

SPECIAL ORDINANCE NO. 38, 2014

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

2927 S. 4th Street, Terre Haute, IN 47802

Rezone From: R-1 Single Family Residence District

Rezone To: C-2 Planned Development District

Proposed Use: Restaurant

Name of Owner: LIDA ESTATE, LLC a/k/a LIDA ESTATE LLC

Address of Owner: 1350 Candle Wood Circle
Terre Haute, IN 47802

Phone Number of Owner (812) 232-3388(Attorney)

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47807-3517

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JAN 08 2015

CITY CLERK

AMENDED
SPECIAL ORDINANCE NO. 38, 2014

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 Numbered 244, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South Half (S ½) of the South East Quarter (SE ¼) of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded Plat thereof in Plat Record 10, Page 22, of the records of the Recorder's Office of Vigo County, Indiana.

AND

The North One-Half (½) of a vacated alley lying on the West property line of said Lot 244 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South Half (S ½) of the South East Quarter (SE ¼) of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded Plat thereof in Plat Record 10, Page 22, of the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2927 South 4th Street, Terre Haute, IN 47802.

be and the same is, hereby established as a C-2 Community Commerce District, 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.

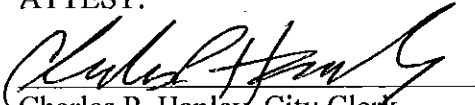
SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

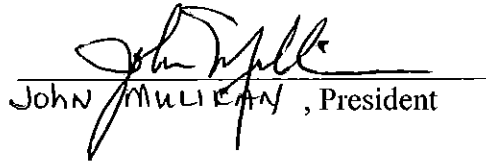
Presented by Council Member,


Amy Allen, Councilperson

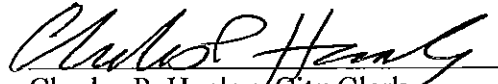
Passed in open Council this 15th day of January, 2015.

ATTEST:



Charles P. Hanley, City Clerk


JOHN MULICK, President

Presented by me to the Mayor of the City of Terre Haute, this 16th day of January, 2015.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 16th day of January, 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 47807-3517.

SPECIAL ORDINANCE NO. 38, 2014

CITY CLERK

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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:

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Commonly known as 2927 South 4th Street, Terre Haute, IN 47802.

be and the same is, hereby established as a C-2 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 C-2 Community Commerce District 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 C-2 Community Commerce District.

- (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 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. 38, 2014, 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. 38, 2014, 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 C-2 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 January, 2015.

, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this _____ day of January, 2015.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this _____ day of January, 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 47807-3517.

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, LI DA ESTATE, LLC a/k/a LIDA ESTATE, LLC, 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 Numbered 244, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South Half (S ½) of the South East Quarter (SE ¼) of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded Plat thereof in Plat Record 10, Page 22, of the records of the Recorder's Office of Vigo County, Indiana.

AND

The North One-Half (½) of a vacated alley lying on the West property line of said Lot 244 in Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South Half (S ½) of the South East Quarter (SE ¼) of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded Plat thereof in Plat Record 10, Page 22, of the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2927 South 4th Street, Terre Haute, IN 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 Residential District.

Your Petitioner would respectfully state that the real estate is now a vacant lot but will be used as part of a parking lot and a restaurant to be developed on adjoining property of the Petitioner. Petitioner also owns the residential property to the north of this real estate.

Your Petitioner would allege that there is a hardship due to: 1) the physical characteristics of the land (the shape of Petitioner's parcels and 2) the parcel is located near district boundary lines (the other parcels owned by the Petitioner in the area are zoned commercial).

Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Planned Development District to allow for the use as proposed by Petitioner. Your Petitioner would allege that the C-2 Planned Development 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 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 C-2 Planned Development District 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 executed this Petition to Rezone Real Property, this 2 day of December, 2014.

PETITIONER:

LI DA ESTATE, LLC a/k/a LIDA ESTATE, LLC



Guo Fu Li, Member

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

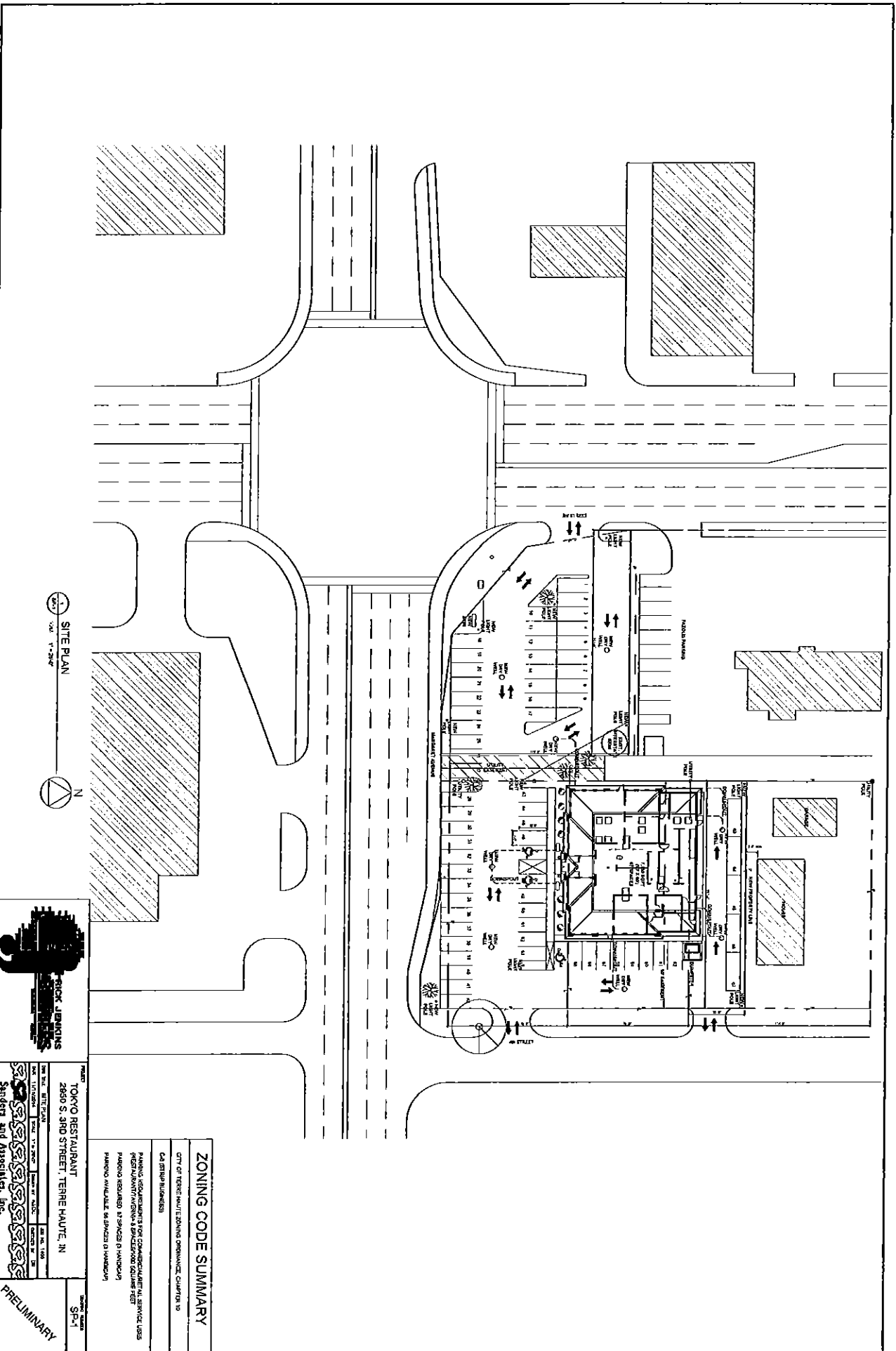
BY: _____

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

The owner and mailing address: Guo Fu Li, LI DA ESTATE, LLC, 1350 Candlewood Circle, 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.

SITE PLAN (R-1 Single Family Residence District
to C-2 Planned Development District)
Special Ordinance 38, 2014 - LI DA ESTATE, LLC



SITE PLAN
SCALE: 1" = 20'-0"



TOKYO RESTAURANT
2850 S. 3RD STREET, TERRE HAUTE, IN
PROJECT NO. 17-2802

PRELIMINARY

ZONING CODE SUMMARY	
CITY OF TERRE HAUTE ZONING ORDINANCE, CHAPTER 15	
CD (STARTUP BUSINESS)	
PERMITTED OCCUPANCIES FOR COMMERCIAL/INDUSTRIAL SERVICE USES (PERMITTED OCCUPANCIES SUBJECT TO CERTAIN REGULATIONS) PERMITS REQUIRED: SIGNAGE & MARKING FINANCIAL AVAILABLE SERVICES & HANDICAP	

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Guo Fu Li, being duly sworn upon his oath, deposes and says:

1. That LI DA ESTATE, LLC 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 Numbered 244, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South Half (S ½) of the South East Quarter (SE ¼) of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded Plat thereof in Plat Record 10, Page 22, of the records of the Recorder's Office of Vigo County, Indiana.

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2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to LI DA ESTATE, LLC is attached hereto and made a part hereof and marked as Exhibit A.


3. That Affiant makes this Affidavit for the sole purpose of affirming that LI DA ESTATE, LLC is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by LI DA ESTATE, LLC a/k/a LIDA ESTATE, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2 day of December, 2014.


PETITIONER:

LI DA ESTATE, LLC a/k/a
LIDA ESTATE, LLC

By 
Guo Fu Li, Member

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 2 day of December, 2014.



Ami J. Brown, Notary Public

My Commission expires:

1.20.2018

My County of Residence:

Clay

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 05 2014

Judy M. Allsup
VIGO COUNTY AUDITOR

2014013587 WD \$18.00
11/05/2014 10:23:45A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH:

That JOHN M. ZELLER, a/k/a JOHN M. ZELLER, JR., a competent adult, of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to LIDA ESTATE LLC, of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, in the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots Numbered 242, 243, 244, Warren Place, an Addition to the City of Terre Haute, Indiana, being a Subdivision of the South Half (S ½) of the South East Quarter (SE ¼) of Section 33, Township 12 North, Range 9 West, excepting the right of ways of the Southern Indiana Railroad and the Terre Haute & Southeastern Railroad, as shown by the recorded Plat thereof in Plat Record 10, Page 22, of the records of the Recorder's Office of Vigo County, Indiana.

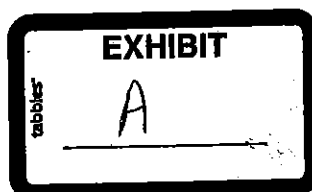
Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as 2927 South 4th Street, Terre Haute, IN 47802.

Taxes prorated to date of deed.

IN WITNESS WHEREOF, the said Grantor above named, John M. Zeller, has hereunto set his hand and seal, this 3 day of Nov, 2014.

John M. Zeller *John M. Zeller, Jr.*
John M. Zeller, a/k/a John M. Zeller, Jr.



2

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 3 day of Nov, 2014, personally appeared the within named John M. Zeller, a/k/a John M. Zeller, Jr., Grantor in the above conveyance, and, being first duly sworn, stated that the representations contained herein are true and acknowledged the execution of the same to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



DEBRA S. KELLER
NOTARY PUBLIC - STATE OF INDIANA
CLAY COUNTY
MY COMMISSION EXPIRES
AUGUST 20 2016

Debra S Keller
, Notary Public

My Commission Expires:

My County of Residence:

Mail to: Lida Estate LLC, 2927 S. 4th Street, Terre Haute, IN 47802.
1350 Candlewood Drive, Terre Haute, IN 47802

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Wright, Shagley & Lowery, 500 Ohio Street, Terre Haute, IN 47807, (812) 232-3388, at the specific request of Grantor based solely on information supplied by one or more of the parties to this conveyance and without examination of title and abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their consent to this disclaimer by Grantor's execution and Grantees' acceptance of the instrument.

Receipt

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

Date: 12/4/2014

Name: Wright, Stanley & Sonny

Reason: _____

Reopening Permit

CT# 63667

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

TERRE HAUTE, IN
PAID

DEC 04 2014

CONTROLLER

Received By: Allen, AJ





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: January 8, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #38-14**

CERTIFICATION DATE: January 7, 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. 38-14. This Ordinance is a rezoning of the property located at 2927 South 4th Street. The Petitioner, LI DA Estate, LLC, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-2, Community Commerce District for a restaurant. 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. 38-14 at a public meeting and hearing held Wednesday, January 7, 2015. 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. 38-14 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 38-14 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. 38-14 was **FAVORABLE WITH THE FOLLOWING CONDITION**: 1) Landscaping plan must be submitted and approved by Area Planning for any property boundary shared with residential uses.


Fred L. Wilson, President


Darren Maher, Executive Director

Received this 8th day of January, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #38-14

Doc: # 5

Date: January 2015

Page 1 of 4

APPLICATION INFORMATION

Petitioner: LI DA Estate, LLC a/k/a LIDA Estate LLC.

Property Owner: Same-As-Above

Representative: Richard J. Shagley

Proposed Use: Restaurant

Proposed Zoning: C-2, Community Commerce District

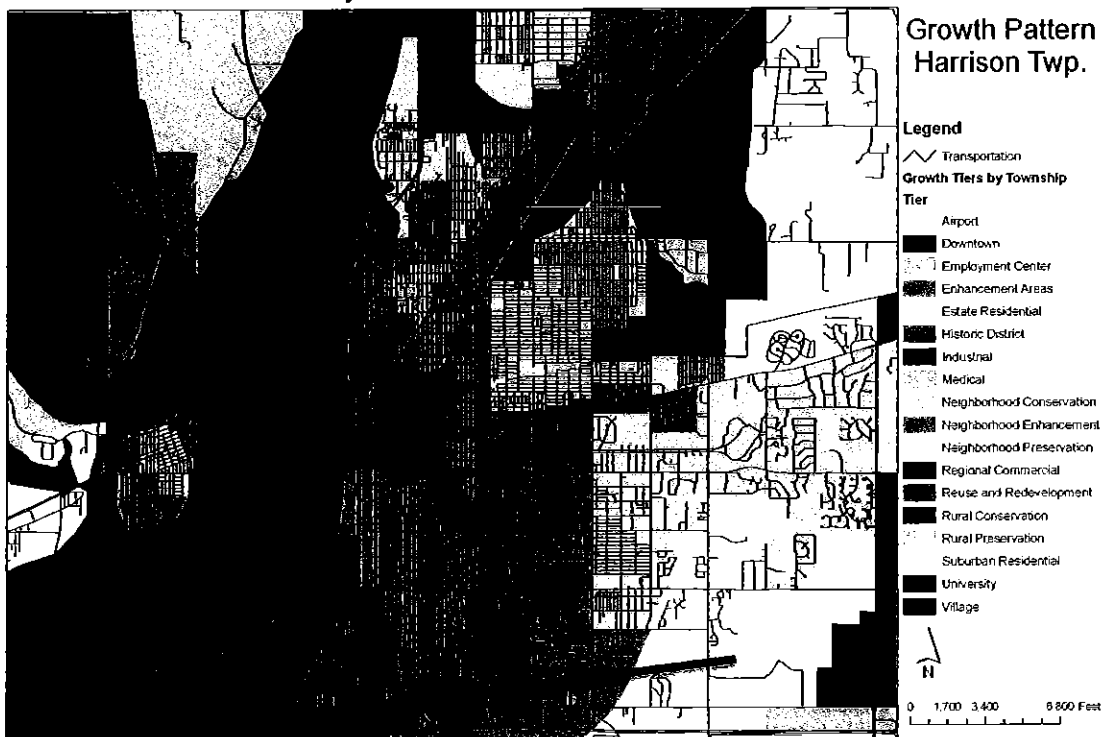
Current Zoning: R-1, Single-Family Residence District

Location: The property is on the west side of S 4th St. approximately 200 feet north of the intersection of E. Margaret Ave and S 4th St. What is being rezoned is lot 244 the southernmost portion of parcel 84-06-33-464-009.000-002.

Common Address: 2927 South 4th Street, Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #38-14

Doc: # 5

Date: January 2015

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Regional Commercial

Regional commercial areas are major retail centers providing the widest variety of retail goods and services (comparative shopping goods such as jewelry, apparel, household goods, and general merchandise) to a market area larger than the community, with no single type of retail activity dominating the district. The vitality of the areas is based upon the diversity of retail activities being located in a relatively concentrated area. With respect to these major regional shopping areas, future planning should consider the district or area as a whole, thereby assuring the vitality and viability of these regional commercial areas.

Additional policies to guide future development decisions include:

- Utilize spatial containment of commercial activities to existing commercially zoned sites to:
 - Maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
 - Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkages between and among major existing activity centers.
 - Increase the identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
 - Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes.
 - Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
 - Ensure that future retail commercial development in the area does not detract from the viability of existing activity centers and does not detract from the livability of residential Neighborhoods in the vicinity.

Dev. Priority: There is a high priority for new commercial development within this area as there already is a presence of commercial uses. Permitting a low intensity commercial use will buffer the adjacent residential component of this neighborhood from the intense regional commercial uses.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single Family Residence District,
East – R-1, Single Family Residence District,
South – C-3 Regional Commerce District
West – C-6 Strip Business District

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #38-14

Doc: # 5

Date: January 2015

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Character of Area: The petition property is located on the eastern fringe of the I-70 and U.S. Highway 41 Regional Commercial Zone. This area is characterized with a mix of single family residential homes, and small to medium size strip business centers.

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photos tatting establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.9 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #38-14

Doc: # 5

Date: January 2015

Page 4 of 4

FINDINGS and RECOMMENDATION

Staff Findings: The proposed commercial development is in harmony with the comprehensive plan. Given the proximity to residential uses landscaping in the 5 ft. parking setback should be mandated.

Recommendation: Staff has a Favorable Recommendation for a C-2, Community Commerce District with the following condition.

1. Landscaping plan be submitted and approved by area planning for any property boundary shared with residential uses.