

SPECIAL ORDINANCE NO. 19, 2016

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:
1520 Crawford Street, Terre Haute, IN 47802

Rezone From: R-2 Two Family Residence District

Rezone To: C-6 Strip Business District

Proposed Use: Parking Lot Extension

Name of Owner: Franklin Dewey Wendell Brown

Address of Owner: 1609 Crawford Street
Terre Haute, IN 47803

Phone Number of Owner Unavailable- Contact attorney

Attorney Representing Owner
for Purchaser: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Martha Crossen

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUL 07 2016

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 19, 2016**

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:

Lot Number Eight (8) in Lee Place West Division, a subdivision of Two hundred and sixty-seven (267) feet off the west end of Lot number seven (7) of Prestons Subdivision of the East half of the North East Quarter of Section Twenty-seven (27) in Township Twelve (12) North Range Nine (9) West.

Commonly known as: 1520 Crawford Street, Terre Haute, Indiana 47802

Be and the same is hereby established as a C-6 Strip Business 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, Martha Crossen
Martha Crossen, Councilperson

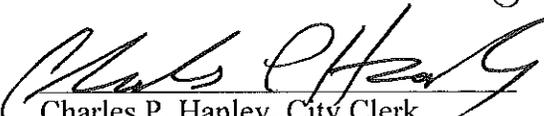
Passed in open Council this 11th day of August, 2016.

Todd Nation
Todd Nation, President

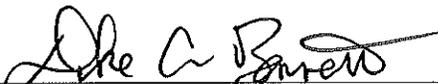
ATTEST:

Charles P. Hanley
Charles P. Hanley, City Clerk

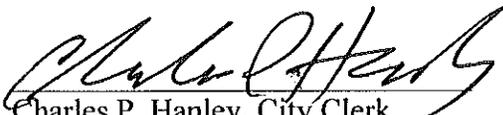
Presented by me, to the Mayor of the City of Terre Haute, this 12th day of August, 2016.


Charles P. Hanley, City Clerk

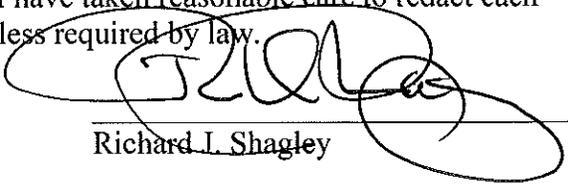
Approved by me, the Mayor of the City of Terre Haute, this 12th day of August, 2016.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, 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.


Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

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

Lot Number Eight (8) in Lee Place West Division, a subdivision of Two hundred and sixty-seven (267) feet off the west end of Lot number seven (7) of Prestons Subdivision of the East half of the North East Quarter of Section Twenty-seven (27) in Township Twelve (12) North Range Nine (9) West.

Commonly known as: 1520 Crawford Street, Terre Haute, Indiana 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 R-2 Two Family Residence District.

Your Petitioner intends to sell the vacant real estate to N&C Real Estate Holdings, Inc. for an extension of Charlie's parking lot. Your Petitioner would request that the real estate described herein shall be zoned as a C-6 Strip Business District.

Your Petitioner would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed use neighborhood and Charlie's existing business and parking lot are to the East of the real estate. The zoning classification is consistent with Charlie's current zoning classification.

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 petitioners 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

Terre Haute, Indiana,” and declaring the above-described real estate to be part of the C-6 Strip Business 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 16th day of July, 2016.

PETITIONER:

Franklin Dewey Wendell Brown
Franklin Dewey Wendell Brown

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. 19, 2016

NOTE: Petitioner will provide detailed Site Plan to Area Plan Department when available.

1520 Crawford Street, Terre Haute, Indiana 47802
Current Zoning R-2
Proposed Zoning C-6
Lot Dimensions: 55' x 132'



NOV 02 2007

2007016368 0D \$16.00
11/02/2007 01:52:10P 1 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

[Signature]
VIGO COUNTY RECORDER

QUIT CLAIM DEED
THIS INDENTURE WITNESSETH:

That Franklin William Brown

of Vigo County, in the State of IN
RELEASE AND QUIT CLAIM to Franklin Dewey Wendell Braith

of Vigo County, in the State of IN
for and in consideration of the sum of \$1.00 Dollars,
the receipt whereof is hereby acknowledged, the following described Real Estate in
County in the State of Indiana, to-wit:

Lot Number Eight (8) in Lee Place West Division, a subdivision of
Two hundred and sixty-seven (267) feet off the west end of Lot
Number seven (7) of Prestons Subdivision of the East half of
the North East Quarter of Section Twenty-Seven (27) in
Township Twelve (12) North Range Nine (9) West

Also

Ross & Donnellys Sub 31's Side
(918 Gilbert)

27-12-9 Lot 31

Parcel Number 1180627260334

IN WITNESS WHEREOF, The said FRANKLIN WILLIAM BROWN

in hereunto set his hand and seal, this 2 day of Nov. 2007
[Signature] (Seal) _____ (Seal)

(Seal) _____ (Seal)

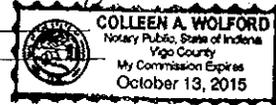
(Seal) _____ (Seal)

STATE OF INDIANA, Vigo A.D. 2007, personally appeared the within
named FRANKLIN WILLIAM BROWN
Grantor in

the above conveyance, and acknowledged the execution of the same to be his voluntary
act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal. Commission expires 10/13 2015 Colleen A. Wolford
Notary Public

Mail to:
This instrument prepared by Franklin William Brown



Grantee 1609 Crawford St
T.H. IN 47807

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.

[Signature]

FRANKLIN D BROWN
1609 CRAWFORD ST
TERRE HAUTE IN 47807

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Franklin Dewey Wendell Brown, being duly sworn upon his oath, deposes and says:

1. That Franklin Dewey Wendell Brown is the 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 Eight (8) in Lee Place West Division, a subdivision of Two hundred and sixty-seven (267) feet off the west end of Lot number seven (7) of Prestons Subdivision of the East half of the North East Quarter of Section Twenty-seven (27) in Township Twelve (12) North Range Nine (9) West.

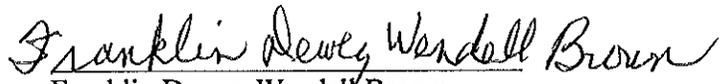
Commonly known as: 1520 Crawford Street, Terre Haute, Indiana 47802

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, 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 Franklin Dewey Wendell Brown 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 Franklin Dewey Wendell Brown

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 10th day of July, 2016.


Franklin Dewey Wendell Brown

(Notary Page to Follow)

Receipt

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

Date: 07/07/16

Name: Wright, Shagley & Lowery

Reason: Reopening

TERRE HAUTE, IN
PAID

JUL 07 2016

CONTROLLER

Cash: _____

Check: \$45.00 #666122

Credit: _____

Total: \$45.00

Received By: *[Signature]*



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: August 4, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #19-16

CERTIFICATION DATE: August 3, 2016

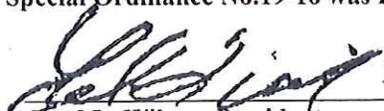
TO: The Honorable Common Council of the City of Terre Haute

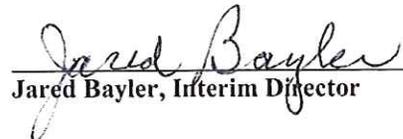
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 19-16. This Ordinance is a rezoning of the property located at 1520 Crawford Street. The Petitioner, Franklin Dewey and Wendell Brown, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-6, Strip Business District, for parking lot extension.. 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. 19-16 at a public meeting and hearing held Wednesday, August 3, 2016. 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. 19-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.19-16 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.19-16 was FAVORABLE.


Fred L. Wilson, President


Jared Bayler, Interim Director

Received this 4th day of August, 2016

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #19-16

Doc: # 61

Date: Aug. 2016

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APPLICATION INFORMATION

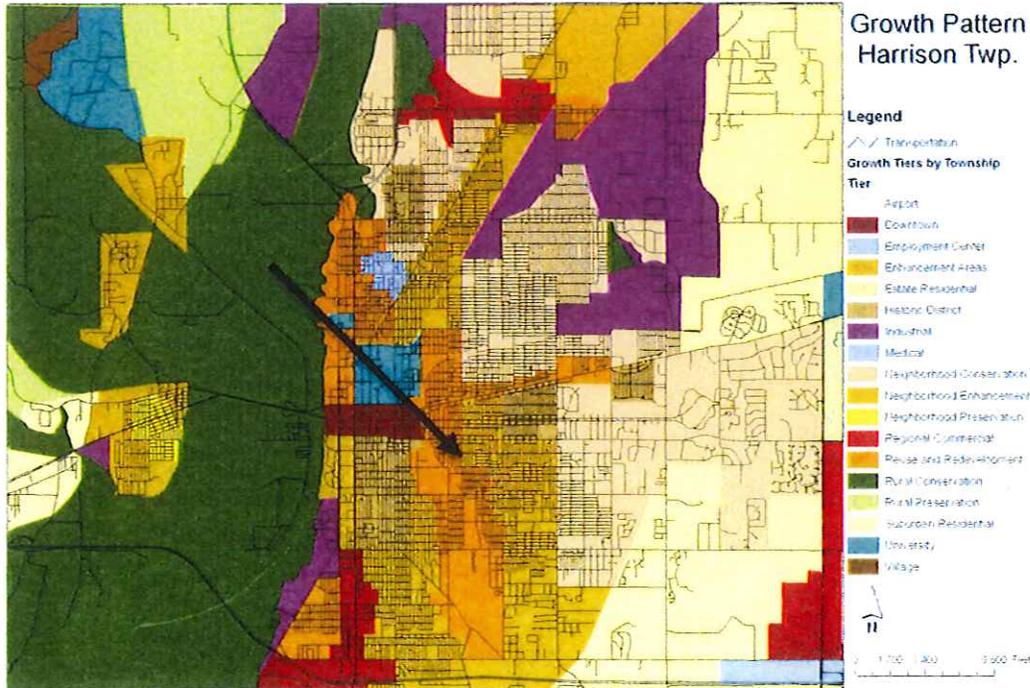
Petitioner: Franklin Dewey & Wendell Brown.
Property Owner: Same-As-Above
Representative: Richard J. Shagley
Proposed Use: Parking Lot expansion
Proposed Zoning: C-6, Strip Business District
Current Zoning: R-2 Two Family District
Location: The property commences approximately 200 ft east of the intersection of Crawford and 15th streets.

Common Addresses: 1520 Crawford St. Terre Haute, IN 47807

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement



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.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two Family Residence District

East – C-6 Strip Business

South – R-2, Two Family Residence District

West – R-2, Two Family Residence District

Character of Area: The area consists of single family homes on platted lots. There is a commercial presence with interspersed C-6, C-2 and M-2.

ZONING REGULATIONS

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

FINDINGS and RECOMMENDATION

Staff Findings: The property immediately to the east is currently being utilized as parking for a restaurant/bar. The property to be rezoned is currently a vacant lot. The intent of the business owner is to expand parking for the establishment as needed in the future. In the City of Terre Haute parking lots must match the zoning classification of the business serviced by those lots. The petitioner will be required to comply with (Sec. 10-207(3)) which requires all surface parking lots have a five foot (5')

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #19-16

Doc: # 61

Date: Aug. 2016

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minimum width landscaping area between the vehicular use area and any street right-of-way, adorned with visual screening (other than berms) between thirty inches (30") to forty-two inches (42") height, plus one (1) tree per twenty (25) linear feet. Visual screening will also be required where parking is adjacent to residential uses.

A landscape plan for the expanded parking was not submitted with the petition. However, a letter delivered to our office electronically on July 14 2016 stated that an agreement has been reached between the petitioner and City Engineering for a delay in the submittal until which time the real estate is developed.

There are indications that there is an existing platted alley between lots 8 and 10 of Lee Place East Div. Design plans for the parking lot need to include either the vacation of the alley or the maintenance of as a part of the parking.

Recommendation: Staff has a Favorable Recommendation on the C-6 Strip Business zoning at this location.