

SPECIAL ORDINANCE NO. 13, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

2499 East Margaret Avenue, Terre Haute, Indiana 47802

Parcel No. 84-09-02-126-005.000-005

Rezone From: 0-1 Agricultural

Rezone To: C-2 Community Commerce District

Proposed Use: Dental Office

Name of Owners: Richey Properties, LLC

Address of Owners: 2499 E. Margaret Ave.
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 Attorney

Council Sponsor: Amy Auler

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 25 2021

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 13, 2021**

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 ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

The land hereinafter referred to is situated in the Township of Honey Creek, County of Vigo, State of IN, and is described as follows: Lot Number One (1) in Rutledge Addition, being part of the Northwest Quarter of Section 2, Township 11 North, Range 9 West, of Honey Creek Township, Vigo County, Indiana, as shown in Plat Record 26, Page 47, records of the Recorder's Office, Vigo County, Indiana, Less and except: A part of Lot 1 in Rutledge Addition, a subdivision in the Northwest Quarter of Section 2, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Book 26, Page 47, in the Office of the Recorder of Vigo County, Indiana, and being that part of the grantors land lying within the right-of-way lines depicted on due attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the Northwest corner of said lot, said Northwest corner being on the North line of said Section; thence South 89 degrees 33 minutes 12 seconds East 279.60 feet along the North line of said lot to the Northeast corner of said lot; thence South 0 degrees 27 minutes 06 seconds West 20.00 feet along the East line of said lot; thence South 45 degrees 50 minutes 40 seconds East 57.70 feet along the Northeastern line of said lot; thence South 20 degrees 10 minutes 40 seconds East 12.33 feet along the Eastern line of said lot to point "671" designated on said parcel plat; thence North 89 degrees 33 minutes 12 seconds West 326.46 feet to the West line of said lot; thence North 1 degree 05 minutes 48 seconds East 71.42 feet along said West line to the point of beginning and containing 0.490 acres, more or less, inclusive of the presently existing right-of-way which contains 0.064 acres, more or less.

Parcel No. 84-09-02-126-005.000-005

Commonly known as: 2499 East Margaret Avenue, Terre Haute 47802.

Be and the same is hereby established as a C-2 Community Commerce 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,


Amy Auler, Councilperson

Passed in open Council this 6TH day of MAY, 2021.


O. Earl Elliott, President

ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 7TH day of MAY, 2021.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 7TH day of MAY, 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, Tyler Richey, Member of Richey Properties, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

The land hereinafter referred to is situated in the Township of Honey Creek, County of Vigo, State of IN, and is described as follows: Lot Number One (1) in Rutledge Addition, being part of the Northwest Quarter of Section 2, Township 11 North, Range 9 West, of Honey Creek Township, Vigo County, Indiana, as shown in Plat Record 26, Page 47, records of the Recorder's Office, Vigo County, Indiana, Less and except: A part of Lot 1 in Rutledge Addition, a subdivision in the Northwest Quarter of Section 2, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Book 26, Page 47, in the Office of the Recorder of Vigo County, Indiana, and being that part of the grantors land lying within the right-of-way lines depicted on due attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the Northwest corner of said lot, said Northwest corner being on the North line of said Section; thence South 89 degrees 33 minutes 12 seconds East 279.60 feet along the North line of said lot to the Northeast corner of said lot; thence South 0 degrees 27 minutes 06 seconds West 20.00 feet along the East line of said lot; thence South 45 degrees 50 minutes 40 seconds East 57.70 feet along the Northeastern line of said lot; thence South 20 degrees 10 minutes 40 seconds East 12.33 feet along the Eastern line of said lot to point "671" designated on said parcel plat; thence North 89 degrees 33 minutes 12 seconds West 326.46 feet to the West line of said lot; thence North 1 degree 05 minutes 48 seconds East 71.42 feet along said West line to the point of beginning and containing 0.490 acres, more or less, inclusive of the presently existing right-of-way which contains 0.064 acres, more or less.

Parcel No. 84-09-02-126-005.000-005

Commonly known as: 2499 East Margaret Avenue, Terre Haute, Indiana 47802.

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 0-1 Agricultural.

Your Petitioner intends to use this real estate for a dental office. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this 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-2 Community 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 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 25th day of March, 2021.

PETITIONER:

Richey Properties, LLC



Tyler Richey, Member

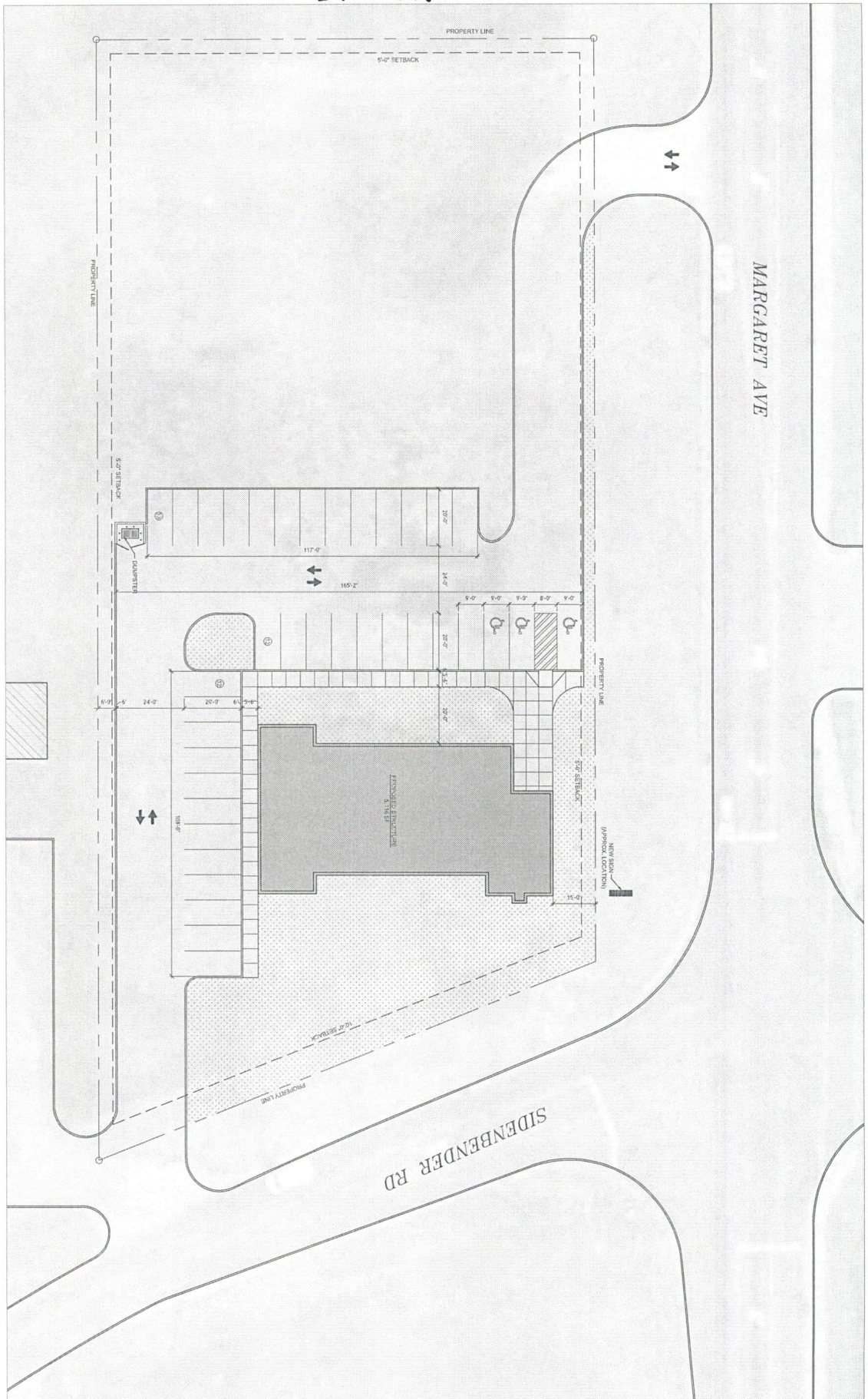
This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Site Plan



2499 E.
Margaret Ave

0-1 to C-2



1 ARCHITECTURAL SITE PLAN
SCALE: 1/16" = 1'-0"

| | | | |
|--|--------------------------------|--|--|
| 24 S.W. 8th Street Suite 400 Ft. Lauderdale, FL 33304 954.576.0000 | HOLDER DESIGN, INC. | SCOPE DOCUMENT THE DRAWING AND ANY OTHER INFORMATION CONTAINED HEREIN IS THE PROPERTY OF HOLDER DESIGN, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HOLDER DESIGN, INC. | |
| | | DRAWN BY: MCH CHECKED BY: MCH PLOT SCALE: AS NOTED DATE: 03.10.2021 | |
| INSTRUCTIONS FOR: RICHEY FAMILY DENTISTRY NEW FACILITY TERRE HAUTE, INDIANA | | SHEET DESCRIPTION: ARCHITECTURAL SITE PLAN | |

REVISIONS

1.0 A1.0
SCALE: 1/16" = 1'-0"

2020 06 AZD-030

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Tyler Richey, Member of Richey Properties, LLC, being duly sworn upon his oath, deposes and says:

1. That Richey Propoerties, LLC 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:

The land hereinafter referred to is situated in the Township of Honey Creek, County of Vigo, State of IN, and is described as follows: Lot Number One (1) in Rutledge Addition, being part of the Northwest Quarter of Section 2, Township 11 North, Range 9 West, of Honey Creek Township, Vigo County, Indiana, as shown in Plat Record 26, Page 47, records of the Recorder's Office, Vigo County, Indiana, Less and except: A part of Lot 1 in Rutledge Addition, a subdivision in the Northwest Quarter of Section 2, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Book 26, Page 47, in the Office of the Recorder of Vigo County, Indiana, and being that part of the grantors land lying within the right-of-way lines depicted on due attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the Northwest corner of said lot, said Northwest corner being on the North line of said Section; thence South 89 degrees 33 minutes 12 seconds East 279.60 feet along the North line of said lot to the Northeast corner of said lot; thence South 0 degrees 27 minutes 06 seconds West 20.00 feet along the East line of said lot; thence South 45 degrees 50 minutes 40 seconds East 57.70 feet along the Northeastern line of said lot; thence South 20 degrees 10 minutes 40 seconds East 12.33 feet along the Eastern line of said lot to point "671" designated on said parcel plat; thence North 89 degrees 33 minutes 12 seconds West 326.46 feet to the West line of said lot; thence North 1 degree 05 minutes 48 seconds East 71.42 feet along said West line to the point of beginning and containing 0.490 acres, more or less, inclusive of the presently existing right-of-way which contains 0.064 acres, more or less.

Parcel No. 84-09-02-126-005.000-005

Commonly known as: 2499 East Margaret Avenue, Terre Haute, Indiana 47802.

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 Richey Properties, LLC 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 Richey Properties, LLC.

4. Further, Affiant saith not.

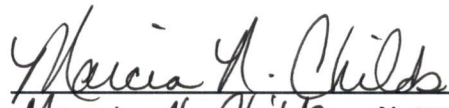
Dated at Terre Haute, Indiana this 25th day of March, 2021.


Tyler Richey, Member of Richey Properties, LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 25th day of March, 2021.




Marcia N. Childs, Notary Public

My Commission expires: 02-26-2028

My County of Residence: Parke

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.

DULY ENTERED FOR TAXATION
SI DEDUCTION APPLIED FOR TRANSFER
RECEIPT Oct 21 2020 - smt
Oct 21 2020 smt

Jim Bramble
VIGO COUNTY AUDITOR

2020013915 SWD \$25.00
10/21/2020 02:48:31PM 4 PGS
Stacey M. Todd
Vigo County Recorder IN
Recorded as Presented



File Number: DS7110-19000725

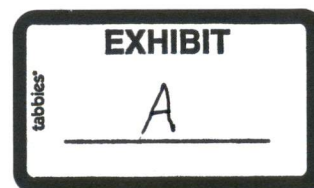
After Recording, Send To:
Title365/Recording Team, 345 Rouser Rd. Building 5, Suite 300, Coraopolis PA 15108

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER
84-09-02-126-005.000-005

SPECIAL WARRANTY DEED

OneMain Financial Services, Inc., hereinafter grantor, whose tax-mailing address is c/o **Nationstar Mortgage LLC, 8950 Cypress Waters Blvd. Coppell, TX 75019**, for \$109,000.00 (One Hundred Nine Thousand Dollars and Zero Cents) in consideration paid, conveys and warrants, with covenants of special warranty, to **Richey Properties, LLC**, hereinafter grantee, whose tax mailing address is **2499 East Margaret Avenue Terre Haute, IN 47802**, the following real property:

The land hereinafter referred to is situated in the Township of Honey Creek, County of Vigo, State of IN, and is described as follows: Lot Number One (1) in Rutledge Addition, being part of the Northwest Quarter of Section 2, Township 11 North, Range 9 West, of Honey Creek Township, Vigo County, Indiana, as shown in Plat Record 26, Page 47, records of the Recorder's Office, Vigo County, Indiana, Less and except: A part of Lot 1 in Rutledge Addition, a subdivision in the Northwest Quarter of Section 2, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Book 26, Page 47, in the Office of the Recorder of Vigo County, Indiana, and being that part of the grantors land lying within the right-of-way lines depicted on due attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the Northwest corner of said lot, said Northwest corner being on the North line of said Section; thence South 89 degrees 33 minutes 12 seconds East 279.60 feet along the North line of said lot to the Northeast corner of said lot; thence South 0 degrees 27 minutes 06 seconds West 20.00 feet along the East line of said lot; thence South 45 degrees 50 minutes 40 seconds East 57.70 feet along the Northeastern line of said lot; thence South 20 degrees 10 minutes 40 seconds East 12.33 feet along the Eastern line of said lot to point "671" designated on said parcel plat; thence North 89 degrees 33 minutes 12 seconds West 326.46 feet to the West line of said lot; thence North 1 degree 05 minutes 48 seconds East 71.42 feet along said West line to the point of beginning and containing 0.490



acres, more or less, inclusive of the presently existing right-of- way which contains 0.064 acres, more or less.

Property Address is: 2499 East Margaret Avenue, Terre Haute, IN 47802

Prior instrument reference: 2019011112

The real property described above is conveyed subject to the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behalf of the grantee forever.

Grantor covenants to and agrees with Grantee, that Grantor will warrant and defend the property conveyed unto the Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons claiming by, through, from, or under the Grantor and no others whatsoever.

IN WITNESS WHEREOF, Grantor has executed this deed this 24 day of September, 2020:

OneMain Financial Services, Inc., by Nationstar Mortgage LLC as Attorney in Fact

By: Melissa Plagman

Printed Name: Melissa Plagman

Its: Assistant Secretary

EXECUTED AND DELIVERED in my presence:

Kathy Gibson Chapel
Witness: Kathy Gibson Chapel

STATE OF Pennsylvania)
) SS:
COUNTY OF Allegheny)

Before me, a Notary Public in and for said County and State, personally appeared Melissa Plagman the Assistant Secretary of **Nationstar Mortgage LLC as Attorney in Fact for OneMain Financial Services, Inc.**, who acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 24 day of September, 2020.

[Signature] [Notary Public's Signature]

Brandon J Barnett [Notary Public's Printed Name]

Notary Public's commission number 1006984


Seal
commission county of residence or employment Allegheny
commission expiration date March 30, 2024

Commonwealth of Pennsylvania - Notary Seal
BRANDON J. BARNETT, Notary Public
Allegheny County
My Commission Expires March 30, 2024
Commission Number 1006984

STATE OF Pennsylvania)
) SS:
COUNTY OF Allegheny)

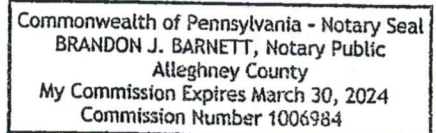
Before me, a Notary Public in and for said County and State, personally appeared Kathy Gibson Chapel [Witness' Name], being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by **OneMain Financial Services, Inc.** in the foregoing subscribing witness' presence.

Witness my hand and Notarial Seal this 24 day of September, 2020.

 [Notary Public's Signature]


Brandon J Barnett [Notary Public's Printed Name]

Notary Public's commission number 1006 984
, seal,



commission county of residence or employment Allegheny
commission expiration date March 30, 2024

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.


By: Jay A. Rosenberg

This instrument prepared by: Jay A. Rosenberg, Esq., and Jacqueline Meyer Goldman, Esq., (Indiana Bar Number: 22724-53), Rosenberg LPA, Attorneys At Law, 3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605 Fax: (866) 611-0170.

Receipt

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

Date: 3-25-21
Name: Hickey Properties
Reason: Response - motion filing \$ 25.00
Response - petition \$ 20.00
45.00

Cash: _____
Check: 45.00 CHK 071452
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 13-21

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. 13-21. This Ordinance is a rezoning of part of 2499 E Margaret. The Petitioner, Richey Properties LLC, petitions the Plan Commission to rezone said real estate from zoning classification O-1 to C-2, Community Commerce, for a dentist office.

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. 13-21 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. 13-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 13-20 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. 13-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) detailed site plan to include parking and storm water drainage to be approved by City Engineering




Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 6th day of May, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 13-21

Doc: # 27

Date: May 2021

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APPLICATION INFORMATION

Property Owner: Richey Properties, LLC

Representative: Richard Shagley II

Proposed Use: Dental office

Proposed Zoning: C-2, Community Commerce District

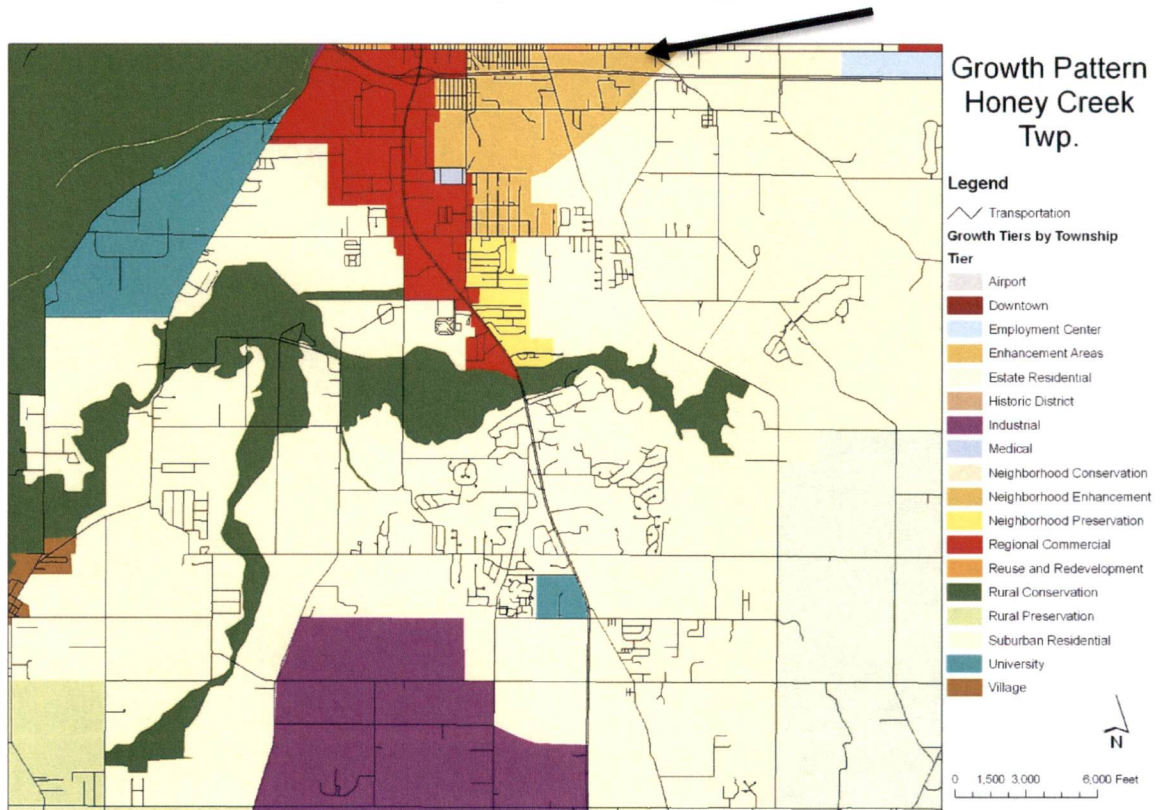
Current Zoning: O-1, Agricultural District

Location: The property is located on at the intersection of E. Margaret Avenue & Sidenbender Rd.

Address & Parcel #: 2499 E Margaret Avenue, Terre Haute, In #84-09-02-126-005.000-005

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute Honey Creek Township



Neighborhood 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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 13-21

Doc: # 27

Date: May 2021

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Available Services: Area is well served by utilities.

Street Access: E. Margaret Drive, Terre Haute, In

Intensity: Neighborhood Commercial

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2, R-2

East – O-1

South – C-3

West – R-1PD

ZONING REGULATIONS

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: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating 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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 13-21

Doc: # 27

Date: May 2021

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FINDINGS and RECOMMENDATION

Staff Findings: The petitioner has requested rezoning to allow for a Dental Office for Richey Family Dentistry. It is located in a Neighborhood Enhancement District. The petitioner states the property has been vacant for a year. The area is a mix of uses, including commercial.

The site plan shows the proposed sign located outside of the property lines in the right of way. The location of the sign will need to be moved within the property lines.

Hard surfacing is required in the C-2 District and a stormwater drainage plan will need to be reviewed by City Engineering. If an entrance off Sidenbender Road will be used, a commercial drive cut design will also need to be approved by City Engineering.

Recommendation: Favorable recommendation with the following conditions:

1. Detailed site plan to include parking and stormwater drainage to be approved by City Engineering.