

TERRE HAUTE

A LEVEL ABOVE

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 48-2012

COMMON ADDRESS OF LOTS TO BE REZONED:

401 8th Avenue

Terre Haute, Indiana 47807

Current Zoning: R-2 Two-Family Residential

Requested Zoning: R-3 Multifamily Residential

Proposed Use: Skilled Nursing Facility

Name of Owner: Second Christian Church of Terre Haute

Address of Owner: 401 8th Avenue, Terre Haute, Indiana 47807

Phone Number of Owner: 812-232-8093

Name of Petitioner: MS Terre Haute, LLC, an Indiana limited liability company

Address of Petitioner: 109 W. Jackson Street, PO Box 767, Cicero, IN 46034

Attorney Representing Petitioner: Julie M. Elliott

Address of Attorney: 109 West Jackson Street, Cicero, Indiana 46034

Phone Number of Attorney: 317-420-0205

For Information Contact: Jason Miller, Randall Miller & Associates, Inc. (Ph. 765-662-1284)

Council Sponsor: Todd Nation

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

FILED

DEC 01 2012

CITY CLERK

SPECIAL ORDINANCE NO. 48-2012

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 10-12 1, thereof, District Maps, is hereby amended to read as follows:

LOT NUMBER ONE (1) IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER TWENTY ONE (21) AND A PART OF LOT NUMBER TWENTY TWO (22) IN SCHOOL SECTION SIXTEEN (16) OF TOWNSHIP 12 (12) NORTH OF RANGE NINE (9) WEST IN THE CITY OF TERRE HAUTE, VIGO COUNTY INDIANA.

ALSO:

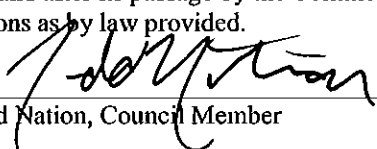
TWENTY (20) FEET OF EVEN WIDTH OFF THE NORTH SIDE OF LOT 2, IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER 21 AND A PART OF LOT NUMBER 22 IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

Commonly known as 401 8th Avenue Terre Haute, IN 47807

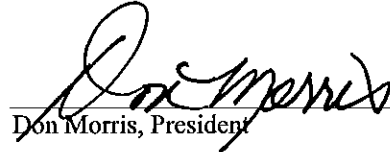
be and the same is, hereby established as a R-3 Multifamily Residential ,together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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

Presented by Council Member,


Todd Nation, Council Member

Passed in open Council this 13th day of December 2012.


Don Morris, President

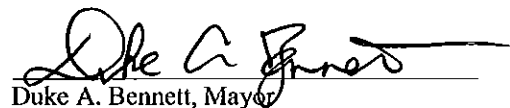
ATTEST:


Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this 14th day of December 2012


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 14th day of DECEMBER 2012


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by:

Julie M. Elliott, Associate General Counsel, Mainstreet Property Group, LLC, 109 W. Jackson Street, PO Box 767, Cicero, Indiana 46034.

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. Julie M. Elliott

PETITION TO REZONE REAL PROPERTY #48-2012

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, MS Terre Haute, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

LOT NUMBER ONE (1) IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER TWENTY ONE (21) AND A PART OF LOT NUMBER TWENTY TWO (22) IN SCHOOL SECTION SIXTEEN (16) OF TOWNSHIP 12 (12) NORTH OF RANGE NINE (9) WEST IN THE CITY OF TERRE HAUTE, VIGO COUNTY INDIANA.

ALSO:

TWENTY (20) FEET OF EVEN WIDTH OFF THE NORTH SIDE OF LOT 2, IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER 21 AND A PART OF LOT NUMBER 22 IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

Commonly known as: 401 8th Avenue, Terre Haute, Indiana 47807.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2 Two-Family Residential.

Your petitioner would respectfully state that the real estate is now R-2 Two-Family Residential. Your petitioner intends to use the real estate as a skilled nursing facility.

Your petitioner would request that the real estate described herein shall be zoned as a R-3 Multifamily Residential. Your petitioner would allege that such use would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-3 Multifamily Residential of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 29th day of October, 2012.

PETITIONER:

MS TERRE HAUTE, LLC,
an Indiana limited liability company

BY: Julie M. Elliott
Julie M. Elliott,
Associate General Counsel

See attached Owner Consent & Affidavit

PETITIONER: MS Terre Haute, LLC, 109 W. Jackson Street, PO Box 767, Cicero, Indiana 46034

This instrument was prepared by:

Julie M. Elliott, Associate General Counsel, Mainstreet Property Group, LLC, 109 W. Jackson Street, PO Box 767, Cicero, Indiana 46034.



AMERICAN
STRUCTUREPO

7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com

TERRE HAUTE, INDIANA

EXHIBIT PLAN

SCALE: 1" = 120'-0"

DATE: 10/30/12

DRAWN: TS/BMH

CHECKED: RSB

JOB NO. 2012.01577

SD101

AFFIDAVIT OF CONSENT OF PROPERTY OWNER
(To be presented with Petition to Rezone Real Property)

As a duly authorized representative of the Second Christian Church ("Owner"), which is listed as the owner of the property located at 401 8th Avenue, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. The Owner of the property described in the attached petition which has been filed before the Common Council of the City of Terre Haute, Indiana, hereby authorizes MS Terre Haute, LLC, an Indiana limited liability company, or its assigns, as Petitioner to file said attached petition with the Common Council of the City of Terre Haute.

Second Christian Church

By: Ted Bradburn

Ted Bradburn
Elder and Board Chairman
Owner

10-29-12
Date

Subscribed and sworn to before me this 29th day of October, 2012.

Lynn A. Adams
Notary Public Lynn A. Adams
Vigo County Resident

My Commission Expires:

10-4-2016

COMES NOW affiant, Ted Bradburn, Elder and Chairman of the Board of the Second Christian Church and affirms under penalty of law that Second Christian Church is the owner of record of the property located at 401 8th Avenue, for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

SECOND CHRISTIAN CHURCH

By: Lee Brachum

Printed: Ted Bradburn

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

WITNESS my hand and notarial seal, this 29th day of October, 2012.

Notary Public: Lynn A. Adams My Commission Expires: 10-4-2016
Lynn A. Adams My County Of Residence: Vigo
 Printed _____

This Indenture Witneseth, That the City of Terre Haute, in the County of Vigo, and State of Indiana, in pursuance of a resolution of the Common Council of said City, adopted on the 8th day of August 1895, and entered in general Record No---on page --CONVEY AND WARRANTS, To Andrew Grimes and Samuel M. Adams, Trustees of the Central Christian Church Terre Haute, Indiana and to their successors, for the sum of One Hundred Dollars (\$100.00) the following described Real Estate, to-wit:

Lot Number One(1) in the City of Terre Haute, subdivision of lot number Twenty-one(21) and part of lot number twenty two(22) in School section Sixteen(16), Township Twelve(12) North of Range Nine(9) West, in the City of Terre Haute, County of Vigo, and State of Indiana.

Witness; Chas H. Goodwin. Clerk.

Fred A. Ross.

Mayor of the City of Terre Haute.

State of Indiana)
Vigo County)SS:

Personally appeared before me, Fred A. Ross, Mayor of the City of Terre Haute, State of Indiana, and acknowledged the execution of the above and foregoing deed, executed in behalf of said City.

In Testimony Whereof, I have hereunto set my hand and Official seal, this 13th day of August, 1895.

(Notarial Seal) Lucy Routzahn. Notary Public.

Received for record September 3th 1895 at 9-1/2 O'clock A.M.

L.G. Hughes. Recorder.

State of Indiana)
County of Vigo)SS:

I, the undersigned Recorder of Vigo County, Indiana, do hereby certify, that the foregoing is a full, true and complete copy of the records in my Office in Deed Record 89-Page 464.

Witness my hand, and Recorders Seal, this 29th day of February, 1904.
My commission expires January 1st 1909.

Micajah T. Goodman.
Recorder of Vigo County.

This Indenture Witnesseth, That Central Christian Church by its Trustees

J. Irving Riddle, Wm. H. Wiley and J. T. H. Miller
of Terre Haute, Vigo County, in the State of Indiana

CONVEY AND WARRANT to Thomas H. Godsey, Joseph L. Wilson and
James F. Ashley and their successors in office as Trustees of the
Second Christian Church
of Terre Haute, Vigo County, in the State of Indiana

for the sum of One (\$1.00) DOLLARS,
the following REAL ESTATE in Vigo County,
in the State of Indiana, to-wit:

Lot number one (1) in the City of Terre Haute's subdivision
of lot number twenty-one (21), and a part of lot number twenty-two
(22) in school section sixteen (16) of township twelve (12) North
of range nine (9) West in the City of Terre Haute, Vigo County,
Indiana.

The grantees agree to assume and pay a certain mortgage
given upon same to secure the payment of principal and interest,
when the same becomes due, of five promissory notes made by the
Trustees of the Central Christian Church of Terre Haute, Indiana
to the Board of Extensions of American Christian Missionary Society
and recorded in mortgage record J-3, page 343 of Vigo County, Indiana.

In Witness Whereof, The said Central Christian Church by its Trustees,
J. Irving Riddle, Wm. H. Wiley and J. T. H. Miller.

have hereunto set their hands and seals this 27th day of April A.D. 1906

(Seal) Central Christian Church by (Seal)

(Seal) J. Irving Riddle (Seal)

(Seal) Wm. H. Wiley (Seal)

(Seal) J. T. H. Miller (Seal)

State of Indiana, VIGO County, ss:

Before me, John A. Dailey a Notary Public
in and for said County, this 27th day of April 1908

Personally appeared the within named J. Irving Riddle, Wm. H. Wiley
and J. T. H. Miller, Trustees of the Central Christian Church, and

acknowledged the execution of the annexed deed.

Witness my hand and notarial seal.

John A. Dailey (Seal.)
Com. expires Oct. 5-1908 Notary Public

16 101 3810

WARRANTY DEED.

(SHORT FORM.)

The Central Christian Ch.

J. T. H. Miller
J. Irving Riddle
Wm. H. Wiley

RECEIVED FOR RECORD.

The 5 day of May
A. D., 1908 at 3 o'clock P.
and recorded in record 118

Page 45
M. J. Goodenough Recorder,
of Vigo County,
Recorder's Fee, \$ 1.00

QUILY ENTERED FOR TAXATION.

May 5 1908

James W. Dinsdale Auditor.

Auditor's Fee, \$

DUPLICATE PRINT. THREE HASTE IND.

58-192-7339

WARRANTY DEED.

125

THIS INDENTURE WITNESSETH, That the City of Terre Haute, in the County of Vigo and State of Indiana, in pursuance of Special Ordinance No. 9-1952, and petition and order of appraisal in cause No. 42614 made and entered in the Vigo Circuit Court, CONVEYS AND WARRANTS to John H. Everett, A.D. Pigg and Russell Craig, as Trustees of Second Christian Church of Terre Haute, and to their successors, of Vigo County, State of Indiana, for the sum of Fifty Dollars, (\$50.00), the following described real estate in Vigo County, Indiana, to-wit:

126

Twenty (20) feet of even width off the north side of Lot 2, in City of Terre Haute's Subdivision of Lot 21 and part of Lot 22 in the Subdivision of Section Sixteen (16), Township Twelve (12) North of Range Nine (9) West, in Terre Haute, Vigo County, Indiana.



IN WITNESS WHEREOF, the City of Terre Haute, Indiana, has caused this Deed to be signed by its duly elected Mayor, and attested by its duly elected City Clerk, this 25th day of June, 1952.

Ralph Tucker
.....
Mayor of the City of Terre Haute

Attest: *Joseph P. Pipp*
.....
City Clerk

STATE OF INDIANA,
COUNTY OF VIGO. SS:

Before me, the undersigned Notary Public in and for said County and State, this day personally appeared Ralph Tucker, as Mayor of the City of Terre Haute, and Joseph P. Pipp, as City Clerk of the City of Terre Haute, and as such Mayor and City Clerk respectively, acknowledged the execution of the above and foregoing Deed.

WITNESS my hand and Notarial seal, this 25th day of June, 1952.

Paula M. Krausbeck
.....
Notary Public.

My commission expires May 15, 1956.

RECEIVED FOR RECORD THE 30 DAY OF June 1953 AT 11 O'CLOCK A M. JAMES G. FAGIN RECORDER.

Receipt

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

Date: 11/1/12

Name: Randall Miller & Assoc.

Reason: _____

2 Responing fees
2 vacates

TERRE HAUTE, IN
PAID

Cash: _____

NOV - 1 2012

Check: \$100⁰⁰

CONTROLLER

Credit: _____

Total: \$100⁰⁰

Received By: Sat / E Ellis



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: December 6, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #48-12

CERTIFICATION DATE: December 5, 2012


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


Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 48-12. This Ordinance is a rezoning of the property located at 401 8th Avenue. The Petitioner, MS Terre Haute, LLC/City of Terre Haute Board of Public Works, Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to R-3, General Residence District, for a skilled nursing facility. 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. 48-12 at a public meeting and hearing held Wednesday, December 5, 2012. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 48-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 48-12 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 48-12, was FAVORABLE.


Fred E. Wilson, President


Jeremy Weir, Executive Director

Received this 6th day of December, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #48-12

Doc: # 65

Date: December 5th 2012

Page 1 of 3

APPLICATION INFORMATION

Petitioner:

main Street
MS Terre Haute, LLC

Owner:

Second Christian Church of Terre Haute

Representative:

Julie M. Elliott (Attorney) *Jason Miller* *Laura Schultz*

Proposed Use:

Skilled Nursing Facility

Proposed Zoning:

R-3, General Residence District

Current Zoning:

R-2, Two-Family Residence District

Location:

The property is located on the southeast corner of North 4th Street and 8th Avenue.

Common Address:

401 8th Avenue, Terre Haute Indiana 47807

COMPREHENSIVE PLAN GUIDANCE

Service Area:

The City of Terre Haute

Guiding Policies:

Reuse and Redevelopment/Collett Park Vicinity Plan

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Allow for a range of housing densities based on the zoning ordinance.
- 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.

Soil Limitations:

Not studied.

Street Access:

Access to the site will be off 8th Avenue and 7th Avenue. 8th Avenue is classified as a Primary Collector roadway and 7th Avenue is classified as a local roadway.

Dev. Priority:

Reinvestment and infill developments as outlined by the Union Hospital Health Care Campus Subarea Plan are a high priority.

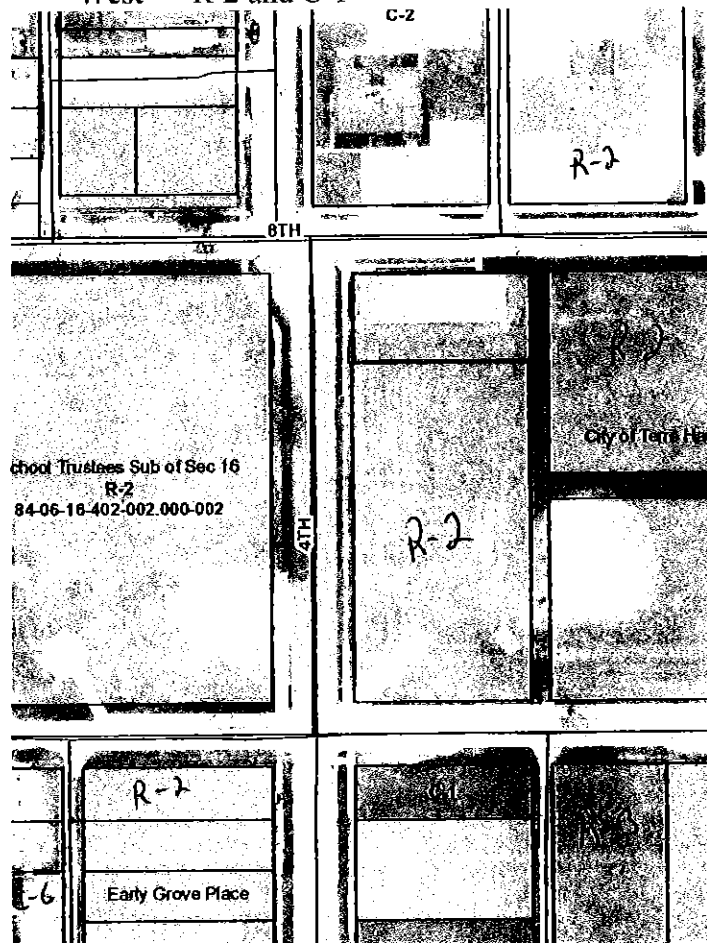
STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #48-12
Date: December 5th 2012

Doc: # 65
Page 2 of 3

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2, C-6, R-2, and R-3
East – C-2, C-3, and R-2
South – R-2, R-3, C-1, C-3, and C-6
West – R-2 and C-1



Character of Area: The petitioned property is located in the Union Hospital Health Care Campus Subarea Plan, as defined and illustrated by the Collett Park Vicinity Plan. There is a broad range of residential and commercial land uses within the immediate area.

Contig. Uses & Zones: The area is contiguous to R-2, Two-Family Residence District and R-3 General Residence District with uses that consist of residential dwellings, and vacant lots. C-2, Community Commerce District, C-6, Strip Business District, C-3 Regional Commerce District, with uses that consist of Commercial Office, Medical Office, off Street Parking facilities, and undeveloped commercial lots.

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.

FINDINGS and RECOMMENDATION

Staff Findings: The proposed rezoning is in harmony with the Comprehensive Plan, and the Collett Park Vicinity Plan. The petitioned property is located within the Union Hospital Health Care Campus Subarea Plan, which has envisioned an Assisted Living Community within this area. 8th Avenue serves as the primary means of access to the Union Hospital area from both 3rd Street and Lafayette Avenue. Gateway elements can enhance the aesthetics of the area and minimize the likelihood that hospital patrons use residential streets. The plan recommends the following gateway improvements:

- Landscaped greenway on 8th Avenue from 3rd Street to Lafayette Avenue

Recommendation: Staff offers a Favorable Recommendation.
