



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 28, 2020

COMMON ADDRESS OF LOTS TO BE REZONED:

1031 S 25th St, Terre Haute, IN 47803

Current Zoning: R-2; and R-2 Planned Development

Requested Zoning: C-6 Strip Business Zone

Proposed Use: Liquor Store

Name of Owner: CORTAPASSI INC.

Address of Owners: Cortapassi Inc.
c/o Daniel Cortapassi and Carmen Garcia
20007 E. 1100 North Rd.
Danville, IL 61834

Phone Number of Owner: 812-243-3166

Attorney Representing Owner: Jeffry A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffry A. Lind
400 Ohio Street
Terre Haute, IN 47807
812-234-5463

Council Sponsor: Amy Auler

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

FILED

OCT 02 2020

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 28, 2020**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of the land in the name of Cortapassi, Inc. (Instrument No. 2017003984 records of the county recorder's office) being 108.18 feet off the South side of Lot No. 7 in John Milner's Subdivision (Plat Record 1, Page 75) of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, Harrison Township, City of Terre Haute, Vigo County, Indiana, described on September 23, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-263).

EXCEPT 30.00 feet off the South side thereof now used as a street.

ALSO EXCEPT that part of said tract West of the East line of the 16 feet wide alley.

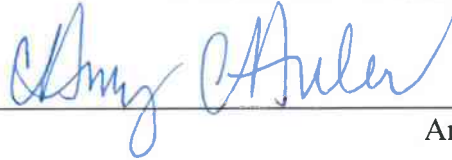
Containing 0.28 acres, 12,348 square feet with 0.04 acres, 1,954 square feet in the right of way of 25th Street after said exceptions.

Commonly known as: 1031 S 25th St, Terre Haute, IN 47803

Be and the same is hereby established as a **C-6 Strip Business Zone**, together with all rights and privileges that may insure 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 required by law.

Presented by Council Member,



Amy Auler

Passed in Open Council this 5TH day of NOVEMBER, 2020.



George Azar-President

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 6TH day of NOVEMBER 2020.

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 6TH day of NOVEMBER, 2020.



Duke Bennett, Mayor

ATTEST: Michelle L Edwards
Michelle Edwards, City Clerk

This instrument prepared by, and 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:


Jeffrey A. Lind
400 Ohio Street
Terre Haute, IN 47807
812-234-5463.

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 FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **Cortapassi, Inc.**, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A part of the land in the name of Cortapassi, Inc. (Instrument No. 2017003984 records of the county recorder's office) being 108.18 feet off the South side of Lot No. 7 in John Milner's Subdivision (Plat Record 1, Page 75) of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, Harrison Township, City of Terre Haute, Vigo County, Indiana, described on September 23, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-263).

EXCEPT 30.00 feet off the South side thereof now used as a street.

ALSO EXCEPT that part of said tract West of the East line of the 16 feet wide alley.

Containing 0.28 acres, 12,348 square feet with 0.04 acres, 1,954 square feet in the right of way of 25th Street after said exceptions.

Commonly known as: 1031 S 25th St, Terre Haute, IN 47803

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; and R-2 Planned Development**.

Your petitioner would respectfully state that the real estate is located at the Northwest corner of 25th and College and currently has a liquor store and a residential house. The area sought to be rezoned is larger than the lot currently zoned R-2, Planned Development and, as a result of a lot line adjustment enlarges the site upon which a rebuilt, or newly built, liquor store would be placed, expanding off street parking to meet the City Code, comply with building set back line requirements and remove the dual use of the lot at the corner of 25th and College. While a liquor store presently sits upon the

southern portion of the real estate sought to be rezoned, as a consequence of the lot line adjustment, this rezoning is believed to be necessary because of the larger lot size and the anticipated demolition and construction to accomplish the above mentioned parking and set back line goals and eliminate the dual use presently in place at 25th and College. All drives will be paved with asphalt or concrete.

Your petitioner would request that the real estate described herein shall be zoned as a **C-6 Strip Business Zone**. Your petitioner would allege that the **C-6 Strip Business Zone** would not alter the general characteristics of this neighborhood as a liquor store presently sits upon the southern portion of the real estate sought to be rezoned, but (with a rezoning and the planned demolition and construction) positively addresses parking, set back and dual use issues which presently exist, but pre-date the adoption of the Comprehensive Zoning Ordinance for Terre Haute, Indiana.

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 **C-6 Strip Business Zone** 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 WITNES WHEREOF, this petition has been duly executed this 10th day of October, 2020.

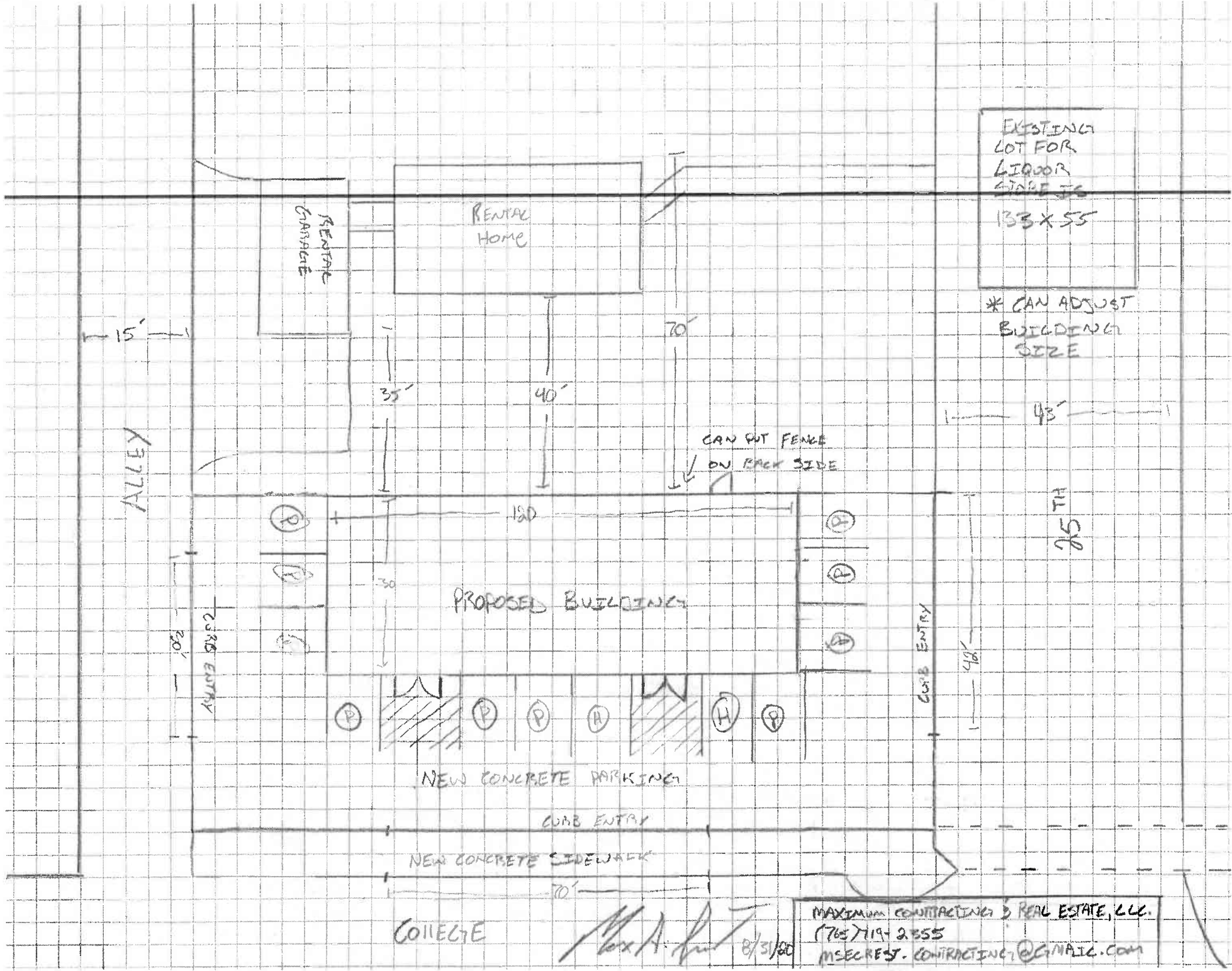
Cortapassi, Inc.

By Carmen F. Garcia
Carmen Garcia, Vice President

PETITIONERS: Cortapassi, Inc.

**Address of Owners: c/o Daniel Cortapassi and Carmen Garcia
20007 E. 1100 North Rd.
Danville, IL 61834**

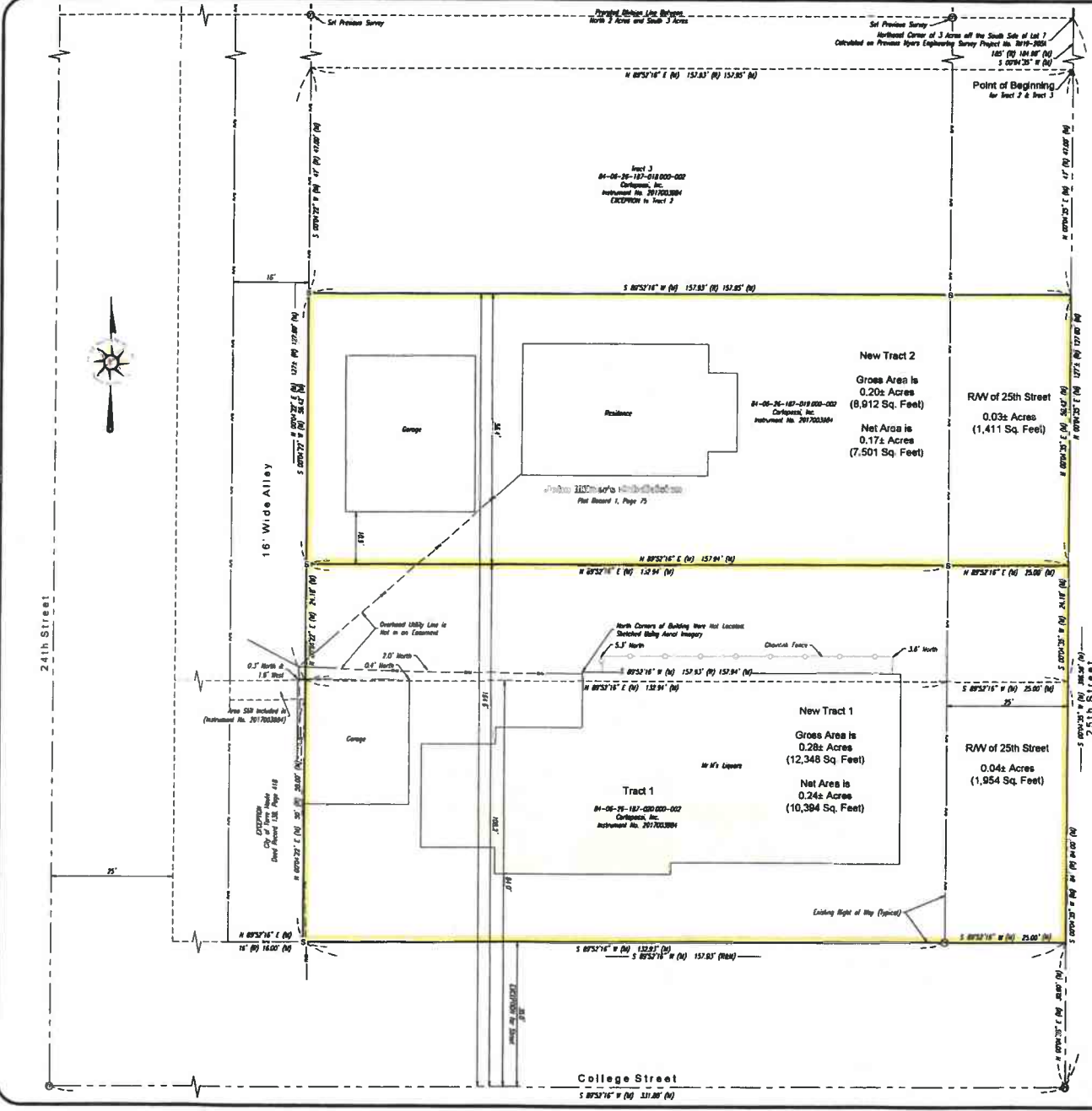
This instrument was prepared by **Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, 812-234-5463.**



COLLECTE

Max A. [Signature] 8/31/20

MAXIMUM CONTRACTING & REAL ESTATE, LLC.
 (705) 719-2355
 MSECRESY.CONTRACTING@GMAIL.COM



Boundary Description - Instrument No. 2017003984

Tract 1 - Eighty-four (84) feet off the South side of Lot Number Seven (7) in John Albee's Subdivision of part of the Northwest Quarter (1/4) of Section Twenty-one (21), Township Twelve (12) North, Range Nine (9) West, Mays County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Mays County, Indiana, in Plat Record 1, Page 75.

EXCEPT thirty feet off the South side thereof now used as a street.

ALSO EXCEPT that part of said tract conveyed to the City of Terre Haute as shown by Deed Record 136, Page 416, records of Recorder's Office of Mays County, Indiana.

ALSO EXCEPT that part of said tract conveyed to Henry V. Hamilton and Mar Hamilton, husband and wife, as shown by Deed Record 194, Page 292, records of Recorder's Office of Mays County, Indiana.

ALSO

Tract 2 - Beginning at a point 185 feet South of the Northwest Corner of three acres off the South side of Lot No. 7 in John Albee's Subdivision of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West as per recorded plat of the same recorded in the office of the recorder of Mays County, Indiana, in Plat Record 1, Page 75; thence South 177 feet more or less to a point 89 feet North of the South line of said Lot 7; thence West to a point in the East line of proposed alley, said point being 157.83 feet more or less West of the center line of 25th Street; thence north along the East line of road proposed alley 177 feet more or less to a point directly West of the Place of Beginning; thence East to the Place of Beginning. Except 17 feet off the North side thereof.

ALSO

Tract 3 - Beginning at a point 185 feet South of the Northwest Corner of three acres off the South side of Lot No. 7 in John Albee's Subdivision of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West as per recorded plat thereof recorded in Plat Record 1, Page 75, records of Mays County Recorder's Office; thence South 47 feet; thence West to a point in a proposed alley being 157.83 feet more or less West of the center line of Twenty-fifth Street; thence North 177 feet to a point in the East line of proposed alley; thence East to the Place of Beginning.

SUBJECT to any and all easements, rights-of-way and other observable or recorded easements, restrictions, conditions and limitations.

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

Boundary Description - New Tract 1

A part of the land in the name of Corntown, Inc. (Instrument No. 2017003984 records of the county recorder's office) being 108.18 feet off the South side of Lot No. 7 in John Albee's Subdivision (Plat Record 1, Page 75) of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, Mays County, Indiana, as shown by Subdivision Plat Record 1, Page 75, Mays County, Indiana, and as shown by Plat of Survey (Mays Engineering, Inc. Project No. 2020-263).

EXCEPT 30.00 feet off the South side thereof now used as a street.

ALSO EXCEPT that part of said tract West of the East line of the 18 foot wide alley.

Containing 0.28 acres, 12,348 square feet with 0.84 acres, 1,854 square feet to the right of way of 25th Street after road completion.

Boundary Description - New Tract 2

A part of the land in the name of Corntown, Inc. (Instrument No. 2017003984 records of the county recorder's office) being 144.6 feet off the South side of Lot No. 7 in John Albee's Subdivision (Plat Record 1, Page 75) of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, Mays County, Indiana, as shown by Subdivision Plat Record 1, Page 75, Mays County, Indiana, and as shown by Plat of Survey (Mays Engineering, Inc. Project No. 2020-263).

EXCEPT 108.18 feet off the South side thereof.

ALSO EXCEPT that part of said tract West of the East line of the 14 foot wide alley.

Containing 0.28 acres, 6,912 square feet with 0.84 acres, 1,911 square feet to the right of way of 25th Street after road completion.

Surveyor's Report

This survey was performed wholly under the direction of the registered land surveyor, and to the best of the registered land surveyor's knowledge and belief was conducted according to the survey requirements in 885 IC 1-12 (1a-12).

In accordance with 885 IC 1-12, the following information is presented concerning evidence used to establish the survey hereunder of the following:

- A. **Availability and condition of reference monuments**
- B. **Occupancy or possession lines**
- C. **Clarity or ambiguity of the record description used and of adjacent's descriptions and the relationship of the lines of the subject tract with the adjacent's lines.**
- D. **The relative positional accuracy of the measurements.**

The relative positional accuracy of the lines and corners established on this survey is within the specifications for an Urban Survey as defined in 885 IC 1-12.

This is a Recheck Survey to establish the boundaries of Tract 1 and Tract 2 in Instrument No. 2017003984 and an Original Survey to adjust the line between said tracts.

METHOD OF LOCATING CONTROLLING ELEMENTS OF SURVEY:

- A previous Mays Engineering Project (1919-2024) was used to define the boundary of Lot No. 7 in John Albee's Subdivision (Plat Record 1, Page 75).
- An iron pin in a stone in a POB was found (previous Mays Engineering Project) and had an monumenting the intersection of 25th Street with College Street.
- An iron pipe in a POB was found (previous Mays Engineering Project) and had an monumenting the intersection of 25th Street with College Street.
- A collar pin spike was set on a previous survey (Mays Engineering Project No. 1919-2024) at the intersection of 24th Street with Park Street (not shown this survey).
- A collar pin spike was set on a previous survey (Mays Engineering Project No. 1919-2024) at the intersection of 25th Street with Park Street (not shown this survey).

REFERENCE MONUMENT UNCERTAINTIES

- None were found.

OCCUPATION / POSSESSION LINE UNCERTAINTIES

- As shown on this survey.

REFERENCE DOCUMENT UNCERTAINTIES

- None were found.

Books of maps in the Indiana State Plane Coordinate System that show, did show, and

Evidence of easements has not been located in the plat and is not shown on this survey plat.

I warrant, under penalties for perjury, that I have taken reasonable care to verify each Social Security number in this document, unless required by law.

Legend

- = Found Iron Pin
- = Found Iron Pipe
- = Set 5/8" Iron with Plastic Cap
- = Set 5/8" Iron with Plastic Cap Stamped "TOWLES #1 LS 7100001"
- = Set 5/8" Iron with Plastic Cap Stamped "SPRAYS #1 LS 7990001"
- = Ugly Pole
- - = Guy Wire Anchor
- (N) = Measured Distance
- (P) = Record Distance

Scale Factor: 1.00004384
North Arrow: 152.214'
SNY East: 125.881'

Scale: 1"=10'

Section 26, Township 12 North, Range 9 West of the Second Principal Meridian, Mays County, Indiana

Street Address
1001 S. South 25th Street

Lot	Area	Remarks
1	0.282000	Newest Boundary & Dimensions
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www.mysersinc.com

Project Information

Project Number: TM20-263
 Date: 02/12/2020
 Drawn By: EDS
 Checked By: CRW
 Approved By: EDS
 Scale: 1"=10'
 File Name: TM20-263.dwg
 Drawing Name: Plat of Survey

Side Lot Adjustment

Plat of Survey

Sheet No. 1 of 1

Field Work Completed 02/15/2020

AFFIDAVIT OF CORTAPASSI, INC.

COMES NOW affiant **Cortapassi, Inc.** and affirm under penalty of law that affiant is the owner of record of the property located at **1031 S 25th St, Terre Haute, IN 47803**, as **enlarged by lot line adjustment** for which a rezoning is requested and hereto copies of the deed is attached evidencing such ownership.

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

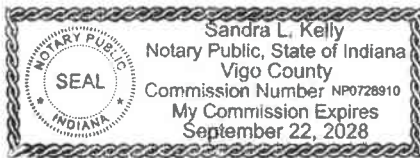
Cortapassi, Inc.

By *Carmen D. Garcia*
Carmen Garcia, Vice President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Carmen Garcia**, as Vice President of **Cortapassi, Inc.**, who acknowledge the execution of the above and foregoing, after being duly sworn upon her oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 1st day of October, 2020.



Sandra L. Kelly Notary Public
Sandra L. Kelly
Printed name

My Commission Expires: 9/22/2028 My County of Residence: Vigo



DAILY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2017003984 WD \$18.00
04/27/2017 09:32:35A 2 PGS
Stacey Joy Fueston
VIGO County Recorder IN
Recorded as Presented



APR 27, 2017

VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Zianna N. Alley of Vigo County, State of IN, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEYS AND WARRANTS unto Cortapassi, Inc., of Vigo County, State of IN, the following described real estate situated in the County of Vigo, State of Indiana, to-wit:

Tract 1-Eight-four (84) feet off the South side of Lot Number Seven (7) in John Milner's Subdivision of part of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 1, page 75.

Except Thirty feet off the South side thereof now used as a street.

Also except that part of said tract conveyed to City of Terre Haute as shown by Deed Record 138, page 418, records of Recorder's Office of Vigo County, Indiana.

Also except that part of said tract conveyed to Harry V. Hamilton and Mae Hamilton, husband and wife, as shown by Deed Record 194, page 292, records of Recorder's Office of Vigo County, Indiana.

Also

Tract 2-Beginning at a point 185 feet south of the Northeast corner of a tract of 3 acres off the south side of Lot 7 in John Milner's Subdivision of part of the Northwest Quarter of Section 26, Township 12 North, Range 9 West, as per recorded plat of the same recorded in the office of the Recorder of Vigo County, Indiana, in Plat Record 1, page 75; thence south 127 feet more or less to a point 84 feet North of the south line of said Lot 7, thence west to a point in the east line of proposed alley, said point being 157.93 feet more or less West of the center line of 25th Street; thence north along the East line of said proposed alley 127 feet more or less to a point directly West of the place of beginning; thence east to the place of beginning. Except 47 feet off the North side thereof.

Also

Tract 3-Beginning at a point 185 feet South of the Northeast corner of three acres off the South side of Lot No. 7 in John Milner's Subdivision of part of the Northwest quarter of Section 26, Township 12 North, Range 9 West as per recorded plat thereof recorded in Plat Record 1, page 75, records of Vigo County Recorder's Office; thence south 47 feet; thence West to a point in a proposed alley being 157.93 feet, more or less, West of the center line of Twenty-fifth Street; thence North 47 feet to a point West of the point of beginning; thence East to the place of beginning.

Subject to any and all easements, rights-of-way and other observable or recorded covenants, restrictions, conditions and limitations.

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

Subject to taxes prorated to the date hereof.

84-06-26-187
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84-06-26-
← 187-019
000-002

IN WITNESS WHEREOF the above referred to Zianna N. Alley has hereunto set her hand and seal, this 21st day of April, 2017.

Zianna N. Alley (SEAL)
Zianna N. Alley

STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 21st day of April, 2017, personally appeared Zianna N. Alley and acknowledged the execution of the annexed Deed to be her voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:  GRETA SARAH DAVIS
Notary Public, State of Indiana
Vigo County
My Commission Expires: April 30, 2022

Greta Sarah Davis
Notary Public
Greta Sarah Davis
Typewritten or printed name of notary

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.

Donald J. Bonomo
Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 20007 E. 1100 North Rd, Danville, IL 61834

MAIL TAX STATEMENTS TO: 20007 E. 1100 North Rd, Danville, IL 61834

Receipt

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

Date: 10/2/2020

Name: Cortipassi Inc

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

Cash: _____

Check: # 4562 \$45.00

Credit: _____

Total: \$45.00

Received By: L. Elbertson

TERRE HAUTE INC
PAID
OCT 02 2020
CONTROLLER



TERRE HAUTE
NEVER 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: November 5, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 28-20

CERTIFICATION DATE: November 4, 2020

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. 28-20. This Ordinance is a rezoning of the property located at 1031 South 25th. The Petitioner, Cortapassi Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-2/R-2PD to C-6, Strip Business.

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. 28-20 at a public meeting and hearing held Wednesday, November 4, 2020. 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. 28-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 28-20 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. 28-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approval of a detailed site plan, including customer parking, from City Engineering.



Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 5th day of November, 2020

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #28-20
Date: November 2020

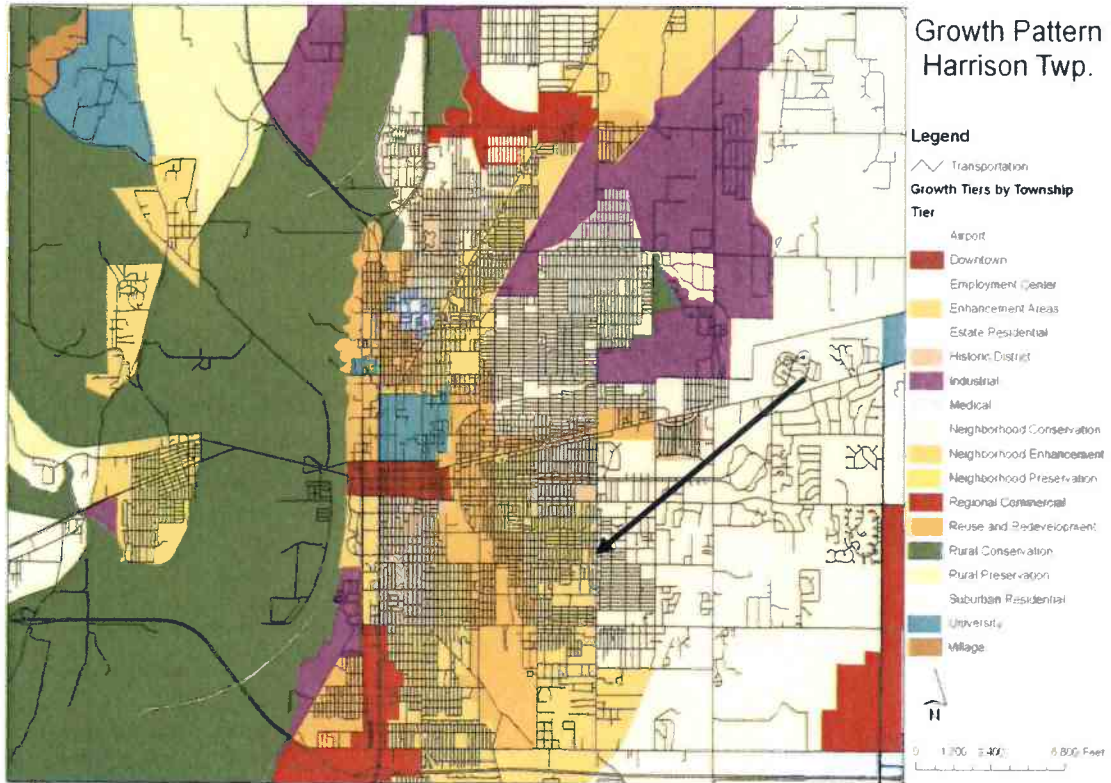
Doc: # 51
Page 1 of 3

APPLICATION INFORMATION

Owner: Cortapassi Inc.
Proposed Use: Liquor Store
Representative: Jeffry Lind
Proposed Zoning: C-6, Strip Business District
Current Zoning: R-2 & R-2 Planned Development
Location: Corner of S, 25th Street & College Avenue
Common Address: 1031 S. 25th Street, Terre Haute, IN 47803 Parcel: 84-06-26-187-020.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #28-20
Date: November 2020

Doc: # 51
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Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Commercial.

ZONING COMPATIBILITY

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

Character of Area: The petitioned property is located in a mix use of zoning categories.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #28-20

Doc: # 51

Date: November 2020

Page 3 of 3

ZONING REGULATIONS

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; 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); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

Building line setbacks are 5 ft. on the east, 11ft from the center of the alley on the north (§10-136, e.), and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

FINDINGS and RECOMMENDATION

Staff Findings:

The property proposed to be rezoned is currently a liquor store and residential home. The petitioner owns both the lot the liquor store is on and the lot to the North. The petitioner has adjusted the lot lines to enlarge the site upon which a newly built liquor store will be placed in order to expand off-street parking and meet setbacks.. In order to meet the requirements for the new C-6 Zoning, all existing residential structures will need to be removed.

The petitioner has also filed a BZA Application for a Special Use in a C-6 to allow for a liquor store.

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

1. Approved detailed site plan to include customer parking, from City Engineering.