



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

**SPECIAL ORDINANCE NO. 20**

**COMMON ADDRESS OF LOTS TO BE REZONED:**

227 South 9<sup>th</sup> Street, Terre Haute, IN 47807

Current Zoning: C-8, Downtown Business District

Requested Zoning: C-8, Downtown Business District Planned Development

Proposed Use: Residential Two-Family Dwelling

Name of Owner: Birthright of Terre Haute, Inc. - Cecelia C. Lundstrom, President

Address of Owner: 227 South 9<sup>th</sup> Street, Terre Haute, IN 47807

Phone Number of Owner: 812-232-8973

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Scott J Patch (765-592-1503)

Council Sponsor: John Mullican

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

SPECIAL ORDINANCE FOR A PLANNED DEVELOPMENT

FILED

MAY 07 2012

SPECIAL ORDINANCE NO. 20, 2012

CITY CLERK

An Ordinance Amending Title III designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" of General Ordinance Number 1, 1967, as amended, entitled: "An Ordinance adopting a Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, in accordance with Chapter 174 of the Acts of the Indiana General Assembly, 1947, as amended, designating the same as a part of the master plan for the City of Terre Haute, Indiana, providing penalties for violations thereof and declaring an emergency"

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

Section 1. That Title III, Comprehensive Zoning Ordinance of General Ordinance Number 1, 1967 effective November 3, 1967, entitled:

"An ordinance adopting a Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, in accordance with Chapter 174 of the acts of the Indiana General Assembly, 1947, as amended designating the same as a part of the master plan for the city of Terre Haute, Indiana, providing penalties for violations thereof and declaring an emergency"

and Chapter 1161 thereof, Zoning District Maps, be and the same is hereby amended to read as follows:

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

The South half of Lot Number Twenty-five (25) in Chauncey Roses Addition to the Town now City of Terre Haute, Indiana, same being a subdivision of a part of the South West quarter of Section, 22 Town, 12 North of Range 9 West of the 2d Principal Meridian.

Commonly known as 227 South 9<sup>th</sup> Street, Terre Haute, Vigo County, Indiana 47807

Be and the same is, hereby established as a C-8, Downtown Business District Planned Development, together with all rights and privileges that may inure to said real estate and the owners thereof by limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this ordinance."

That the real estate described shall be a Planned Development in a C-8, Downtown Business District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used for the conversion of the existing residential structure into a two-family dwelling.

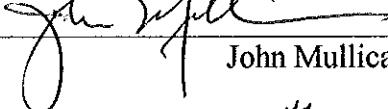
- (b) The real estate shall be subject to the following:
- (i) the rights granted herein shall run with the land and be transferrable to future owners of the property;
  - (ii) said Planned Development shall be recorded in the office of the Vigo County Recorder within ninety (90) days hereof. The Petitioner shall be responsible for the payment of recording fees.
- (c) That the owners have met all of the criteria determined by the Area Planning Commission except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

Section 2. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 8, 1982 (Planned Development) being Chapter 1124.03, and

WHEREAS, a public hearing has been pursuant to Chapter 1141.09 of said Ordinance and the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exists pursuant to Chapter 1124 of said Ordinance and that said Planned Development will not adversely affect public health, safety, and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of real estate described as a C-8, Downtown Business District Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest and that substantial justice will be done.

SECTION 3. WHEREAS, an emergency exists for the immediate taking effect from and after its passage by the Common Council of Terre Haute, and approval of the Mayor and publication as required by law.


Presented by   
John Mullican

Passed in Open Council this 14<sup>th</sup> day of June, 2012.

  
President Don Morris


ATTEST:   
Charles P. Hanley, City Clerk

Presented by me to the Mayor this 15<sup>th</sup> day of June 2012.

  
Charles P. Hanley, City Clerk

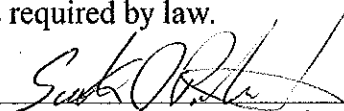
Approved by me, the Mayor, this 15<sup>th</sup> day of JUNE 2012.

  
Mayor Duke A. Bennett

ATTEST:   
Charles P. Hanley, City Clerk

This instrument prepared by: Scott Patch  
11036 E Lakeside Circle,  
Rockville, IN 47872

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.

  
Scott J. Patch

84-06-22-360-001.000-002

84-06-22-360-011.000-002

84-06-22-360-002.000-002

84-06-22-360-012.000-002

84-06-22-360-003.000-002

84-06-22-360-013.000-002

84-06-22-360-004.000-002

84-06-22-360-014.000-002

84-06-22-360-005.000-002

84-06-22-360-015.000-002

84-06-22-360-006.000-002

84-06-22-360-016.000-002

84-06-22-360-007.000-002

84-06-22-360-017.000-002

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84-06-22-360-018.000-002

84-06-22-360-009.000-002

84-06-22-360-019.000-002

84-06-22-360-010.000-002

84-06-22-360-020.000-002

84-06-22-360-021.000-002

84-06-22-360-023.000-002

ALLEY

9TH

88-255-8655

ALL SALES BY THE COMMISSIONER OF THE LAND OFFICE, IND.

907

# WARRANTY DEED

07000392-0

This Indenture Witnesseth, That Cecilia E. Schultz

of Vigo County, in the State of Indiana, CONVEY and WARRANT to

Birthright of Terre Haute, Inc.

of Vigo County, in the State of Indiana, for the sum of " " DOLLARS ( \$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:—

✓ The South half of Lot Number Twenty-five (25) in Chauncey Roses Addition to the Town now City of Terre Haute, Indiana, same being a subdivision of a part of the South West quarter of Section, 22 Town, 12 North of Range 9 West of the 2d Principal Meridian.

Subject to the taxes for 1983 prorated from the date hereof.

DULY ENTERED FOR TAXATION

October 19 1983

Wm Paul Newton

Auditor: Vigo County

IN WITNESS WHEREOF, The said Cecilia E. Schultz

has hereunto set her hand and seal, this 18th day of October

*Cecilia E. Schultz* (Seal)  
Cecilia E. Schultz

Above Name Typewritten or Printed

(Seal)

Above Name Typewritten or Printed

(Seal)

Above Name Typewritten or Printed

Above Name Typewritten or Printed

STATE OF INDIANA

VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 18th day of October 1983, personally appeared Cecilia E. Schultz

and acknowledged this conveyance to be her voluntary act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

My County of Residence  
Vermillion

*Annabelle Hines*  
Annabelle Hines

Notary Public

My commission expires September 1, 1986

Mail to: 227 South 9th Street, Terre Haute, Indiana 47804

This instrument prepared by W. N. Cox and B. Guille Cox, Jr., Attorneys

RECEIVED FOR RECORD THE 19 DAY OF OCT 1983 AT 10:00 CLOCK A.M.  
RECORD 394 PAGE 907 WILLIAM BRAMBLE, RECORDER

## AFFIDAVIT OF:

COMES NOW affiant BIRTHRIGHT OF TERRE HAUTE, INC

and affirms under penalty of law that affiant is the owner

of record of the property located at 227 South 9th St,  
Terre Haute, IN 47807

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

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

Cecelia C. Lundstrom  
[Typed name of owner(s) on deed]BIRTHRIGHT OF TERRE HAUTE, INC  
BY CECELIA C LUNDSTROM, PRES.

STATE OF INDIANA )

) SS:

COUNTY OF VIGO )

Personally appeared before me, a Notary Public in and for

said County and State, CECELIA C LUNDSTROM, PRESIDENT

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 1<sup>st</sup> day of MAY, 20 12.

Notary Public:

MARILYN Petrowski  
[Typed name]My Commission Expires: Nov 29, 2016My County Of Residence: Vigo

## PETITION FOR A PLANNED DEVELOPMENT

### 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 OF VIGO COUNTY, INDIANA

LADIES AND GENTLEMEN:

The undersigned, Cecelia C. Lundstrom, Petitioner herein, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

The South half of Lot Number Twenty-five (25) in Chauncey Roses Addition to the Town now City of Terre Haute, Indiana, same being a subdivision of a part of the South West quarter of Section, 22 Town, 12 North of Range 9 West of the 2d Principal Meridian.

Commonly known as 227 South 9<sup>th</sup> Street, Terre Haute, Vigo County, Indiana 47807.

Your Petitioner is informed and believes that in accordance with Chapter 1161, Zoning District Maps of Title III "Comprehensive Zoning Ordinance" of General Ordinance Number 1, 1967, as amended, the above described real estate is now zoned as C-8.

That your Petitioner would propose to use the real estate for the conversion of the existing residential structure into a two-family dwelling consistent with the historical use of the property and consistent with other uses in the immediate vicinity, subject to all restrictions in this Ordinance.

Your Petitioner would request that the real estate described herein be zoned as a Planned Development in a C-8, Downtown Business District for use as a residential, two-family dwelling.

Your Petitioner would allege that the Planned Development will not alter the general characteristics of this neighborhood because the area has mixed uses, including other similar residential uses in the immediate vicinity.

Your Petitioner respectfully shows the proposed change will not adversely affect surrounding property values and will not adversely affect public health, safety or general welfare or nor will it be injurious to the property or improvements in the neighborhood, nor would it impair an adequate supply of air to adjacent property because of the mixed uses in the area and the existence of other residential homes in the immediate vicinity. In addition, residential uses are permitted on the second floor of buildings in a C-8 classification, and therefore the use of the property as residential is not incompatible with the zoning classification and surrounding uses.



WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission of 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 Title III of General Ordinance Number 1, 1967, and declaring the above-described real estate to be part of the C-8, Downtown Business District Planned Development for a residential rental 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 \_\_\_\_\_ day of May, 2012.

By: Cecelia C. Lundstrom  
Cecelia C. Lundstrom, Petitioner  
2619 Park Street  
Terre Haute, IN 47803

This instrument was prepared by: Scott Patch.  
11036 E Lakeside Circle  
Rockville, IN 47872



## Receipt

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

Date: May 7, 2012  
Name: Scott Patch  
Reason: Rezoning Filing \$ 25.00  
Rezoning Petition \$ 20.00

TERRE HAUTE, IN  
PAID

Cash: \_\_\_\_\_  
Check: \$45.00 CK# 6054  
Credit: \_\_\_\_\_  
Total: \$45.00

MAY 07 2012

CONTROLLER

Received By: M. Dowell SE



**TERRE HAUTE**  
A LITTLE 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: June 7, 2012

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #20-12

CERTIFICATION DATE: June 6, 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. 20-12. This Ordinance is a rezoning of the property located at 227 South 9<sup>th</sup> Street. The Petitioner, Birthright of Terre Haute, Inc., Petitions the Plan Commission to rezone said real estate from zoning classification C-8 to C-8 Planned Development District, for residential two family dwelling. 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. 20-12 at a public meeting and hearing held Wednesday, June 6, 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. 20-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 20-12 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. 20-12, was FAVORABLE.

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

Fred L. Wilson, President

A handwritten signature in dark ink, appearing to read "Jeremy Weir".

Jeremy Weir, Executive Director

Received this 7th day of June, 2012

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #20-12

Doc: # 25

Date: June 2012

Page 1 of 3

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### APPLICATION INFORMATION

Petitioner: Scott J. Patch

Property Owner: Birthright of Terre Haute, Inc. Cecelia C. Lundstrom, President

Representative: Scott J. Patch

Proposed Use: Residential Two-Family Dwelling

Proposed Zoning: C-8 PD, Two-Family Dwelling Planned Development

Current Zoning: C-8, Downtown Business District

Location: The property is located on the west side on south 9<sup>th</sup> street about 150 ft north of the intersection of south 9<sup>th</sup> Street and poplar Street.

Common Address: 227 South 9<sup>th</sup> Street

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### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Downtown

In establishing a fundamental public policy to recognize downtown Terre Haute as a mixed use, high intensity activity center serving regional, community-wide, and neighborhood markets, future downtown development should be approached as series of rather specialized precincts, each with specific planning and urban design guidelines. Precise site-specific development objectives and urban design standards should emerge from previous recommended works. However, the following two (2) planning principles establish a general framework for guiding subsequent planning and development efforts in downtown Terre Haute.

- Ground floor block faces along Wabash Avenue and 7th Street should remain pedestrian oriented with a high diversity of shopping goods, specialty stores and soft consumer goods. Ground floor space should be primarily retail with limited office space. Where service activities do occur along these block faces, opportunity for at least some retail frontage – perhaps only retail display windows need to be considered. In addition, the architectural character and detail needs to be conserved and enhanced. With new buildings or facades, building mass and scale, building materials, door and window openings and other design details should be complimentary, consistent, and compatible with existing structures.

- Throughout the downtown area vacant and underutilized buildings can be evidenced. As a planning objective, the intensity of use of the underused or vacant buildings should be increased. Upper story floor space is especially difficult to fill. Encourage adaptive reuse; encourage residential activities; encourage use by business services. If an activity does not have any adverse effect upon traffic or surrounding activities, through light, odors, or excessive noise, it should be encourages filling unused or underused spaces and buildings. On a site-by-site basis, opportunities for redevelopment or adaptive reuse of low intensity activities should be explored. Clearly, no viable business operation should be displaced; relocation to a more appropriate location rather than displacement is absolutely advised.

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #20-12

Doc: # 25

Date: June 2012

Page 2 of 3

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Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

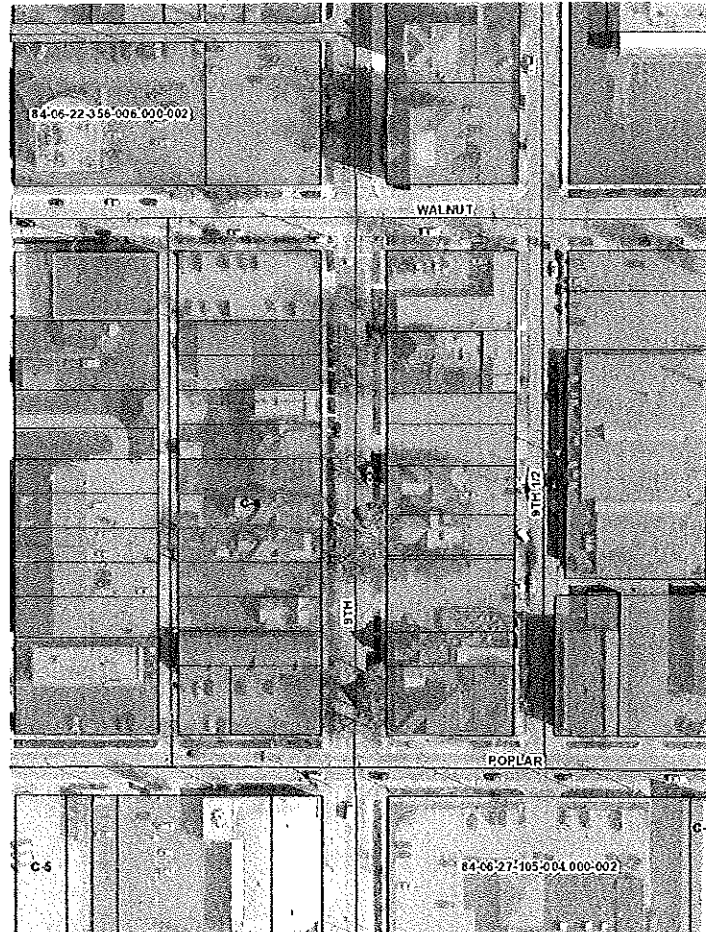
Street Access: South 9th Street is a local level roadway

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

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### ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-8, Downtown Business District  
**East** – C-8, Downtown Business District  
**South** – C-8, Downtown Business District  
C-5, General Central Business District  
**West** – C-8, Downtown Business District



Character of Area: This area is on the southwestern fringe of the Downtown Business District. Uses within the area consist of commercial office, food/entertainment, automotive repair, and a high number of residential dwellings on South 9<sup>th</sup> Street between Poplar Street and Walnut Street.

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## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #20-12

Doc: # 25

Date: June 2012

Page 3 of 3

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Contig. Uses & Zones: The contiguous zoning is C-8, Downtown Business District with legal non-conforming residential uses to the south and north.

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### ZONING REGULATIONS

P-D Purpose: 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.

C-8, P-D: 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.
- (2) Hardship due to the improvements on the land.
- (3) Hardship due to adjacent, scattered incompatible uses.
- (4) Hardship due to the general deterioration of the neighborhood.
- (5) Parcel located near district boundary lines.

C-8 Standards: Minimum Lot Size: 6,600 Sq. Ft.  
FAR 0.9 %  
Street Setback: 55 feet from centerline;  
Rear setback 5';  
Interior setback of 5' from the interior lot line;  
Parking Requirements will be determined through site-plan review

### FINDINGS and RECOMMENDATION

Staff Findings: South 9<sup>th</sup> Street between Poplar Street and Walnut Street are a number of historic low density residential developments, with the primary use still being residential. The Thrive 2025 Comprehensive Plan calls for adaptive uses for underused or vacant buildings within Downtown. The reuse of 227 South 9<sup>th</sup> Street as a residential dwelling structure within the Downtown area is an adaptive reuse as the City of Terre Haute Comprehensive Zoning Ordinance restricts residence from the ground floor of any building within the Downtown District.

Recommendation: Favorable Recommendation on the C-8 PD to support an adaptive reuse of a single-story residential structure in the Downtown area.