

DEFEATED

SPECIAL ORDINANCE NO. 13, 2025

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Addresses of lots to be rezoned:

(A) 2314 Locust St., Terre Haute, Indiana 47807
Parcel No. 84-06-14-379-026.000-002

(B) 2310 Locust St., Terre Haute, Indiana 47807
Parcel No. 84-06-14-379-017.000-002

Rezone From: (A) R-1 Single Family Residence District
(B) C-2 Community Commerce District

Rezone To: C-6 Strip Business

Proposed Use: Automobile Sales

Name of Owners: Charish Otte

Address of Owners: 5600 E. Rosehill Ave, Terre Haute, IN 47805

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery , P.C.
PO Box 9849, Terre Haute, IN 47807

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Jim Chalos

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 05 2025

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 13, 2025**

CITY CLERK

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

SECTION I. 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:

Lots Number Two Hundred Forty-two (242), Two Hundred Forty-three (243) and Two Hundred Forty-four (244) 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, as per recorded plat of the same recorded in Plat Book 6-A, page 79 of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-14-379-026.000-002

Parcel No. 84-06-14-379-017.000-002

Commonly known as 2314 Locust St., Terre Haute, Indiana 47807 and
2310 Locust St., Terre Haute, Indiana 47807

Be and the same is hereby established as a C-6 Strip Business, 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, _____


Jim Chalos, Councilperson

Passed in open Council this _____ day of _____, 2025.

Todd Nation, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2025. At _____ O'clock.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2025.

Brandon Sakbun, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

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

Lots Number Two Hundred Forty-two (242), Two Hundred Forty-three (243) and Two Hundred Forty-four (244) 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, as per recorded plat of the same recorded in Plat Book 6-A, page 79 of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-14-379-026.000-002

Parcel No. 84-06-14-379-017.000-002

Commonly known as 2314 Locust St., Terre Haute, Indiana 47807 and 2310 Locust St., 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 (A) R-1 Single Family Residence District and (B) C-2 Community Commerce District.

Your Petitioner intends to use the existing building for the Automobile Sales office and use a portion of the remaining property for the automobile lot. Your Petitioner would request that the real estate described herein shall be zoned as a C-6 Strip Business.


Your Petitioner would allege that the C-6 Strip Business would not alter the general characteristics of this neighborhood since there are other restaurants in the area.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-3 Regional Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owner 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 28 day of February, 2025.

PETITIONER:


Charish Otte

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.

SITE PLAN
SPECIAL ORDINANCE NO. , 2025



(A) 314 Locust St., Terre Haute, Indiana 47807
Parcel No. 84-06-14-379-026.000-002

(B) 2310 Locust St., Terre Haute, Indiana 47807
Parcel No. 84-06-14-379-017.000-002

(A) R-1 Single Family Residence District and
(B) C-2 Community Commerce District
to
C-3 Regional Commerce District

Proposed Use: Automobile Sales

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now Charish Otte, being duly sworn upon her oath, deposes and says:

1. That Charish Otte, 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:

Lots Number Two Hundred Forty-two (242), Two Hundred Forty-three (243) and Two Hundred Forty-four (244) 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, as per recorded plat of the same recorded in Plat Book 6-A, page 79 of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-14-379-026.000-002

Parcel No. 84-06-14-379-017.000-002

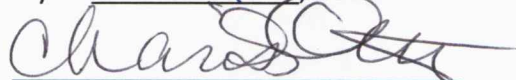
Commonly known as 2314 Locust St., Terre Haute, Indiana 47807 and
2310 Locust St., Terre Haute, Indiana 47807

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 Charish Otte 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 Charish Otte.

4. Further, Affiant saith not.

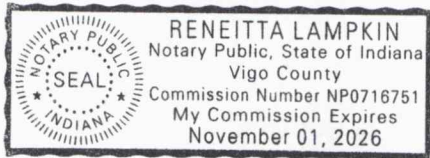
Dated at Terre Haute, Indiana this 26 day of February 2025.


Charish Otte

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 28 day of February, 2025.

Reneitta Lampkin
Reneitta Lampkin, Notary Public



My Commission expires: Nov. 1, 2026

My County of Residence: Vigo

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.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

JUN 27 2024


VIGO COUNTY AUDITOR

2024006548 WD \$25.00
06/27/2024 08:48:58A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH That *Alisa Smith, by her Attorney in Fact, Monique Allen*, of Vigo County, Indiana, conveys and warrants to *Charish E. Otte*, of Vigo County, Indiana, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots Number Two Hundred Forty-two (242), Two Hundred Forty-three (243) and Two Hundred Forty-four (244) 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, as per recorded plat of the same recorded in Plat Book 6-A, page 79 of the Recorder's Office of Vigo County, Indiana.

Subject to rights-of-way, conditions, restrictions and other easements of record.


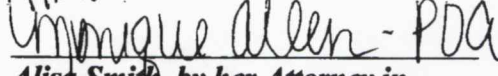
Commonly known as: 2314/2310 Locust St., Terre Haute IN 47807

Parcel No. 84-06-14-379-026.000-002

Parcel No. 84-06-14-379-017.000-002

That Grantor, *Alisa Smith's interest is being transferred by Power of Attorney, which was recorded on the 27th day of June, 2024, Instrument No. 2024006547* in the Office of the Recorder, Vigo County, Indiana.

IN WITNESS WHEREOF, The said *Alisa Smith, by her Attorney in Fact, Monique Allen*, has caused this deed to be executed on the 25th day of June, 2024.



Alisa Smith, by her Attorney in Fact, Monique Allen



TERRE HAUTE, IN.

PAID

MAR 05 2025

CONTROLLER

Receipt of Payment

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

Date 3/5/25
Name Richard Shagley
Reason Rezoning - 20
Fee - 25

Cash _____
Check \$45.00 Ck # 074896
Credit _____
Total \$45.00

Received By Elk/ J. Thome



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: April 10, 2025

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 13-25

CERTIFICATION DATE: April 9, 2025

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. 13-25. This Ordinance is a rezoning of property located at 2310, 2314 Locust, Terre Haute, IN. Parcel numbers 84-06-14-379-017.000-002/84-06-14-379-026.000-002. The Petitioner Charish Otte, petitions the Plan Commission to rezone for the future Automobile sales from zoning classification R-1 and C-2 to a C-6, Strip business District.

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. 13-25 at a public meeting and hearing held Wednesday, April 9, 2025. 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. 13-25 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 13-25 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, the Area Planning Commission's certification on SO #13-25 was NO RECOMMENDATION



A handwritten signature in black ink.
Norm Froderman, APC Secretary

A handwritten signature in black ink.
Jared Bayler, Executive Director

Received this 10th day of April, 2025

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-25

Doc: #20

Date: April 2025

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APPLICATION INFORMATION

Property Owners: Charish Otte

Proposed Use: Automobile Sales

Proposed Zoning: C-6 Strip Business District

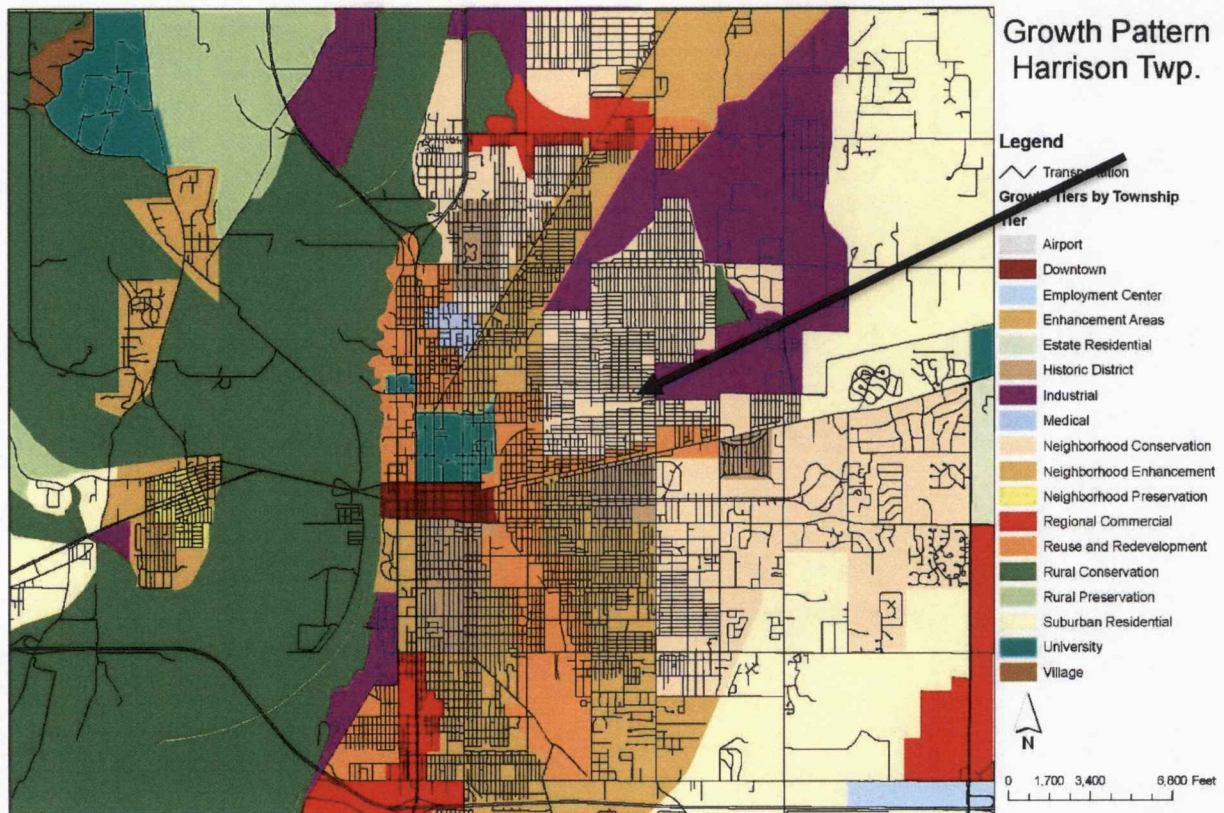
Current Zoning: R-1 & C-2 –Single Family Residence/ Limited Community

Representative: Richard J. Shagley II

Common Address: 2310 & 2314 Locust Street, Terre Haute. Parcel #s- 84-06-14-379-017.000-002/84-06-14-379-026.000-002 Locust Street Sub Lots 242-243-244

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute



ZONING COMPATIBILITY

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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-25

Doc: #20

Date: April 2025

Page 3 of 4

Available Services: The area is well served by utilities.

Character of Area: Neighborhood Commercial

Street Access: Locust Street

Sur. Zones and Uses:

North – R-1

West – R-1

South – R-1

East – R-1

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in the area. It shall be a major shopping center, definitely limited to specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

Staff Findings:

The proposed property for automobile sales appears to share a driveway (vacated alley) with a residentially-zoned childcare facility. It is unknown if the driveway is used by the childcare facility. However, the drive is entirely on the petitioner's property.

The property will need to be hard-surfaced and screening will be required to the residentially zoned properties. The property would need a commercial drive cut.

The vacant western parcel is currently zoned C-2. It was rezoned in 2005 for the proposed use of an "apprenticeship school". However, staff was unfavorable to any other use for the location in 2005, stating that the favorable recommendation was limited to "an apprenticeship school/meeting hall for the Painter's Union. Otherwise, staff is unfavorable to this request".

The Department of Engineering offered an unfavorable recommendation with the following explanation: "The intended use for an Auto Sales would alter the neighborhood's characteristic and could create significant problems for the surrounding area. There is a child care directly next door to the East, a church across the street to the South and homes to the North and West".

Recommendation:

Staff provides an unfavorable recommendation in addition to the unfavorable recommendation from the Department of Engineering.