



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

**SPECIAL ORDINANCE NO. 22**

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COMMON ADDRESS OF LOTS TO BE REZONED: 3704 and 3708 Wabash Avenue Terre Haute, IN 47803

Current Zoning: R-1, Single Family Residence District

Requested Zoning: C-1, Community Commerce District

Proposed Use: Moose Lodge and Parking lot

Name of Owner: Loyal Order of Moose Lodge #1009

Address of Owner: 3708 Wabash Avenue Terre Haute, IN 47803

Phone Number of Owner: 812-232-3708

Attorney Representing Owner (if any):

Address of Attorney:

Phone Number of Attorney:

For Information Contact: William E. Akers, 1726 South 11<sup>th</sup> Street Terre Haute, IN 47802

Council Sponsor: Norman Loudermilk

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

FILED

JUN 24 2011

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING**  
**SPECIAL ORDINANCE NO. 22, 2011**  
**AS AMENDED**

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

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

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

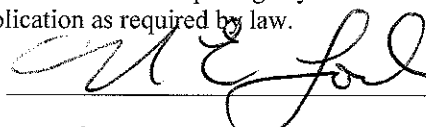
Lot Number 243, 244, and 245 in Edgewood Place, being a subdivision of all that part of the  
northwest quarter of Section 24, Township 12 North, Range 9 West lying north of the National  
Road, except 51.3 acres off the west end.

Commonly known as: 3704 and 3708 Wabash Avenue Terre Haute, IN 47803, Terre Haute, 47803

Be and the same is hereby established as a C-1, Neighborhood 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,



Norman Loudermilk

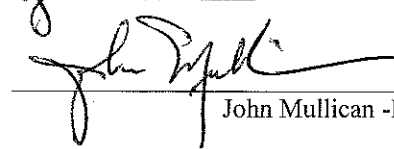
Passed in Open Council this

12th

day of

July

, 2011



John Mullican -President

ATTEST:



Charles P. Hanley, City Clerk

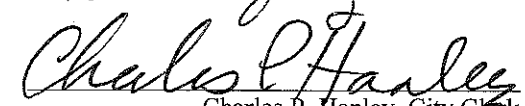
Presented by me to the Mayor of the City of Terre Haute this

15th

day of

July

2011.



Charles P. Hanley, City Clerk

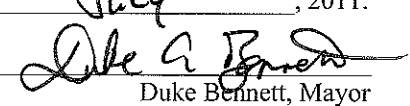
Approved by me, the Mayor, this

15th

day of

July

, 2011.



Duke Bennett, Mayor

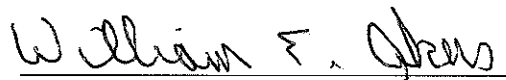
ATTEST:



Charles P. Hanley, City Clerk

This instrument prepared by: William E Akers/ 1726 S. 11<sup>th</sup> St. Terre Haute, IN/ 812-241-2943.

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.

  
William E. Akers

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 22, 2011

FILED

JUN 08 2011

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as  
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SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute,  
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Lot Number 243, 244, and 245 in Edgewood Place, being a subdivision of all that part of the  
northwest quarter of Section 24, Township 12 North, Range 9 West lying north of the National  
Road, except 51.3 acres off the west end.

Commonly known as: 3704 and 3708 Wabash Avenue Terre Haute, IN 47803, Terre Haute, 47803

Be and the same is hereby established as a C-2, Limited 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, \_\_\_\_\_  
Norman Loudermilk

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
John Mullican -President

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

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Duke Bennett, Mayor

ATTEST: \_\_\_\_\_  
Charles P. Hanley, City Clerk

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, Loyal Order of Moose Lodge #1009, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number 243, 244, and 245 in Edgewood Place, being a subdivision of all that part of the northwest quarter of Section 24, Township 12 North, Range 9 West lying north of the National Road, except 51.3 acres off the west end.

Commonly known as: 3704 and 3708 Wabash Avenue, Terre Haute, IN 47803

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 C-1 Limited Community Commerce District.

Your petitioner would respectfully state that the real estate is now a vacant lot. Your petitioner intends to use the real estate for Parking and Moose Lodge Activities.

Your petitioner would request that the real estate described herein shall be zoned as a C-2 Limited Community Commerce District. Your petitioner would allege that the C-2 Limited Community Commerce District would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Limited 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 WITNES WHEREOF, This petition has been duly executed this 7 day of June, 2011.

BY: William E. Akers  
William E. Akers  
Administrator

PETITIONER: Loyal Order of Moose Lodge #1009.

This instrument was prepared by William E. Akers, 1726 S. 11<sup>th</sup> St. Terre Haute, 47802.

**AFFIDAVIT OF:**

COMES NOW affiant Loyal Order of the Moose #1009

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

at 3708 Wabash Ave.

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

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

LOYAL ORDER OF MOOSE #1009  
[Typed name of owner(s) on deed]

SIGNATURE: William E. Dikus Administrator

SIGNATURE: Donald C. Brown Governor

STATE OF INDIANA)

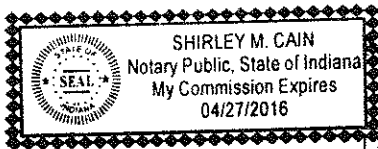
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, William E. Dikus & Donald C. Brown

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 7<sup>th</sup> day of June, 2011.

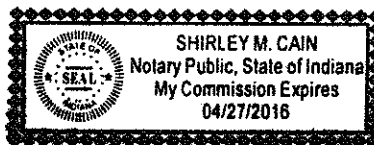


Notary Public:

Shirley M. Cain  
[Typed name]

My Commission Expires:

My County Of Residence: Vigo



APR 28 2011

EXEMPT FROM DISCLOSURE

2011005409 QD \$18.00  
04/28/2011 10:34:28A 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

*Tammy M. Sproule*  
VIGO COUNTY AUDITOR

QUITCLAIM DEED

THIS INDENTURE WITNESSETH That Richard Lyman Azar (Grantor), of Madison County in the State of Illinois, and Bradley Joseph Azar (Grantor), of Monroe County in the State of Florida, RELEASES AND QUITCLAIMS TO Loyal Order of Moose Lodge 1009 of Vigo County in the State of Indiana, for the sum of Twelve Thousand Dollars (\$12,000) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, Indiana:

Lot Number 243 in Edgewood Place, being a subdivision of all that part of the northwest quarter of Section 24, Township 12 North, Range 9 West lying north of the National Road, except 51.3 acres off the west end.

As shown by the recorded plat thereof in Plat Record 10 page 35 of records of Recorder's Office of Vigo County, Indiana.

IN WITNESS THEREOF, the Grantors have executed this deed this 8<sup>th</sup> day of March, 2011.

*Richard Lyman Azar*  
Richard Lyman Azar

*Bradley Joseph Azar*  
Bradley Joseph Azar

STATE OF INDIANA  
COUNTY OF VIGO

)  
) SS:  
)

Before me, a Notary Public in and for said County and State, personally appeared Richard Lyman Azar who acknowledged the execution of the foregoing Quitclaim Deed, and who having been duly sworn, stated that any representations therein contained are true.

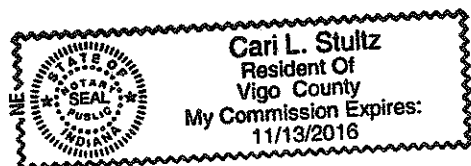
WITNESS my hand and Notarial Seal this 8<sup>th</sup> day of March, 2011.

My commission expires:

11-13-2016  
Resident of Vigo County

*Cari L. Stultz*  
Notary Public

(1)



## WARRANTY DEED

THIS INDENTURE WITNESSETH, That Charles H. Meyer and Nellie L. Meyer, husband and  
wife,

of Vermillion County, in the State of Indiana  
 CONVEY AND WARRANT to Terre Haute Lodge Number 1009 Loyal Order of Moose,  
Inc.

of Vigo County, in the State of Indiana  
 for the sum of One Dollar and other valuable consideration ~~Dollars~~

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo  
 County, in the State of Indiana, to-wit:

Lots Number Two Hundred Forty-four (244) and Two Hundred Forty-five (245)  
 Edgewood Place, being a subdivision of all that part of the North West  
 quarter of Section Twenty-four (24), Township Twelve (12) North, Range  
 Nine (9) West lying North of the National Road, except Fifty-one and three-  
 tenths (51.3) acres off the West end.

As shown by the recorded Plat thereof in Plat Record 10, Page 35 of  
 records of Recorder's Office of Vigo County, Indiana.

Subject to the 1955 taxes due and payable in 1956 and all subsequent  
 taxes and assessments which the grantee assumes and agrees to pay.



IN WITNESS WHEREOF, The said Charles H. Meyer and Nellie L. Meyer, husband and wife,



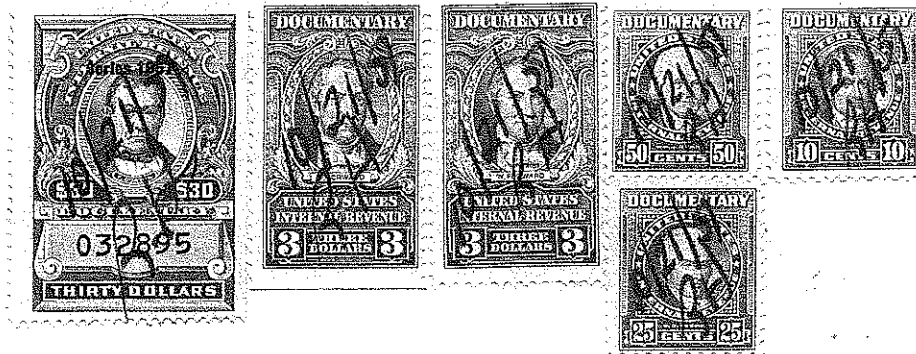
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As shown by the recorded Plat thereof in Plat Record 10, Page 35 of records of Recorder's Office of Vigo County, Indiana.

Subject to the 1955 taxes due and payable in 1956 and all subsequent taxes and assessments which the grantee assumes and agrees to pay.



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IN WITNESS WHEREOF, The said Charles H. Meyer and Nellie L. Meyer, husband and wife,

have hereunto set their hands and seals  
this 21st day of October, A. D. 1957

(SEAL) x Charles H. Meyer (SEAL)  
Charles H. Meyer

(SEAL) (SEAL)

(SEAL) Nellie L. Meyer (SEAL)  
Nellie L. Meyer

33

WABASH AVE

42 1/2'

112'

SIDE WALK

MOOSE LODGE

3708 WABASH AVE

PARKING

3704  
WABASH  
AVE

flow  
+  
lot

FENCE

OUTER

PARKING LOT

Receipt

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

Date: June 8, 2011  
Name: Loyal Order of Moose Lodge #1009  
Reason: Rezoning Petition \$26.00  
Rezoning Filing \$25.00  
TERRE HAUTE, IN  
PAID

Cash: \_\_\_\_\_  
Check: CK# 11945  
Credit: \_\_\_\_\_  
Total: \$45.00

JUN 08 2011

CONTROLLER

Received By: M. Corwell/JE



TERRE HAUTE

# 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: July 7, 2011

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #22-11

CERTIFICATION DATE: July 6, 2011

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

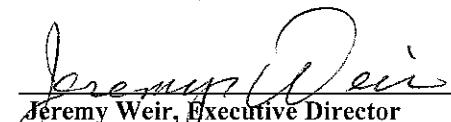
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 22-11. This Ordinance is a rezoning of the property located at 3704 And 3708 Wabash Avenue. The Petitioner, Loyal Order of Moose Lodge #1009, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-1, Neighborhood Commerce District, for the Moose Lodge and parking lot. 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. 22-11 at a public meeting and hearing held Wednesday, July 6, 2011. 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. 22-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 22-11 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. 22-11, was FAVORABLE .

  
Fred L. Wilson, President

  
Jeremy Weir, Executive Director

Received this 7<sup>th</sup> day of July, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #22-11

Doc: # 43

Date: July 6<sup>th</sup>, 2011

Page 1 of 3

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## APPLICATION INFORMATION

Petitioner: Loyal Order of Moose Lodge # 1009

Property Owner: Same-As-Above

Representative: William E. Akers

Proposed Use: Moose Lodge and Parking Lot

Proposed Zoning: C-1, Neighborhood Commerce District

Current Zoning: R-1, Single-Family Residence District

Location: The property is located on the north side of Wabash Ave. 200 ft. west of the intersection of Wabash Ave and Fruitridge Ave.

Common Address: 3704 and 3708 Wabash Ave, Terre Haute IN, 47803

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## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- 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.
- 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: Wabash Avenue is Primary Arterial Roadway

Dev. Priority: This area has a high priority for capital investment

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STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #22-11

Doc: # 43

Date: July 6<sup>th</sup>, 2011

Page 2 of 3

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## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-family Residence District  
**East** – R-1, Single-family Residence District  
C-1, Neighborhood Commerce District  
**South** – C-1, Neighborhood Commerce District  
C-2, Limited Community Commerce District  
C-5, General Central Business District  
R-1, Single-family Residence District  
**West** – R-1, Single-family Residence District  
C-1, Neighborhood Commerce District

Character of Area: The intersection of Wabash Ave and Fruitridge Ave functions as a commercial node that offers goods and services to surrounding neighborhoods.

Contig. Uses & Zones: The contiguous zoning is R-1, Single-Family Residence District its uses are single family dwellings, C-1, Neighborhood Commerce District its use is a Restaurant.

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## ZONING REGULATIONS

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #22-11

Doc: # 43

Date: July 6<sup>th</sup>, 2011

Page 3 of 3

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C-1 Standards:      Minimum Lot Size: 3,300 Sq. Ft.  
FAR 0.7 %  
Street Setback: 55 feet from centerline;  
Rear setback 11';  
Interior setback of 5' from the interior lot line;  
Club/Lodge Three (3) space per one thousand (1000) square feet of gross floor area.  
Park lots for more than ten (10) cars will need visual buffering from adjacent residential properties

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## **FINDINGS and RECOMMENDATION**

Staff Findings:      The Moose Lodge has been functioning as a legal non-conforming use in an R-1, Signal-family Residence District. The proposed rezoning will consolidated the Moose Lodge and adjacent commercial uses in a Neighborhood Commerce District.

Recommendation:    Favorable Recommendation.