



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 26, 2020

COMMON ADDRESS OF LOTS TO BE REZONED:

2431 8th Av, Terre Haute, IN 47804 _____

Parcel Number: **84-06-14-332-005.000-002** _____

Current Zoning: **R-1 Single Family Residence District (lots 15-16)** _____

Requested Zoning: **R-2 Two Family Residence District** _____

Proposed Use: **New Construction-Duplex Rentals** _____

Name of Owner: **Dominionaire Properties, LLC (Manager- Roger Checks)** _____

Address of Owner: **P.O. Box 15021 Chesapeake, Virginia 23328** _____

Phone Number of Owner: **(757) 663-1757** _____

Attorney Representing Owner (if any): **N/A** _____

Address of Attorney: **N/A** _____

Phone Number of Attorney: **N/A** _____

For Information Contact: **(757) 663-1757** _____

Council Sponsor: **Councilperson Cheryl Loudermilk** _____

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

FILED

SEP 25 2020

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 26, 2020

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:

**Beginning a point on the south right-of-way line of eight avenue, which is also the northwest
corner of lot 16 of said Patrick's subdivision; thence south along said lot line a distance of
120 feet, more or less, to the southwest corner of said lot number 16; thence west a distance
of 15 feet, more or less, to a point which is the southeast corner of lot number 15 in said
Patrick's Subdivision; thence north along said lot line a distance of 120 feet, more or less, to
a point which is also the northeast corner of said lot number 15; thence east a distance of 15
feet more or less, to the point of beginning, as vacated by resolution No. 6 1976, dated
September 8, 1976 and recorded September 9, 1976 in miscellaneous record 177, page 836.**

Commonly known as: 2431 8th Av, Terre Haute, IN 47804

Be and the same is hereby established as a **R-2 two-family residential district**, together with all rights and
privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases
provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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

Presented by Council Member, Cheryl Loudermilk Cheryl Loudermilk
(signature)

Passed in Open Council this 5TH day of NOVEMBER, 2020.

ATTEST: Michelle Edwards
Michelle Edwards, City Clerk


George Azar
George Azar-President

Presented by me to the Mayor of the City of Terre Haute this 6TH day of NOVEMBER 2020.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 6TH day of NOVEMBER, 2020



Duke Bennett, Mayor

ATTEST: 
Michelle Edwards, City Clerk

This instrument prepared by:

Dominionaire Properties, LLC
Manager Roger Cheeks
P.O. Box 15021
Chesapeake, Virginia 23328

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.


Roger D. Cheeks

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, **Dominionaire Properties LLC/Manager, Roger Cheeks**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Beginning a point on the south right-of-way line of eight avenue, which is also the northwest corner of lot 16 of said Patrick's subdivision; thence south along said lot line a distance of 120 feet, more or less, to the southwest corner of said lot number 16; thence west a distance of 15 feet, more or less, to a point which is the southeast corner of lot number 15 in said Patrick's Subdivision; thence north along said lot line a distance of 120 feet, more or less, to a point which is also the northeast corner of said lot number 15; thence east a distance of 15 feet more or less, to the point of beginning, as vacated by resolution No. 6 1976, dated September 8, 1976 and recorded September 9, 1976 in miscellaneous record 177, page 836.

Commonly known as: 2431 8th Av, Terre Haute, Indiana 47804.
Parcel No: 84-06-14-332-005.000-002

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

Your petitioner would respectfully state that the real estate is now a single-family home. Your petitioner intends to use the real estate to **develop up to three separate buildings as duplex units.**

Your petitioner would request that the real estate described herein shall be zoned as a **R-2 two-family residential district to allow for any proposed use allowed under this designation.** Your petitioner would allege that the **R-2 two-family residential district** 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 Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R-2 two-family residential 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 25 day of Sept,
2020.


BY: Dominionaire Properties LLC__

PETITIONER:

Dominionaire Properties, LLC
Manager Roger Cheeks
P.O. Box 15021
Chesapeake, Virginia 23328

This instrument was prepared by
Dominionaire Properties, LLC
Manager Roger Cheeks
P.O. Box 15021
Chesapeake, Virginia 23328

AFFIDAVIT OF:

COMES NOW affiant **Dominionaire Properties, LLC/manager-Roger Cheeks** _____

and affirms under penalty of law that affiant is the owner of record of the property located at;

Beginning a point on the south right-of-way line of eight avenue, which is also the northwest corner of lot 16 of said Patrick's subdivision; thence south along said lot line a distance of 120 feet, more or less, to the southwest corner of said lot number 16; thence west a distance of 15 feet, more or less, to a point which is the southeast corner of lot number 15 in said Patrick's Subdivision; thence north along said lot line a distance of 120 feet, more or less, to a point which is also the northeast corner of said lot number 15; thence east a distance of 15 feet more or less, to the point of beginning, as vacated by resolution No. 6 1976, dated September 8, 1976 and recorded September 9, 1976 in miscellaneous record 177, page 836.

Commonly known as: 2431 8th Av, Terre Haute, Indiana 47804.
Parcel No: 84-06-14-332-005.000-002

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.

Dominionaire Properties LLC
[Typed name of owner(s) on deed]

SIGNATURE: _____

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for
said County and State, Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his
oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 25th day of September, 2002020.

Notary Public:
Brenda I. Palmer
[Typed name] Brenda I. Palmer

My Commission Expires: 06/17/2028

My County Of Residence: Vigo

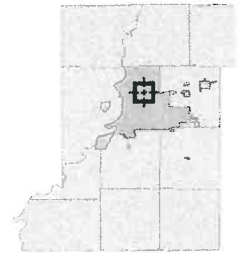




Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2020 Sales

Parcel ID	84-06-14-332-005.000-002	Alternate ID	118-06-14-332-005	Owner Address	DOMINIONAIRE PROPERTIES LLC
Sec/Twp/Rng	14	Class	Res 1 fam dwelling platted lot		762 REMINGTON DR
Property Address	2431 8TH AVE	Acreage	n/a		CHESAPEAKE, VA 23322
	TERRE HAUTE				
Neighborhood	118517 - HARRISON				
District	002 HARRISON				
Brief Tax Description	PATRICKS SUB ALSO VAC ALLEY 14-12-9 LOTS 15-16				
	(Note: Not to be used on legal documents)				

Date created: 8/28/2020
 Last Data Uploaded: 8/27/2020 10:11:12 PM

Developed by Schneider
 GEOSPATIAL

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2020010152 SWD \$25.00
08/10/2020 03:14:24P 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented

AUG 10 2020


VIGO COUNTY AUDITOR
State of Indiana

FHA Case No.: GE151-858619

SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH: The Secretary of Housing and Urban Development, or his successors, party of the first part, and his/her/their heirs and assigns, party(ies) of the second part (hereinafter called "Grantor"), conveys and specially warrants against all persons claiming by, through, or under him to **Dominionaire Properties, LLC** (hereinafter called "Grantee") for and in consideration of Ten Dollars (\$10.00) and other valuable considerations, the receipt thereof is hereby acknowledged, the following described real estate in the State of Indiana, County of Vigo, to-wit:

TRACT I

LOT NUMBER SIXTEEN (16) IN PATRICK'S SUBDIVISION OF 24 ACRES IN THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST IN TERRE HAUTE, INDIANA.

TRACT II

LOT NUMBER FIFTEEN (15) IN PATRICK'S SUBDIVISION OF 24 ACRES IN THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST IN TERRE HAUTE, INDIANA.

ALSO ALL OF THE VACATED ALLEY BETWEEN LOT NUMBER FIFTEEN (15) AND LOT NUMBER SIXTEEN (16) IN PATRICK'S SUBDIVISION DESCRIBED AS FOLLOWS:, TO-WIT:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF EIGHT AVENUE, WHICH IS ALSO THE NORTHWEST CORNER OF LOT 16 OF SAID PATRICK'S SUBDIVISION; THENCE SOUTH ALONG SAID LOT LINE A DISTANCE OF 120 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT NUMBER 16; THENCE WEST A DISTANCE OF 15 FEET, MORE OR LESS, TO A POINT WHICH IS THE SOUTHEAST CORNER OF LOT NUMBER 15 IN SAID PATRICK'S SUBDIVISION; THENCE NORTH ALONG SAID LOT LINE A DISTANCE OF 120 FEET, MORE OR LESS, TO A POINT WHICH IS ALSO THE NORTHEAST CORNER OF SAID LOT NUMBER 15; THENCE EAST A DISTANCE OF 15 FEET MORE OR LESS, TO THE POINT OF BEGINNING, AS VACATED BY RESOLUTION NO. 6 1976, DATED SEPTEMBER 8, 1976 AND RECORDED SEPTEMBER 9, 1976 IN MISCELLANEOUS RECORD 177, PAGE 836.

Parcel No.: 84-06-14-332-005.000-002

Property Address: 2431 8th Ave, Terre Haute, IN 47804

Tax Mailing Address and Grantee's Address: 762 Remington Dr, Chesapeake, VA 23322

THIS DEED IS NOT TO BE EFFECTIVE UNTIL August 6, 2020.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (79 Stat. 687).

SUBJECT to all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and SUBJECT to any state of facts an accurate survey would show.

GRANTOR certifies that he acts in his capacity as agent for the United States of America and that no Gross Income Tax is due or payable in respect to any transfer made by this deed.

The undersigned has set his hand and seal as the authorized agent for and on behalf of the said Secretary of Housing and Urban Development under authority and by virtue of the delegation of authority published at 70 FR 43, 171 (July 26,2005).

Buyer(s) Acknowledgment

Dominionaire Properties, LLC

[Signature] - CEO/President
Roger D Cheeks, Member

Secretary of Housing and Urban Development

By: [Signature]

Printed Name: Shannah Fils

Title: Designated Signatory for
Sage Acquisitions
Authorized Agent of the U.S.
Department of Housing and Urban
Development

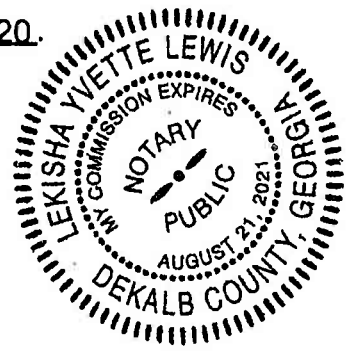
STATE OF ~~INDIANA~~ Georgia)
COUNTY OF Fulton)s

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Shannah Fils, a Designated Signatory for Sage Acquisitions, Authorized Agent of the U.S. Department of Housing and Urban Development, and the person who executed the foregoing instrument bearing the date of August 6, 2020 by virtue of the authority vested in him/her by the delegation of authority published at 70 FR 43, 171 (July 28, 2005), and acknowledged that he/she executed the foregoing instrument for and on behalf of the Secretary of Housing and Urban Development.

WITNESS my hand and official seal, this 4th day of August, 2020.

(OFFICIAL SEAL)

[Signature]
NOTARY PUBLIC



My Commission Expires: [Signature]
County of Residence: [Signature]

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. (Janet Davis Hocker)

This instrument was prepared by: Janet Davis Hocker

Return Deed to: HOCKER & ASSOCIATES LLC, 6626 E. 75th St. Suite 410, Indianapolis, IN 46250

IN WITNESS WHEREOF, this document was executed this 4th day of August, 2020.

EXECUTED AND DELIVERED in my presence:

[Signature] [Witness' Signature]

Witness: Tarshauna Durham [Witness' Printed Name]

STATE OF Georgia)

COUNTY OF Fulton)

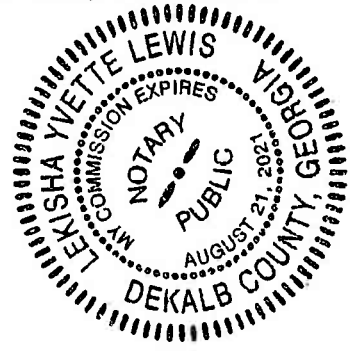
Before me, a Notary Public in and for said County and State, personally appeared Tarshauna Durham [Witness' Name], being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Shannah Fils [Grantor's Name] in the foregoing subscribing witness' presence.

Witness my hand and Notarial Seal this 4th day of August, 2020.

[Signature] [Notary Public's Signature]

[Printed Name] [Notary Public's' Printed Name]

[Include Notary Public's commission number, seal, commission county of residence or employment, and commission expiration date.]



Receipt

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

Date: 09-25-2020
Name: Dominionaire Properties, LLC
Reason: Rezoning - Notice of filing \$ 25.00
Rezoning - Petition \$ 20.00
Roger Check \$ 45.00

Cash: _____
Check: _____
Credit: \$45.00
Total: \$45.00

TERRE HAUTE, INC
PAID
SEP 25 2020
CONTROLLER

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: November 5, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 26-20**

CERTIFICATION DATE: November 4, 2020

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. 26-20. This Ordinance is a rezoning of the property located at 2431 8th Avenue. The Petitioner, Dominionaire Properties LLC, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family Residence.

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. 26-20 at a public meeting and hearing held Wednesday, November 4, 2020. 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. 26-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 26-20 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. 26-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approval of a detailed site plan, including parking, by City Engineering.



Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 5th day of November, 2020

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 26-20

Doc: # 47

Date: November 4, 2020

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Dominionaire Properties, LLC

Property Owner: Same-As-Above

Proposed Use: Duplex

Proposed Zoning: R-2, Two-Family Residential District

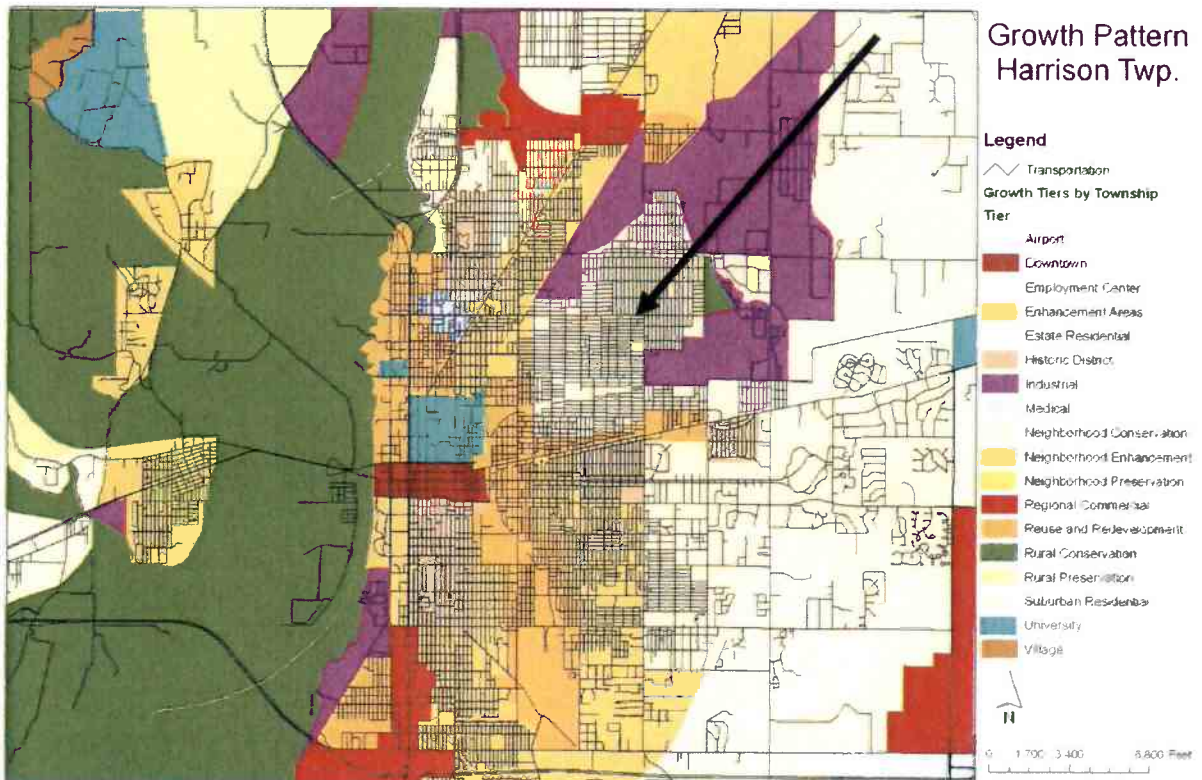
Current Zoning: R-1, Single Family Residential District

Location: The property is located 230 feet west of the intersection of 8th Avenue & N. 25th Street

Common Address: 2431 8th Avenue, Terre Haute, In/84-06-14-332-005.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 26-20

Doc: # 47

Date: November 4, 2020

Page 2 of 4

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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 26-20

Doc: # 47

Date: November 4, 2020

Page 3 of 4

Street Access: 8th Avenue

Dev. Priority: High intensity residential

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1

East – R-1/C-2

South – R-1

West – R-1

ZONING REGULATIONS

R-2 Purpose: Single-Family and Two-Family Dwellings Units

R-2 Uses: Any use permitted in the R-1, Single-family Residence District, such as Churches, Rectories, and Parish Houses, Convents and Monasteries; Gardening, including nurseries, provided that no offensive odors or dust are created; Public Libraries; Child Care as a Home Occupations; Parks, Playgrounds, and Schools; Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98); Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98).

R-2 Standards: Minimum Lot Size: 7,200 Sq. Ft. per unit FAR 0.5 %

Street Setback: 55 feet from centerline on Poplar Ave.

55 feet on 8th Ave.

Rear setback: 11 feet from the center of the alley right-of-way

Interior setback: 5 feet from the interior lot line

Two (2) parking spaces per two-bed room unit.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 26-20

Doc: # 47

Date: November 4, 2020

Page 4 of 4

FINDINGS and RECOMMENDATION

Staff Findings:

A vacant home currently exists at this location. The petitioner plans to remove the home and build a single duplex. Reinvestment and redevelopment is a recommended and encouraged activity at this location. The property is located between a commercial property and a church, with empty lots to the south along Patrick St.

The petitioner has provided a floor plan for the proposed duplex, but not a full site plan. Approval of a detailed site plan, including parking, must be approved by City Engineering.

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Approval of a detailed site plan, including parking, by City Engineering.