

## APPLICATION INFORMATION

Petitioner: Bill Porter

Property Owner: Same As Above

Representative: Same As Above

Proposed Use: Unknown

Proposed Zoning: C-4, Commercial Office District

Current Zoning: R-1 Single Family Residential

Location: The property is located on the northwest corner of 8<sup>th</sup> street and Springhill Drive.

Common Address: 752 Springhill Dr. Terre Haute, IN 47802



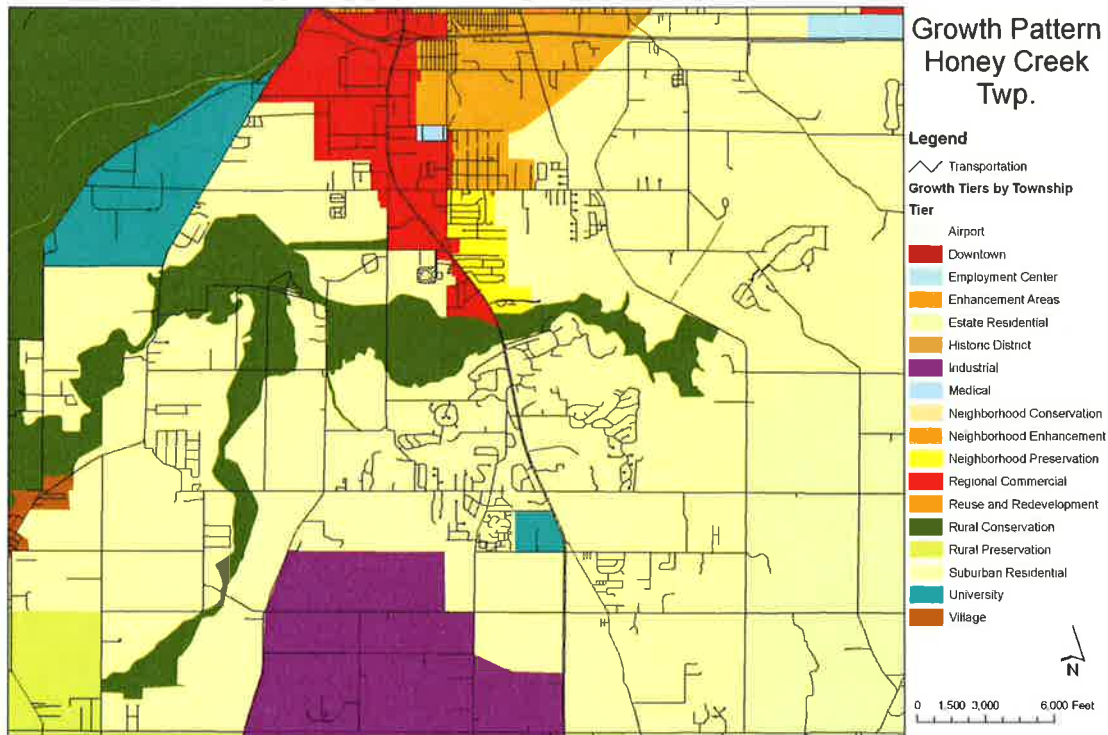
**Property Description:** This parcel has an area of .425 acres, and is located in the Maryland Subdivision. This is a portion of platted lot number 7 in said subdivision as recorded in Plat Record 10 Page 14 in the

Office of the Recorder of Vigo County Indiana. The property is located in Honey Creek Township.

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## COMPREHENSIVE PLAN GUIDANCE

Service Area: Vigo County Unincorporated Honey Creek Township



Recommended Use: Enhancement Area

- 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 residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- 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 urban utilities

Soil Limitations: Sandy Loam

Dev. Priority: Already built out

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## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single Family District  
**South** – R-1, Single Family District  
R-1, Single Family District  
**West** – C-2, Community Commercial District  
C-2, Community Commercial District  
**East** – R-1, Single Family District



**Character of Area:** Honey Creek Township functions as an anchor for a mixture of commercial and residential developments. The Springhill Road corridor is an extremely busy area and any additional traffic could exacerbate this problem. Therefore, staff feels any ingress/egress to a new commercial development should be carefully planned and has approval from the engineering department.

**Contig. Uses & Zones:** The contiguous zoning is R-1, Single Family Residential District with uses that are permitted, R-3 Multifamily Residential that is legal-nonconforming, and C-2 Community Commercial District.

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## ZONING REGULATIONS

C-4 Purpose: This district may be located to buffer residential land uses from more intense commercial or industrial land uses.

C-4 Uses: Bed & Breakfast, Cemetery, College / University, Country Club, Data Processing and Analysis, Child Care Centers, Child Care, Ministry, Child Caring Institution, Fire Stations, Health Services, including: Convalescent Home / Nursing Care, Immediate Care Facilities, Dental and Medical Offices and Clinics, Membership Organizations or Club (office only), Office Use, any type, including: Business or Personal Services (excluding retail sales), Financial, Governmental, Professional, Social Services (office only), Public Parks, Police Stations, Public or Semi-public uses, including: Art Galleries (excluding sales)Library

C-4 Dev. Standards: The lot must have a minimum lot width and frontage of a 100ft. The front shall have a setback of 30ft. from property line. The interior property line shall have a setback of 10ft. from the west property line, and a 15ft. type C interior buffer yard from the north interior property line. In addition, there is a 20 foot setback on the east property line. Parking requirements are based upon maximum capacity and use of the structure.

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## FINDINGS and RECOMMENDATION

Staff Findings: Staff finds that this property is located within a flood hazard area and any new structure will have to follow FEMA guidelines. In addition, the size of the lot is extremely small and any commercial development would need to demonstrate how they would handle their storm water runoff. Also, all commercial structures will have to follow all ADA rules and regulations which take additional space especially within a flood hazard due to the increased elevation of the structure as well as parking features.

Ingress/egress is also a challenge in this area. Traffic is heavy on Springhill Street which should be taken into consideration. An additional access challenge is that 8<sup>th</sup> street is only a local level roadway and the other side of the property only has an alley for access. It is very difficult to get two drive cuts since this is a corner property and drive cuts shall be a minimum of 40 feet from the

corner according to code. (Section 14) The exit shall not locate on any two way undivided streets within 100 feet of the intersection of the right of way of said street and any other street. (Section 14-2-b1) For commercial uses staff recommends there should be two ingress/egress points.

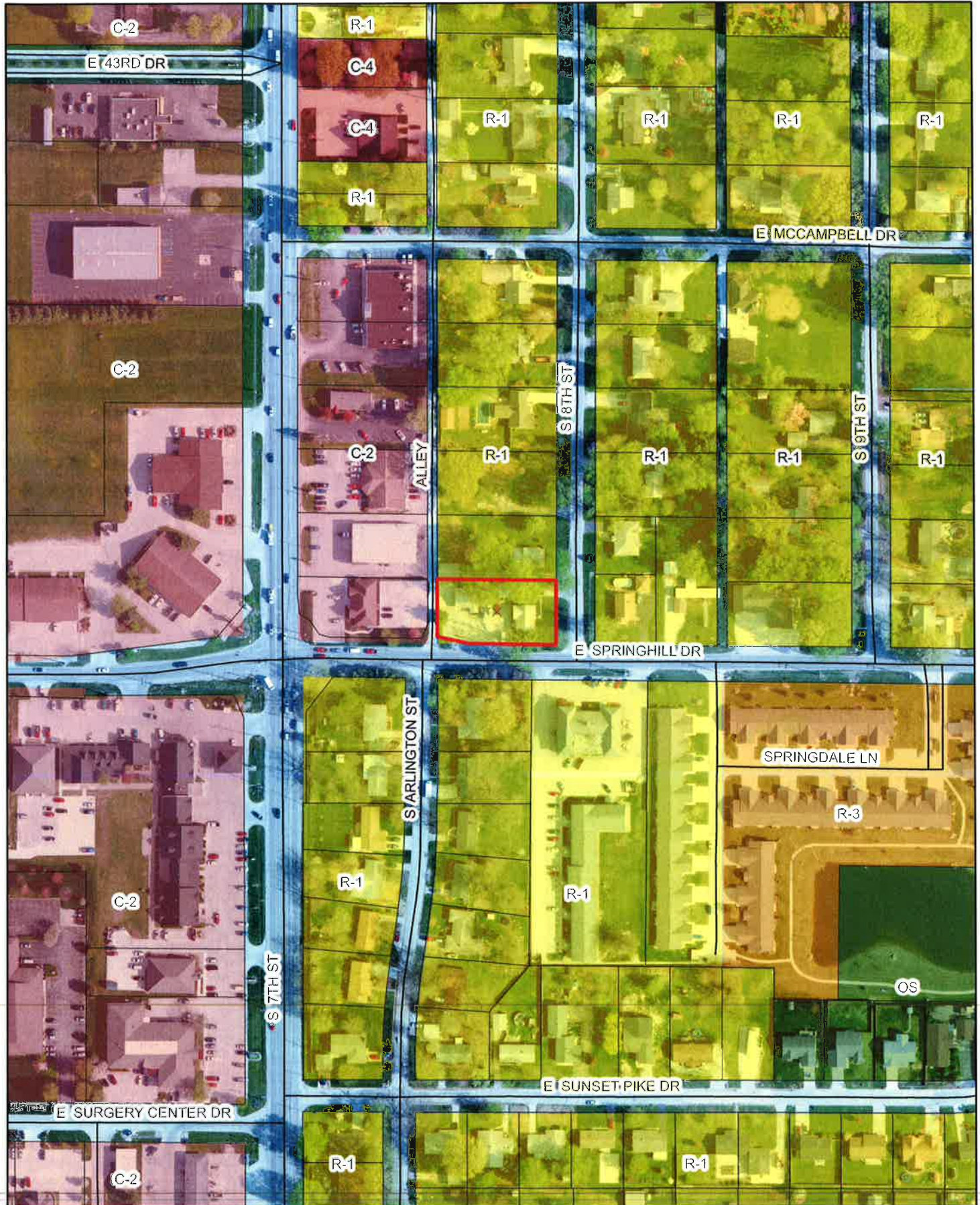
Since the parcel will be adjacent to a residential district there will be a type C buffer zone requirement which cannot have any parking, hard surfaces, or structures (other than fences) as set forth in Section 17 of the Unified Zoning Ordinance. In addition there will be a 30 foot setback from Springhill Road, a 20 foot setback from South 8<sup>th</sup> Street, and a 10 foot rear setback from the alley. Due to the property size, this is an impedance to developing this property in a fashion that will meet code.

Staff also notes the applicant is very specific with the use in the application that was submitted. During a meeting with the applicant, it was found that the use listed is not what the applicant was intending to utilize the property for. When asked why it was listed the applicant would not give an answer. Therefore staff does not know what the use for this property will be. With the myriad list of what C-4 can be utilized for, staff feels it is very important to know what the applicant is intending to do with the property prior to rezoning the parcel due to its proximity to the flood hazard area, ADA rules and regulations, how storm water will be handled, ingress/egress to the property, size of the structure, and the use of the structure.

**Recommendation:** Based upon the above findings staff offers a TABLED recommendation until the applicant can prove that his plans can meet all applicable codes and regulations.



Docket #57, U.Z.O. #16-12  
752 Springhill Dr. From R-1 to C-4



Parcel: 84-09-10-154-011.000-004

0 50 100 200 Feet

  
Area of Interest

Prepared by Vigo County  
Department of Area Planning

VIGO COUNTY BOARD OF COMMISSIONERS  
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UNIFIED ZONING ORDINANCE NO. 16-12 DATED \_\_\_\_\_

Common Address: 752 Springhill Dr., Terre Haute, IN 47802

Parcel Number: 84-09-10-154-011.000-004

Current Zoning: Single Family Residential District (R-1)

Proposed Zoning: Commercial Office District (C-4)

Proposed Use: Dental and Medical Offices and Clinics

Property Owner: Bill Porter

Address: 11313 S. U.S. Hwy. 41, Terre Haute, IN 47802

Phone No.: 812-299-4148

Application Preparer: Bill Porter

Address:

Phone No.:

Information Contact:

Commissioner Sponsor: Paul Mason

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COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION. PLAN MUST BE TO SCALE AND SHOW NORTH DIRECTION, PROPERTY BOUNDARIES, ADJACENT ALLEYS AND STREETS, LOCATION OF ALL STRUCTURES, BUILDINGS, UTILITIES, AND EASEMENTS.

UNIFIED ZONING ORDINANCE NUMBER 16 2012  
COUNTY OF VIGO, STATE OF INDIANA

An ordinance amending the UNIFIED ZONING ORDINANCE FOR VIGO COUNTY, INDIANA. Certified by the Vigo County Plan Commission on November 6, 1996, adopted by the Board of Commissioners of Vigo County on November 22, 1996, as amended, in accordance with Indiana Code 3-7-4 et seq, designating the same as part of the Comprehensive Plan for Vigo County, Indiana, providing penalties for violation thereof and declaring an emergency.

BE IT ORDAINED, by the Board of Commissioners of Vigo County, State of Indiana, as follows:

**SECTION 1 GENERAL PROVISIONS**

5. Title

This Ordinance shall hereinafter be known and cited as "Unified Zoning Ordinance of Vigo County, Indiana."

**SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICT AND OFFICIAL ZONING MAPS**

And Paragraph 3.02 Official Zoning Maps

5. the Vigo County Zoning Maps:

are hereby amended to read as follows:

That the following described real estate situated in the County of Vigo, State of Indiana,  
to wit:

(SEE ATTACHED COPY OF LEGAL DESCRIPTION)

"Exhibit A"



Commonly known as:

(752 Springhill Dr., Terre Haute, IN 47802)

be and the same, is hereby established as a (Commercial Office District C-4), together with all the rights and privileges that may accrue to said real estate and owners thereof by virtue of the law in such cases provided, subject to all limitation and restrictions imposed thereon by deed or otherwise.

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 Board of Commissioners of Vigo County and publication as required by law.

Presented By: Paul Mason  
Vigo County Commissioner

Passed by: Vigo County Board of Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: \_\_\_\_\_  
Paul Mason, Member

Date: \_\_\_\_\_

\_\_\_\_\_  
Judith A. Anderson, Member

Date: \_\_\_\_\_

\_\_\_\_\_  
Mike Ciolli, Member

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Timothy M. Seprodi

Date: \_\_\_\_\_

This instrument Prepared By: Bill Porter

## EXHIBIT "A"

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PROJECT: 7<sup>th</sup> Street and Springhill Drive Intersection Improvement

Sheet 1 of 1

PARCEL NO.: 11 - Fee Simple

A part of Lot 7 in the Maryland Subdivision as recorded in Plat Record 10 Page 14 in the Office of the Recorder of Vigo County, Indiana and being that part of the grantors land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the southwest corner of said lot designated as point "67" on said plat: thence North 0 degrees 09 minutes 53 seconds West 10.00 feet along the west line of said lot to point "201" on said plat; thence South 77 degrees 30 minutes 48 seconds East 46.20 feet to the south line of said lot designated as point "202" on said plat; thence South 89 degrees 59 minutes 10 seconds West 45.08 feet along the south line of said lot to the point of beginning and containing 0.005 acres, more or less.



This description was prepared for the Vigo County Highway Department by Fred L. Bengé, Indiana Registered Land Surveyor, License Number LS80040408, on the 7<sup>th</sup> day of April, 2006.

  
Fred L. Bengé

**PETITION TO REZONE REAL PROPERTY**

TO: The President and Members of the Board of Commissioners of Vigo County, Indiana,  
and the President and Members of the Area Planning Commission of Vigo County,  
Indiana.

**LADIES AND GENTLEMEN:**

The undersigned, (Bill Porter), respectfully submits this petition to rezone the following described real estate in the County of Vigo, State of Indiana, to-wit:

(See Attached Copy for Legal Description)

Commonly known as:

(752 Springhill Dr., Terre Haute, In 47802)

Your petitioner is informed and believes that in accordance with the Unified Zoning Ordinance of Vigo County, Section 3.02, Zoning Maps, adopted November 22, 1996, as amended, the above-described real estate is now zoned as (Single Family Residential District R-1).

Your petitioner would respectfully state that the real property is now being used as (Vacated Car Lot).  
Your petitioner intends to the real estate as (Medical Offices).

Your petitioner requests that the real estate described herein shall be zoned (Dental and Medical Offices and Clinics C-4). Your petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Planning Commission of Vigo County and the Board of County commissioners of Vigo County, Indiana, favorably consider the passage of a UNIFIED ZONING ORDINANCE amending the Unified Zoning Ordinance of Vigo County dated November 22, 1996, as amended, and declaring the above-described real estate to be part of the (INSERT PROPOSED ZONING) of Vigo county, Indiana, and entitled to the rights and the benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this petition has been duly executed on this \_\_\_\_ 15th \_\_\_\_ day of  
\_\_October\_\_\_\_\_, 20 12\_\_.

BY:   
Bill Porter

Property Owner: (Bill Porter, 11313 Hwy 41 So., Terre Haute, IN 47802, 812-299-4148)

Prepared by: (Bill Porter)

**AFFIDAVIT OF:**

COMES NOW affiant Bill Porter

and affirms under penalty of law that affiant is the owner of record of the property located  
at 752 Springhill Dr., Terre Haute, IN 47802

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such  
ownership.

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

B. PORTER  
[Bill Porter]

Signature: Bill Porter

~~Signature:~~ \_\_\_\_\_

STATE OF INDIANA )

) SS:

COUNTY OF VIGO )

Personally appeared before me, a Notary Public in and for

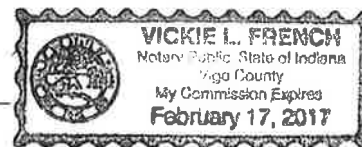
said County and State, Vigo County, IN

who acknowledges the execution of the above and foregoing, after being duly sworn upon his  
oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 15 day of October, 2012.

Notary Public:

Vickie L. French  
[Vickie French]



My Commission Expires: 2-17-2017

My County Of Residence: Vigo