

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

**SPECIAL ORDINANCE NO. 21, 2021**

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Common Address of lots to be rezoned: **2907 Poplar St., Terre Haute, IN 47803**

Rezone From: **R-3 General Residence District**

Rezone To: **C-2 Community Commerce District Planned Development**

Proposed Use: **Dental Office**

Name of Owner: **Robert H Michaels and Pamra Michaels**

Address of Owner: **3471 Bluegrass Ln., Terre Haute, 47802**

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

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

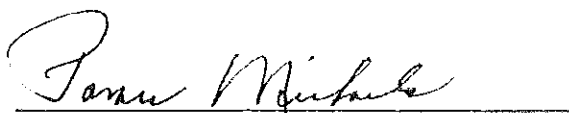
Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: **O. Earl Elliott**

  
**Robert H Michaels**

  
**Pamra Michaels**

## **SPECIAL ORDINANCE NO. 21, 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: See Exhibit A attached hereto. commonly known as **2907 Poplar St., Terre Haute, IN 47803**, Terre Haute, Indiana., (the Property) be and the same is hereby established as a Planned Development as designated in Division III Section 10-110 et seq. of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a R-3 Planned Development District authorizing the use of said real estate for general office uses including medical, dental, optometrist, and chiropractic offices and clinics, insurance and financial offices, business and professional offices and accessory and related uses and uses permitted by the R-3 zoning classification. Together with all rights, privileges, and provisions 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. The Council further declares that the Property be granted a variance of 9 feet from the 11 foot Rear Lot Line set back (Chapter 10, Division V General Provisions, section 10-136 (e)) for the existing improvements..

Petitioner has provided substantial evidence that the Planned Development will not adversely affect surrounding property values, public health and safety or the general public

welfare and that a hardship exists justifying classification of the property as a Planned Development. Specifically, the Council finds that a hardship exists because the property has previously been used as a dental office and an insurance office for many years prior to the adoption of the zoning board and has continued to be used as such as a nonconforming use. The improvements on the property were converted to the office use prior to the adoption of the zoning ordinance and to convert the property to residential uses would be unduly expensive.

The Council further finds that the proposed uses, if approved, will be in the public's interest, will not adversely affect surrounding property values, will not adversely affect public health, safety and the general public welfare; that substantial justice will be done for that neighborhood and that approval of the designation of the property as a Planned Development does not nullify the purpose of the zoning regulations.

In the event the planned development has not materialized within six months of approval the planned development shall become void.

The rights granted herein shall be transferable.

This Ordinance shall be recorded in the Vigo County recorder's office within 90 days of its approval at the expense of petitioner.

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.

See attached page for signatures.

PRESENTED BY COUNCILPERSON \_\_\_\_\_

O. Earl Elliott

O. Earl Elliott

Passed in open Council this 7 day of October, 2021

O. Earl Elliott

O. Earl Elliott, President

ATTEST: \_\_\_\_\_

Michelle L Edwards

City Clerk

Michelle L Edwards, City Clerk

Presented by me to the Mayor this 7 day of October, 2020

Michelle L Edwards

Michelle L Edwards, City Clerk

Approved by me, the Mayor, this 7th day of OCTOBER, 2020

Duke Bennett

Duke Bennett, Mayor  
City of Terre Haute

ATTEST: \_\_\_\_\_

Michelle L Edwards

Michelle L Edwards, City Clerk

I 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

Part of Lot 9 in a Subdivision made by the Board of Commissioners of Vigo County of the North half of the North East Quarter of Section 26, Township 12 North, of Range 9 West, described as follows: Beginning at a point 229 5/10 feet East of the North West corner of said Lot, thence East to the East line of said lot, thence South 336 feet, thence West to a point due South of the place of beginning, thence North to the place of beginning.

Except that part thereof conveyed to Jack R. King and Mary Louise King, husband and wife as shown by deed dated November 14, 1970 and recorded in Deed Record 352 Page 188.

Also, except that part thereof conveyed to Jack R. King and Mary Louise King, husband and wife, as shown by deed dated October 25, 1978 and recorded in Deed Record 376 page 204.

Also

Part of Lot 9 in a Subdivision made by the Board of Commissioners of Vigo County, Indiana, of the North Half of the Northeast Quarter of Section 26, Township 12 North of Range 9 West, described as follows:

Commencing at a point 229.50 feet East of the Northwest corner of said Lot 9, thence East 100.35 feet to the East line of said Lot; thence South along and with East line of said lot 197.0 feet to the place of beginning; thence South 1.57 feet; thence West 100.39 feet to a point 229.5 feet East of the West line of said Lot 9; thence North 1.57 feet; thence East to the place of beginning.

Also

A perpetual access easement over the following real estate, to wit: Commencing at the Northeast Corner of said Lot 9; thence South 198.57 feet; thence West 9.94 feet to the point of beginning of said easement; thence South 2.0 feet, thence West 28.0 feet, thence North 2.0 feet, thence East 28.0 feet to the point of beginning.

All records of the Recorder's Office of Vigo County, Indiana.

## PETITION FOR REZONING

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

Gentlemen:

**Robert H Michaels and Pamra Michaels**, petitioners, are proposing to zone the following described real estate located in Vigo County, Indiana, as an R-3 Planned Development for general office uses including medical, dental, optometrist, and chiropractic offices and clinics, insurance and financial offices, business and professional offices and accessory and related uses: See Exhibit A attached hereto and made a part hereof. Said real estate is commonly known as **2907 Poplar St., Terre Haute, IN 47803**, Terre Haute, Indiana. Petitioners also requested variance of 9 feet from the 11 foot rear lot set back (Chapter 10, Division V General Provisions, section 10-136 (e)).

In support of this petition, petitioner would show the Common Council as follows:

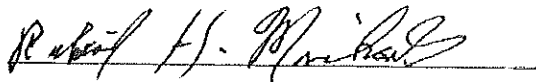
The property is currently used as an insurance agency office and was previously used as a dental office for many years pursuant to its status as a pre-existing nonconforming use in an R-3 zoning district. Petitioner proposes to sell the property to TAB Properties Group, LLC which proposes to use the property as a dental office.

In support of this petition, petitioner would show the Common Council as follows:

1. The proposed use is consistent with the Comprehensive Plan
2. The current conditions and character of the structures and uses in the district are consistent with the proposed use
3. The proposed use is a desirable for the subject property.

4. The proposed use conserves property values throughout the jurisdiction and provides for responsible development and growth.
5. The approval will not be injurious to public health, safety, morals and general welfare of the community.
6. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The property has been used as a commercial property for \_\_\_\_\_ years and is located in a commercial area and fronts on a heavily trafficked Street-Poplar Street.
7. That a hardship exists because the improvements on the property were converted to office uses prior to the adoption of the zoning ordinance and to convert property to residential uses would be unduly expensive.
8. There are numerous adjacent scattered incompatible uses within the immediate vicinity.

**Robert H Michaels**

\_\_\_\_\_

**Pamra Michaels**

\_\_\_\_\_

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



side plus



91-207 11321

221

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SILENCE OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mort tax bills to:

Tax Key No. 1

## WARRANTY DEED

DULY ENTERED FOR TAXATION

This indenture witnesseth that

G. BYRON RUTLEDGE and  
LOIS Z. RUTLEDGE  
Husband and Wife

September 24, 1986  
Notary Public

of Vigo

County in the State of

Indiana

Convey and warrant to

ROBERT H. MICHAELS and  
PAMRA MICHAELS  
Husband and Wife

of Vigo

County in the State of

Indiana

for and in consideration of one dollar and other good and valuable considerations the receipt whereof is hereby acknowledged, the following Real Estate in  
in the State of Indiana, to wit:

Part of Lot 9 in a Subdivision made by the Board of Commissioners of Vigo County of the North half of the North East Quarter of Section 26, Township 12 North, of Range 9 West, described as follows: Beginning at a point 229 5/10 feet East of the North West corner of said Lot, thence East to the East line of said lot, thence South 336 feet, thence West to a point due South of the place of beginning, thence North to the place of beginning.

Except that part thereof conveyed to Jack R. King and Mary Louise King, husband and wife as shown by deed dated November 14, 1970 and recorded in Deed Record 352 Page 188.

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(OVER)

State of Indiana,

County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 17th day of September, 1986, personally appeared:

G. BYRON RUTLEDGE and  
LOIS Z. RUTLEDGE  
Husband and Wife  
grantors herein

Dated this 17th Day of Sept. 1986

G. Byron Rutledge Seal  
Lois Z. Rutledge Seal

G. BYRON RUTLEDGE

Lois Z. Rutledge

LOIS Z. RUTLEDGE

Seal

Seal

Seal

Seal

And acknowledged the execution of the foregoing deed, in witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires July 22, 1986

Notary Public

Resident of Vanderburgh County

This instrument prepared by Joe E. Beardsley Jr., Clinton, In. 47842

Attorney at Law



Also  
 A perpetual access easement over the following real estate,  
 to wit: Commencing at the Northwest corner of said Lot 9;  
 thence South 198.57 feet; thence West 9.94 feet to the point  
 of beginning of said easement; thence South 2.0 feet, thence  
 West 28.0 feet; thence North 2.0 feet, thence East 28.0  
 feet to the point of beginning.

All records of the Recorder's Office of Vigo County, Indiana.

WD

Clinton State Bank  
 C. L. Clifford

RECEIVED FOR RECORD  
 AT 12:45 O'CLOCK  
 SEP 24 1985  
 PAGE 221

John Curran  
 RECORDER VIGO COUNTY

INDEXED

6.50

## AFFIDAVIT

COMES NOW affiant, **Robert H Michaels and Pamra Michaels**, and affirm under penalty of law that they are the owners of record of the property located at **2907 Poplar St., Terre Haute, IN, 47803**. Parcel Number 84-06-26-226-033.000-002 for which a rezoning and variance is requested and attached hereto a deed evidencing such ownership.

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

Robert H Michaels

Robert H. Michaels

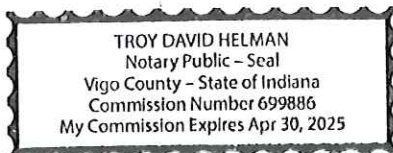
Pamra Michael's

By: Pamra Michaels

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF VIGO     )

Personally appeared before me, a Notary Public in and for said County and State, Robert H Michaels and Pamra Michaels who acknowledges the execution of the above and foregoing Affidavit, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 2nd day of August, 2021.



Troy D Helman  
Notary Public

Troy D Helman  
(Printed Name)

My Commission Expires:

April 30, 2025

My County of Residence:

Vigo

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

HEREIN IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECEIPT

Receipt

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

Date: 8/4/2021

Name: Robert Michaels & Pamela Michaels

Reason: Receiving - notice of filing 4455.00

Receiving - petition 4455.00

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

Check: \_\_\_\_\_

Credit: 4455.00

Total: 4455.00

Received By: R. Michaels





# 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 7, 2021

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

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

CERTIFICATION DATE: October 6, 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. 21-21. This Ordinance is a rezoning of 2907 Poplar St. The Petitioner, Robert and Pamra Michaels, petitions the Plan Commission to rezone said general office from zoning classification R-3 to R-3 Planned Development, 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. 21-21 at a public meeting and hearing held Wednesday, October 6, 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. 21-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 21-21 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. 21-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Must be recorded in 90 days 2) A hardship must be demonstrated

A handwritten signature in black ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler".

Jared Bayler, Executive Director

Received this 7th day of October, 2021

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #21-21  
Date: September 2021

Doc: # 50  
Page 1 of 4

### APPLICATION INFORMATION

Owner: Robert & Pamra Michaels

Representative: Louis Britton

Proposed Use: Dental Office

Proposed Zoning: R-3, Planned Development

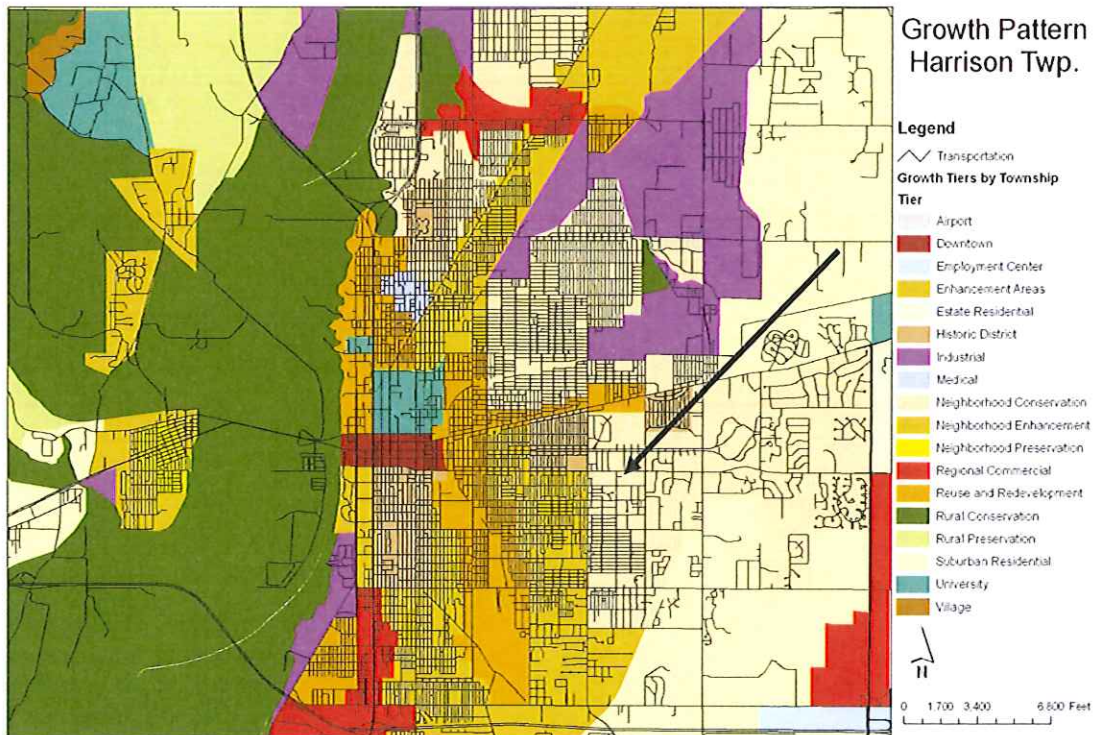
Current Zoning: R-3 General Residence District

Location: The property is located 435 ft from the intersection of 29<sup>th</sup> and Poplar Streets.

Common Address: 2907 Poplar Street, Terre Haute-  
Parcel #84-06-26-226-033.000-002

### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute





## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #21-21  
Date: September 2021

Doc: # 50  
Page 2 of 4

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Available Services: Area is well served by utilities.

### Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Dev. Priority: Neighborhood commercial.

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-3  
**East** – R-3, R-1PD  
**South** – R-3  
**West** – R-3

Character of Area: The petitioned property is located in a mix use area.

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## ZONING REGULATIONS

R-3 Purpose: The General Residence District

R-3 Uses: Any use permitted in the R-1 and R-2 Districts, Apartment Hotels, Colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, and convalescent homes, Institutions for the aged and for children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 Standards: Minimum Lot Size: N/A;  
FAR 0.50 % or 384 Square Feet per bed  
Street Setback: 55 feet from centerline;  
Rear setback 11';  
Interior setback of 5' from the interior lot line;  
A parking plan must be approved by the Engineering and Planning Departments.

## Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.  
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.  
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.  
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #21-21

Doc: # 50

Date: September 2021

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Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.

(5) Parcel located near district boundary lines.

Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

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## FINDINGS and RECOMMENDATION

Staff Findings: The petitioner is seeking to rezone the property for general office uses including medical, dental, optometrist, and chiropractic offices and clinics, insurance and financial, offices, business and professional offices and accessory and related uses. The specific plan by the petitioner is for use as a dental office. The building at 2907 Poplar has been an office building for 40 years, including previously as a dental office. The drive and parking are already hard-surfaced. The area is currently a mix of commercial and residential uses.

The petitioner is requesting 9 feet from the 11 feet rear lot line setback from Section 10-126(e) from the City Code for the existing garage.

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

1. Must be recorded in 90 days
2. A hardship must be demonstrated

Docket #50 SO #21-21

2907 Poplar St.



Docket #50

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

**SPECIAL ORDINANCE NO. 21, 2021**

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Common Address of lots to be rezoned: **2907 Poplar St., Terre Haute, IN 47803**

Rezone From: **R-3 General Residence District**

Rezone To: **R-3 Planned Development**

Proposed Use: **Dental Office**

Name of Owner: **Robert H Michaels and Pamra Michaels**

Address of Owner: **3471 Bluegrass Ln., Terre Haute, 47802**

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

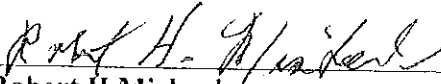
Attorney Representing Owner: **Louis F. Britton**

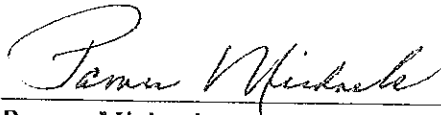
Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: **O. Earl Elliott**

  
\_\_\_\_\_  
Robert H Michaels

  
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Pamra Michaels

## PETITION FOR REZONING

TO THE PRESIDENT AND MEMBERS  
OF THE COMMON COUNCIL OF  
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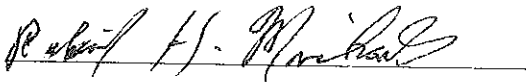
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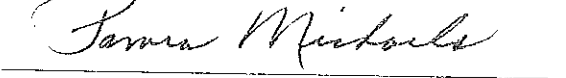
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6. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The property has been used as a commercial property for 40 years and is located in a commercial area and fronts on a heavily trafficked Street-Poplar Street.
7. That a hardship exists because the improvements on the property were converted to office uses prior to the adoption of the zoning ordinance and to convert property to residential uses would be unduly expensive.
8. There are numerous adjacent scattered incompatible uses within the immediate vicinity.

**Robert H Michaels**



**Pamra Michaels**



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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: See Exhibit A attached hereto. commonly known as **2907 Poplar St., Terre Haute, IN 47803**, Terre Haute, Indiana., (the Property) be and the same is hereby established as a Planned Development as designated in Division III Section 10-110 et seq. of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a R-3 Planned Development District authorizing the use of said real estate for general office uses including medical, dental, optometrist, and chiropractic offices and clinics, insurance and financial offices, business and professional offices and accessory and related uses and uses permitted by the R-3 zoning classification. Together with all rights, privileges, and provisions 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. The Council further declares that the Property be granted a variance of 9 feet from the 11 foot Rear Lot Line set back (Chapter 10, Division V General Provisions, section 10-136 (e)) for the existing improvements..

Petitioner has provided substantial evidence that the Planned Development will not adversely affect surrounding property values, public health and safety or the general public

welfare and that a hardship exists justifying classification of the property as a Planned Development. Specifically, the Council finds that a hardship exists because the property has previously been used as a dental office and an insurance office for many years prior to the adoption of the zoning board and has continued to be used as such as a nonconforming use. The improvements on the property were converted to the office use prior to the adoption of the zoning ordinance and to convert the property to residential uses would be unduly expensive.

The Council further finds that the proposed uses, if approved, will be in the public's interest, will not adversely affect surrounding property values, will not adversely affect public health, safety and the general public welfare; that substantial justice will be done for that neighborhood and that approval of the designation of the property as a Planned Development does not nullify the purpose of the zoning regulations.

In the event the planned development has not materialized within six months of approval the planned development shall become void.

The rights granted herein shall be transferable.

This Ordinance shall be recorded in the Vigo County recorder's office within 90 days of its approval at the expense of petitioner.

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.

See attached page for signatures.

PRESENTED BY COUNCIL PERSON

  
O. Earl Elliott

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
O. Earl Elliott, President

ATTEST: \_\_\_\_\_, City Clerk  
Michelle L. Edwards, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Duke Bennett, Mayor  
City of Terre Haute

ATTEST: \_\_\_\_\_  
Michelle L. Edwards, City Clerk

I prepared the foregoing instrument and I affirm, under the penalties for perjury, that I have taken reasonable care to correct each Social Security number in this document, unless required by law.

\_\_\_\_\_  
Louis E. Britton  
COX, ZWERNER, GAMMILL & SULLIVAN, LLP  
511 Wabash Avenue, Terre Haute, IN 47807  
Phone: (812) 232-6907



Part of Lot 9 in a Subdivision made by the Board of Commissioners of Vigo County of the North half of the North East Quarter of Section 26, Township 12 North, of Range 9 West, described as follows: Beginning at a point 229 5/10 feet East of the North West corner of said Lot, thence East to the East line of said lot, thence South 336 feet, thence West to a point due South of the place of beginning, thence North to the place of beginning.

Except that part thereof conveyed to Jack R. King and Mary Louise King, husband and wife as shown by deed dated November 14, 1970 and recorded in Deed Record 352 Page 188.

Also, except that part thereof conveyed to Jack R. King and Mary Louise King, husband and wife, as shown by deed dated October 25, 1978 and recorded in Deed Record 376 page 204.

Also

Part of Lot 9 in a Subdivision made by the Board of Commissioners of Vigo County, Indiana, of the North Half of the Northeast Quarter of Section 26, Township 12 North of Range 9 West, described as follows:

Commencing at a point 229.50 feet East of the Northwest corner of said Lot 9, thence East 100.35 feet to the East line of said Lot; thence South along and with East line of said lot 197.0 feet to the place of beginning; thence South 1.57 feet; thence West 100.39 feet to a point 229.5 feet East of the West line of said Lot 9; thence North 1.57 feet; thence East to the place of beginning.

Also

A perpetual access easement over the following real estate, to wit: Commencing at the Northeast Corner of said Lot 9; thence South 198.57 feet; thence West 9.94 feet to the point of beginning of said easement; thence South 2.0 feet, thence West 28.0 feet, thence North 2.0 feet, thence East 28.0 feet to the point of beginning.

All records of the Recorder's Office of Vigo County, Indiana.