

SPECIAL ORDINANCE NO. 15, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lot to be rezoned:

625 Florida Avenue, Terre Haute, Indiana 47804

Parcel No. 84-06-09-426-001.000-002

Rezoned From: R-1 Single Family Residence District

Rezoned To: C-5 Community Commercial District

Proposed Use: Commercial Development

Name of Owners: Wabash Valley Christian Youth Camp, Inc.

Address of Owners: 3225 E. Harlan Drive
Terre Haute, IN 47802

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 47808

For Information Contact: [] Owner [x] Attorney

Council Sponsor: Neil Garrison

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 7 2021

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 15, 2021**

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:

Beginning 250 feet South and 994.8 feet West of the Northeast corner of the Southeast Quarter of Section 9, Township 12 North, Range 9 West; North 228 feet; left 25 degrees 15 minutes 35.2 feet to a point 1009.8 feet West of the Northeast corner of said Southeast Quarter; East 578.25 feet to a point in the East Right of Way line (extended) of Limited Access Right of Way U.S. Highway 41, as per Deed Record 320, page 813 and recorded March 28, 1960; South 13 degrees 05 minutes East 59.40 feet; thence on a curve to the right (radius 2204.86 feet); 86.48 feet on a chord bearing South 38 degrees 18 minutes West; South 38 degrees 19 minutes West 158.62 feet to a point East of beginning; West 426.37 feet to beginning and containing 3.186 acres more or less.

Subject to a right of way 50 feet wide off the West side to the Indiana State Highway Commission and subject to an easement 60 feet wide off the North side thereof to make Florida Avenue a 60 foot right of way.

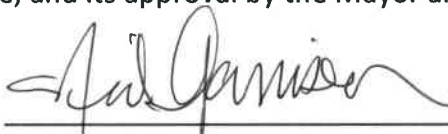
Parcel No. 84-06-09-426-001.000-002

Commonly known as: 625 Florida Avenue, Terre Haute, Indiana 47804.

Be and the same is hereby established as a C-5 Community Commercial 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 3RD day of JUNE, 2021.



O. Earl Elliott, President

ATTEST:



Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 4th day of
JUNE, 2021.



Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 4th day of JUNE,
2021.



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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, David R. Cash, for the Wabash Valley Christian Youth Camp, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Beginning 250 feet South and 994.8 feet West of the Northeast corner of the Southeast Quarter of Section 9, Township 12 North, Range 9 West; North 228 feet; left 25 degrees 15 minutes 35.2 feet to a point 1009.8 feet West of the Northeast corner of said Southeast Quarter; East 578.25 feet to a point in the East Right of Way line (extended) of Limited Access Right of Way U.S. Highway 41, as per Deed Record 320, page 813 and recorded March 28, 1960; South 13 degrees 05 minutes East 59.40 feet; thence on a curve to the right (radius 2204.86 feet); 86.48 feet on a chord bearing South 38 degrees 18 minutes West; South 38 degrees 19 minutes West 158.62 feet to a point East of beginning; West 426.37 feet to beginning and containing 3.186 acres more or less.

Subject to a right of way 50 feet wide off the West side to the Indiana State Highway Commission and subject to an easement 60 feet wide off the North side thereof to make Florida Avenue a 60 foot right of way.

Parcel No. 84-06-09-426-001.000-002

Commonly known as: 625 Florida Avenue, Terre Haute, Indiana 47804.

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 intends to use this real estate for commercial purposes within the boundaries of the C-5 Community Commercial District. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 Community Commercial District.

Your Petitioner would allege that the C-5 Community Commercial District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and the use of this real estate with the boundaries of the C-5 Community Commercial District should not cause concern for the surrounding 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-5 Community Commercial 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, this petition has been duly executed this 7th day of April, 2021.

PETITIONER:

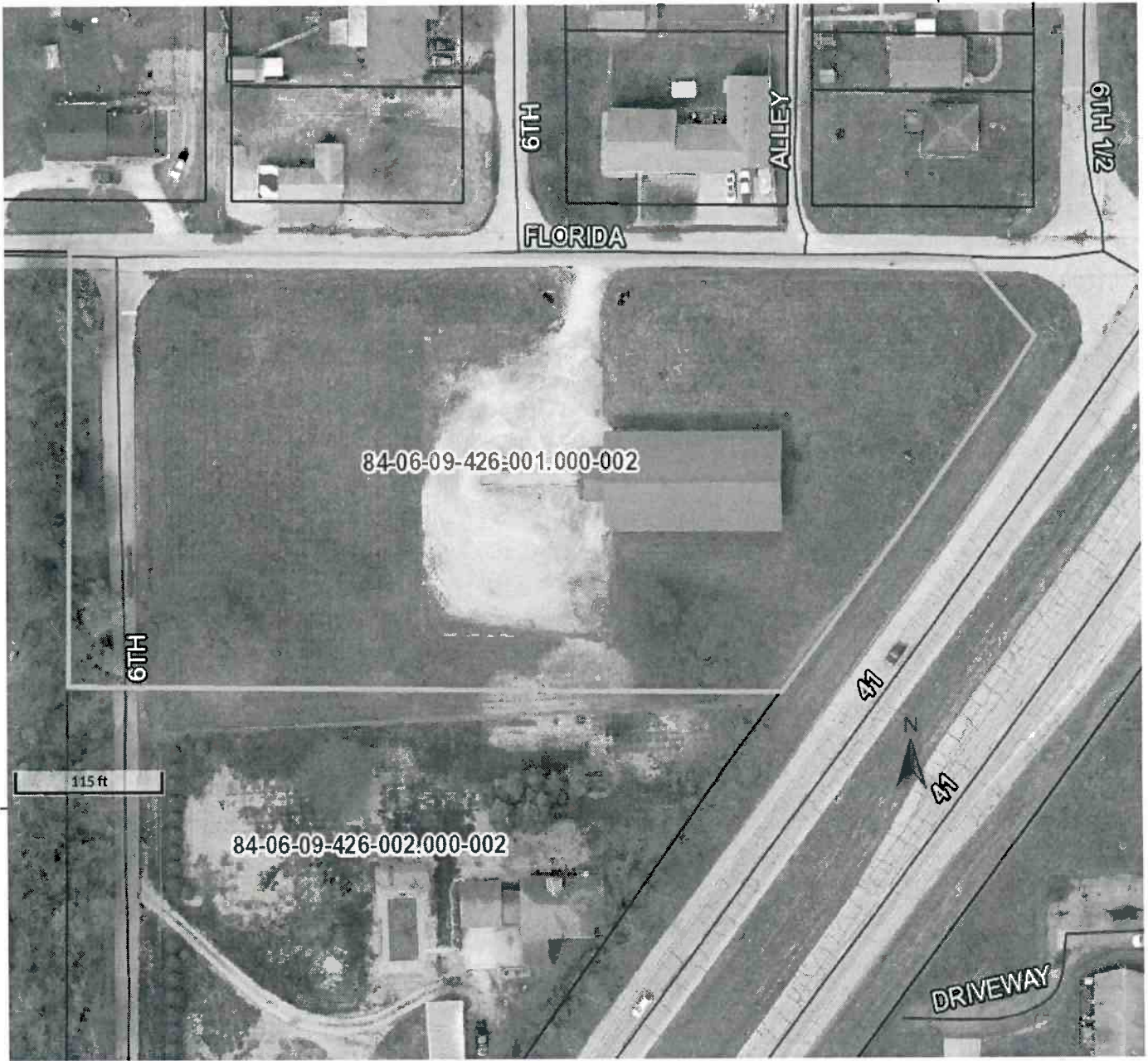
Wabash Valley Christian Youth Camp, Inc.

By: 

**David R. Cash, For the Wabash Valley
Christian Youth Camp, Inc.**

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



625 Florida Avenue, Terre Haute, IN 47804

Parcel No. 84-06--09-426-001.000-002

Rezone From:
R-1 Single Family Residence District
to
C-5 Community Commercial District

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, David R. Cash, for the Wabash Valley Christian Youth Camp, Inc., being duly sworn upon his oath, deposes and says:

1. That Wabash Valley Christian Youth Camp, Inc. 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:

Beginning 250 feet South and 994.8 feet West of the Northeast corner of the Southeast Quarter of Section 9, Township 12 North, Range 9 West; North 228 feet; left 25 degrees 15 minutes 35.2 feet to a point 1009.8 feet West of the Northeast corner of said Southeast Quarter; East 578.25 feet to a point in the East Right of Way line (extended) of Limited Access Right of Way U.S. Highway 41, as per Deed Record 320, page 813 and recorded March 28, 1960; South 13 degrees 05 minutes East 59.40 feet; thence on a curve to the right (radius 2204.86 feet); 86.48 feet on a chord bearing South 38 degrees 18 minutes West; South 38 degrees 19 minutes West 158.62 feet to a point East of beginning; West 426.37 feet to beginning and containing 3.186 acres more or less.

Subject to a right of way 50 feet wide off the West side to the Indiana State Highway Commission and subject to an easement 60 feet wide off the North side thereof to make Florida Avenue a 60 foot right of way.

Parcel No. 84-06-09-426-001.000-002

Commonly known as: 625 Florida Avenue, Terre Haute, Indiana 47804.

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 Affiants make this Affidavit for the sole purpose of affirming that Wabash Valley Christian Youth Camp, Inc. 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 Wabash Valley Christian Youth Camp, Inc..

4. Further, Affiant saith not.

SALES DISCLOSURE
NOT REQUIRED

2019003467 TT \$25.00
04/09/2019 10:54:42A 3 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



TRUSTEES' DEED

This Indenture Witnesseth that **Elizabeth Evans, Jason Kelly, and Larry Page, as Trustees of the Northwest Church of Christ, an unincorporated association formed and existing under the laws of the State of Indiana (hereafter, "Northwest")**, convey and warrant to **Wabash Valley Christian Youth Camp, Inc., an Indiana non-profit corporation**, for no economic consideration, the following described real estate in Vigo County, in the State of Indiana, to-wit:

Beginning 250 feet South and 994.8 feet West of the Northeast corner of the Southeast Quarter of Section 9, Township 12 North, Range 9 West; North 228 feet; left 25 degrees 15 minutes 35.2 feet to a point 1009.8 feet West of the Northeast corner of said Southeast Quarter; East 578.25 feet to a point in the East Right of Way line (extended) of Limited Access Right of Way U.S. Highway 41, as per Deed Record 320, page 813 and recorded March 28, 1960; South 13 degrees 05 minutes East 59.40 feet; thence on a curve to the right (radius 2204.86 feet); 86.48 feet on a chord bearing South 38 degrees 18 minutes West; South 38 degrees 19 minutes West 158.62 feet to a point East of beginning; West 426.37 feet to beginning and containing 3.186 acres more or less.

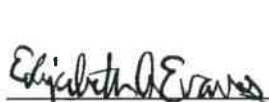
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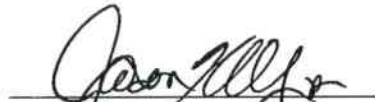
[Tax Parcel No. 84-06-09-426-001.000-002]

Memoranda

1. The above tax parcel number is provided for informational purposes, only.
2. The above named Trustees are the duly elected Trustees of Northwest as shown in the 2019 Trustee Election Certification of Northwest Church of Christ dated February 10, 2019, and recorded as Instrument No. 2019001653, in the office of the Recorder of Vigo County, Indiana, and are authorized to execute this Trustees' Deed on behalf of Northwest by a resolution of Northwest's members.
3. The Trustees also hereby convey and transfer all of Northwest's personal property to the grantee.

In Witness Whereof, the said Elizabeth Evans, Jason Kelly, and Larry Page have hereunto set their hands and seals as of April 7, 2019.


Elizabeth Evans, as Trustee

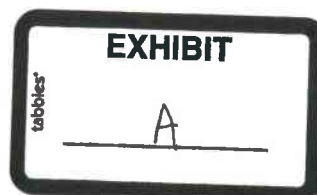

Jason Kelly, as Trustee


Larry Page, as Trustee

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

APR 09 2019


VIGO COUNTY AUDITOR



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, this day, April 7, 2019, personally appeared Elizabeth Evans who, having been first duly sworn, stated that the representations contained herein are true and who acknowledged this conveyance to be her voluntary act and deed.

[Signature]
Notary Public



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, this day, 4-9, 2019, personally appeared Jason Kelly who, having been first duly sworn, stated that the representations contained herein are true and who acknowledged this conveyance to be his voluntary act and deed.

[Signature]
Notary Public

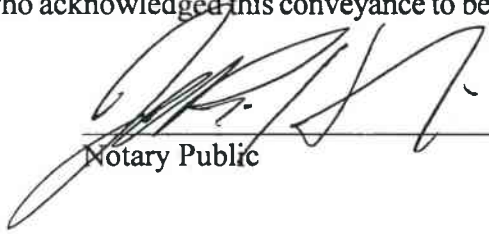
My commission expires: 9-10-2024
My Commission number is: 689436

Printed Name: Jennifer J. Hawkins
County of Residence: Sullivan

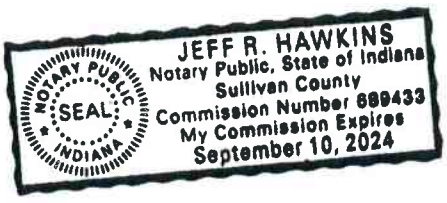


STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, this day, April 7, 2019, personally appeared Larry Page who, having been first duly sworn, stated that the representations contained herein are true and who acknowledged this conveyance to be his voluntary act and deed.

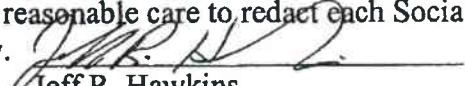


Notary Public



Grantee street and tax mailing address: 3525 E Harlan Dr., Terre Haute, IN 47802

Property Address: 625 Florida Avenue, Terre Haute, IN 47804

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.


Jeff R. Hawkins

This Trustees' Deed was prepared by Jeff R. Hawkins, of Hawkins Law PC, whose address is 999 North Section Street, Post Office Box 382, Sullivan, IN 47882-0382, whose telephone number is 812-268-8777, whose fax number is 812-268-8838, and whose website is www.HawkinsLaw.com.

Receipt

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

Date: 4/7/2021

Name: Wright, shawley & Lowery

Reason: Rezonning - Notice of Filing \$25.00
Petition \$20.00
\$45.00

TERRE HAUTE, INC
PAID
APR 07 2021
CONTROLLER

Cash: _____

Check: #71998 \$45.00

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: May 6, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 15-21

CERTIFICATION DATE: May 5, 2021

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. 15-21. This Ordinance is a rezoning of part of 625 Florida Ave. The Petitioner, WV Christian Youth Camp Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-5, Community Commercial, for commercial development.

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. 15-21 at a public meeting and hearing held Wednesday, May 5, 2021. 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. 15-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-20 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, the Area Plan Commission's certified no recommendation on Special Ordinance No. 15-21.



Fred Wilson, President

Jared Bayler, Executive Director

Received this 6th day of May, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-21

Doc: # 31

Date: May 2021

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APPLICATION INFORMATION

Petitioner: Wabash Valley Christian Youth Camp, Inc.

Property Owner: Same as Above

Representative: Richard J. Shagley II

Proposed Use: Commercial Development

Proposed Zoning: C-5 General Central Business District

Current Zoning: R-1 Single Family Residence District

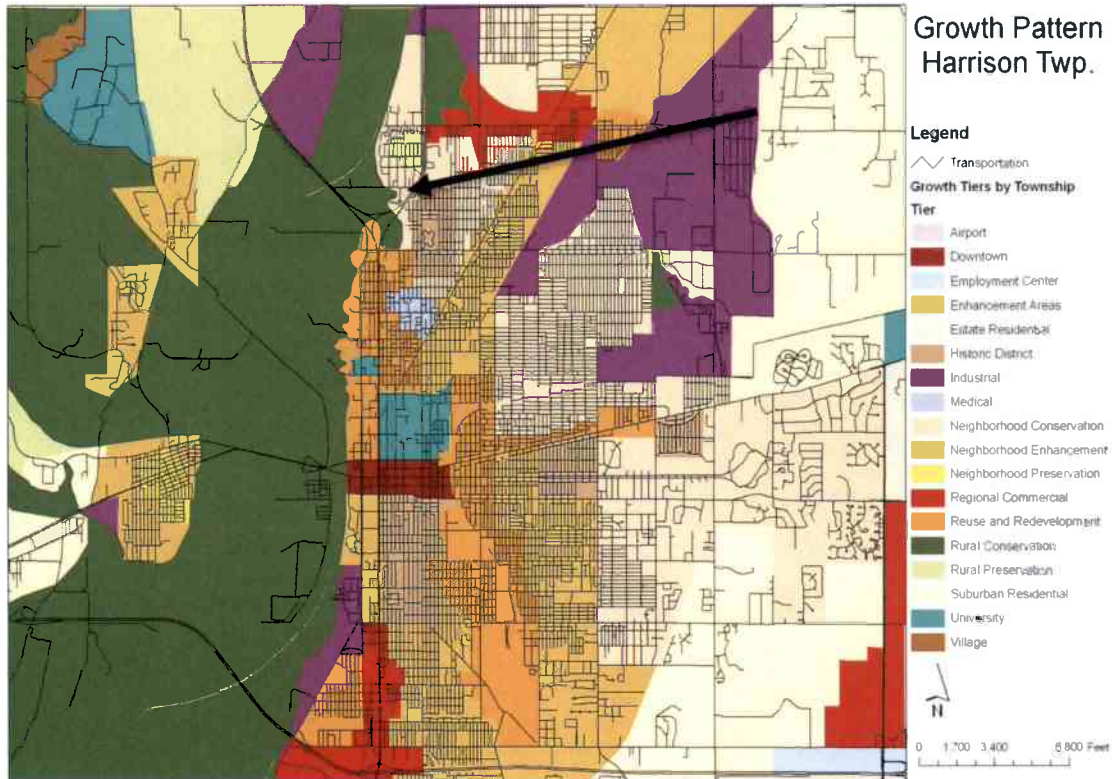
Location: The property is located at the corner of Florida Ave & N.
US Hwy 41

Parcel # 84-06-09-426-001.000-002

Common Address: 625 Florida Avenue, Terre Haute, 47803

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Street Access: Florida Avenue

Dev. Priority: Medium intensity residential

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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-21

Doc: # 31

Date: May 2021

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- 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.

Sur. Zones and Uses:

North – R-1

East – R-1

South – R-1

West – R-1

Character of Area: The petitioned property is located within a neighborhood along N. US Hwy 41 .

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 15-21

Doc: # 31

Date: May 2021

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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 petitioner is requesting a rezoning from R-1, Single, Family Residential, to C-5, General Central Business District. It was not specified in the application what kind of commercial development is being requested and a site plan was not provided.

Given that the area is considered a neighborhood conservation district and the property is surrounded by R-1, having a commercial business at this location could be considered an intrusion of commercial into residential, depending on the type of business.

Recommendation: Staff recommends that this request be tabled until a site plan can be provided.