



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 41, 2019

COMMON ADDRESS OF LOTS TO BE REZONED: 1100 N. 25th Street, Terre Haute, IN 47807 and 2442 2nd Avenue, Terre Haute, IN 47807

Parcel Numbers: 84-06-14-381-024.000-002 and 84-06-14-381-025.000-002

Current Zoning: C-2 Community Commerce District

Requested Zoning: C-6 Strip Business District

Proposed Use: Automobile Sales and Service

Name of Owner: Ralph Long and Rhonda Raye Long-Sharp and Walter Sebastian

Address of Owner: 1221 N. 3rd Street, Terre Haute, IN 47807

Phone Number of Owner: 812-232-3388 (Attorney)

Attorney Representing Owner (if any): Wright, Shagley & Lowery, P.C.

Address of Attorney: 500 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-3388

For Information Contact: Richard J. Shagley or Richard J. Shagley, II

Council Sponsor: Neil Garrison

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

FILED

NOV 06 2019

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 41, 2019**

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

SECTION I. 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:

Lots No. One Hundred Fifty-three (153) and One Hundred Fifty-four (154) in Locust Street Subdivision, of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6-A, page 79.

Commonly known as 1100 N. 25th Street, Terre Haute, IN 47807

AND

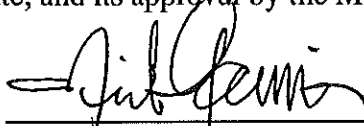
Lots Number One Hundred Fifty-one (151) and One Hundred Fifty-two (152) in Locust Street Subdivision, of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded Plat of the same recorded in the Recorder's Office of Vigo county, Indiana, in Plat Record 6-A, page 79.

Commonly known as 2442 2nd Avenue, Terre Haute, IN 47807

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,




Neil Garrison, Councilperson

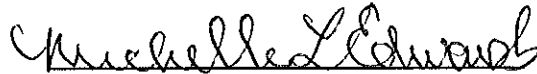
Passed in open Council this 5TH day of DECEMBER, 2019.


Martha Crossen, President

ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 6TH day of DECEMBER, 2019.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 6TH day of DECEMBER, 2019.


Duke A. Bennett, 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.


Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, 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:

Ralph Long, Rhonda Raye Long-Sharpe, and the undersigned, Walter Sebastian, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots No. One Hundred Fifty-three (153) and One Hundred Fifty-four (154) in Locust Street Subdivision, of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6-A, page 79.

Commonly known as 1100 N. 25th Street, Terre Haute, IN 47807

AND

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Commonly known as 2442 2nd Avenue, Terre Haute, IN 47807

Your Petitioners are informed and believe 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 Community Commerce District.

Your Petitioners intend to operate a used car sales and service center on the site.

Your Petitioners would request that the real estate described herein shall be zoned as a C-6 Strip Business District to allow for the use as proposed by the Petitioner. Your Petitioners would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood, since the real estate is located in a mixed district, that the real estate is currently used and zoned for a commercial use, and that the real estate is on a major thoroughfare.

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

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the an 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 WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed this _____ day of November, 2019.

PETITIONER:

By: Walter Sebastian
Walter Sebastian, personally and for
Ralph Long and Rhonda Raye Long-
Sharpe

The owner and mailing address:

Walter Sebastian and Ralph Long & Rhonda Raye Long-Sharpe
1221 N. 3rd Street
Terre Haute, IN 47807

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

9 N

SITE PLAN SPECIAL ORDINANCE NO. 41, 2019



ADDRESSES:
1100 N. 25th Street
2442 2nd Avenue

REZONE TO:
C-6 Strip Business District

No alterations are being made to the property.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Walter Sebastian, being duly sworn upon his oath, deposes and says:

1. That Walter Sebastian and Ralph Long & Rhonda Raye Long-Sharpe are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots No. One Hundred Fifty-three (153) and One Hundred Fifty-four (154) in Locust Street Subdivision, of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6-A, page 79.

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Commonly known as 2442 2nd Avenue, Terre Haute, IN 47807

2. That a copy of the Deed, dated and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, Ralph Long and Rhonda Raye Long-Sharpe, 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 Walter Sebastian, Ralph Long and Rhonda Raye Long-Sharpe are the owners 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 Walter Sebastian.

4. Further, Affiant saith not.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2017009609 HD \$25.00
09/22/2017 02:29:53P 1 PGS
Stacey Joy
VIGO County Recorder IN
Recorded as Presented

SEP 22 2017

James W. Brantley
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Gilbert Elliott of Vigo County, State of Indiana CONVEYS AND WARRANTS to an undivided one-half interest to Ralph Long and Rhonda Raye Long-Sharpe, as tenants in common, of Vigo County, State of Indiana and a one-half undivided interest to Walter Sebastian, as tenants in common, of Vigo County, State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in the following described real estate situated in Vigo County, in the State of Indiana, to-wit:

Lots No. One hundred Fifty-three (153) and One hundred fifty-four (154) in Locust Street Subdivision, of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6-A, page 79.

Commonly known as: 1100 North 25th Street, Terre Haute, IN 47804

AND

Lot Number One Hundred Fifty-one (151) and One Hundred Fifty-two (152) in Locust Street Subdivision, of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded Plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 6-A page 79.

Commonly known as: 2422 2nd Avenue, Terre Haute, IN 47807.

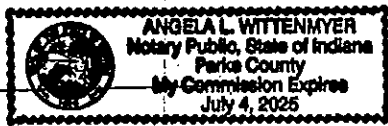
IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 22 day of September, 2017.

Gilbert Elliott
Gilbert Elliott

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a notary public in and for said County and State, personally appeared Gilbert Elliott, who acknowledged the execution of the foregoing Warranty Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this 22 day of September, 2017.
My Commission Expires:



Angela L. Wittenmyer
Angela L. Wittenmyer Notary Public
A Resident of Parke County, Indiana

This instrument was prepared by the undersigned. I affirm under penalties for perjury, that I have taken reasonable care to redact each Social Security Number from this document, unless required by law.

James O. McDonald

Date: 9-21-2017

James O. McDonald, #9473-84
Attorney at Law, 648 Walnut Street, Terre Haute, IN 47807

Send tax statements to: Ralph Long, Rhonda Raye Long & Walter Sebastian 1100 NORTH 25th Street, Terre Haute IN 47804



Receipt

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

Date: 11/6/2019

Name: WALTER SEBASTIAN

Reason: Rooming - Notice of Filing 25
Rooming - Petition 20

\$45

TERRE HAUTE, IN
PAID

Cash: _____
NOV 05 2019

Check: \$45 - # 07000000

CONTROLLER

Credit: _____

Total: _____

Received By: Jelisa [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: December 5, 2019

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 41-19,

CERTIFICATION DATE: December 4, 2019

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. 41-19. This Ordinance is a rezoning of the property located 110 N, 25th Street and 2442 2nd Avenue, Terre Haute, IN. The Petitioner, Ralph Long, Rhonda Long-Sharp, & Walter Sebastian, petitions the Plan Commission to rezone said real estate from zoning classification C-2 to C-6, Strip Business District for Automobile Sales and Service. 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. 41-19 at a public meeting and hearing held Wednesday, December 4, 2019. Remonstrators were not present. Throughout this meeting, a quorum was present pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 41-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 41-19 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. 41-19 was
FAVORABLE WITH THE FOLLOWING CONDITION:

1. Approved detailed site plan to include customer parking, landscape and buffering plan by City Engineering.

Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 5th day of December, 2019

APPLICATION INFORMATION

Owner: Ralph Long & Rhonda Raye Long-Sharp & Walter Sebastian

Proposed Use: Automobile Sales & Service
Representative: Richard J. Shagley or Richard J Shagley II

Proposed Zoning: C-6, Strip Business District

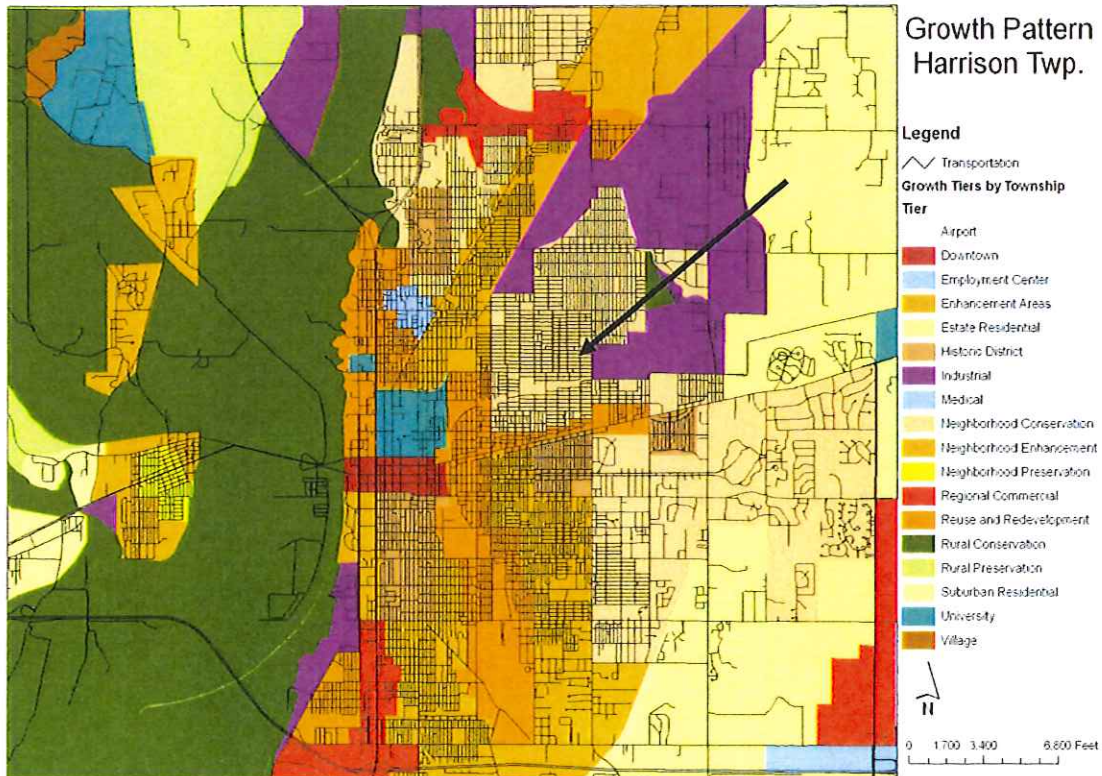
Current Zoning: C-2, Community Commerce District

Location: The property is located on N. 25th and 2nd Avenue

Common Address: 1100 N. 25th Street & 2442 2nd Avenue, Terre Haute, IN 47807
Parcels: 84-06-14-381-024.000-002 & 84-06-14-381-025.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Conservation

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

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

Additional policies for Neighborhood Conservation areas should include:

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

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2
East – M-2
South – C-2
West – R-1

Character of Area: The petitioned property is located in a mix use of zoning categories.

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.

Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

FINDINGS and RECOMMENDATION

Staff Findings:

25th St is considered a major street in the City of Terre Haute. Landscape, nurseries, garden supply, and seed stores are a listed use by right in the C-6 category.

The petitioner did not submit a detailed site plan which is required for zoning submittal. The site plan submitted is simply a picture captured from beacon with highlighted parcels. It is nearly impossible to determine zoning compliance without a detailed site plan.

As long as no changes are made to the property staff will have no issues with the request as a similar use was in existence prior to this petition. However, any and all changes shall require an adequate site plan and approval from City Engineering.

The City may request the property be combined into a single lot of use which will require a major subdivision.

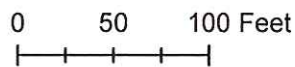
Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Approved detailed site plan to include customer parking, ~~p~~from City Engineering.

Ralph Long and Rhonda Raye Longe-Sharp and Walter Sebastian
Docket #75, SO #41-19 From C-2 to C-6
1100 N. 25th Street & 2442 2nd Avenue



Parcel: 84-06-14-381-024.000-002
84-06-14-381-025.000-002




Area-Of-Interest

Prepared by Vigo County
Department of Area Planning