



FILED
SEP 01 2015
CITY CLERK

APPLICATION FOR REZONING PETITION – CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 35

COMMON ADDRESS OF LOTS TO BE REZONED:

1617 S. 7th Street

Terre Haute, IN 47802

Current Zoning: C-2 Community Commercial District

Requested Zoning: C-5 General Business District

Proposed Use: Tattoo/Piercing Business and for the sale of motor vehicles

Name of Owner: Loretta L. Henry

Address of Owner: 321 Barton Avenue, Terre Haute, IN 47803

Phone Number of Owner: 812-249-4329

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Loretta L. Henry

Council Sponsor: Todd Nation

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

FILED

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CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 35, 2015**

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

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

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

Lot Number Fifty-eight (58) and Five (5) feet off the South side of Lot Number Fifty-nine (59) in Strawberry Hill a Subdivision of Lot Number Four (4) in the Subdivision of Out Lot No. 66 of the Original Out Lots of the Town now City of Terre Haute as recorded in Plat Record 5, Page 29.

ALSO

Thirty (30) feet off the North side of Lot Number Fifty-nine (59), Lot Number Sixty (60), and Fifteen (15) feet off the South side of Lot Number Sixty-one (61) in Strawberry Hill a Subdivision of part of Lot Number Four (4) in the subdivision of Out Lot No. 66 of the Original Out Lots of the Town now City of Terre Haute, Indiana.

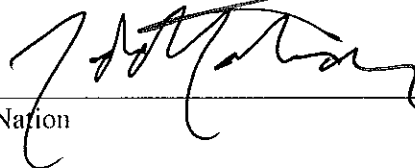
Commonly known as: 1617 S. 7th Street, Terre Haute, IN 47802

Be and the same is hereby established as a C-5 General Business 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 the City of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, _____

Todd Nation



Passed in Open Council this 9th day of October, 2015.

ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

John Mullican
John Mullican, President

Presented by me to the Mayor of the City of Terre Haute this 9th day of October, 2015.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 9th day of OCTOBER, 2015.

Duke A. Bennett
Duke Bennett, Mayor

ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

This instrument prepared by Loretta L. Henry, 321 Barton Avenue, Terre Haute, IN 47803.

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. *Loretta L. Henry*

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, Loretta L. Henry, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number Fifty-eight (58) and Five (5) feet off the South side of Lot Number Fifty-nine (59) in Strawberry Hill a Subdivision of Lot Number Four (4) in the Subdivision of Out Lot No. 66 of the Original Out Lots of the Town now City of Terre Haute as recorded in Plat Record 5, Page 29.

ALSO

Thirty (30) feet off the North side of Lot Number Fifty-nine (59), Lot Number Sixty (60), and Fifteen (15) feet off the South side of Lot Number Sixty-one (61) in Strawberry Hill a Subdivision of part of Lot Number Four (4) in the subdivision of Out Lot No. 66 of the Original Out Lots of the Town now City of Terre Haute, Indiana.

Commonly known as 1617 S. 7th Street, Terre Haute, IN 47802.

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as a C-2 Community Commercial District.


Your petitioner would respectfully request that the real estate described herein shall be zoned as a C-5 *General Business* District to allow the use as proposed by Petitioners. Your Petitioner would allege that the C-5 *General Business* District would not alter the general characteristics of this neighborhood.

Your Petitioner would respectfully state that the real estate is currently being used as a tattoo/piercing business. Your Petitioner intends to use the real estate as a tattoo/piercing business and for the sale of motor vehicles.

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

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-5 General Business District of the City of Terre Haute, Indiana, and entitled to the rights and the benefits that may accrue to the subject real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this petition has been duly executed on this 28th day of August, 2015.



Loretta L. Henry

PETITIONER: Loretta L. Henry, 321 Barton Avenue, Terre Haute, IN 47803.

This instrument prepared by Loretta L. Henry, 321 Barton Avenue, Terre Haute, IN 47803.

AFFIDAVIT OF:

COMES NOW affiant Loretta L. Henry and affirms under penalty of law that affiant is the owner of record of the property located at

1617 S. 7th Street, Terre Haute, IN 47802

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.

Loretta L. Henry

SIGNATURE: *Loretta L. Henry*

STATE OF INDIANA)
) SS
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Loretta L. Henry, who acknowledges the execution of the above and foregoing, after being duly sworn upon her oath and after having read this Affidavit

WITNESS my hand and notarial seal, this 28th day of August, 2015.

Tami L. Robertson
Notary Public: *Tami L. Robertson*



My Commission Expires: 8-29-17
My County of Residence: Parke

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. *Loretta L. Henry*

This instrument prepared by Loretta L. Henry, 321 Barton Avenue, Terre Haute, IN 47803.

Site Plan

Receipt

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

Date: 9/1/15

Name: Lynn Henry

Reason: _____

Reasoning

1617 S. 7th Street

Cash: 4500

Check: _____

Credit: _____

Total: 4500

TERRE HAUTE, IN
PAID

SEP 01 2015

CONTROLLER

Received By: Pat Bellis

Site plan

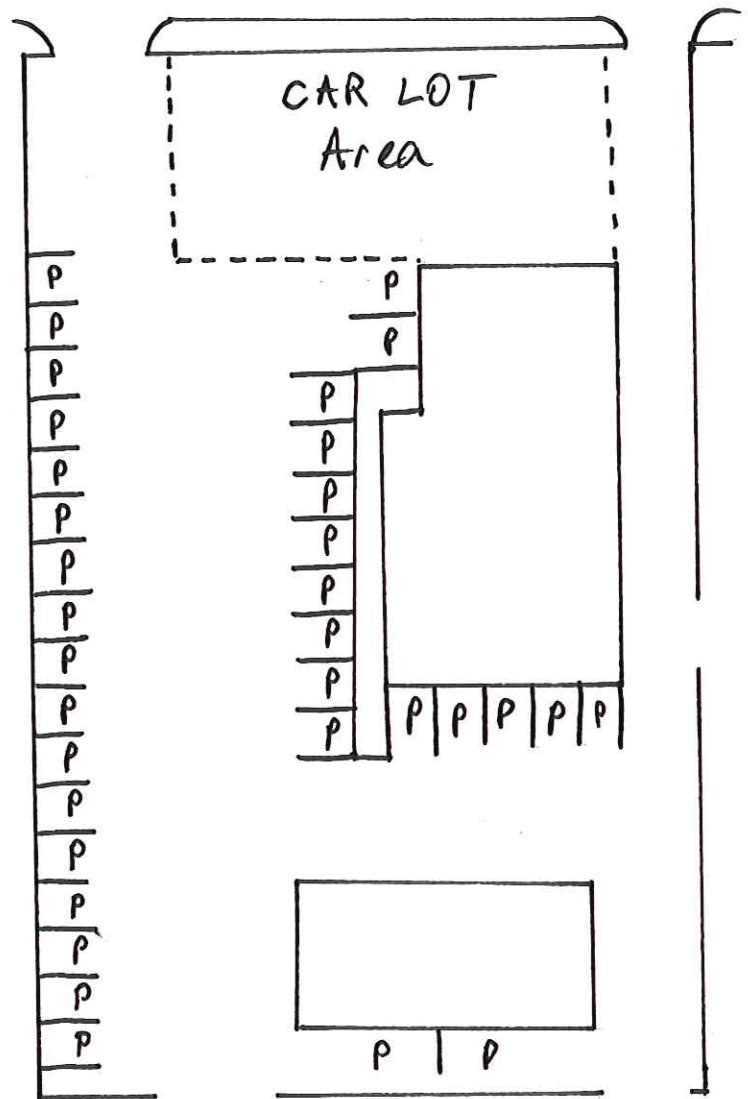
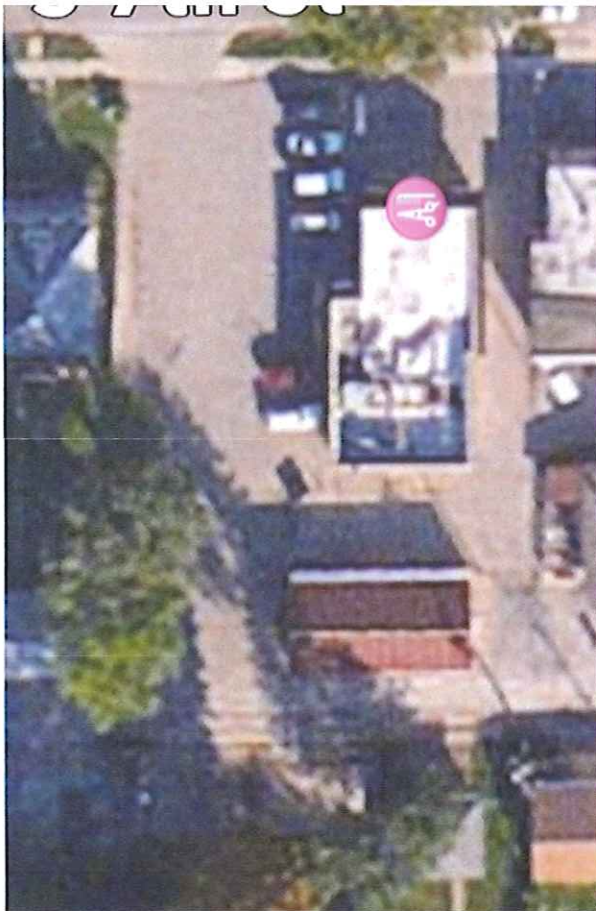
Lot: 1617 South 7th Street T.H. IN 47802

Lot Size: 115'x170' = 19,550 sq.ft.

Customer Parking = 8,970 sq.ft. = 30 spots

Set Backs / Cars Being Sold = 3150sq.ft. = 3 cars

5 Exits = 2 west - 2 east - 1 south





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: October 8, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #35-15**

CERTIFICATION DATE: October 8, 2015

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.35-15. This Ordinance is a rezoning of the property located at 1617 South 7th Street. The Petitioner, Loretta Henry, petitions the Plan Commission to rezone said real estate from zoning classification C-2 to C-5, General Business District for a tattoo/piercing business and motor vehicle sales. 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. 35-15 at a public meeting and hearing held Wednesday, October 7, 2015. 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. 35-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 35-15 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. 35-15 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) A copy of all obtained and necessary State and Local releases be provided.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Darren Maher in black ink.

Darren Maher, Executive Director

Received this 8th day of October, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #35-15

Doc: # 62

Date: October, 2015

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Loretta "Linn" Henry

Property Owner: Same as Above

Representative: Same as Above

Proposed Use: Tattoo/Piercing Business and motor vehicle sales

Proposed Zoning: C-5 General Business District

Current Zoning: C-2 Community Commercial

Location: The property is located just north of the intersection of 7th and Hulman. On the west side of 7th st. the property contains approximately 115 feet of frontage along 7th St.

Common Address: 1617 S. 7th St. Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Recommended Use: Historic District

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: S. 7th St.

Dev. Priority: The petitioned property has a high priority for new development

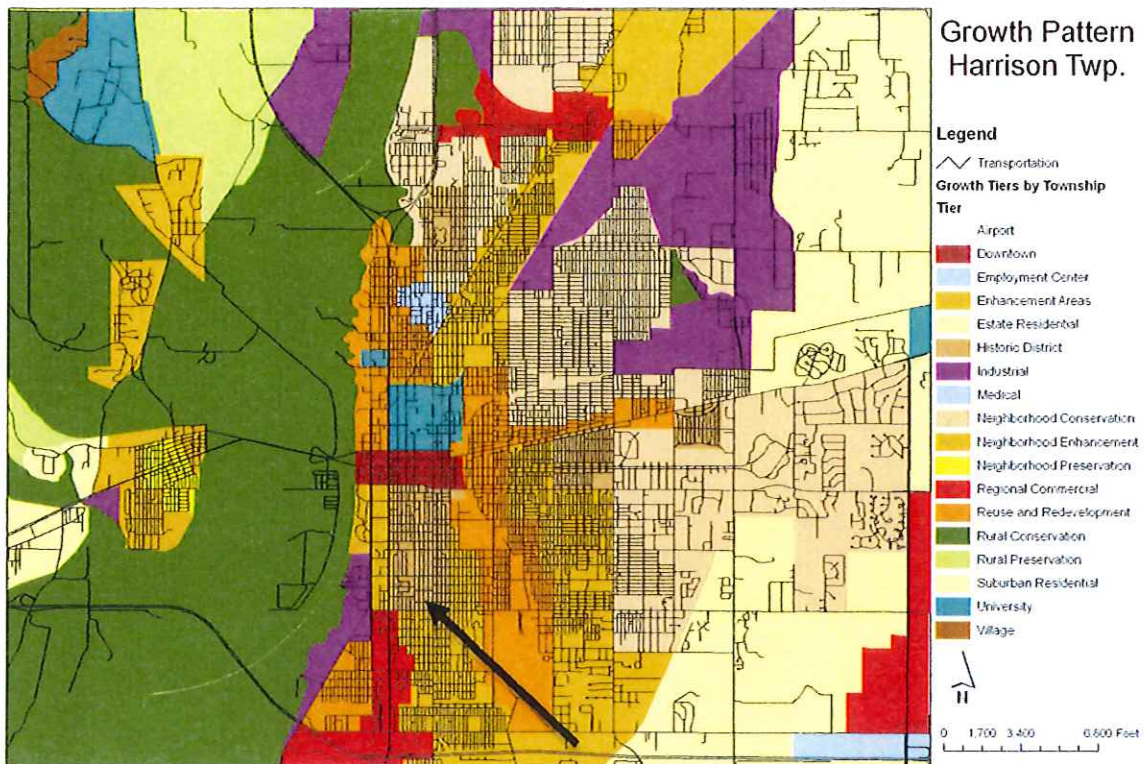
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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Page 2 of 4



ZONING COMPATIBILITY

Sur. Zones and Uses:

North – C-2, Neighborhood and Community Commerce

East – R-2, Two-Family Residence, C-2

South – C-2, Neighborhood and Community Commerce

West – R-2, Two-Family Residence

Character of Area: The petitioned property is located within a variety of mixed uses. Adjacent multi story homes are rental properties or multifamily homes. Small commercial developments both in use and vacant scatter the area.

ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioned property has enjoyed several incarnations of commercial uses in the past few years including a fast food establishment, tanning salon, tattoo and piercing establishments. Rezoning to C-5 would establish the property as the correct zoning for the most recent usage.

The petitioner seeks a proposed mixed use commercial venture at this location. Such uses contain their own list of challenges. Including but not limited to, parking, assignable area, commercial releases and site access.

A phone conversation occurred with the petitioner on 9-24-2015 and it was determined that the rear accessory structure was to be used as storage only. Based on the size of the building and the requirements as outlined in Table 4 Schedule of Minimum Off-Street Parking Requirements (Gen. Ord. No. 18, 2004, As Amended, 11-9-04) 4 spaces are needed for the car sales business and 8 spaces for the tattoo business. Adequate parking on site should be available.

The plan currently displays 5 ingress/egress points. Shared access agreements need submitted for each of the points not served by public roads or alleys.

It is worth note that adult entertainment establishments do operate in the C-5 zoning. However a B.Z.A. approval for a special use is needed to operate adult oriented businesses as defined in Sec. 10-273. (Gen. Ord. No. 8, 2006, 6-8- 06).

Recommendation: Staff offers a Favorable Recommendation, with the following conditions.

1. A copy of all obtained and necessary state and local releases be provided.