1 of 4

APPLICATION INFORMATION

Property Owners: Carl E. Ross

Proposed Use: Car Sales

Proposed Zoning: C-3, Regional Commerce District

Current Zoning: C-2, Limited Community Commerce District

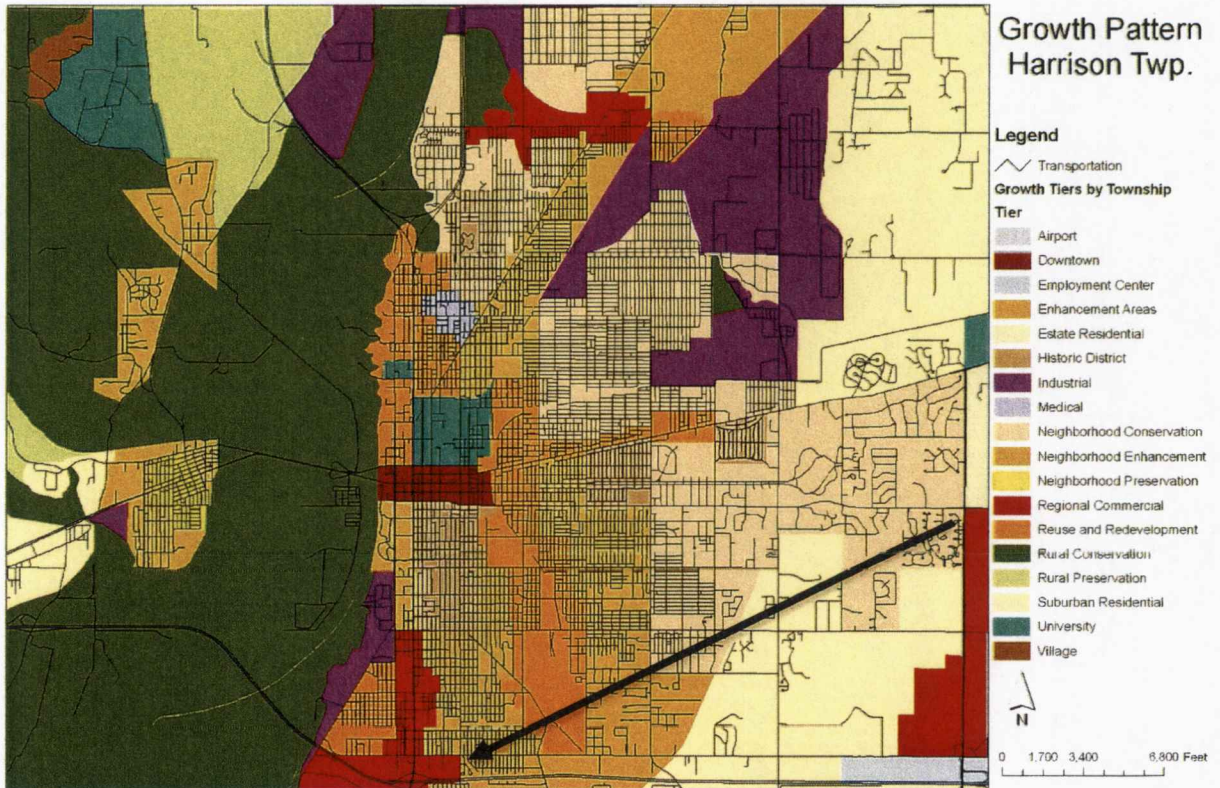
Representative: Darrel E. Felling II

Location: The property is located on the southeast corner of S. 7th Street and E. Margaret Ave. /Davis Gardens Lot 1, 2, 3 & 4: 84-09-03-03-108-003.000-002

Common Address: 3010 S. 7th Street, T.H.

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute



ZONING COMPATIBILITY

Neighborhood 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 of 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 the 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 relation 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 the 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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-24

Doc: #45

Date: July 2024

Page 3 of 4

Available Services: The area is well served by utilities.

Character of Area: Neighborhood Commercial

Street Access: S. 7th Street & E. Margaret Ave

Sur. Zones and Uses:

North – C-2, R-1

West – C-3

South – C-1, R-1

East – C-3, R-1

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in the area. It shall be a major shopping center, definitely limited to specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

Railroad has vacated the property. City is in works to remedy.

Staff Findings:

The petitioners are requesting to rezone the property for automobile sales. The petitioner also owns the parcel across the abandoned railroad property that is already zoned C-3 and is currently being used for car sales. The railroad property cannot be utilized for their business unless they acquire it. They will need to ensure cars are not being parked on this property. The railroad property is zoned R-1 and a subdivision and rezoning will be required if they are able to purchase a portion of it.

The parcel number on the petition is for 2815 Garfield Avenue, but the legal description matches the requested lots. The parcel numbers within the petition also match what is being requested.

The property has front street setbacks on all sides. In their recommendation, the Department of Engineering states that the use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area. They also state that the area being used for business must be paved or hard surfaced according to City Code.

Recommendation:

Staff recommends a favorable recommendation with the following conditions:

1. Site plan approval including parking and storm water drainage by the Department of Engineering
2. Area used for business must be hard surfaced or variance granted
3. The area currently owned by the railroad must not be used by the business



MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Jason Holler
Lead Building Inspector

DATE: June 6, 2024

RE: DOCKET #45 SO #17-24, 3010 S 7th St, Terre Haute

As requested by Area Planning, the Department of Engineering has reviewed the request for Rezoning of 3010 S 7th Street from C-2 to C-3 for the following:

- Rezoning of Parcel No **84-09-03-108-003.000-005** from C-2 Regional Commerce Zone to C-3 Regional Commerce Zone.

The property is currently being used as a used car lot. The parcels surrounding this property are zoned C-2 and C-3 to the north and west, C-3 to the east, and C-1 to the south. The intended use of the property is continue being used for automotive sales and C-3 is the correct zoning per city code and would not alter the neighborhood's characteristic or create any significant problems for the surrounding area. We would require the area being used for business to be paved or hard surface as require per city code.

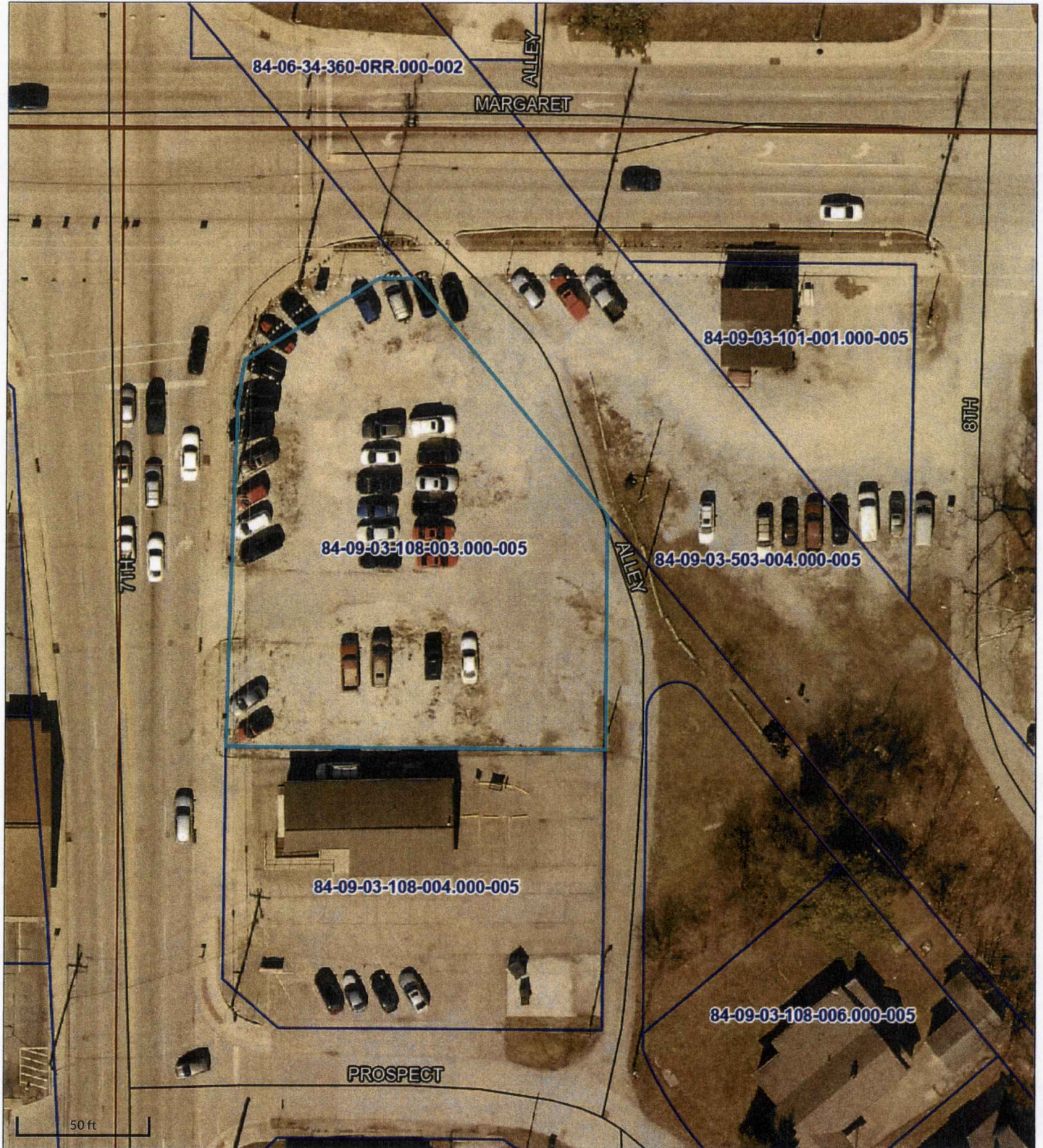
The Department of Engineering offers a positive recommendation for this rezoning.

CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807
Phone: 812.244.4903
www.terrehaute.in.gov

MARCUS MAURER, P.E.
CITY ENGINEER

Docket #45 SO #17-24
3010 S. 7th Street



SPECIAL ORDINANCE NO. 17, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

3010 South 7th Street, Terre Haute, IN 47802
Parcel No. 84-06-10-180-003.000-002

Current Zoning: C-2 Limited Community Commerce

Rezoned To: C-3 Regional Commerce

Proposed Use: Car Sales

Name of Owner: Carl E. Ross
Address of Owner: 10200 Israel Rd.
Terre Haute, Indiana 47802

Phone Number of Owner c/o (812) 234-5463

Attorney Representing Owner: Darrell E. Felling II

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

For Information Contact: Owner Attorney

Council Sponsor: Kandace Hinton

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

MAY 30 2024

SPECIAL ORDINANCE NO. 17, 2024**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 ORDIANED 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:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West $\frac{1}{4}$ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest $\frac{1}{4}$ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west $\frac{1}{4}$ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R, containing 54.14 acres. Also that part of the east half of the north west $\frac{1}{4}$ of section 3 township 11 north range 9 west described as follows:
Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

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

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Introduced by Council Member, _____
Kandace Hinton, Councilperson

Passed in open Council this ____ day of _____, 2024.

Tammy Boland, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2024,
at ____:____.m.

Michelle Edwards, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2024.

Brandon Sakbun, Mayor

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.



Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Offices, 400 Ohio Street, Terre Haute, Indiana 47807.

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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Carl Ross, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West $\frac{1}{4}$ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West $\frac{1}{4}$ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest $\frac{1}{4}$ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R. containing 54.14 acres.

Also, that part of the east half of the north west $\frac{1}{4}$ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9

west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west ¼ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R, containing 54.14 acres.

Also that part of the east half of the north west¼ of section 3 township 11 north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2 Limited Community Commerce District.

Your Petitioner would respectfully state that the real estate is now being used as a car sales lot. Your Petitioner intends to use the real estate as a car sales lot.

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District. Your Petitioner would allege that the C-3 Regional Commerce zoning classification would not alter the general characteristics of this neighborhood.

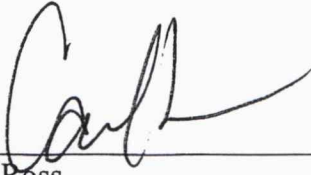
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps 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 is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 30th day of May 2024.

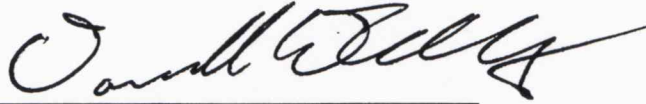
Signature Page to Follow

PETITIONER:



Carl Ross

Lind & Felling
400 Ohio Street
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 

Darrell E. Felling II #30608-84
Attorney for Petitioner

The owner and mailing address: Carl Ross
10200 Israel Rd.
Terre Haute, IN 47802

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Carl Ross being duly sworn upon his oath, deposes and says:

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

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West ¼ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West ¼ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest ¼ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R. containing 54.14 acres.

Also, that part of the east half of the north west ¼ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R.

thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west $\frac{1}{4}$ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R., containing 54.14 acres. Also that part of the east half of the north west $\frac{1}{4}$ of section 3 township 11 north range 9 west described as follows: Beginning 655 feet north of a stone at the south east corner of the south west $\frac{1}{4}$ of the north west $\frac{1}{4}$ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005


Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Carl Ross is attached hereto and made a part hereof and marked as Exhibit A.

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

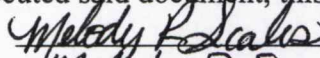
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 4th day of June, 2024.


Carl Ross

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, Carl Ross appeared in person and executed said document, this 30th day of May 2024.

 ^{4th} June
Melody R. Scales, Notary Public

My Commission expires:
08/15/2029

My County of Residence:
Vigo



This instrument prepared by Darrell E. Felling II, Lind & Felling, 400 Ohio Street, Terre Haute, Indiana 47807.

TERRE HAUTE, IN

PAID

MAY 30 2024

CONTROLLER

Receipt of Payment



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

Date 5/30/24
Name Lind Law / Carl Ross
Reason Rezoning - \$75.00

Cash _____

Check \$45.00 ck# 16652

Credit _____

Total \$45.00

Received By ER / J. Name