



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 9, 2021**

COMMON ADDRESS OF LOTS TO BE REZONED:  
1300 n 13<sup>th</sup> ST TERRE HAUTE INDIANA VIGO COUNTY . 47807

Parcel Number:  
84-06-15-36-010.0002

Current Zoning:     
M2 HEAVY INDUSTRIAL

Requested Zoning:  
C6 STRIP BUSINESS DISTRICT

Name of Owner:  
HENRY P ELLIS II

Address of Owner 2101 BW BLUE BELL CT BLOOMINGTON IN 47404

Phone Number of Owner:  
812-606-1123

Attorney Representing Owner (if any):   N/A  

Address of Attorney:   N/A  

Phone Number of Attorney:   N/A  

For Information Contact:  
HENRY P ELLIS II

Council Sponsor:  
NEIL GARISON

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

FILED

MAR 25 2021

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 9, 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 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:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

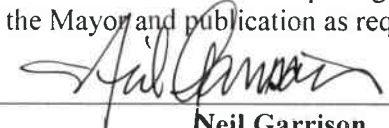
Lots Eight (8) and Ten (10) in Block Number One (1) in McGaughey and Roache's Subdivision of Fifty-five (55) acres in the middle part of the Southwest quarter of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof, recorded in Plat Record 1, page 17, records of the Recorder's Office of Vigo County, Indiana.

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


Commonly known as 1300 North 13<sup>th</sup> Street, Terre Haute, Indiana 47807

Be and the same is hereby established as a **C6 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

Passed in Open Council this 6<sup>th</sup> day of May, 2021.

  
O. Earl Elliott-President

ATTEST   
Michelle L. Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 7<sup>TH</sup> day of MAY 2021.

  
Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 7<sup>TH</sup> day of MAY, 2021.

  
Duke A. Bennett, Mayor

ATTEST:   
Michelle L. Edwards, City Clerk

This instrument prepared by: **HENRY P ELLIS II**, 2101 BW BLUE BELL CT, Bloomington, IN 47404

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 II

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 ELLIS II respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Eight (8) and Ten (10) in Block Number One (1) in McGaughey and Roache's Subdivision of Fifty-five (55) acres in the middle part of the Southwest quarter of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof, recorded in Plat Record 1, page 17, records of the Recorder's Office of Vigo County, Indiana.

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

Commonly known as 1300 North 13<sup>th</sup> 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 **M2 HEAVY INDUSTRIAL**

Your petitioner would respectfully state that the real estate is now **CAR WASH**. Your petitioner intends to use the real estate to **AUTOMOTIVE SALE'S/SERVICE/REPAIR**

Your petitioner would request that the real estate described herein shall be zoned as a **C6 STRIP BUSINESS DISTRICT**. Your petitioner would allege that **C6 STRIP 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 **C6 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, This petition has been duly executed this 25 day of March, 2021.

BY

  
HENRY P ELLIS II, Sycamore City Rentals LLC

PETITIONER: HENRY P ELLIS II 2101 BLUE BELL CT BLOOMINGTON IN 47404.

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

# 1300 North 13<sup>th</sup> Street Site Plan







1300  
N 154N  
S 147TH

JUL 25 2019

*James W. Bramble*  
VIGO COUNTY AUDITOR

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH**, That *Allen D. Godsey and Cindy A. Godsey, husband and wife*, of Vigo County, Indiana, convey and warrant to *Sycamore City Rentals, LLC*, a Limited Liability Company duly organized and existing under the laws of the State of Indiana, for valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots Eight (8) and Ten (10) in Block Number One (1) in McGaughey and Roache's Subdivision of Fifty-five (55) acres in the middle part of the Southwest quarter of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat thereof, recorded in Plat Record 1, page 17, records of the Recorder's Office of Vigo County, Indiana.

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

IN WITNESS WHEREOF, The said Allen D. Godsey and Cindy A. Godsey hve hereunto executed this Warranty Deed on the 22 day of July, 2019.

*Allen D. Godsey*

**Allen D. Godsey**

*Cindy A. Godsey*

**Cindy A. Godsey**

STATE OF INDIANA, COUNTY OF Vigo, SS:

Before me, the undersigned, a Notary Public in and for said County, this \_\_\_\_ day of July, 2019, personally appeared Allen D. Godsey and Cindy A. Godsey, who acknowledged the execution of the foregoing Warranty Deed.

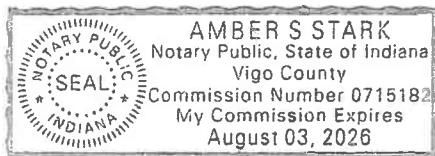
WITNESS my hand and official seal.

My Commission expires:

8-3-24

*Amber S. Stark*

Notary Public



Resident of Vigo County, Indiana

Printed Name: Amber S. Stark

**MAIL TAXES TO:** 2101 Blue Bell Ct. Bloomington, IN 47404

I affirm under penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. Gary G. Hanner

PREPARED BY: Gary G. Hanner, HANNER LAW, Old Parke State Bank Bldg.,  
PO Box 122, Rockville IN 47872 [www.hannerlaw.com](http://www.hannerlaw.com)

**AFFIDAVIT OF:**

COMES NOW affiant HENRY P ELLIS II

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

at 1300 N 13TH STREET TILKIK 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.

sycamore city rentals llc \_\_\_\_\_

SIGNATURE: Henry P. Ellis II

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)

SS: (COUNTY OF ~~VIGO~~<sup>BS</sup>)  
Monroe.

Personally appeared before me, a Notary Public in and for

said County and State, Henry P. Ellis II

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 23 day of March, 2021\_\_\_\_\_.

Notary Public:

Bracken Sheets  
[Typed name]  
BS

My Commission Expires: 2/27/2028

My County Of Residence: Monroe

State: Indiana







Receipt

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

Date: 3/25/21

Name: SYCAMORE CITY RENTALS, LLC

Reason:	<u>REZONING - NOTICE OF FILING -</u>	<u>\$25.00</u>
	<u>REZONING - PETITION</u>	<u>- \$20.00</u>
		<u>\$45.00</u>

Cash: \_\_\_\_\_

Check: \$45.00

CHK # 1841

Credit: \_\_\_\_\_

Total: \$45.00

TERRE HAUTE, INC  
PAID

MAR 25 2021

CONTROLLER

Received By: LEWIS I MB



# 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 9-21

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. 9-21. This Ordinance is a rezoning of part of 1300 N. 13<sup>th</sup> Street. The Petitioner, Henry P Ellis II, petitions the Plan Commission to rezone said real estate from zoning classification M-2 to C-6, Strip Business District, for automotive sales, service, and repair.

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. 9-21 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. 9-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-21 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. 9-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) approved detailed site plan to include parking and storm water drainage plan from City Engineering.



  
Fred L. Wilson, President

  
Jared Bayley, Executive Director

Received this 6th day of May, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-21

Doc: # 24

Date: May 2021

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### APPLICATION INFORMATION

Owner: Henry P. Ellis II

Proposed Use: Auto sales & repair services

Proposed Zoning: C-6, Strip Business District

Current Zoning: M-2, Heavy Industrial

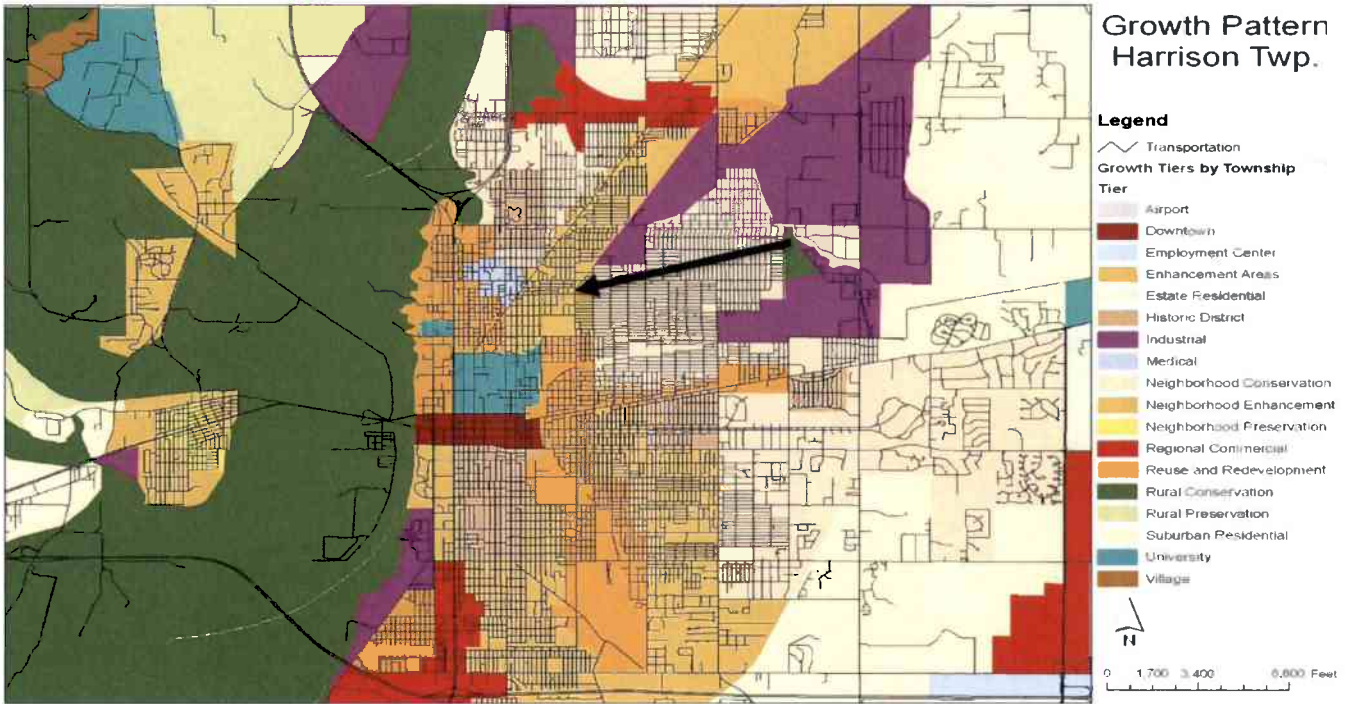
Location: Corner of N. 13<sup>th</sup> Street & 4<sup>th</sup> Avenue- Parcel# 84-06-15-336-010.000-002/ McGaughey & Roaches Sub Lots 8-10

Common Address: 1300 N 13<sup>th</sup> Street, Terre Haute, IN

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### COMPREHENSIVE PLAN GUIDANCE

Service Area: Harrison Township



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-21

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### Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Commercial.

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – M-2  
**East** – R-2, C-5  
**South** – M-1  
**West** – M-2

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.

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## FINDINGS and RECOMMENDATION

### Staff Findings:

The petitioner is requesting rezoning from M-2 (Heavy Industrial) to C-6 (Strip Business District) for the purpose of automotive sales/service/repair. The petitioner intends to clean up the property, which was previously a car wash, and rehab the existing building in order to create a viable business to rent. He does not intend to expand the building. He states that he does not yet have a renter for the property, but intends to build to suit the future business. He also stated that if he is not able to find someone to rent the property, he will develop it himself for the intended use.

The area is considered a Neighborhood Enhancement area, representing residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards.

Hard surfacing is required in the C-6 District. The site plan did not include parking, which will need to be approved by City Engineering, as well as a stormwater drainage plan. If an entrance off 4<sup>th</sup> Street will be used, a commercial drive cut design will need to be approved by City Engineering as well.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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

1. Approved detailed site plan to include parking and stormwater drainage plan from City Engineering.