

**SPECIAL ORDINANCE NO. 37, 2015**

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

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Common Address of lots to be rezoned:

2403 S. 8<sup>th</sup> Street, Terre Haute, IN 47802

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Rezone From: R-1 Single Family Residence District

Rezone To: R-3 Planned Development

Proposed Use: Housing Ministry

Name of Owner: Temple Baptist Church (Southern) Inc.,  
a/k/a First Southern Baptist Church of Terre Haute

Address of Owner: 2403 S. 8<sup>th</sup> Street  
Terre Haute, IN 47802

Phone Number of Owner Pastor, Bryce A. Ulrich: (812) 261-3153  
Trustee, Vicki Swofford: (812)

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact:  Owner  Attorney

Council Sponsor: Amy Auler

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

SEP 4 2015

CITY CLERK

Defeated

**SPECIAL ORDINANCE NO. 37, 2015**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

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

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Numbers 173, 174, 175, 176, 177 and 178 being a Subdivision of Lots 1,2,3,4,5,11,13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the South West quarter of Section 34, Township 12 North of Range 9 West.

(Commonly known as 2403 S. 8<sup>th</sup> Street, Terre Haute, Indiana 47802.)

be and the same is, hereby established as a R-3 Planned Development, together with all rights and privileges 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.

That the real estate described shall be a Planned Development in a R-3 Planned Development as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and condition set forth herein.

- (a) That the real estate shall be used for any use permitted in a R-3 Planned Development.
- (b) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.
- (c) A variance is hereby granted from Section 10-207 e. (1)(A) which states in

part :

“...any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50’) width measured at right angles to the residential property line.”

- (d) All such rights granted herein shall be fully transferable.
- (e) Said Planned Development shall be recorded in the Vigo County Recorder’s Office within ninety (90) days of the approval by the Council.

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, due to the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, 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 II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Special Ordinance No. 37, 2015, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

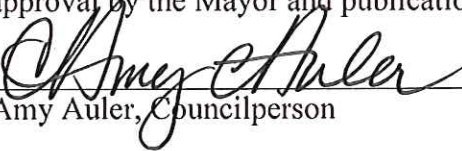
WHEREAS, a public hearing on Special Ordinance No. 37, 2015, has been held pursuant to Section 10 of said Ordinance and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it 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 authorizes and approves the uses of the real estate described as a R-3 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 III. 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 by law provided.

Presented by Council Member,

  
Amy Auler, Councilperson

Passed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
John Mullican, President

ATTEST:

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

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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


Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, 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

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute, by Bryce A. Ulrich, Pastor and Vicki Swofford, Trustee, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbers 173, 174, 175, 176, 177 and 178 being a Subdivision of Lots 1,2,3,4,5,11,13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the South West quarter of Section 34, Township 12 North of Range 9 West.

(Commonly known as 2403 S. 8<sup>th</sup> Street, Terre Haute, Indiana 47802.)

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residence District.

Your Petitioner would respectfully state that the real estate is now a vacant Church and parking lot. The Petitioner intends to sell the real estate for the use of a housing ministry.

Your Petitioner would request that the real estate described herein shall be zoned as a R-3 Planned Development to allow for the use as proposed by Petitioner. Your Petitioner would allege that the R-3 Planned Development would not alter the general characteristics of this neighborhood.

Your Petitioner would allege that there is a hardship due to: 1) improvements on the real estate (nature of structure in a mixed use neighborhood; 2) the physical characteristics of the land (the shape of Petitioner's parcel); and 3) the parcel is located near district boundary lines (the other parcels owned by Petitioner in the area are zoned commercial).

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 Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-3 Planned Development of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to

all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 4<sup>th</sup> day of September, 2015.

**PETITIONER:**

**TEMPLE BAPTIST CHURCH (SOUTHERN) INC.,  
a/k/a FIRST SOUTHERN BAPTIST CHURCH OF  
TERRE HAUTE**

By:

  
Bryce W. Ulrich, Pastor

  
Vicki Swofford, Trustee

WRIGHT, SHAGLEY & LOWERY, P.C.  
500 Ohio Street  
PO Box 9849  
Terre Haute, IN 47808  
Phone: (812) 232-3388

BY:

  
Richard J. Shagley, #257-84  
Attorneys for Petitioner

The owner and mailing address: Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute, 2403 S. 8<sup>th</sup> Street, Terre Haute, IN 47802.

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



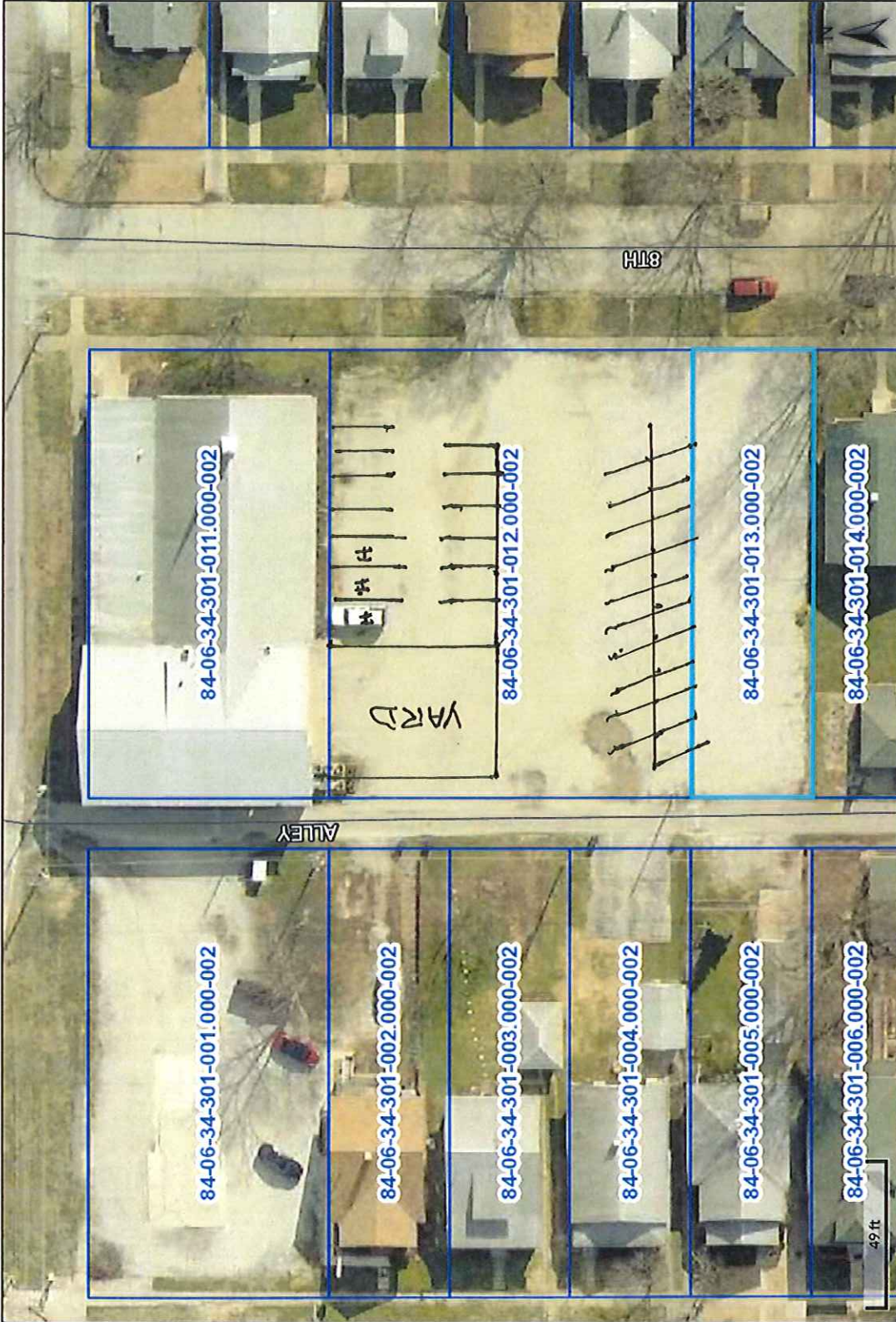
Overview



# EXHIBIT A

R-1 to R-3 P.D.

S.O. NO. 37,  
2015



Date created: 9/3/2015  
Last Data Upload: 9/3/2015 2:30:24 AM

Developed by  
Schneider  
The Schneider Corporation

2403 S 8th STREET  
TERRE HAUTE, IN 47802

TEMPLE BAPTIST CHURCH (SOUTHERN), INC

STATE OF INDIANA, Vigo COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this Sixth day of May 19 54, personally appeared Anna Chaill, unmarried widow of Joseph Cahill



and acknowledged the execution of the annexed Deed. WITNESS my hand and Notarial Seal.

Albert A. Dicks Notary Public. Albert A. Dicks

My commission expires OCTOBER 9th 1956. RECORDED FOR RECORD THE 7 DAY OF May 1954. AT 10 O'CLOCK A.M. JAMES G. FAGIN RECORDER.

283/296

Form 6. Adopted by the Indiana Real Estate Association.

FOR SALE BY THE VIOUESNEY CO., TERRE HAUTE, IND

WARRANTY DEED

59-124-4859

THIS INDENTURE WITNESSETH, That Anna Cahill, unmarried, widow of Joseph Cahill

of Vigo County, in the State of Indiana

CONVEY s AND WARRANT s to Temple Baptist Church (Southern) Inc.

of Vigo County, in the State of Indiana

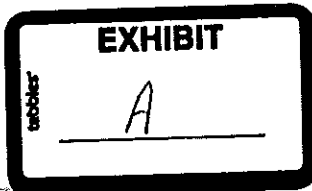
for the sum of One (\$1.00) Dollar and other valuable consideration Dollars

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

Lot Number One Hundred Seventy-three (173) in Stewart Place Subdivision being a Subdivision of Lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the South West quarter of Section 34, Township 12 North of Range 9 West

It is agreed that the Grantor hereunder shall pay the Spring and Fall installment of taxes for the year 1953, due and payable in 1954 and the Spring installment of taxes for the year 1954, due and payable in 1955, to date of signing of this deed, May 6th., 1954.

All subsequent taxes shall be paid by the Grantee.





STATE OF INDIANA, Vigo COUNTY, ss:

297

Before me, the undersigned, a Notary Public in and for said County and State, this Sixth day of May 1954, personally appeared Auna Cahill, unmarried widow of Joseph Cahill

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires OCTOBER 9th, 1954. Albert A. Dicks Notary Public.

RECEIVED FOR RECORD THE 7 DAY OF May, 1954 AT 10 O'CLOCK P. M. JAMES G. FAGIN RECORDER.

59-124-4867

WARRANTY DEED

297

THIS INDENTURE WITNESSETH, That John Foltz and Esther H. Foltz, husband and wife of Vigo County, in the State of Indiana CONVEY AND WARRANT to David Albert Foltz and Anne E. Conra Foltz, husband and wife,

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:

One (1) acre, out of the northeast corner of the following described real estate, to-wit: 2 rods north and south, and 20 rods long east and west, Twelve acres off the south side of the following described tract, to-wit: beginning at the northeast corner of the southeast quarter of Section Seventeen (17), Township Eleven (11) North, Range Nine (9) West; thence south 60 rods, thence west to a point in the east line of a 163 acre tract, off the west side of the east half of said section 17 aforesaid, said point being 60 rods south of the north line of the southeast quarter of said Section 17, thence north with the east line of said 163 acre tract to the north line of the southeast quarter of said Section 17, thence east to the place of beginning; being some property as conveyed to Isaac Centrell by Marius Perkins and Edgar W. Perkins, her husband, and Cordelia Bowman and William H. Bowman, her husband, as shown by deeds recorded in Deed Record 69 page 214 records of Recorder's Office of Vigo County, Indiana. Except that part conveyed to State Highway Commission of Indiana in Deed recorded in Deed Record 229, page 302, records of Recorder's Office of Vigo County, Indiana.



IN WITNESS WHEREOF, The said John Foltz and Esther H. Foltz, husband and wife,

has hereunto set his hand and seal, this 6th day of April, A.D., 1954.

(Seal)

(Seal)

(Seal)

(Seal)

283/ 295

STATE OF INDIANA, Vigo County, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 30th day of April, 1954, personally appeared Chancy B. Westra and Stella Westra, husband and wife

and acknowledged the execution of the annexed deed.

WITNESS my hand and Notarial Seal.

My Commission expires ~~XXXXXX~~ May 25, 1956

Archie R. Dunbar, Notary Public  
Archie R. Dunbar  
County, ss:

STATE OF INDIANA, Vigo County, ss:  
Before me, the undersigned, a Notary Public, in and for said County and State, this

day of May, 1954, personally appeared M. James G. Fagin  
RECEIVED FOR RECORD THE 17 DAY OF May, 1954 AT 10 O'CLOCK A.M. JAMES G. FAGIN RECORDER

Form 6. Adopted by the Indiana Real Estate Association.

59-124-4857

FOR SALE BY THE VIGUESNEY CO. TERRI MAUTS INC.

283/ 295

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That Anna Cahill, unmarried widow of Joseph Cahill

of Vigo County, in the State of Indiana

CONVEYS AND WARRANTS to Temple Baptist Church (Southern), Inc.

of Vigo County, in the State of Indiana

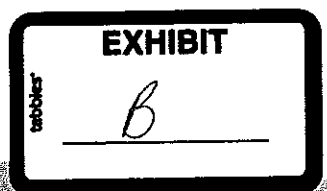
for the sum of One (\$1.00) Dollar and other valuable consideration Dollars

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

Lot Number One hundred Seventy-four (174) in Stewart Place Subdivision using a Subdivision of Lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the South west quarter of Section 34 Township 12 North of Range 9 West

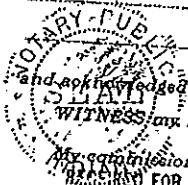
It is agreed that the Grantor hereunder shall pay the Spring and Fall installment of taxes for the year 1953, due and payable in 1954 and the Spring installment of taxes for the year 1954, due and payable in 1955, to date of signing of this deed, May 6th., 1954.

All subsequent taxes shall be paid by the Grantee.



STATE OF INDIANA, Vigo COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this Sixth day of May 19 54, personally appeared Anna Cahill, unmarried widow of Joseph Cahill



and acknowledged the execution of the annexed Deed. WITNESS my hand and Notarial Seal.

Albert A. Dicks Notary Public. Albert A. Dicks

My commission expires OCTOBER 9th 1956. PREPARED FOR RECORD THE 7 DAY OF May 1954. AT 10 O'CLOCK A.M. JAMES G. FAGIN RECORDER.

Form 6. Adopted by the Indiana Real Estate Association.

FOR SALE BY THE VIQUEENEY CO., TERRE HAUTE, IND

# WARRANTY DEED

59-124-4859

THIS INDENTURE WITNESSETH, That Anna Cahill, unmarried, widow of Joseph Cahill

of Vigo County, in the State of Indiana

CONVEY s. AND WARRANT s. to Temple Baptist Church (Southern) Inc.

of Vigo County, in the State of Indiana

for the sum of One (\$1.00) 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:

Lot Number One Hundred Seventy-three (173) in Stewart Place Subdivision being a Subdivision of Lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the South West quarter of Section 34, Township 12 North of Range 9 West

It is agreed that the Grantor hereunder shall pay the Spring and Fall installment of taxes for the year 1953, due and payable in 1954 and the Spring installment of taxes for the year 1954, due and payable in 1955, to date of signing of this deed, May 6th., 1954.

All subsequent taxes shall be paid by the Grantee.



63-109-4272  
FOR SALE BY THE VIGORNEY CO., TERRE HAUTE, IND.

309/36

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That Ogden A. Logue and Opal W. Logue, husband and wife

of Vigo County, in the State of Indiana

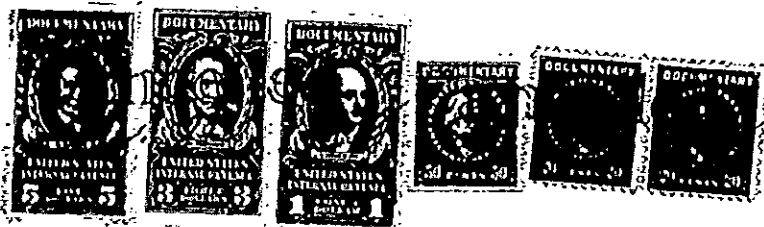
CONVEY AND WARRANT to Temple Baptist Church (Southern) Inc.

of Vigo County, in the State of Indiana  
for the sum of ONE DOLLAR (\$1.00) and other valuable consideration

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

Lot Number One Hundred Seventy-five (175) in STEWART PIACE SUBDIVISION, being a Subdivision of Lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the Southwest quarter of Section 34, Township 12 North of Range 9 West.

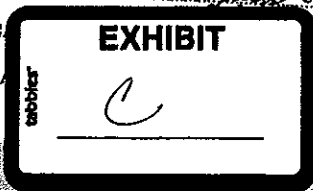
Subject to the taxes for the year 1958 due and payable in the year 1959 which the Grantee assumes and agrees to pay.



IN WITNESS WHEREOF, The said Ogden A. Logue and Opal W. Logue, husband and wife

have hereunto set their hands and seal this 8th day of April, A. D. 1958

(SEAL) Ogden A. Logue (SEAL)  
(SEAL) Opal W. Logue (SEAL)  
(SEAL) tabbier (SEAL)



66-393-13097

Duly entered for recording on this day of October 1961  
at Chicago Illinois  
Notary Public in and for the State of Illinois  
Robert H. Duffy

# Warranty Deed

Recorded by record book 117 of 819  
volume 117 and recorded in Book  
No. 125 Page 819-1  
Robert H. Duffy  
Notary Public

325/8

THIS INDENTURE WITNESSETH That Ernest Franklin Hill and Edith D. Hill, husband and wife

of Vigo County, in the State of Indiana  
CONVEY AND WARRANT to Capital Church, Southern

of Vigo County, in the State of INDIANA  
for and in consideration of the sum of One (\$1.00) dollar and other valuable consideration the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Lot Number One Hundred Seventy-six (176) in Stewart Place Subdivision, being a Subdivision of lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William W. Stewart's Subdivision of part of the East half of the South West Quarter (34) of Section Thirty-four (34), Township Twelve (12) North of Range Nine (9) West,

Indiana Under Income Tax on  
Sale of Real Estate  
Paid by  
Ernest F. Hill  
Date Paid 10-19-61  
Amount Paid \$6.00  
Commissioner's Office  
Vigo County



Stamp 440

INTERNAL REVENUE STAMPS

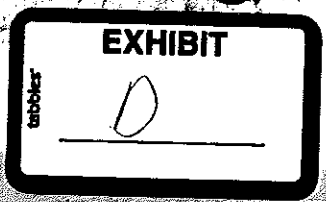
IN WITNESS WHEREOF, The said grantor's above named Ernest Franklin Hill and Edith D. Hill have hereunto set their hand and seal this 27th day of September

(Seal) Ernest Franklin Hill (Seal)  
(Seal) Edith D. Hill (Seal)  
STATE OF INDIANA, VIGO COUNTY, IN

I, Robert H. Duffy, a Notary Public, in and for said County and State, this 27th day of September, A.D. 1961, personally appeared the within named Ernest Franklin Hill and Edith D. Hill, husband and wife

Grantor's. In the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.  
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.  
Commissioner's Office  
Vigo County  
Notary Public  
Robert H. Duffy  
United States Commissioner

This instrument prepared by Robert H. Duffy





7-17-1935

Warranty Deed  
Auditors for 1st  
Jesse A. Watkins

# Warranty Deed

Recorded for record this 20th day of July 1935 at 10:00 A.M. and recorded in Book No. 272-1 Page 272-1  
William B. Cook  
Recorder

347/272

THIS INDENTURE WITNESSETH: Jesse A. Watkins County of Vigo State of Indiana  
JESSE A. WATKINS and HARRIET E. WATKINS, husband and wife

of Vigo County, in the State of Indiana  
DEED AND WARRANT to TEMPLE BAPTIST CHURCH (SOUTHERN) INC.

of Vigo County, in the State of Indiana  
in consideration of the sum of ONE DOLLAR and other valuable considerations,  
which is hereby acknowledged, the following described Real Estate in Vigo  
County, in the State of Indiana, to-wit:

Lot Number 177 in Stewart Place Subdivision being a Subdivision of lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the Southwest quarter of Section 34, Township 12 North of Range 9 West.

Subject to taxes prorated to date.

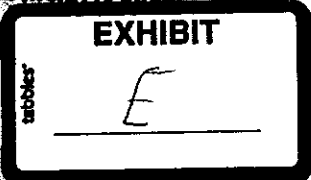
(PLACE INTERNAL REVENUE STAMPS HERE)

WITNESS WHEREOF, the said grantor above named  
have set their hands and seal, this 17th day of July 1935  
(Seal) Jesse A. Watkins (Seal)  
(Seal) Harriet E. Watkins (Seal)

OF INDIANA, VIGO COUNTY, IN  
I, the undersigned, a Notary Public, in and for said County and State, this 17th day of July, A.D. 1935, personally appeared the within named Jesse A. Watkins and Harriet E. Watkins, husband and wife,

and acknowledged the execution of the same to be their voluntary act and deed.  
I have personally subscribed my name and affixed my official seal.  
Bernard Neenan Notary Public

This instrument was prepared by LOUIS D. NAYZ  
Attorney at Law 408 Ohio Street



423/62

Use of this form constitutes practice of law and is limited to practicing lawyers  
©Copyright, 1988 by Indianapolis Bar Association

Form No. 3  
Rev. 10/86

Parcel No. \_\_\_\_\_

DULY ENTERED FOR TAXATION

July 25 1990  
Rehnbek R. Thomas  
Asst. Tax County

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Arthur BOWSER

of Vigo County, in the State of Indiana, (Grantor)

AND WARRANT E to First Southern Baptist Church of Terre Haute, Ind., Inc.

of Vigo County, in the State of Indiana, (Grantee)

for the sum of One and no/100 Dollars (\$1.00) and other

valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lot Number One Hundred Seventy Eight (178) in Stewart Place Subdivision being a Subdivision of Lots 1, 2, 3, 4, 5, 11, 13, 14 and part of 12 in William B. Stewart's Subdivision of part of North half of the South West quarter of Section 34 Township 12 North of Range 9 West.

SUBJECT to the unpaid balance of a certain mortgage to Terre Haute Savings Bank dated October 9, 1987 and appearing in Mortgage Record R-19, Page 134, of records of the Vigo County Recorder, and which said mortgage Grantee assumes and agrees to pay.

SUBJECT to taxes prorated to date of deed as between Grantor and Grantee.

Grantor herein is the surviving spouse of Odetta Bowser, who died March 5, 1989. He and the said Odetta Bowser were continuously married from October 9, 1987, the date they acquired title to the above described real estate, until the date of her death.

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 2417 South 8th Street, Terre Haute, IN 47802.

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 19th day of July, 1990.

Grantor: (SEAL)  
Signature Arthur Bowser  
Printed Arthur Bowser

Grantor: (SEAL)  
Signature \_\_\_\_\_  
Printed \_\_\_\_\_

STATE OF INDIANA  
COUNTY OF VIGO

} SS: ACKNOWLEDGMENT

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

Witness my hand and Notarial Seal this 19th day of July, 1990.

My commission expires: September 19, 1990  
Signature Barbara Ann Brubaker  
Printed BARBARA ANN BRUBAKER, Notary Public  
Resident of Vigo County, Indiana

This instrument prepared by Frederick T. Burre, 525 Ohio Street, Terre Haute, IN 47807, Attorney at Law.

Return deed to 2403 South 8th Street, Terre Haute, IN 47802.

Send tax bills to 2403 South 8th Street, Terre Haute, IN 47802.

RECEIVED FOR RECORD THE 25 DAY OF July 19 90 AT 9:15 O' CLOCK P.M.  
RECORD 423 PAGE 629 JUDITH ANDERS

EXHIBIT

F

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

**AFFIDAVIT**

Comes now, Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute, by Bryce A. Ulrich, Pastor and Vicki Swofford, Trustee, being duly sworn upon their oaths, depose and say:

1. That Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers 173, 174, 175, 176, 177 and 178 being a Subdivision of Lots 1,2,3,4,5,11,13, 14 and part of 12 in William H. Stewart's Subdivision of part of North half of the South West quarter of Section 34, Township 12 North of Range 9 West.

(Commonly known as 2403 S. 8<sup>th</sup> Street, Terre Haute, Indiana 47802.)

2. That copies of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute are attached hereto and made a part hereof and marked as Exhibit A through F.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute 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 Temple Baptist Church (Southern) Inc., a/k/a First Southern Baptist Church of Terre Haute.


4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4<sup>th</sup> day of September, 2015.

**TEMPLE BAPTIST CHURCH (SOUTHERN) INC.,  
a/k/a FIRST SOUTHERN BAPTIST CHURCH OF  
TERRE HAUTE**

By:

  
Bryce A. Ulrich, Pastor

  
Vicki Swofford, Trustee

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4<sup>th</sup> day of September, 2015.

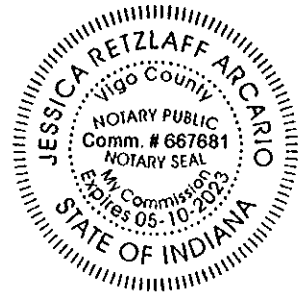
Jessica Arcario  
Jessica Arcario, Notary Public

My Commission expires:

05-10-2023

My County of Residence:

Vigo



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

**Receipt**

TERRE HAUTE, IN  
**PAID**

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

SEP 07 2015

Date: 09/04/15

Name: Wright, Shapley & Rowery, PC CONTROLLER

Reason: Resolving Petition - Ordinance # 37,2015

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

Check: \$ 45.00 # 64814

Credit: \_\_\_\_\_

Total: \_\_\_\_\_

Received By: \_\_\_\_\_





**TERRE HAUTE**  
A LEVEL ABOVE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: October 8, 2015

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #37-15

CERTIFICATION DATE: October 8, 2015

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.37-15. This Ordinance is a rezoning of the property located at 2403 South 8<sup>th</sup> Street. The Petitioner, Temple Baptist Church, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-3 Planned Development District for Housing Ministry. 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. 37-15 at a public meeting and hearing held Wednesday, October 7, 2015. Remonstrators WERE 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. 37-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 37-15 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. 37-15 was NO RECOMMENDATION.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Darren Maher.

Darren Maher, Executive Director

Received this 8th day of October, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #37-15

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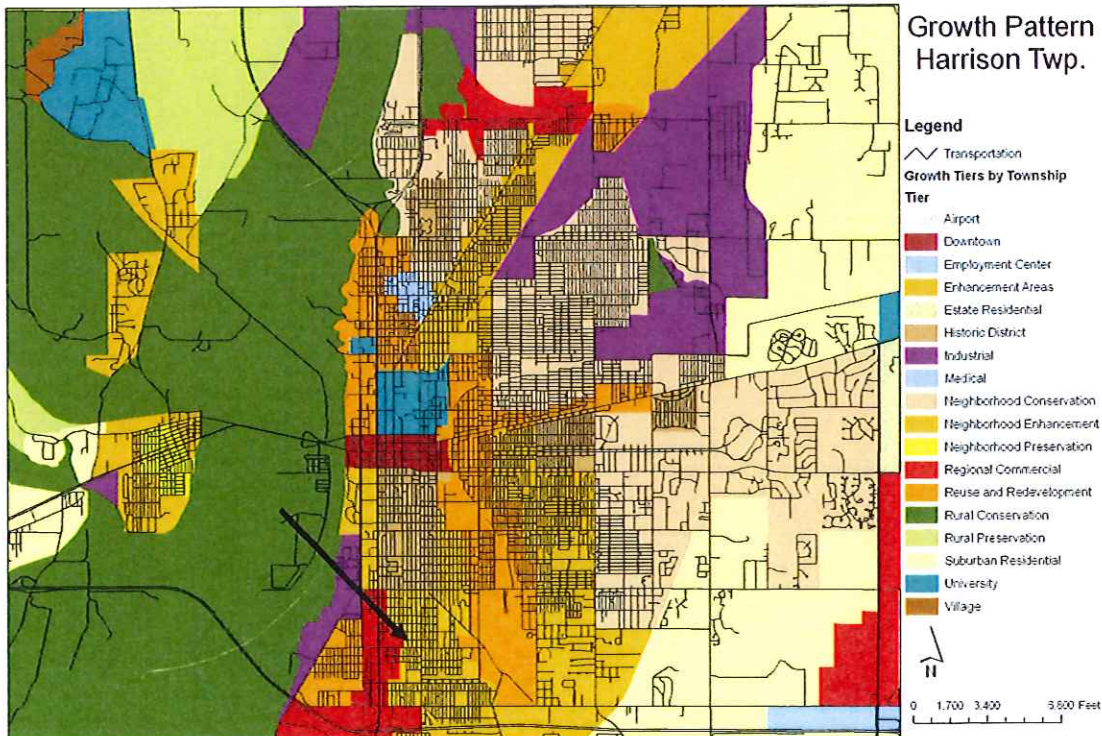
## APPLICATION INFORMATION

Petitioner: Temple Baptist Church (Southern) Inc.  
Owner: Pastor, Bryce A. Ulrich  
Representative: Richard J. Shagley  
Proposed Use: Housing Ministry  
Proposed Zoning: R-3PD, General Residence District Planned Development  
Current Zoning: R-1 Single Family Residence District  
Location: The property is located the corner of 8<sup>th</sup> St. and Vorhees St.

Common Address: 2403 S. 8<sup>th</sup> St., Terre Haute, IN 47802

## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



## **Guiding Policies:**

### **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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Dev. Priority: Reinvestment and infill developments are a high priority.

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1  
**East** – R-1  
**South** – R-1  
**West** – C-1 & C-2

Character of Area: The petitioned property is located in a range of residential and commercial land uses.

Contig. Uses & Zones: The area a mix of zoning categories. Primarily a residential district, recent intrusions of small commercial developments have occurred.

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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.

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## **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.
- (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.

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.



## FINDINGS and RECOMMENDATION

### Staff Findings:

The petitioner's representative can demonstrate the necessary criteria for a hardship. The need for the Planned Development is made apparent by the buildings location and inability to meet setback requirements.

Table 4 Schedule of Minimum Off-Street Parking Requirement makes no reference to the proposed use. The closest listed use is a hospital/sanitarium which has been agreed upon as the standard for this location and proposed use. Given the requirement of 1 space for every two beds plus one for each additional staff member onsite parking presently should be adequate for their needs.

Concerns could also be raised regarding traffic on either 8<sup>th</sup> or Voorhees St. For this proposed use those concerns can be alleviated. Clientele residing at other housing ministries of this type within the city have traditionally not had vehicles and visitors, excepting staff, are sporadic and infrequent.

Recent changes in state fire code may require updates to the structure prior to occupancy. All upgrades must be made prior to tenant occupancy. Reuse and reinvestment in vacant properties is an encouraged activity. Repurposing vacant properties stabilizes property values.

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

1. The rezoning must be recorded within 90 days.
2. Any and all state releases and permits must be obtained prior to occupation
3. It must be determined by the Plan Commission that said proposed use, will be in the public's interest and that substantial justice will be done for that neighborhood.