

SPECIAL ORDINANCE NO. 8, 2016

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1330 Lafayette Avenue, Terre Haute, IN 47804
(Also known as part of 2261 N. 13½ Street, Terre Haute, IN 47804)

=====

Rezone From: C-2 Community Commerce

Rezone To: R-3 General Residence District

Proposed Use: Housing Ministry

Name of Owner: Roman Catholic Archdiocese of Indianapolis
Properties, Inc.

Address of Owner: P.O. Box 1410
Indianapolis, IN 46206-1410

Phone Number of Owner c/o Richard J. Shagley (812) 232-3388

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: Neil Garrison

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 07 2016

CITY CLERK

AMENDED SPECIAL ORDINANCE NO. 8, 2016

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:

Lots Numbered four (4), five (5), and six (6) in Garfield Place, a subdivision of Lot Number One (1) of Baldrige's subdivision of Lots 6-7-8 and 9 of Barbour Place, a subdivision of the south half of Section ten (10) Township twelve (12) North Range Nine (9) west;

ALSO

The portion of a vacated alley adjacent to Lots Numbered four (4), five (5), and six (6) in Garfield Place, a subdivision of Lot Number One (1) of Baldrige's subdivision of Lots 6-7-8 and 9 of Barbour Place, a subdivision of the south half of Section ten (10) Township twelve (12) North Range Nine (9) west:

Beginning at the Southeast corner of Lot 6 in Garfield Sub. of Lot 1 in Baldrige's Sub. of Lot 6, 7, 8, & 9 of Barbour (Barbsour) Place; thence West along the South line of Lot 6 to the Southwest corner of Lot 6, thence North along the West line of Lot 6 to the Northwest corner of Lot 6, thence West 16' more or less to the Northeast corner of Lot 5, thence South along the East line of Lots 5 and 4 to the Southeast corner of Lot 5, thence East 59.90' more or less to Lafayette Avenue, thence Northeast along the West line of Lafayette Avenue 17.63' more or less to the Southwest corner of said Lot 6, being the Place of beginning.

ALSO

A Part of the land recorded in Instrument No. 2008013975 being the North 5.00 feet of even width of Lot 3 in Garfield Place, a subdivision of Lot Number 1 of Baldrige's Subdivision of Lots 6, 7, 8 and 9 of Barbour Place, a subdivision of

the South Half of Section 10, Township 12 North, Range 9 West in Vigo County, Indiana.

Also an easement for ingress, egress, drainage and utilities and for the equipment related thereto over said North 9.00 feet of even width over, under and across the following described real estate:

A Part of the land recorded in Instrument No. 2008013975 commencing at a point on the South line of the above described real estate and 5.00 feet South of the North property line of Lot 3 in Garfield Place, and being 9.00 feet of even width of Lot 3 in Garfield Place, a subdivision of Lot Number 1 of Baldrige's Subdivision of Lots 6, 7, 8 and 9 of Barbour Place, a subdivision of the South Half of Section 10, Township 12 North, Range 9 West in Vigo County, Indiana.

Commonly known as: 1330 Lafayette Avenue, Terre Haute, IN 47804.

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 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 C-2 Community Commerce District and housing ministry up to fifty (50) beds and related social programs.
- (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:
 - 1. Set back requirements of Table 1 Thoroughfare Plan Requirements- (minimums).
 - 2. Off street parking requirements of Table 4 Schedule of Minimum Off Street Parking Requirements.
- (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

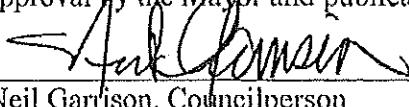
WHEREAS, Amended Special Ordinance No. 8, 2016, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Amended Special Ordinance No. 8, 2016, 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.

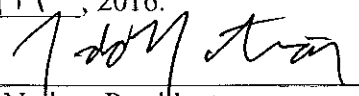
BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically 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,


Neil Garrison, Councilperson

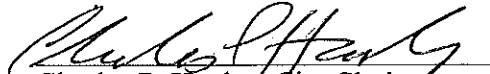
Passed in open Council this 14th day of April, 2016.


Todd Nation, President

ATTEST:


Charles P. Hanley, City Clerk


Presented by me, to the Mayor of the City of Terre Haute, this 15 day of APRIL, 2016.


Charles P. Hanley, City Clerk

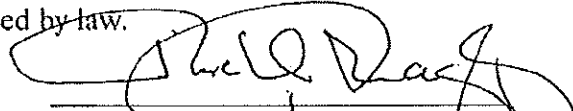
Approved by me, the Mayor of the City of Terre Haute, this 15th day of APRIL, 2016.


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, Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Barbara A. Black, Authorized Representative, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Numbered four (4), five (5), and six (6) in Garfield Place, a subdivision of Lot Number One (1) of Baldrige's subdivision of Lots 6-7-8 and 9 of Barbour Place, a subdivision of the south half of Section ten (10) Township twelve (12) North Range Nine (9) west;

ALSO

The portion of a vacated alley adjacent to Lots Numbered four (4), five (5), and six (6) in Garfield Place, a subdivision of Lot Number One (1) of Baldrige's subdivision of Lots 6-7-8 and 9 of Barbour Place, a subdivision of the south half of Section ten (10) Township twelve (12) North Range Nine (9) west:

Beginning at the Southeast corner of Lot 6 in Garfield Sub. of Lot 1 in Baldrige's Sub. of Lot 6, 7, 8, & 9 of Barbour (Barbsour) Place; thence West along the South line of Lot 6 to the Southwest corner of Lot 6, thence North along the West line of Lot 6 to the Northwest corner of Lot 6, thence West to the Northeast corner of Lot 5, thence South along the East line of Lots 5 and 4 to the Southeast corner of Lot 5, thence East to Lafayette Avenue, thence Northeast along the West line of Lafayette Avenue to the Southwest corner of said Lot 6, being the Place of beginning.

Commonly known as: 1330 Lafayette Avenue, Terre Haute, IN 47804 (also known as part of 2261 N. 13½ Street, Terre Haute, IN 47804).

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 C-2 Community Commerce.

The Petitioner would respectfully state that the real estate is now a vacant school building and parking lot. The Petitioner intends to sell the real estate for the use of a housing ministry by the Alano Club of Terre Haute, Inc. The Petitioner has agreed to enter into a satisfactory non-transferable adjoining lot maintenance and use agreement lease for parking

spaces for the Alano Club of Terre Haute, Inc.

The Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District to allow for the use as proposed by the Alano Club of Terre Haute, Inc. Your Petitioner would allege that the R-3 General Residence District would not alter the general characteristics of this neighborhood.

The Petitioner would advise that Petitioner is the owner of the real estate to the North of this real estate being utilized by Sacred Heart Parish, and the real estate to the South is owned by a related entity, the Paladin Club, Inc., also a non-profit entity.

The 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, the 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 General Residence 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 caused this Petition to Rezone Real Property to be executed, this 26th day of February, 2016.

PETITIONER:

**ROMAN CATHOLIC ARCHDIOCESE OF
INDIANAPOLIS PROPERTIES, INC.**

By: 
Barbara A. Black, Authorized Representative

WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street

PO Box 9849

Terre Haute, IN 47808

Phone: (812) 232-3388

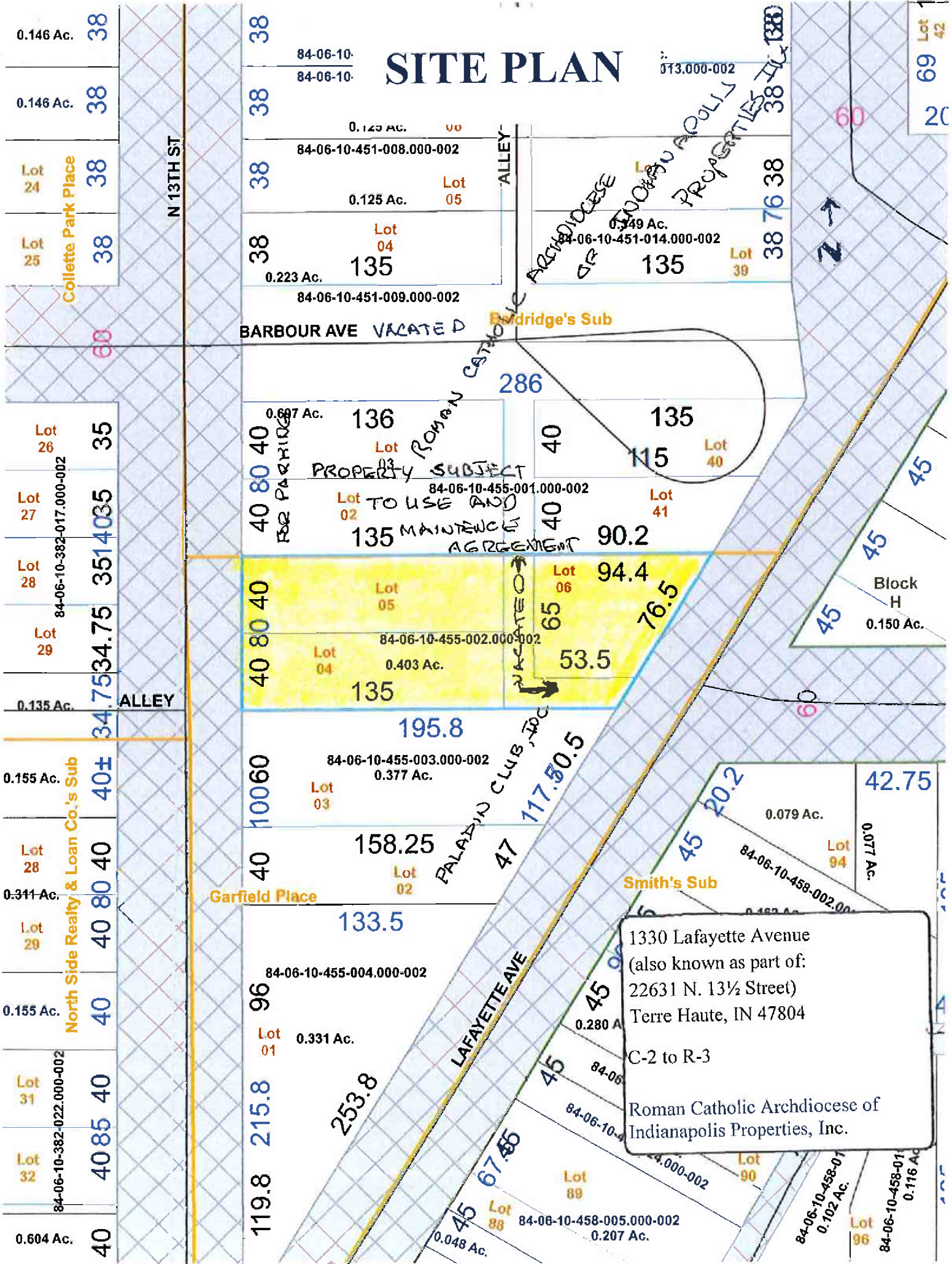
BY: 

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

The owner and mailing address: Roman Catholic Archdiocese of Indianapolis Properties, Inc.,
2261 N. 13½ Street, Terre Haute, IN 47804.

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



1330 Lafayette Avenue
 (also known as part of:
 22631 N. 13½ Street)
 Terre Haute, IN 47804
 C-2 to R-3
 Roman Catholic Archdiocese of
 Indianapolis Properties, Inc.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Barbara A. Black, Authorized Representative, being duly sworn upon her oath, deposes and says:

1. That Roman Catholic Archdiocese of Indianapolis Properties, Inc. 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:

Lots Numbered four (4), five (5), and six (6) in Garfield Place, a subdivision of Lot Number One (1) of Baldrige's subdivision of Lots 6-7-8 and 9 of Barbour Place, a subdivision of the south half of Section ten (10) Township twelve (12) North Range Nine (9) west;

ALSO

The portion of a vacated alley adjacent to Lots Numbered four (4), five (5), and six (6) in Garfield Place, a subdivision of Lot Number One (1) of Baldrige's subdivision of Lots 6-7-8 and 9 of Barbour Place, a subdivision of the south half of Section ten (10) Township twelve (12) North Range Nine (9) west:

Beginning at the Southeast corner of Lot 6 in Garfield Sub. of Lot 1 in Baldrige's Sub. of Lot 6, 7, 8, & 9 of Barbour (Barbsour) Place; thence West along the South line of Lot 6 to the Southwest corner of Lot 6, thence North along the West line of Lot 6 to the Northwest corner of Lot 6, thence West to the Northeast corner of Lot 5, thence South along the East line of Lots 5 and 4 to the Southeast corner of Lot 5, thence East to Lafayette Avenue, thence Northeast along the West line of Lafayette Avenue to the Southwest corner of said Lot 6, being the Place of beginning.

Commonly known as: 1330 Lafayette Avenue, Terre Haute, IN 47804 (also known as part of 2261 N. 13½ Street, Terre Haute, IN 47804).

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Roman Catholic Archdiocese of Indianapolis Properties, Inc. 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 Roman Catholic Archdiocese of Indianapolis Properties, Inc. 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 Roman Catholic Archdiocese of

Indianapolis Properties, Inc.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 26th day of Feb, 2016.

**ROMAN CATHOLIC ARCHDIOCESE OF
INDIANAPOLIS PROPERTIES, INC.**

By: 
Barbara A. Black, Authorized Representative

STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 25th day of February, 2016.


Debra BANTA, Notary Public

My Commission expires:

03/19/23

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.

96 03215

DULY ENTERED
FOR TAXATION

000835

MAR 08 1996

Judith Anderson
JUDGE FOR VIGO COUNTY

WARRANTY DEED

Vigo County

THIS INDENTURE WITNESSETH, that the Most Reverend Daniel M. Buechlein, O.S.B., as Archbishop of the Roman Catholic Archdiocese of Indianapolis (Grantor), of Marion County, Indiana,

CONVEYS AND WARRANTS

to Roman Catholic Archdiocese of Indianapolis Properties, Inc., of Marion County, Indiana, for the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, any and all real estate in Vigo County, Indiana, in which he has any right, title or interest, specifically including the real estate described in the attached schedule, which is incorporated herein, subject to any and all easements, agreements, covenants, and restrictions of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 15th day of February, 1996.

+ Daniel M. Buechlein, A (SEAL)
Most Reverend Daniel M. Buechlein,
O.S.B., as Archbishop of the Roman
Catholic Archdiocese of Indianapolis

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

PERSONALLY APPEARED before me, the undersigned, a Notary Public, in and for said County and State, the Most Reverend Daniel M. Buechlein, O.S.B., as Archbishop of the Roman Catholic Archdiocese of Indianapolis, who acknowledged the execution of the foregoing Warranty Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this 15th day of February, 1996.

David L. Haddick
Notary Public
David L. Haddick
Printed

My Commission Expires:

7-2-98

My County of Residence:

Hawdick

This instrument was prepared by William J. Wood, Attorney at Law, Indianapolis, Indiana.

Returned to PO Box 1410 Indianapolis IN 46206-1410

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC.VIGO COUNTY

1 of 3

Calyary Cemetery, Vigo County, Indiana

Mid. Part E1/2 NE S of Natl. Road East side Sec. 24, Twp 12, Range 9 W = 14.84 Acres

Another section of same acreage 29.68 Acres in all

St. Joseph Cemetery, Vigo County, Indiana

Lots 36, 24 & 25 in Sec. 16, Twp. 12 N, Range 9 W

Lots 36, 24 & 25 from above - 3.10 Acres per lot for a total of 9.30 Acres

St. Mary-of-the-Woods Village Parish, Indiann

Doyles Sub. 133' W Pt. Lot 5 NW Cor. of NW1/4, SE1/4, Sec. 1, Twp 12, Range 10 = 4.31 Acres

Holy Rosary Parish, Seelyville, Indiana

Lots 18, 19 & 20 in Loughner's Add. to Seelyville

Pt. SE1/4 Sec. 11, Twp 12 N, Range 8 W = 4.39 Acres

Moore's Sub. - Seelyville L 2, Blk. 1

Sacred Heart Parish, Terre Haute, Indiana

Lots 35, 36, 37, 38 & 39 in Baldrige Sub., Also Lots 2, 3, 40 & 41

Lots 2, 3, 4 & 7 in Garfield Place Sub. of Lot 1 of Baldridges Sub. of Lot 6, 7, 8 & 9 of Barbour Place.

Lots 33 & 34, Baldrige's Subdiv. of Lots 6, 7, 8 & 9, in Barbour Place, a Subdiv. of the S1/2 of S 10, Twp 12 N, Range 9 West.

St. Ann Parish, Terre Haute, Indiana

Lots 30, 31 & 32 in Eshman & Ohms Sub.

Lots 23 thru 29 in Eshman & Ohms Sub.

Lots 3 thru 4 in Joseph Hudson's Sub. Pt. Sec. 15, Twp 12, Range 9 = 1356-60 Locust St.

Part of Lot #15 in subdiv. of 100 acres off the N side of the NE1/4 Sec. 22, Twp 12 N, R 9 W.

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC.VIGO COUNTY

2 OF 3

St. Benedict Parish, Terre Haute, Indiann

Lots E1/2 29, E1/2, 30, 44, 158, 159 and 160 and W1/2 29, all in Rose's Addition

St. Joseph Parish, Terre Haute, Indiana

Lots 9, 10, 11 & 12 in Original Town of Terre Haute

St. Margaret Mary Parish, Terre Haute, Indiana

Lots 20, 21 & 22 Hickman's Sub. Hickman's Sub. Lot 1 Except 158' off North side.

Lot 1 in Bartlett's Sub. 158' N end of SE1/4 of Lot 1.

St. Patrick's Parish, Terre Haute, Indiana

Beg. at Pt. 25 ft. E of NW cor. of Lot 4 in Nath. Preston's Sub of E1/2, NW1/4, Sec. 27, Twp 12 N, Range 9 (125' X 53.5')

Preston's Sub. NE NE 168.29 ft. on Poplar St., X 220 ft. S 27-12-9. Inlot 19

Burget Park Sub. 27-12-9 Lots 1 to 9 include. 467 S. 19th St.

462 S. 18th St., Reed Heirs Sub. common Plat 27-12-9, Inlots 12 & 13

1807 Poplar St., Reed Heirs Sub. Common Plat 27-12-9 Lot 14 & Alley

8' off E side Lot 2 of Paddock's Sub. of 3 acres in NW cor of NE1/4, Sec 27, Twp 12N, R 9W

Reed Heirs Sub. Lot 3

Beg. NW cor. E 3/5 Lot 4 in Nathaniel Preston's Sub. of NE1/4 Sec. 27, Twp 12 N, Range 9 W (125' X 6.5')

Lot 7, except 8 ft. off of S side in Commissioner's Plat in Part. in cause #13482. 440 S. 18th St.

Lot #6 in the Commisioner's Plat in Partition in the Partition suit of Samantha Reed Et al Ex Parte Cause # 13482 in Vigo Co. - 436 S. 18th Street

Lot 10, blk 1, Edgebrook Estates Sub. of Pt. NW1/4 Sec. 13, Twp. 12N, R2W

Lot 11, 2 acres off W side Lot 4, in Nathaniel Preston's Subdiv. of the E1/2 of the NE1/4 of Sec. 27, Twp 12N, Range 9 W. (Book 59, page 570)

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC.VIGO COUNTY

3 of 3

St. Patrick's Parish, Terre Haute, Indiana.....Continued:

ALSO: Part of the E1/2 of the NE1/4 of Sec. 27, Twp 12, N of Range 9 W (Portion of a public alley)

N1/2 of Lot 8, & 8' off the S side of Lot 7, Sec. 27, Twp 12 N, Range 9 W. (444 S. 18th St.)

Lot #9 & the S1/2 of Lot #8, Sec. 27, Twp 12 N, Range 9 W. (448 S. 18th St.)

Christopher Center, West Terre Haute, Sugar Creek Township, Indiana

06-21-362-013 Taylor's Sub. Lot 11

St. Leonard Parish, West Terre Haute, Indiana

Lots 158 to 165 inclusive, Vandalia Place

RECEIVED FOR RECORD
AT 3:30 O'CLOCK P M
RECORD 441 PAGE 1853

MAR 8 1996

Henry Brant
RECORDER OF VIGO COUNTY

Receipt

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

Date: 2/26/16

Name: Wright, Shagley & Lowery, PC

Reason: Rezoning Filing & Petitioning

TERRE HAUTE, IN
PAID

CK # 65558

FEB 26 2016


CONTROLLER

Cash: _____

Check: 45.00

Credit: _____

Total: _____

Received By: 



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

FILED

APR 07 2016

CITY CLERK

DATE: April 7, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #8-16

CERTIFICATION DATE: April 6, 2016

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. 8-16. This Ordinance is a rezoning of the property located at 1330 Lafayette.. The Petitioner, Roman Catholic Archdiocese of Indianapolis, petitions the Plan Commission to rezone said real estate from zoning classification C-2 to C-2 Planned Development District, for a 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. 8-16 at a public meeting and hearing held Wednesday, April 6, 2016. 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. 8-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 8-16 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.8-16 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) That it be determined by the Plan Commission that said proposed uses will be in the public's interest and that substantial justice will be done for the neighborhood; 2) BZA approval for off site parking (applied for)..

A handwritten signature in black ink, appearing to read "Fred L. Wilson", written over a horizontal line.

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler", written over a horizontal line.

Jared Bayler, Interim Director

Received this 7th day of April, 2016

APPLICATION INFORMATION

Petitioner: Roman Catholic Archdiocese of Indianapolis.

Property Owner: Same-As-Above

Representative: Richard J. Shagley

Proposed Use: Housing Ministry

Proposed Zoning: C-2PD Community Commerce Planned Development

Current Zoning: C-2 Community Commerce

Location: The property is home of a former Catholic High school.
The property contains frontage along 13th 1/2 St. and
Lafayette Ave.

Common Address: 1330 Lafayette Ave, Terre Haute, IN 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Neighborhood Conservation

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

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #08-16

Doc: # 31

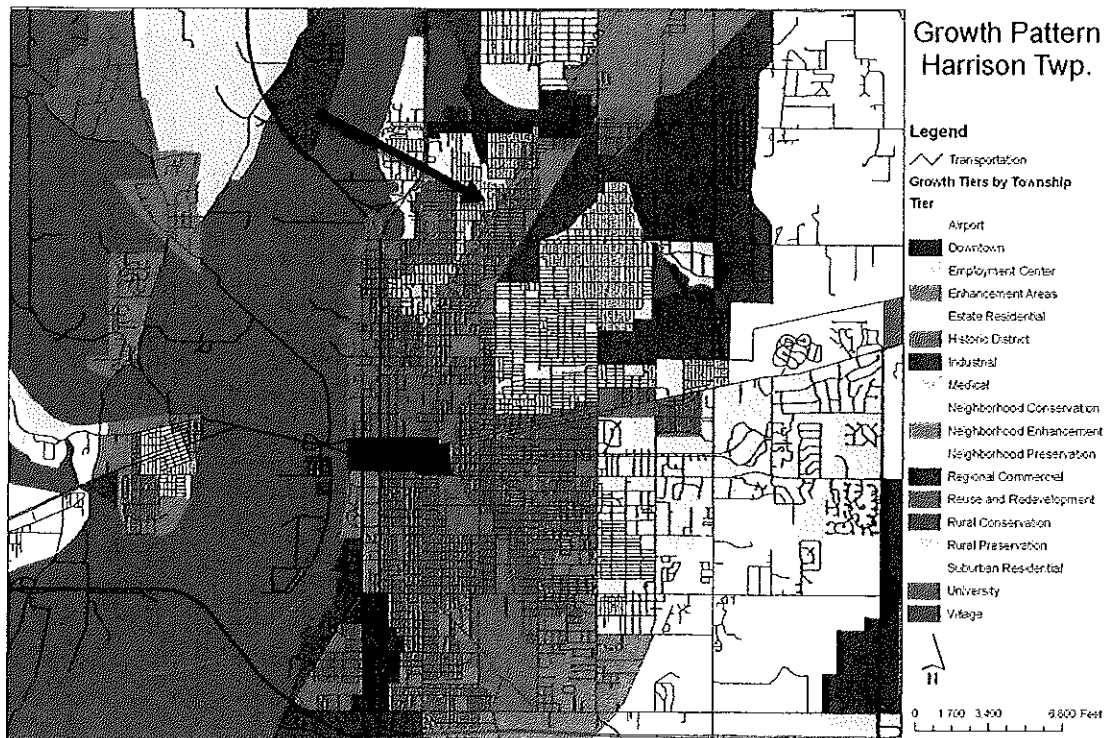
Date: April 2016

Page 2 of 5

neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

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



Available Services: Area is well served by utilities.

Street Access: 13th ½ St. and the abandoned portion of Barbour Ave.

Dev. Priority: Medium

ZONING COMPATIBILITY

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

Character of Area: The area is currently a mix of commercial and residential uses.

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: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating 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)

Planned Developments

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

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

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.
Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

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

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner's representative can demonstrate the necessary criteria for a hardship. The petitioner has requested a C-2PD zoning for development of a sober living facility with a maximum of 50 beds. The same organization unsuccessfully tried to rezone within the past year (S.O. #37-15). However staff feels confident that this location is a better fit than the previous location (2403 S. 8th St.).

The petitioner is purchasing the ground the building is on but not the ground on which the parking lot resides. This qualifies as off-site parking and must receive BZA approval.

Insufficient parking is available in the vicinity to meet code. The petitioner has requested as a part of the ordinance a variance for a reduction in parking.

As constructed the building sits on an adjoining property owner's lot. A survey and quit claim deed have been completed to move the southern lot line to correct the issue.

Insufficient space is available to meet setbacks as required in the thoroughfare plan. A variance has been requested from the minimum setbacks as a part of the ordinance.

Recommendation: Staff offers a favorable recommendation on the C-2PD rezoning with the following conditions.

1. That it be determined by the Plan Commission that said proposed uses, will be in the public's interest and that substantial justice will be done for that neighborhood.
2. Must be recorded within 90 days
3. BZA approval for off-site parking (applied for).