



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE No. 7 2012

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COMMON ADDRESS OF LOTS TO BE REZONED

Parcel No. 84-06-16-433-011.000-002

Address: 629 6th Avenue

[Property currently zoned R-2 – Two-Family Residential District]

REZONE FROM: R-2 Two-Family Residence District

REZONE TO: C-3 Regional Commerce District

PROPOSED USE: Parking lot areas to support the hospital facility and the other healthcare facilities located on Petitioner's campus

NAME OF OWNER: Union Hospital, Inc.

ADDRESS OF OWNER: 1606 North 7th Street
Terre Haute, Indiana 47804

PHONE NUMBER OF OWNER: (812) 238-7604

ATTORNEY REPRESENTING OWNER: B. Curtis Wilkinson

ADDRESS OF ATTORNEY: Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807

PHONE NUMBER OF ATTORNEY: (812) 232-4311

FOR INFORMATION, CONTACT: B. Curtis Wilkinson
() Owner (X) Attorney

COUNCIL SPONSOR: Todd Nation

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COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION

FILED
FEB 01 2012
CITY CLERK

SPECIAL ORDINANCE NO. 7, 2012

An Ordinance Amending Title III designed as "COMPREHENSIVE ZONING ORDINANCE FOR TERRE HAUTE, INDIANA" OF ORDINANCE NO. 1, 1967, AS AMENDED ENTITLED, "AN ORDINANCE ADOPTING A COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF TERRE HAUTE, INDIANA, IN ACCORDANCE WITH CHAPTER 174 OF THE ACTS OF THE INDIANA GENERAL ASSEMBLY, 1947, AS AMENDED, DESIGNATING THE SAME AS A PART OF THE MASTER PLAN FOR THE CITY OF TERRE HAUTE, INDIANA, PROVIDING PENALTIES FOR VIOLATION THEREOF AND DECLARING AN EMERGENCY" BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Title III, Comprehensive Zoning Ordinance of Ordinance No. 1, 1967 effective November 3, 1967, entitled:

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

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

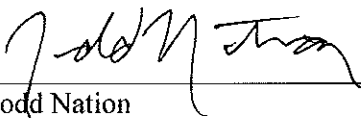
"The property commonly known as 629 6th Avenue, 84-06-16-433-011.000-002, more particularly described as follows, to wit:

Lot 22 in Van Wyck Heirs Subdivision of Lot 32 in the Subdivision of Section 16, Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

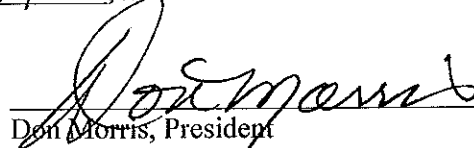
be and the same is hereby established as a C-3 District: Regional Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION 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 Terre Haute, and its approval by the Mayor and publication as by law provided.


Presented by Council Member:


Todd Nation

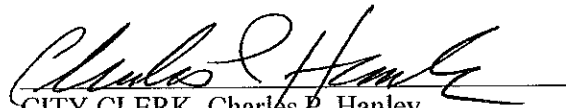
Passed in open Council this 8th day of March, 2012.


Don Morris, President

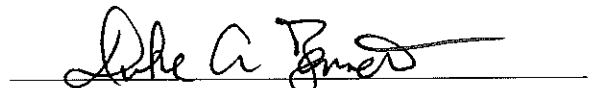
ATTEST:


Charles P. Hanley, City Clerk

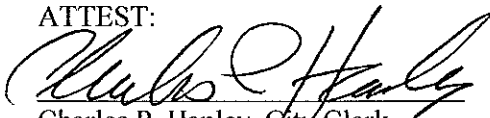
Presented by me to the Mayor of the City of Terre Haute this 9th day of March, 2012.


CITY CLERK Charles P. Hanley

Approved by me, the Mayor of the City of Terre Haute, this 9th day of MARCH, 2012.

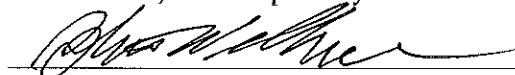

MAYOR Duke Bennett

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by: B. Curtis Wilkinson, Attorney, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807.

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.


B. Curtis Wilkinson

PETITION TO REZONE REAL PROPERTY

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

and THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION OF
VIGO COUNTY, INDIANA.

GENTLEPERSONS:

The undersigned, Union Hospital, Inc., by and through Scott L. Teffeteller, President & Chief Executive Officer and duly authorized representative, respectfully submits this Petition to Rezone Real Property commonly known as the following in Terre Haute, Indiana, and more particularly described as follows, to-wit:

1. Parcel No. 84-06-16-433-011.000-002
Address: 629 6th Avenue
[Property currently zoned R-2 – Two-Family Residential District].
Legal Description:
Lot 22 in Van Wyck Heirs Subdivision of Lot 32 in the
Subdivision of Section 16, Township 12 North, Range 9 West,
in Terre Haute, Vigo County, Indiana.

Your Petitioner is informed and believes that in accordance with Chapter 1161, Zoning District Maps, of Title 3 "Comprehensive Zoning Ordinance 1, 1967," as amended, the above described real estate parcel is now zoned as R-2 Two-Family Residential District, of the City of Terre Haute, Indiana.

Your Petitioner would respectfully show that the zoning of the above described real estate should be changed to represent the essential character of the locality in which it is situated (that is, fringe properties supporting commercial endeavors adjacent to them North, South, East, and West) and to reflect the general usage of the property, and that the proposed change will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, nor will it impair an adequate supply of light and air to an adjacent property.

Your Petitioner would respectfully show that the aforementioned parcel of real estate is currently owned by Petitioner. Your Petitioner now owns all of the lots in this block area, with all of the other lots being the subject of a Petition to Rezone found under Special Ordinance No. 50, 2011. The Area Plan

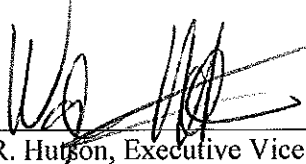
Commission has given a favorable approval to Special Ordinance No. 50, 2011, subject to Board of Zoning Appeals approval. Subsequent to filing Special Ordinance No. 50, 2011, your Petitioner acquired this property. The property was once believed to have been used as the site consistent with the rezoning classification of R-2. Your Petitioner would also respectfully show that the aforementioned parcels of real estate are surrounded by property currently owned by Union Hospital and/or other medical facilities. It is proposed that the property will be used for parking lot areas to support the hospital facility and the other healthcare facilities located on Petitioner's campus. Thus, the contemplated use would apparently require C-3 zoning under Title Three of Comprehensive Zoning Ordinance for Terre Haute, Indiana, as Amended.

A change in the present zoning from R-2 to C-3 Regional Commerce District would not alter the general characteristics of the area and would more appropriately reflect the nature of your Petitioner's anticipated use.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission and the Common Council favorably consider the passage of a special ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Title 3 of General Ordinance 1, 1967, and declaring the above described real estate to be a part of the Community Commerce Business District: C-3 Regional Commerce District, 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.

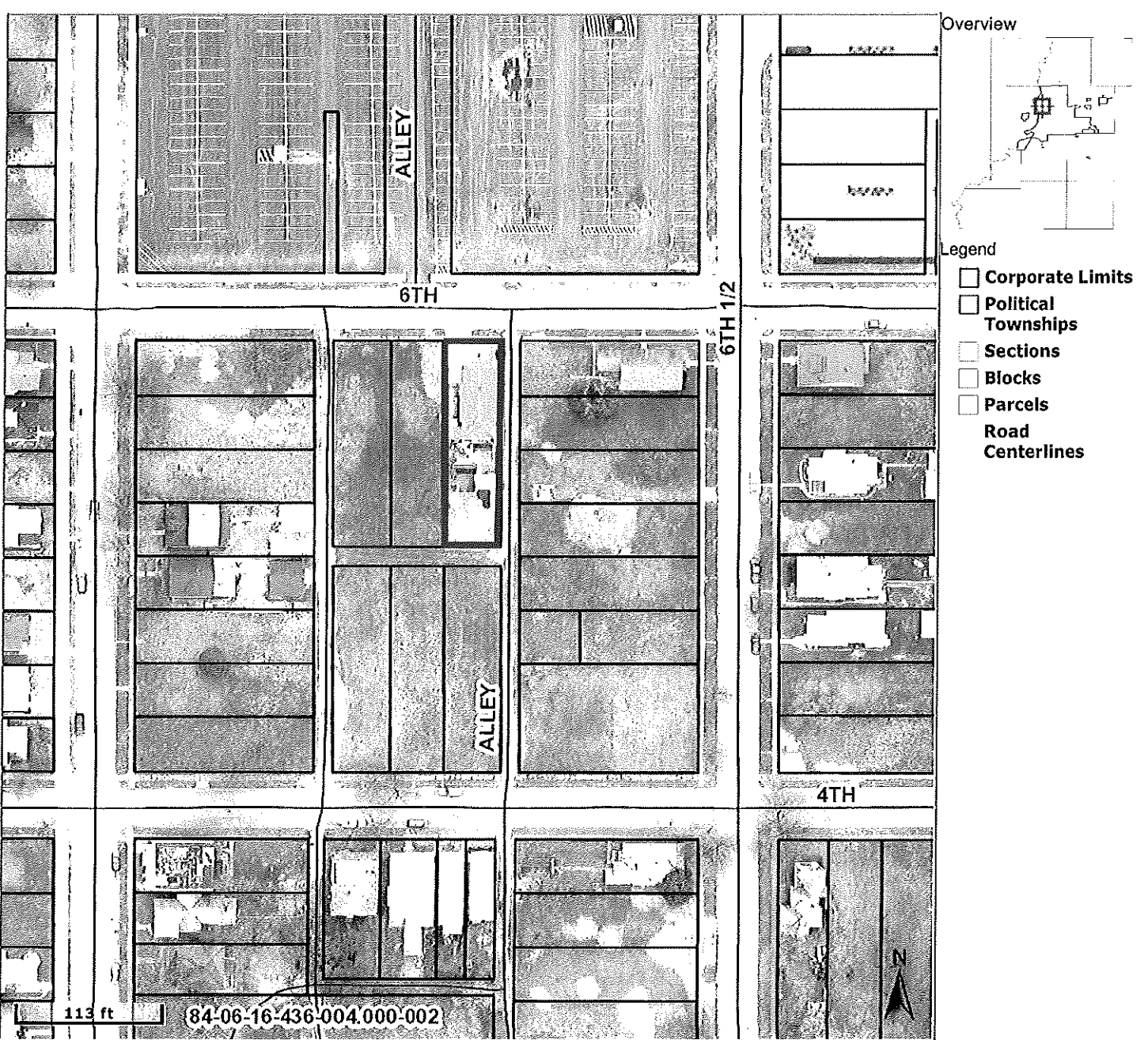
IN WITNESS WHEREOF, this Petition has been duly executed this 31st day of

January, 2012.



Wayne R. Hutson, Executive Vice President & CFO
Union Hospital, Inc.

Date Created: 1/30/2012



Last Data Upload: 1/28/2012 1:31:40 AM

AFFIDAVIT

OF

**WAYNE R. HUTSON
EXECUTIVE VICE PRESIDENT & CHIEF FINANCIAL OFFICER
OF UNION HOSPITAL, INC.**

COMES NOW Wayne R. Hutson, and affirms under penalties of law that:

1. Affiant is the Executive Vice President & Chief Financial Officer of Union Hospital, Inc., and is duly authorized to represent and make this Affidavit for and on behalf of Union Hospital, Inc.

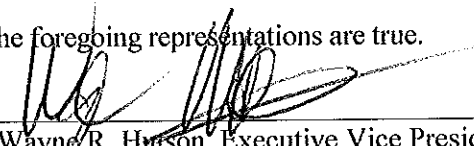
2. Union Hospital, Inc., is a nonprofit corporation lawfully organized and existing under the laws of the State of Indiana.

3. In Affiant's capacity as an officer of Union Hospital, Inc., he is in charge of and is familiar with the properties owned by Union Hospital. Affiant represents and warrants that Union Hospital, Inc., is or will be the owner of record of the following parcel of real estate:

- 1. Parcel No. 84-06-16-433-011.000-002
Address: 629 6th Avenue
[Property currently zoned R-2 -- Two-Family Residential District].
Legal Description:
Lot 22 in Van Wyck Heirs Subdivision of Lot 32 in the
Subdivision of Section 16, Township 12 North, Range 9 West,
in Terre Haute, Vigo County, Indiana.

for which a rezoning is requested and attached hereto is the Warranty Deed evidencing such ownership.

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




 Wayne R. Hutson, Executive Vice President & CFO
 Union Hospital, Inc.

STATE OF INDIANA)
 SS:
 COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Wayne R. Hutson, Executive Vice President & CFO, and a duly authorized representative of Union Hospital, Inc., who acknowledges the execution of the above and foregoing Affidavit, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal this 31st day of January, 2012.



 B. Curtis Wilkinson, Notary Public
 My Commission Expires: 2/9/2016
 Resident of Vigo County, Indiana

WARRANTY DEED

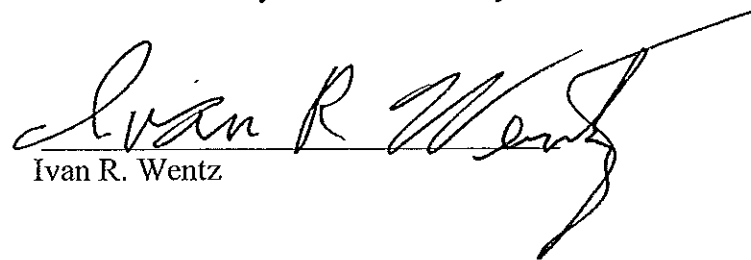
THIS INDENTURE WITNESSETH, that Ivan R. Wentz, of Vigo County, State of Indiana, "Grantor," CONVEYS to Union Hospital, Inc., an Indiana nonprofit corporation, whose address is 1606 North Seventh Street, Terre Haute, Vigo County, State of Indiana, "Grantee," for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

Lot Twenty-Two (22) in Van Wyck Heirs Subdivision of Lot 32 in the Subdivision of Section 16, Township 12 North, Range 9 West.

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed the 20th day of January, 2012.



Ivan R. Wentz

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

BEFORE ME, a Notary Public in and for and a resident of said County and State, personally appeared Ivan R. Wentz, who acknowledged the execution of the above and foregoing Warranty Deed and who, being first duly sworn, stated that any representations contained therein are true.

WITNESS my hand and Notarial Seal this 20th day of January, 2012.

My commission expires:

February 19, 2017



Notary Public

Printed: Valori J. Berrisford

County of Residence: Vigo

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.



B. Curtis Wilkinson

This instrument prepared by:

Jeffrey A. Lewellyn, 333 Ohio St., Terre Haute, IN 47807

Mail tax duplicates to Grantee:

Union Hospital, Inc., ATTN: Accounting,
1606 N 7th St, Terre Haute, IN 47804
Sequencing Code: 968

Property address:

629 6th Avenue, Terre Haute, IN 47807



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: March 8, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #7-12

CERTIFICATION DATE: March 7, 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. 7-12. This Ordinance is a rezoning of the property located at 629 6th Avenue. The Petitioner, Union Hospital, Inc., Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-3, Regional Commerce District, for a parking lot. 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. 7-12 at a public meeting and hearing held Wednesday, March 7, 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. 7-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-12 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. 7-12 was Favorable.



Fred L. Wilson, President



Jeremy Weir, Executive Director

Received this 8th day of March, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #07-12

Doc: # 06

Date: Murch, 2012

Page 1 of 5

APPLICATION INFORMATION

Petitioner: Union Hospital, Inc.

Property Owner: Same as Above

Representative: Curtis B. Wilkinson

Proposed Use: (Off-Site) Parking lot areas to support the hospital facility and the other healthcare facilities located on Petitioner's Campus

Proposed Zoning: C-3, Regional Commerce District

Current Zoning: R-2, Two-Family Residence District

Location: The property is on the south side of 6th Avenue between North 6th Street and North 6th ½ Street.

Common Address: 629 6th Avenue, Terre Haute, IN 47807

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Recommended Use: Medical/Hospital Areas

- The size of the district(s) and the spillover effects of traffic and medical activities into adjacent residential neighborhoods should be contained and limited. This should be accomplished in a manner that does not inhibit future medical growth or development or conversion of residential uses for medical activities;
- The district should be planned as a whole with clear and controlled access, direction signage, controlled drive cuts, cooperative district wide parking, and careful planning of the spatial interrelationship between various land uses and activities; and,
- Along the edges of the district(s) special attention should be devoted to buffering, perhaps through landscaping, to clearly separate and distinguish the hospital/medical area from the adjacent residential areas. Within the hospital/medical district landscaping, streetscape details and pedestrian amenities should be enhanced and coordinated

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #07-12
Date: Murch, 2012

Doc: # 06
Page 2 of 5

Street Access: 4th Ave, 6th Ave, and 6th ½ St are local level Roadway

Dev. Priority: The petitioned property has a high priority for new development.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-3, Regional Commerce District

East – R-2, Two-Family Residence District

South – R-2, Two-Family Residence District

West – R-2, Two-Family Residence District

The current zoning is as stated above pending the approval of Docket #6, S.O. #7-12.

When S.O. #7-12 is approved all the surrounding zoning districts will be C-3, Regional Commerce.



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

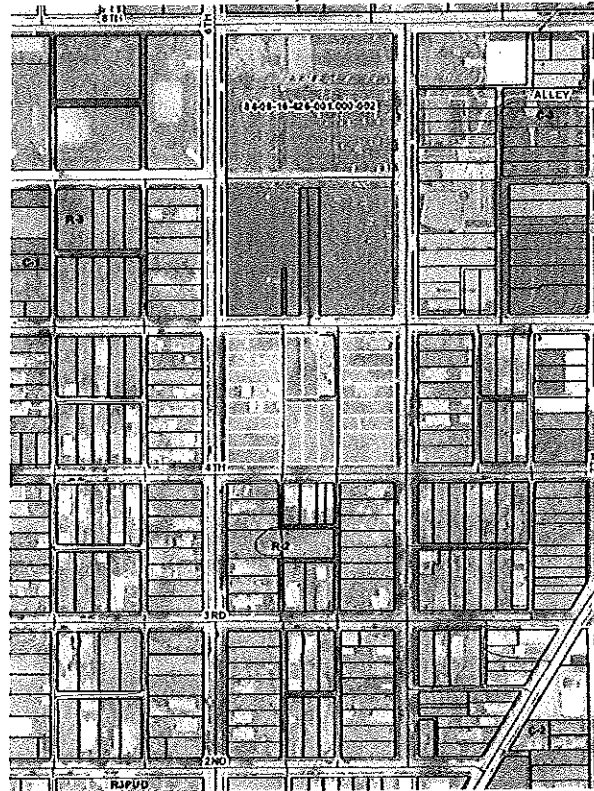
Number: SO #07-12

Doc: # 06

Date: Murch, 2012

Page 3 of 5

Docket #6, S.O. #7-12



Character of Area: The petitioned property is located within the Hospital Growth Boundary. This area has a low-intensity for new development with structures having a 1 story maximum.

Contig. Uses & Zones: To the north is the development site for the new UAP building, and the Union Hospital main campus, which is zoned R-3, C-2, and C-3. To the northeast lies the Union Hospital Professional Office Building, Family Practice Center, and the Landsbaum Center for Health Education, which are zoned R-2, C-2, and C-3. To the south, east and west are lot zoned R-2, with uses that are permitted.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #07-12

Doc: # 06

Date: Murch, 2012

Page 4 of 5

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Floor Area Ratio of 2.0; street setback of 55 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and Meet the minimum parking requirement per table 4. Office-Site Parking facilities are required a Special Use by the City of Terre Haute Board of Zoning Appeals. Off-street parking areas for more than ten (10) vehicles, and off-street loading areas, shall be effectively screened on each side, which adjoins or faces residential or institutional premises situated in any R-District. All parking lots shall be illuminated. Such lighting shall be composed of light posts, which are compatible with the architecture of the building and are wired internally and underground. All commercial and public lots shall have an average intensity of not more than one (1) to four (4) during the period of use.

Illumination of an off-street parking area shall be arranged so as to reflect direct rays of light into adjacent residential districts and streets. In no case shall such lighting causing more than three (3) footcandles of light to fall on adjacent properties as measured horizontally at the lot line.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #07-12

Doc: # 06

Date: Murch, 2012

Page 5 of 5

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned property is located within the Hospital Growth Boundary and has a low-intensity (1 story maximum) for new development.

All development in the Union Hospital area should: Centralize parking towards block interiors. Provide parking edge landscaping and decorative fencing to minimize the impact of parking areas on the public street environment.

Off-Site parking areas need Special Use approval from the City of Terre Haute Board of Zoning Appeals.

Recommendation: Favorable Recommendation, with the condition the petitioner must seek the City BZA Special Use approval.