



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO.3

COMMON ADDRESS OF LOTS TO BE REZONED:

201 N 13TH & 207 N 13TH STREET 47807

Current Zoning: R-3 GENERAL CENTRAL RESIDENT DISTRICT

Requested Zoning: C-5 GENERAL CENTRAL BUSINESS

Proposed Use: USED CAR LOT

Name of Owner: HENRY P & MELISSA JILL ELLIS

Address of Owner: 2101 BLUE BELL CT BLOOMINGTON
47404

Phone Number of Owner: 812-606-1123

Attorney Representing Owner (if any): N/A

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: HENRY P ELLIS

Council Sponsor: MARTHA CROSSEN

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

FILED

JAN 02 2019

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 3, 2019

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 ORDANED 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:

FIFTY-EIGHT (58) FEET OFF THE SOUTH SIDE OF LOT(9) IN JEWETT'S FIRST
SUBDIVISION OF EUTAW FARM, BEING A PART OF THE EAST HALF OF
SECTION 22, TOWNSHIP 12 NORTH, RANGE 9 WEST

ALSO

FORTY (40) FEET OFF THE NORTH SIDE OF NINETY- EIGHT (98) FEET OFF
THE SOUTH SIDE OF LOT NUMBER NINE (9) OF JEWETTE'S FIRST
SUBDIVISION OF EUTAW FARM, BEING A PART OF THE EAST HALF OF
SECTION TWENENTY-TWO (22) TOWNSHIP TWELVE(12) NORTH, RANGE (9)
WEST

Commonly known as: 201 N 13TH ST & 207 N 13TH ST TERRE HAUTE IN. 47807

Be and the same is hereby established as a **C-5 GENERAL CENTRAL 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

Passed in Open Council this 7 day of JAN, 2019.

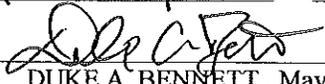
Martha Crossen
Martha Crossen -President

ATTEST: Michelle L Edwards
MICHELLE L EDWARDS, CITY CLERK

Presented by me to the Mayor of the City of Terre Haute this 8 day of February 2019

Michelle L Edwards
MICHELLE L EDWARDS, CITY CLERK

Approved by me, the Mayor, this 8th day of FEBRUARY, 2019.


DUKE A. BENNETT, Mayor

ATTEST: 
MICHELLE L EDWARDS, CITY CLERK

This instrument prepared by: HENRY P ELLIS 2101 BLUE BELL CT BLOOMINGTON IN. 47404
812-606-1123

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.


Henry P. Ellis

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 HENRY P & MELISSA JILL ELLIS respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Fifty-eight (58) feet off the South side of Lot Number Nine (9) in Jewett's First Subdivision of Eutaw Farm, being a part of the East half of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West.

Also

Forty (40) feet off the North side of Ninety-eight (98) feet off the South side of Lot Number Nine (9) of Jewett's First Subdivision of Eutaw Farm, being a part of the East half of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West.

Commonly known as: 201 North 13th Street and 207 North 13th Street, Terre Haute, Indiana 47807.

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 **R3 General Residents District**.

Your petitioner would respectfully state that the real estate is now Hair salon/Barbershop. Your petitioner intends to use the real estate to sell used automobiles.

Your petitioner would request that the real estate described herein shall be zoned as C-5 General Central Business District. Your petitioner would allege that the C-5 General Business 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 C-5 General Central Business 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, This petition has been duly executed this 2 day of January, 2019.

BY: Melissa Jill Ellis

BY: Henry P. Ellis

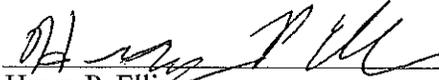
Henry P and Melissa J Ellis

PETITIONER: This instrument was prepared Henry P. Ellis.

AFFIDAVIT OF:

COMES NOW affiant Henry P. and Melissa J. Ellis and affirms under penalty of law that affiant is the owner of record of the property located at 201 N. 13th & 207 N. 13th Terre Haute IN 47807 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.

SIGNATURE: 
Henry P. Ellis

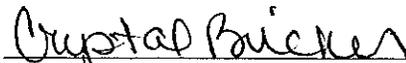
SIGNATURE: 
Melissa J. Ellis

STATE OF INDIANA)
SS: (COUNTY OF Vigo)

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

WITNESS my hand and notarial seal, this 31 day of Dec., 20018.

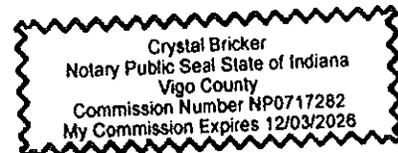
Notary Public:

Signaturer: 

Printed name: Crystal Bricker

My Commission Expires: 12-3-2026

My County Of Residence: Vigo



Map More

84-06-22-401-002.000-002

84-06-22-401-003.000-002

84-06-22-401-004.000-002

84-06-22-401-005.000-002

84-06-22-401-006.000-002

ALLEY

POWERED BY esri

50 ft

EAGLE

2864161.53, 1537648.94

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

OCT 03 2017

2017009965 WD \$25.00
10/03/2017 02:37:31P 1 PGS
Stacey Joy
VIGO County Recorder IN
Recorded as Presented

James W. Bonomo
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, That John C. Esperson and Dannette J. Esperson, husband and wife, of Vigo County, State of IN, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEY AND WARRANT unto Henry P Ellis and Melissa Jill Ellis, husband and wife, of Monroe County, State of IN, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Fifty-eight (58) feet off the South side of Lot Number Nine (9) in Jewett's First Subdivision of Eutaw Farm, being a part of the East half of Section, 22, Township 12 North, Range 9 West.

Also

Forty (40) feet off the North side of Ninety-eight (98) feet off the South side of Lot Number Nine (9) of Jewett's First Subdivision of Eutaw Farm, being a part of the East half of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred John C. Esperson and Dannette J. Esperson have hereunto set their hands and seals, this 29th day of September, 2017.

John C. Esperson

John C. Esperson (SEAL)

Dannette J. Esperson

Dannette J. Esperson (SEAL)

STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 29th day of September, 2017, personally appeared John C. Esperson and Dannette J. Esperson and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: April 20, 2022
GRETA SARAH DAVIS
Notary Public, State of Indiana
Vigo County
My Commission Expires: April 20, 2022
My County of residence is Vigo

Greta Sarah Davis

Notary Public
Greta Sarah Davis
Typewritten or printed name of notary

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.

Donald J. Bonomo

Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 2101 W. Blue Bell Ct. Bloomington, IN 47404

MAIL TAX STATEMENTS TO: 2101 W. Blue Bell Ct. Bloomington, IN 47404

Receipt

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

Date: 1/2/19

Name: Hency Ellis

Reason: Rezoning

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

Received By: L. Ellis

TERRE HAUTE, IN.
PAID
2019 JAN 15 PM 2:07
CONTROLLER



TERRE HAUTE
SINCE 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: February 7, 2019

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 3-19,**

CERTIFICATION DATE: February 6, 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. 3-19. This Ordinance is a rezoning of the property located at 201 and 207 N. 13th St.. The Petitioner, Henry and Melissa Ellis petitions the Plan Commission to rezone said real estate from zoning classification R-3 to C-5, General Central Business District for a used car lot. 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. 3-19 at a public meeting and hearing held Wednesday, February 6, 2019.. 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. 3-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 3-19 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. 3-19 was **FAVORABLE WITH THE FOLLOWING CONDITION:** Approval of Site Plan meeting all City codes.



Fred L. Wilson, President



Jared Bayler, Executive Director

Received this 7th day of February, 2019

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #3-19
Date: February 2019

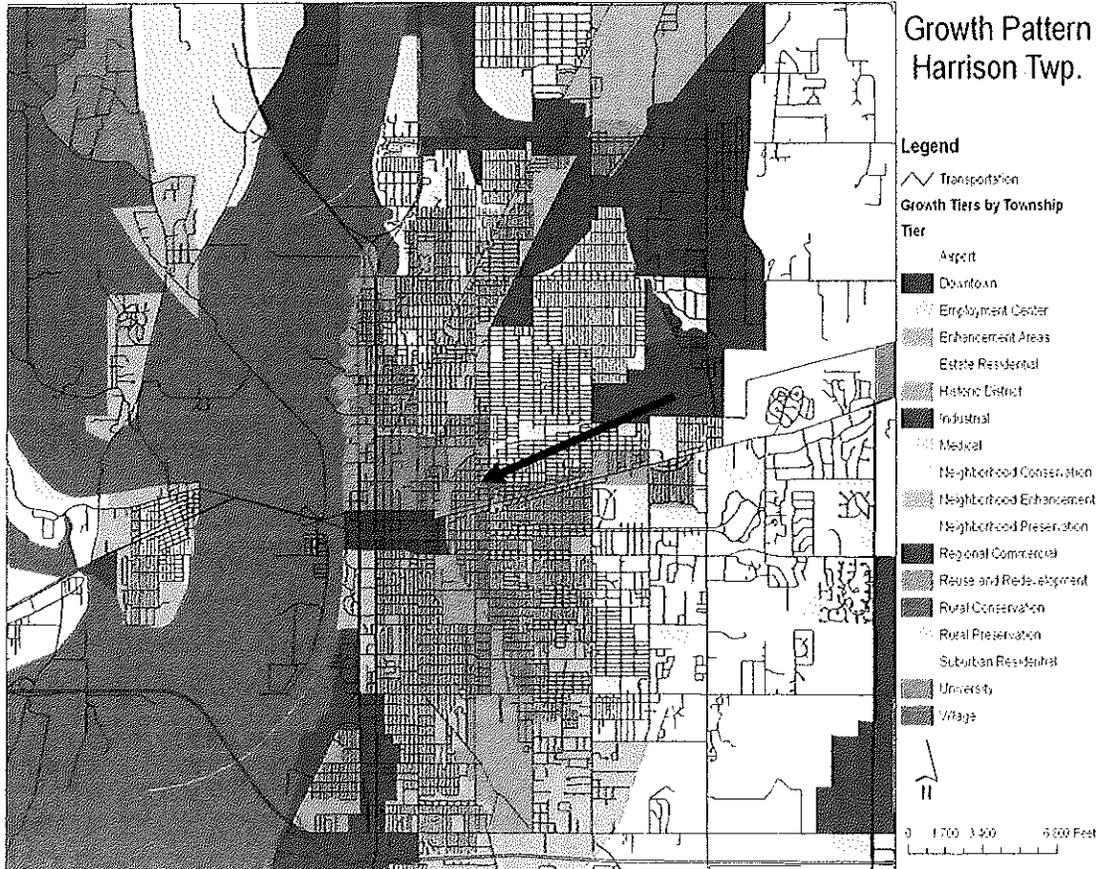
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APPLICATION INFORMATION

Property Owner: Henry & Melissa Jill Ellis
Proposed Use: Used car lot
Proposed Zoning: C-5 General Central Business District
Current Zoning: R-3 General Central Resident District
Location: The property is located on the corner of N. 13th Street and Eagle Street
Parcels#: 84-06-22-401-006.000-002 & 84-06-22-401-005.000-002
Common Address: 201 & 207 N. 13th Street, Terre Haute, IN 47803

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #3-19
Date: February 2019

Doc: # 4
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Street Access: N. 13th Street

Dev. Priority: Neighborhood Commercial

Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – R-3, C-6

East – R-3

South – M-1

West – R-3

Character of Area: The petitioned property is located about 188 ft. south of an existing car lot and 500 ft. north of Wabash Avenue. The area used to have single family and rental homes. A lot of these homes have been torn down.

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 property currently enjoys a legal non-conforming status. Previous tenants of this property operated a hair salon and a barber shop.

13th St. is a Major Street in the City of Terre Haute. As such scattered commercial uses driven by traffic counts are common. A similar use is located one block to the north.

The two lots may need to be combined if the proposed use occupies both lots and the north lot will need to be hard surfaced.

Site plan approval must come from the City Engineering Department.

It is of note that this location has been identified as a reuse and redevelopment area within the City of Terre Haute.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #3-19

Doc: # 4

Date: February 2019

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This area of Terre Haute is not and should not be considered a Central Business District. Central Business Districts are areas of main warehousing and wholesaling and shares the retail trade to a more limited degree with the C-4 District. A C-5 District is characterized by a high volume of trucks and vehicles as well as pedestrian traffic. In this instance, a Planned Development would have been a better choice of zoning. However, given the existing similar use to the north and the need for reuse and redevelopment staff can still offer a;

Recommendation: Favorable recommendation on the C-5 rezoning

1. Approval of a site plan meeting all codes for the City of Terre Haute