

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 44, 2012

Common Address of lots to be rezoned:

**1436 Locust Street, Terre Haute, Indiana
1440 Locust Street, Terre Haute, Indiana (part)
1431 and 1435 1st Avenue, Terre Haute, Indiana**

Rezone From: **R-2**

Rezone To: **C-2**

Proposed Use: **Medical and Dental Clinic**

Name of Owner: **Roman Catholic Archdiocese of Indianapolis Properties, Inc.**

Address of Owner: **P. O. Box 1410, Indianapolis, IN 46206-1410**

Phone Number of Owner: **c/o (812) 232-6003 Louis F. Britton**

Attorney Representing Owner: **Louis F. Britton**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**
for Information Contact: Owner Attorney

Council Sponsor: **Neil Garrison**

FILED
SEP 06 2012
CITY CLERK

SPECIAL ORDINANCE NO. 44, 2012

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

SECTION 1. 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:

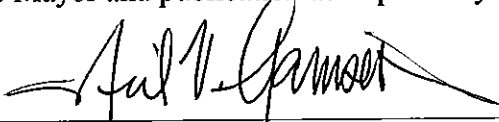
That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

See Exhibit A.

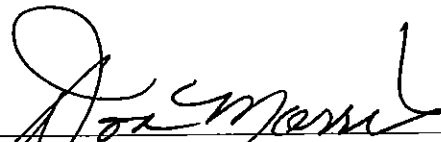
Commonly known as 1436 Locust Street, 1440 Locust Street (part), and 1431 and 1435 1st Avenue, Terre Haute, Indiana, be and the same is hereby established as C-2, Community Commerce District as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-2, Community Commerce District authorizing the use of said real estate for the operation of a medical and dental clinic as well as the other uses permitted by such designation, together with all rights, privileges, and

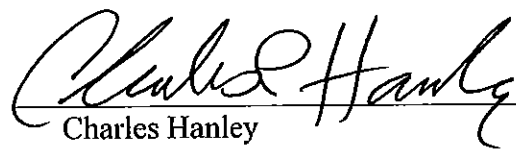
that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION 2. 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 approval by the Mayor and publication as required by law.

PRESENTED BY COUNCILPERSON 
Neil Garrison

Passed in open Council this 11th day of October, 2012.

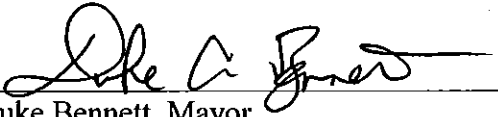

Don Morris, President

ATTEST: , City Clerk
Charles Hanley

Presented by me to the Mayor this 12th day of October, 2012.


Charles Hanley, City Clerk

Approved by me, the Mayor, this 12th day of OCTOBER, 2012.

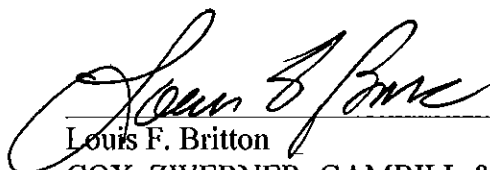


Duke Bennett, Mayor
City of Terre Haute

ATTEST: 

Charles Hanley, City Clerk

I have prepared the foregoing instrument and 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.



Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue
Terre Haute, IN 47807
Phone: (812) 232-6003

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8/31/2012

EXHIBIT A

The following described real estate situated in Vigo County, State of Indiana, to-wit:

Lots Numbered 14, 15, 16, 27, 28 and 29 in Eshman and Ohm's Subdivision of a part of the Southeast Quarter of Section Fifteen (15) in Township Twelve (12) North, of Range Nine (9) West in the City of Terre Haute, Indiana, as per recorded plat.

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Gentlemen:

Roman Catholic Archdiocese of Indianapolis Properties, Inc., petitioner, is the owner of the following described real estate located in Vigo County, Indiana, to-wit:

Lots Numbered 14, 15, 16, 27, 28 and 29 in Eshman and Ohm's Subdivision of a part of the Southeast Quarter of Section Fifteen (15) in Township Twelve (12) North, of Range Nine (9) West in the City of Terre Haute, Indiana, as per recorded plat.

which real estate is commonly known as:

1436 Locust Street, Terre Haute, Indiana
1440 Locust Street, Terre Haute, Indiana (part)
1431 and 1435 1st Avenue, Terre Haute, Indiana.

The owner proposes to convey the property to others for use as a medical/dental clinic.

Petitioner is informed and believes that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned R-2, Two Family Residence District of the City of Terre Haute, Indiana. Petitioner is further informed and believes that the operation of petitioner's proposed businesses would require said real estate to be

rezoned to the classification as C-2, Community Commerce District, under which classification Section 10.207(g), "Uses Permitted in C-2 Zone" would authorize such business operations.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

- A. That the proposed business would be beneficial to the local community;
- B. That said real estate is located near an area which is zoned/used for commerce and the property is currently used as a church-operated medical/dental clinic; the use would not change;
- C. That said real estate is located on Locust Street which provides access to businesses and patients in the immediate area as well as in other parts of town;
- D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood.
- E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area;

WHEREFORE, petitioner respectfully requests the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be a part of "C-2 Community Commerce District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioner, Roman Catholic Archdiocese of Indianapolis Properties, Inc., has duly executed this instrument this 6th day of September, 2012.

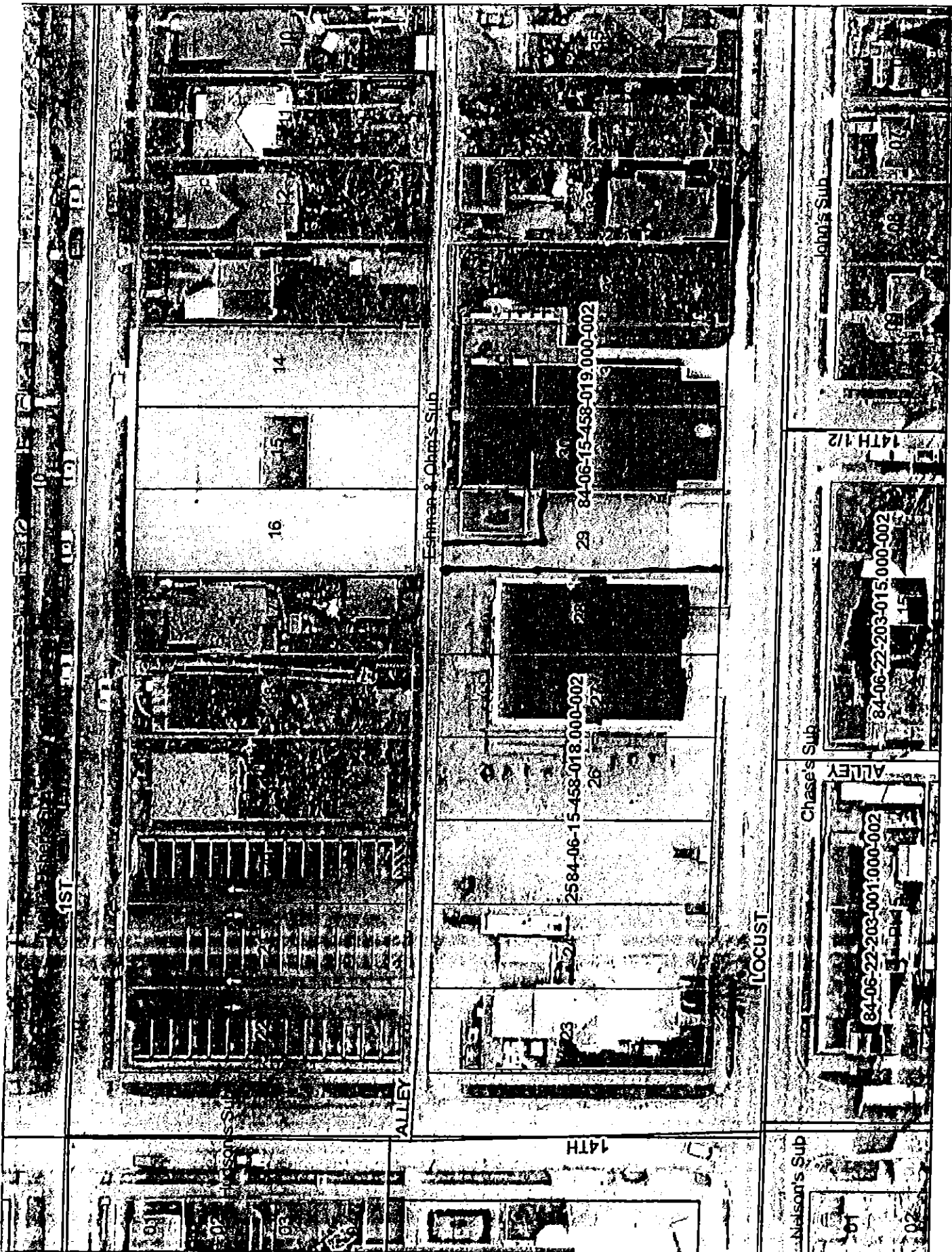
**ROMAN CATHOLIC ARCHDIOCESE
OF INDIANAPOLIS PROPERTIES, INC.**

By: + Christopher J. Coyne
(Signature)

Christopher J. Coyne Apostolic Administrator/
(Printed Name and Title) President

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

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9/4/2012



1ST

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ALLEY

Estman & Ohm's Sub

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2584-06-15-458-018.000-002

29 84-06-15-458-019.000-002

LOCUST

Nelson's Sub

Chase's Sub

John's Sub

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84-06-22-203-001.000-002

84-06-22-203-015.000-002

14TH 1/2

ALLEY

AFFIDAVIT

COMES NOW affiant, the Roman Catholic Archdiocese of Indianapolis, Inc., and affirms under penalty of law that affiant is the owner of record of the property located at

1436 Locust Street, Terre Haute, Indiana,
1440 Locust Street, Terre Haute, Indiana (part), and
1431 and 1435 1st Avenue, Terre Haute, Indiana,

for which a rezoning is requested and attached hereto a deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC.

By: *Christopher J. Coyne*
(Signature)

Christopher J. Coyne, Apostolic Administrator,
(Printed Name and Title) President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said county and state, this 6th day of SEPTEMBER, 2012, personally appeared Christopher J Coyne as Apostolic Administrator / Pres. of Roman Catholic Archdiocese of Indianapolis, Inc., being first duly sworn and on his oath, stated that he is such officer of said Corporation and that as such officer he is duly authorized by the shareholders and directors of the Corporation to make, execute, and deliver this instrument for and on behalf of said Corporation and acknowledged the execution of the above and foregoing instrument as his free and voluntary act for and on behalf of said Corporation and he caused the corporate seal to be affixed, this 6th day of SEPTEMBER, 2012.

Witness my hand and notarial seal.

Stephen M James
Notary Public
Stephen M James
(Printed Name)

My Commission Expires:

9-9-16

My County of Residence:

MARION

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

441/855

96 03215

DULY ENTERED
FOR TAXATION

000855

MAR 08 1996

Justin Anderson
NOTARY PUBLIC VIGO COUNTY

WARRANTY DEED

Vigo County

THIS INDENTURE WITNESSETH, that the Most Reverend Daniel M. Buechlein, O.S.B., as Archbishop of the Roman Catholic Archdiocese of Indianapolis (Grantor), of Marion County, Indiana,

CONVEYS AND WARRANTS

to Roman Catholic Archdiocese of Indianapolis Properties, Inc., of Marion County, Indiana, for the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, any and all real estate in Vigo County, Indiana, in which he has any right, title or interest, specifically including the real estate described in the attached schedule, which is incorporated herein, subject to any and all easements, agreements, covenants, and restrictions of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 15th day of February, 1996.

+ Daniel M. Buechlein, A (SEAL)
Most Reverend Daniel M. Buechlein,
O.S.B., as Archbishop of the Roman
Catholic Archdiocese of Indianapolis

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

PERSONALLY APPEARED before me, the undersigned, a Notary Public, in and for said County and State, the Most Reverend Daniel M. Buechlein, O.S.B., as Archbishop of the Roman Catholic Archdiocese of Indianapolis, who acknowledged the execution of the foregoing Warranty Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this 15th day of February, 1996.

Davis L. Hulse
Notary Public
Davis L. Hulse
Printed

My Commission Expires:
7-3-98

My County of Residence:
Marion

This instrument was prepared by William J. Wood, Attorney at Law, Indianapolis, Indiana.

Return deed to PO Box 1410 Indianapolis IN 46204-1410

000855

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ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC.

VIGO COUNTY

1 of 1

Calvary Cemetery, Vigo County, Indiana

Mid. Part E1/2 NE S of Natl. Road East side Sec. 24, Twp 12, Range 9 W = 14.84 Acres

Another section of same acreage 29.68 Acres in all

St. Joseph Cemetery, Vigo County, Indiana

Lots 36, 24 & 25 in Sec. 16, Twp. 12 N, Range 9 W

Lots 36, 24 & 25 from above - 3.10 Acres per lot for a total of 9.30 Acres

St. Mary-of-the-Woods Village Parish, Indiana

Doyles Sub. 133' W Pt. Lot 5 NW Cor. of NW1/4, SE1/4, Sec. 1, Twp 12, Range 10 = 4.31 Acres

Holy Rosary Parish, Seelyville, Indiana

Lots 18, 19 & 20 in Loughner's Add. to Seelyville

Pt. SE1/4 Sec. 11, Twp 12 N, Range 8 W = 4.39 Acres

Moore's Sub. - Seelyville L 2, Blk. 1

Sacred Heart Parish, Terre Haute, Indiana

Lots 35, 36, 37, 38 & 39 in Baldrige Sub., Also Lots 2, 3, 40 & 41

Lots 2, 3, 4 & 7 in Garfield Place Sub. of Lot 1 of Baldriges Sub. of Lot 6, 7, 8 & 9 of Barbour Place.

Lots 33 & 34, Baldrige's Subdiv. of Lots 6, 7, 8 & 9, in Barbour Place. a Subdiv. of the S1/2 of S 10, Twp 12 N, Range 9 West.

St. Ann Parish, Terre Haute, Indiana

Lots 30, 31 & 32 in Eshman & Ohms Sub.

Lots 23 thru 29 in Eshman & Ohms Sub.

Lots 3 thru 4 in Joseph Hudson's Sub. Pt. Sec. 15, Twp 12, Range 9 = 1356-60 Locust St.

Part of Lot #15 in subdiv. of 100 acres off the N side of the NE1/4 Sec. 22, Twp 12 N, R 9 W.

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ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC.

VIGO COUNTY

2 OF 3

St. Benedict Parish, Terre Haute, Indiana

Lots E1/2 29, E1/2, 30, 44, 158, 159 and 160 and W1/2 29, all in Rose's Addition

St. Joseph Parish, Terre Haute, Indiana

Lots 9, 10, 11 & 12 in Original Town of Terre Haute

St. Margaret Mary Parish, Terre Haute, Indiana

Lots 20, 21 & 22 Hickman's Sub. Hickman's Sub. Lot 1 Except 158' off North side.

Lot 1 in Bartlett's Sub. 158' N end of SE1/4 of Lot 1.

St. Patrick's Parish, Terre Haute, Indiana

Beg. at Pt. 25 ft. E of NW cor. of Lot 4 in Nath. Preston's Sub of E1/2, NW1/4, Sec. 27, Twp 12 N, Range 9 (125' X 53.5')

Preston's Sub. NE NE 168.29 ft. on Poplar St., X 220 ft. S 27-12-9. Inlet 19

Burget Park Sub. 27-12-9 Lots 1 to 9 include. 467 S. 19th St.

462 S. 18th St., Reed Heirs Sub. common Plat 27-12-9, Inlots 12 & 13

1807 Poplar St., Reed Heirs Sub. Common Plat 27-12-9 Lot 14 & Alley

8' off E side Lot 2 of Paddock's Sub. of 3 acres in NW cor of NE1/4, Sec 27, Twp 12N, R 9W

Reed Heirs Sub. Lot 3

Beg. NW cor. E 3/5 Lot 4 in Nathaniel Preston's Sub. of NE1/4 Sec. 27, Twp 12 N, Range 9 W (125' X 6.5')

Lot 7, except 8 ft. off of S side in Commissioner's Plat in Part. in cause #13482. 440 S. 18th St.

Lot #6 in the Commissioner's Plat in Partition in the Partiton suit of Samantha Reed Et al Ex Parte Cause # 13482 in Vigo Co. - 436 S. 18th Street

Lot 10, blk 1, Edgebrook Estates Sub. of Pt. NW1/4 Sec. 13, Twp. 12N, R2W

Lot 11, 2 acres off W side Lot 4, in Nathaniel Preston's Subdiv. of the E1/2 of the NE1/4 of Sec. 27, Twp 12N, Range 9 W. (Book 59, page 570)

000855

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ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC.

VIGO COUNTY

3 of 3

St. Patrick's Parish, Terre Haute, Indiana.....Continued:

ALSO: Part of the E1/2 of the NE1/4 of Sec. 27, Twp 12, N of Range 9 W (Portion of a public alley)

N1/2 of Lot 8, & 8' off the S side of Lot 7, Sec. 27, Twp 12 N, Range 9 W. (444 S. 18th St.)

Lot #9 & the S1/2 of Lot #8, Sec. 27, Twp 12 N, Range 9 W. (448 S. 18th St.)

Christopher Center, West Terre Haute, Sugar Creek Township, Indiana

06-21-362-013 Taylor's Sub. Lot 11

St. Leonard Parish, West Terre Haute, Indiana

Lots 158 to 165 Inclusive, Vandalia Place

RECEIVED FOR RECORD
AT 3:30 O'CLOCK P.M.
RECORD 441 PAGE 1853

MAR 8 1996

Nancy B. Lambert
RECORDER VIGO COUNTY

PLAT 18-06-15-458-007
SUBDIVISION

MAY 14 2002

LAE Date 05/14/2002 Time 11:17:35
Mitchell Nauten
Vigo County Recorder
Filing Fee: 16.00
I 200212583
Page 1 of 2


VIC.


FOR

COMMISSIONER'S QUIT CLAIM DEED

BOARD OF COMMISSIONERS OF VIGO COUNTY, in the State of Indiana,
RELEASE, QUIT CLAIM, AND CONVEY to THE ROMAN CATHOLIC ARCHDIOCESE
OF INDIANAPOLIS PROPERTIES, INC., an Indiana Not-for-Profit Corporation, for the sum
of (\$1.00) One Dollar and other valuable consideration, the receipt and sufficiency of which is
hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to
wit:

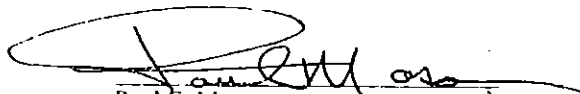
Eshman & Ohms Sub 15-12-9 Lots 15-16

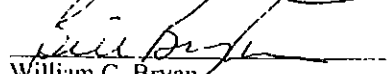
Parcel No. 18-06-15-458-007

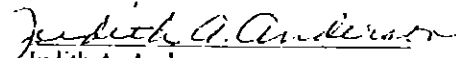
Commonly known as 1413 1st Avenue, Terre Haute, IN 47807.

IN WITNESS WHEREOF, the said Commissioners as aforesaid have hereunto set their
hands and seals, this 30 day of April, 2002.

VIGO COUNTY BOARD OF COMMISSIONERS


Paul E. Mason


William C. Bryan


Judith A. Anderson

ATTEST

By 
James Bramble, Auditor of Vigo County

2

STATE OF INDIANA, COUNTY OF VIGO, SS:

Before me Colleen A. WOLFORD, a Notary Public in and for said County, this 30 day of April, 2002, appeared Paul E. Mason, William C. Bryan, Judith A. Anderson, Commissioners of the Board of Commissioners of Vigo County, Indiana, and James W. Bramble, as Auditor of Vigo County, Indiana, acknowledges the execution of the annexed deed.

WITNESS my hand and my seal.



Colleen A. Wolford
Notary Public

My Commission Expires:

10/13/07

My County of Residence:

Vigo

This instrument prepared by Timothy E. Fears, Attorney at Law, Wright, Shagley & Lowery, 500 Ohio Street, P. O. Box 8448, Terre Haute, IN 47808-8448.

2001/2700

JKW Date: 02/27/2001 Time: 14:43:54
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 20012700 Page 1 of 2

DULY VERIFIED & EXAMINED
Subject to final assessment for transfer

EXEMPT FROM DISCLOSURE

FEB 27 2001

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

[Signature]
VIGO COUNTY RECORDER

CITY OF TERRE HAUTE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF REDEVELOPMENT, of Vigo County, State of Indiana, as Grantor, RELEASES AND QUIT CLAIMS to ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC., as Grantee, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit:

Lot 14 in Eshman and Ohm's Subdivision of part of the Southeast Quarter of Section 15 in Township 12 (N) of Range 9 (W) known as 1435 First Avenue, Terre Haute, Indiana.

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

Subject to taxes prorated to date of closing.

All property taxes, liens, and assessments shall be paid before the date causing the payment to be delinquent.

The property must be maintained in compliance with any city ordinance concerning trash, weeds, or junk cars after 60 days from the date of this deed.

The property may not be used for the purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel.

IN WITNESS WHEREOF, the City of Terre Haute by and through its Department of Redevelopment, of Vigo County, State of Indiana, has caused this Deed to be executed this 21st day of February, 2001.

City of Terre Haute for the use and benefit of its Department of Redevelopment

By: *[Signature]*
David I. Heath, President

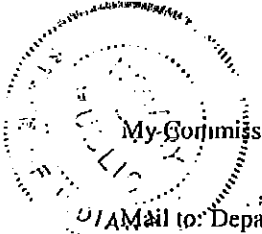
ATTEST:

By: *Richard F. Duncan*
Richard F. Duncan, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public, in and for said County and State, this 21st day of February, 2001, personally appeared the within David I. Heath and Richard F. Duncan, the President and Secretary respectively, of the City of Terre Haute for the use and benefit of its Department of Redevelopment, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Helean Branson
HELEAN BRANSON, Notary Public

My Commission Expires: 2-28-2007 County of Residence: Vigo

Mail to: Department of Redevelopment, 17 Harding Avenue, Terre Haute, IN 47807

This instrument prepared by Lynn A. Francis, 17 Harding Avenue, Terre Haute, IN, 47807 (812) 232-2508.



TERRE HAUTE
A LEGH 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: October 4, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #44-12

CERTIFICATION DATE: October 3, 2012


TO: The Honorable Common Council of the City of Terre Haute

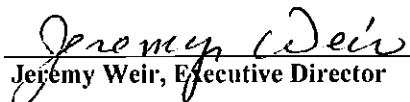
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 44-12. This Ordinance is a rezoning of the property located at 1436, 1440 Locust and 1431, 1435 1st Avenue. The Petitioner, Roman Catholic Archdiocese of Indianapolis Properties, Inc., Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-2, Community Commerce District, for a medical and dental clinic. 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. 44-12 at a public meeting and hearing held Wednesday, October 3, 2012. 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. 44-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 44-12 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. 44-12, was FAVORABLE.


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 4th day of October, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 44-12
Date: October 3rd, 2012

Doc: # 46
Page 1 of 4

APPLICATION INFORMATION

Petitioner: Roman Catholic Archdiocese of Indianapolis Properties, Inc.

Property Owner: Same as Above

Representative: Louis F. Britton

Proposed Use: Medical and Dental Clinic

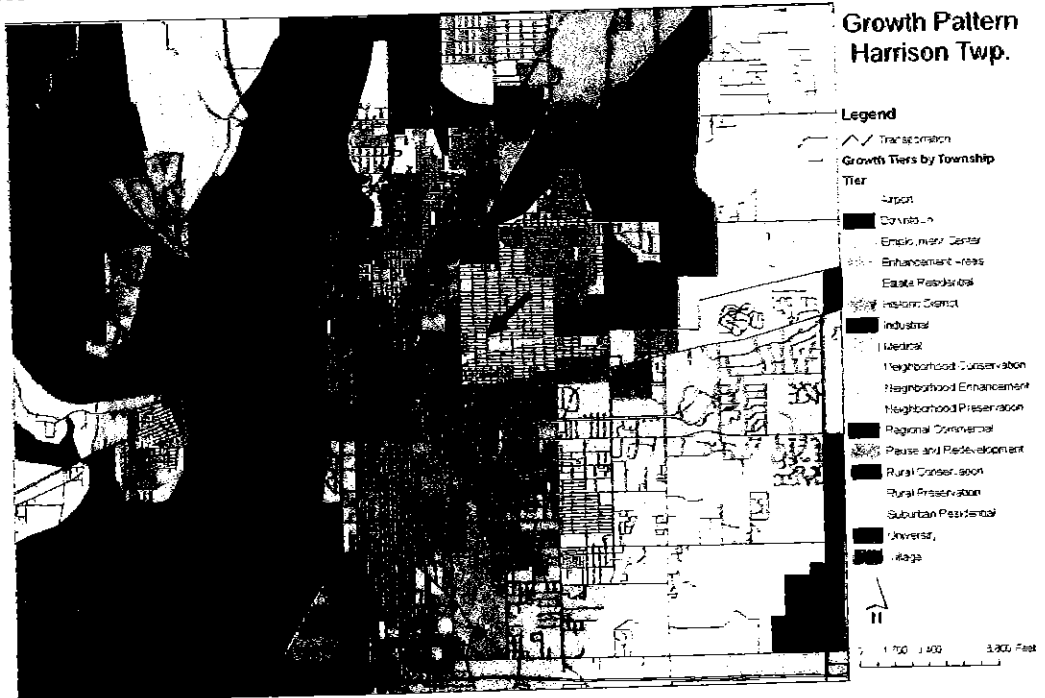
Proposed Zoning: C-2, Limit Community Commerce District

Current Zoning: R-2, Two-Family Residence District

Location: The Medical and Dental Clinic is located on north side of locust Street, 230 feet from the intersection of locust Street and North 14th Street. The associated parking facility for the clinic is located on the south side of 1st Avenue 330 feet from the intersection of North 14th Street and 1st Avenue.

Common Address: 1436 and part of 1440 locust Street, Terre Haute, IN
1431 and 1435 1st Avenue, Terre Haute, IN

COMPREHENSIVE PLAN GUIDANCE



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 44-12
Date: October 3rd, 2012

Doc: # 46
Page 2 of 4

Service Area: The City of Terre Haute

Recommended Use: Neighborhood Conservation

- 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.
- New retail activities in an area should 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, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase 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.

Soil Limitations: Not studied.

Street Access: Access to the parking facility will be from 1st Avenue. 1st Avenue is a local level roadway.

Dev. Priority: The petitioned property has a high priority for new development.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two Family Residence District

East – R-2, Two Family Residence District

South – R-2, Two Family Residence District

West – R-2, Two Family Residence District

Character of Area: The majority of the housing-stock in the neighborhood are all over 50 years old. The Ryves Neighborhood Association is acting as an anchor to stabilize and strengthen the neighborhood.

Contig. Uses & Zones: The zoning of the Ryves Neighborhood has a very uniform zoning district of R-2 Two-Family Residence. All the contiguous zoning is R-2, Two Family Residence; with the following uses (Medical and Dental Clinic) to the west is the Bethany House homeless shelter and soup Kitchen, to the east is the St. Ann Parish. The contiguous uses to east and west of the parking facility are residential dwellings.

ZONING REGULATIONS

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- C-2 Purpose:** The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.
- C-2 Uses:** Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photos tatting establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, 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), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)
- C-2 Standards:** Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.9 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Setback buffer of 50’ buffer at right angles along the interior property lines when adjacent to Residential or a Setback of 5’ when adjacent to other uses.
Mortuary/Crematorium
One (1) space per thirty-two (32) square feet of area in parlor and assemble rooms/
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FINDINGS and RECOMMENDATION

Staff Findings: The St. Ann Clinic will offer medical, dental, psychological, pharmaceutical and counseling services to people who have no medical insurance. Somewhere between 150 and 200 patients visit the clinic each week. The clinic will continue to run and operate in its current capacity after the rezoning.

Recommendation: Staff offers a Favorable Recommendation