



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 42

COMMON ADDRESS OF LOTS TO BE REZONED:

1339 POPLAR ST TERRE HAUTE, IN 47807

Parcel Number: 84-06-27-202-001-000-002

Current Zoning: C 6 STRIP BUSINESS DISTRICT

Requested Zoning: C 5 GENERAL CENTRAL BUSINESSSS DISTRICT

Proposed Use: SELF STORAGE UNITS

Name of Owner: DIY RENTALS INC

Address of Owner: 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Phone Number of Owner: 812-232-2500

Attorney Representing Owner (if any): NA

Address of Attorney: NA

Phone Number of Attorney: NA

For Information Contact: ERIC WUESTEFELD

Council Sponsor: Martha Crossen

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

FILED

OCT 16 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 42, 2023**

CITY CLERK

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

SECTION 1. BE IT ORDANED 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:

TRACT I

**LOT NUMBER THREE (3) AND TWO (2) FEET SIX (6) INCHES OFF THE WEST SIDE OF
LOT NUMBER FOUR (4) ALL IN WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED
SEVENTY-FIVE (175) OFF THE EAST SIDE OF LOT NUMBER ONE (1) of NATHANIEL
PRESTON'S SUBDIVISION OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4)
WEST.**

TRACT II

**LOT NUMBER TWO (2) IN WM. PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST
SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF
OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9
WEST.**

TRACT III

**THIRTY-FIVE (35) FEET OFF THE EAST SIDE OF LOT NO. FOUR (4) IN WILLIAM
PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN
NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (w 1/2) OF THE NORTHEAST
QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 9 WEST.**

TRACT IV

**A PART OF LOT NO. ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF WEST HALF
(1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY SEVEN (27) IN
TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, DESCRIBED AS FOLLOWS,
TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE
HALF(13 1/2) AND POPLAR STREETSAS NOW LOCATED AND ESTABLISHED THENCE
RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND
TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO.
ONE (1) OF WILLIAM PADDOCKS SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE
(175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTONS SUBDIVISION OF WEST
ONE HALF (1/2) OF NORTH EAST 1/4 OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9
WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE
NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE
RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE
(125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 1/2)
STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE
PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND
EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE
479, 206 PAGE 500, 227 PAGE 556, 227 PAGE558, 244 PAGE 129, AND BY 283 PAGE557, ALL
RECORDS OF THER RECORDERS OFFICE VIGO COUNTY, INDIANA.
SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER
MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.**

Commonly known as: 1339 POPLAR STREET TERRE HAUTE, IN 47807

Be and the same is hereby established as a **C5 GENERAL CENTRAL BUSINESS DISTRICT**, 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, Curtis DeBaun IV

Passed in Open Council this 7th day of December, 2023 ~~Martha Cressen~~ Curtis DeBaun

ATTEST Michelle Edwards
Michelle Edwards, City Clerk

Curtis DeBaun
Curtis DeBaun IV -President

Presented by me to the Mayor, Duke A. Bennett, of the City of Terre Haute this 8th day of December 2023

Michelle Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor of the city of Terre Haute this 8th day of December, 2023

ATTEST Michelle Edwards
Michelle Edwards, City Clerk

Duke A Bennett
Duke A Bennett, Mayor

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security s number in this document, unless required by law.

Eric Wuestefeld
Eric Wuestefeld

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 GENTLEMAN:

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

TRACT I

LOT NUMBER THREE (3) AND TWO (2) FEET SIX (6) INCHES OFF THE WEST SIDE OF LOT NUMBER FOUR (4) ALL IN WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED SEVENTY-FIVE (175) FEET OFF THE EAST SIDE OF LOT NUMBER ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) WEST.

TRACT II

LOT NUMBER TWO (2) IN WM. PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9 WEST.

TRACT III

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TRACT IV

A PART OF LOT NO. ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY SEVEN (27) IN TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE HALF (13 1/2) AND POPLAR STREETS AS NOW LOCATED AND ESTABLISHED THENCE RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO. ONE (1) OF WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE (175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTON'S SUBDIVISION OF WEST ONE HALF (1/2) OF NORTH EAST 1/4 OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9 WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE (125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 1/2) STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE 479, 206 PAGE 500, 227 PAGE 556, 227 PAGE 558, 244 PAGE 129, AND BY 283 PAGE 557, ALL RECORDS OF THE RECORDERS OFFICE VIGO COUNTY, INDIANA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

Commonly known as: 1339 POPLAR STREET TERRE HAUTE, IN 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 C 6 STRIP BUSINESS DISTRICT.


Your petitioner would respectfully state that the real estate is now A VACANT LOT. Your petitioner intends to use the real estate to UTILIZE FOR THE EXPANSION OF SELF STORAGE UNITS.

Your petitioner would request that the real estate described herein shall be zoned as a C 5 GENERAL CENTRAL BUSINESS DISTRICT. Your petitioner would allege that the C 5 GENERAL CENTRAL BUSINESS DISTRICT 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 C 5 GENERAL CENTRAL BUSINESS 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 WITNES WHEREOF, This petition has been duly executed this 16 day of October, 2023.

BY:  DIY RENTALS INC.

PETITIONER: DIY RENTALS INC 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

This instrument was prepared by ERIC WUESTEFELD 3834 LINDEN ST TERRE HAUTE, IN 47804.

AFFIDAVIT OF:

COMES NOW affiant ERIC W WESTERBEIO

and affirms under penalty of law that affiant is the owner of record of the property located

at 1339 Poplar

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.

DIY RENTALS INC.

SIGNATURE: [Signature]

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo Indiana.

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 16 day of October, 2023.

Notary Public:

[Signature]

[Typed name]

My Commission Expires:

06/05/2031

My County Of Residence:

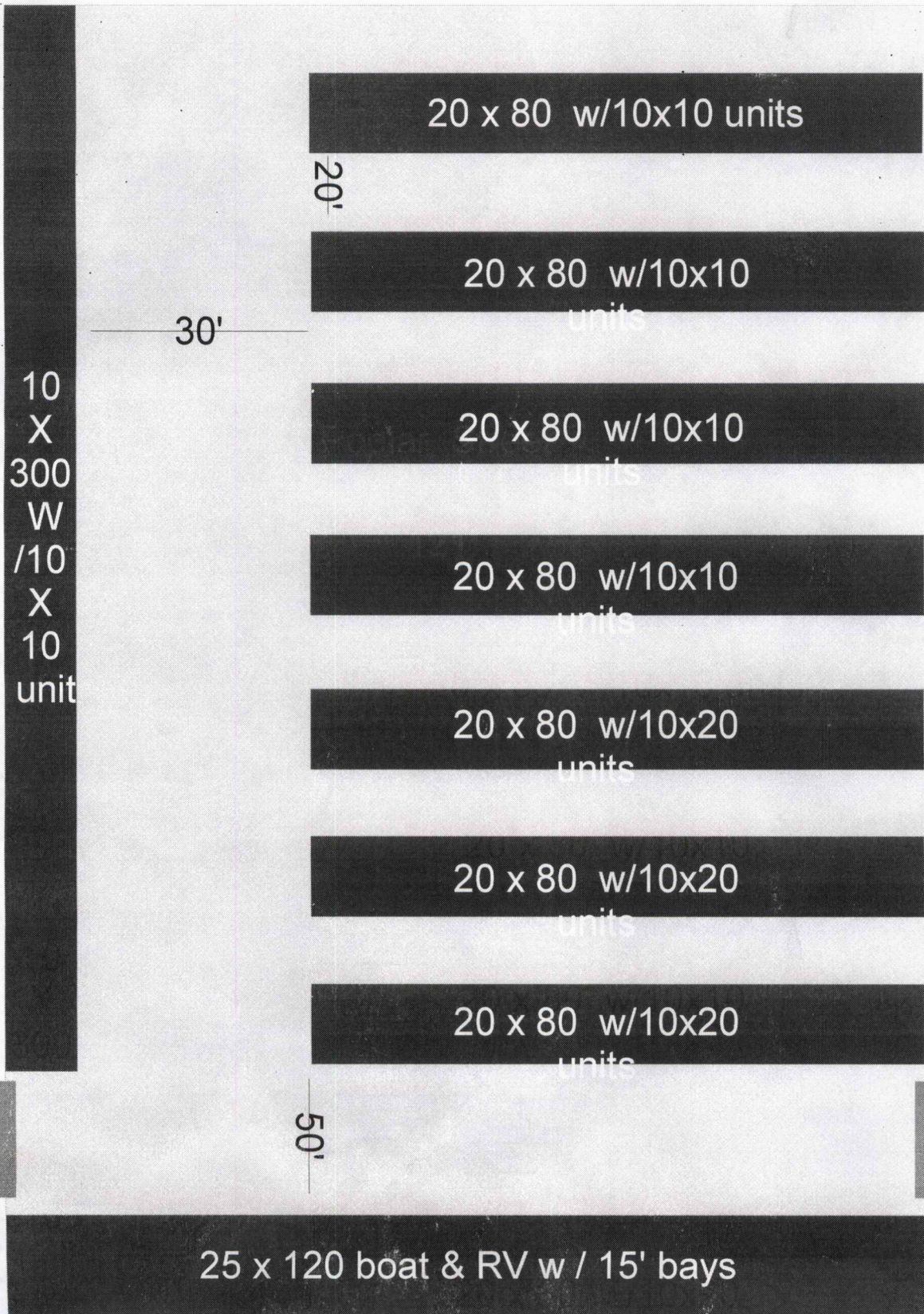
Vigo



Poplar Street

121'

13th Street



355'

10
X
300
W
/10
X
10
unit

30'

20'

50'

20 x 80 w/10x10 units

20 x 80 w/10x10
units

20 x 80 w/10x10
units

20 x 80 w/10x10
units

20 x 80 w/10x20
units

20 x 80 w/10x20
units

20 x 80 w/10x20
units

25 x 120 boat & RV w / 15' bays

= Entrances

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2023011263 WD \$25.00
10/13/2023 09:49:58A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



OCT 13 2023

James W Bramble
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH that **Sherry L. Lamb**, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to **DIY Rentals, Inc.**, "Grantee" of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of West half (1/2) of the North East Quarter (1/4) of Section Twenty-seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to-wit: Commencing at the Southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running East along the South line of Poplar Street, one hundred and twenty-five (125) feet more or less to the North West corner of Lot No. One (1) in William Paddock's Subdivision of One Hundred and seventy-five (175) feet off East side of Lot No. One (1) of N. Preston's Subdivision of West 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the North line of Oak Street as now located and established thence running West along North line of Oak Street One Hundred and twenty-five (125) feet more or less to East line of Thirteenth & one half (13 1/2) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 556, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana.

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

Parcel No.: 84-06-27-202-001.000-002

Commonly known as: 1339 Poplar St., Terre Haute, IN 47807

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Taxes shall be prorated to the date of this deed.

DATED this 4th day of October, 2023.

Sherry L Lamb
Sherry L. Lamb

2

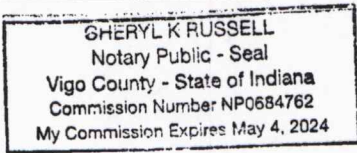
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

4th Before me, the undersigned, a Notary Public in and for said County and State, this day of October, 2023, personally appeared Sherry L. Lamb, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

Cheryl K Russell
Notary Public
Printed: _____
Residing in _____ County



Mail Tax Statements To Grantee at: 1251 N Fruitridge Ave.
Terre Haute, IN 47804

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., 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.

Cheryl K Russell

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. 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 this instrument.
CMT: 23 0675



Receipt of Payment

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

Date 10/16/23
Name ERIC J. WESTFELD
Reason REZONING FBDS - \$ 45.00
1339 POPLAR

Cash 0.00
Check 0.00 Ck # _____
Credit 45.00
Total 45.00

TERRE HAUTE, IN
PAID
OCT 19 2023
CONTROLLER

Received By LEWIS IMBIAH



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 7, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 42-23

CERTIFICATION DATE: December 6, 2023

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. 42-23. This Ordinance is a rezoning of 1339 Poplar Street, Terre Haute, IN. Parcel number 84-06-27-202-001.000-002. The Petitioner, DIY Rentals, INC, petitions the Plan Commission to rezone said self-storage units from zoning classification C-6 to C-5 General Central Business District.

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. 42-23 at a public meeting and hearing held Wednesday, December 6, 2023. 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. 42-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 42-23 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. 42-23 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Site plan approval with storm water drainage by the Department of 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 7th day of December, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 42-23
Date: December 2023

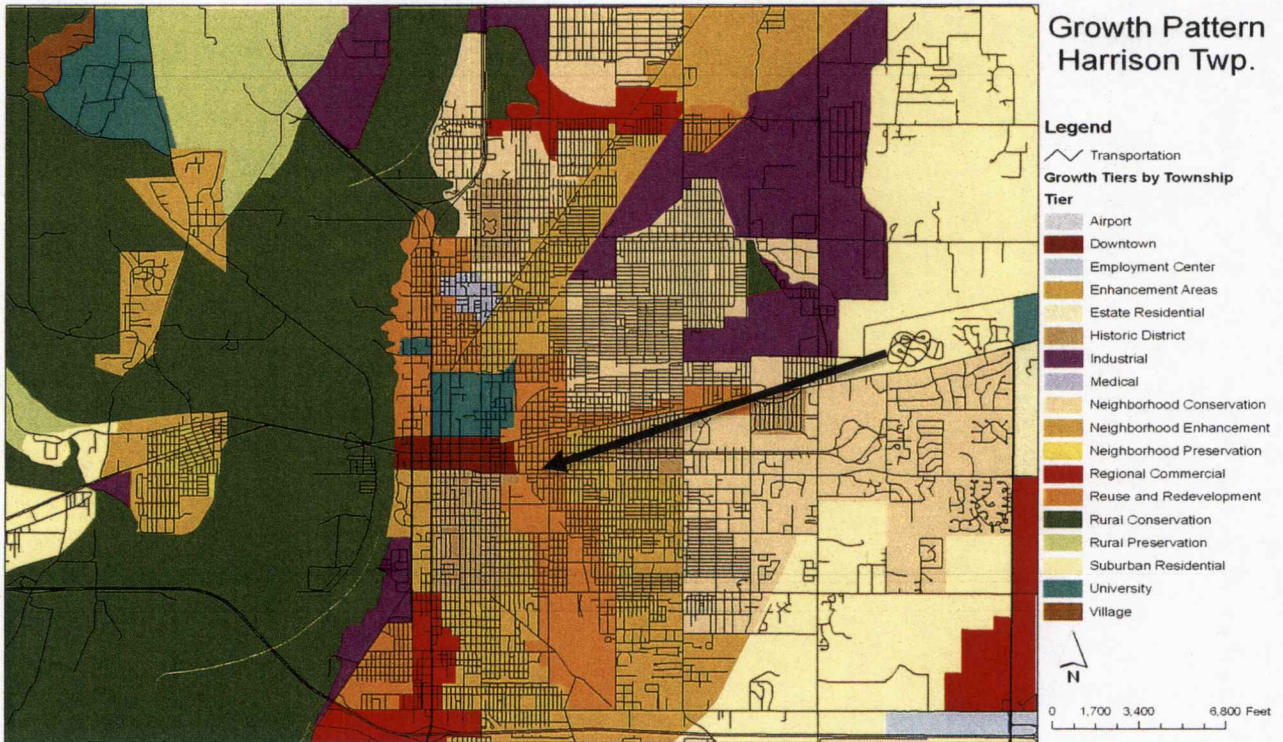
Doc: # 95
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APPLICATION INFORMATION

Property Owner: DIY Rentals, Inc.
Proposed Use: Self Storage Units
Proposed Zoning: C-5 General Central Business District
Current Zoning: C-6 Strip Business District
Location: The property is located on the south side of Poplar Street and just east of S. 13 ½ Street.
Common Address: 1339 Poplar Street, Terre Haute, In/84-06-27-202-001.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 42-23

Doc: # 95

Date: December 2023

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Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Street Access: Poplar Street

ZONING COMPATIBILITY

North – C-6, C-5

East – R-2, C-5

South – R-2

West – C-6, C-5, R-2

Character of Area: Mix uses in this area.

ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 42-23

Doc: # 95

Date: December 2023

Page 3 of 3

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property to allow for Self Storage units. The parcels to the east, also owned by DIY Rentals, are zoned C-5 and self-storage units have been constructed.

The site plan does not show parking or setbacks. The site plan and stormwater drainage plan will need to be approved by City Engineering.

The Department of Engineering has stated (attached) that the intended use of the property would not alter the neighborhood's characteristic or create any significant problem for the surrounding area. They provided a favorable recommendation.

Recommendation: Staff offers a favorable recommendation with the following conditions:

1. Site plan approval with stormwater drainage by City Engineering



**CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT**

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807
Phone: 812.244.4903
www.terrehaute.in.gov

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Josey Daugherty
Assistant City Engineer

DATE: November 16, 2023

RE: **Special Ordinance No. 42-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Eric Wuestefeld for the following:

- Rezoning of 1339 Poplar Street from C-6 Strip Business Zone to C-5 General Central Business District.

The property is currently an overgrown vacant residential lot. The parcels surrounding this property are zoned R-2 to the south, C-6, C-5 and R-2 to the west, C-6 to the north and C-5 and R-2 to the east. The intended use of the property as self-storage units would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

The Department of Engineering offers a positive recommendation for this rezoning.



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Current Zoning: C 6 STRIP BUSINESS DISTRICT

Requested Zoning: C 5 GENERAL CENTRAL BUSINESSSS DISTRICT

Proposed Use: SELF STORAGE UNITS

Name of Owner: DIY RENTALS INC

Address of Owner: 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

Phone Number of Owner: 812-232-2500

Attorney Representing Owner (if any): NA

Address of Attorney: NA

Phone Number of Attorney: NA

For Information Contact: ERIC WUESTEFELD

Council Sponsor: Martha Crossen

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

FILED

OCT 16 2023

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SPECIAL ORDINANCE NO. 42, 2023**

CITY CLERK

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PRESTON'S SUBDIVISION OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4)
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SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF
OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9
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PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN
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TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE
HALF(13 1/2) AND POPLAR STREETSAS NOW LOCATED AND ESTABLISHED THENCE
RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND
TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO.
ONE (1) OF WILLIAM PADDOCKS SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE
(175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTONS SUBDIVISION OF WEST
ONE HALF (1/2) OF NORTH EAST 1/4 OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9
WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE
NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE
RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE
(125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 1/2)
STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE
PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND
EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE
479, 206 PAGE 500, 227 PAGE 556, 227 PAGE558, 244 PAGE 129, AND BY 283 PAGE557, ALL
RECORDS OF THER RECORDERS OFFICE VIGO COUNTY, INDIANA.
SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER
MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.**

Commonly known as: 1339 POPLAR STREET TERRE HAUTE, IN 47807

Be and the same is hereby established as a **C5 GENERAL CENTRAL BUSINESS DISTRICT**, 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, 

Passed in Open Council this _____ day of _____, 20____. ~~Martin Gussen~~ Curtis DeBaun

Curtis DeBaun IV -President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor, Duke A. Bennett, of the City of Terre Haute this _____ day of _____, 20__.

Michelle Edwards, City Clerk

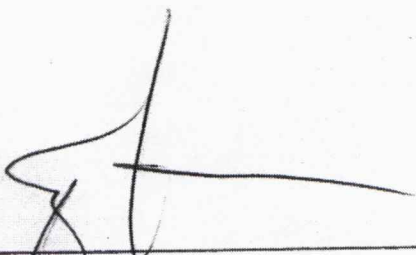
Approved by me, the Mayor of the city of Terre Haute this _____ day of _____, 20__.

Duke A Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security s number in this document, unless required by law.



Eric Wuestefeld

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 GENTLEMAN:

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

TRACT I

LOT NUMBER THREE (3) AND TWO (2) FEET SIX (6) INCHES OFF THE WEST SIDE OF LOT NUMBER FOUR (4) ALL IN WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED SEVENTY-FIVE (175) FEET OFF THE EAST SIDE OF LOT NUMBER ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) WEST.

TRACT II

LOT NUMBER TWO (2) IN WM. PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9 WEST.

TRACT III

THIRTY-FIVE (35) FEET OFF THE EAST SIDE OF LOT NO. FOUR (4) IN WILLIAM PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (w 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 9 WEST.

TRACT IV

A PART OF LOT NO. ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY SEVEN (27) IN TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE HALF (13 1/2) AND POPLAR STREETS AS NOW LOCATED AND ESTABLISHED THENCE RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO. ONE (1) OF WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE (175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTON'S SUBDIVISION OF WEST ONE HALF (1/2) OF NORTH EAST 1/4 OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9 WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE (125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 1/2) STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE 479, 206 PAGE 500, 227 PAGE 556, 227 PAGE 558, 244 PAGE 129, AND BY 283 PAGE 557, ALL RECORDS OF THEIR RECORDERS OFFICE VIGO COUNTY, INDIANA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

Commonly known as: 1339 POPLAR STREET TERRE HAUTE, IN 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 C 6 STRIP BUSINESS DISTRICT.

Your petitioner would respectfully state that the real estate is now A VACANT LOT. Your petitioner intends to use the real estate to UTILIZE FOR THE EXPANSION OF SELF STORAGE UNITS.

Your petitioner would request that the real estate described herein shall be zoned as a C 5 GENERAL CENTRAL BUSINESS DISTRICT. Your petitioner would allege that the C 5 GENERAL CENTRAL BUSINESS DISTRICT 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 C 5 GENERAL CENTRAL BUSINESS 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 WITNES WHEREOF, This petition has been duly executed this 16 day of October, 2023.

BY:  _____
DIY RENTALS INC.

PETITIONER: DIY RENTALS INC 1251 N FRUITRIDGE AVE TERRE HAUTE, IN 47804

This instrument was prepared by ERIC WUESTEFELD 3834 LINDEN ST TERRE HAUTE, IN 47804.

AFFIDAVIT OF:

COMES NOW affiant ERIC W WESTERPELO

and affirms under penalty of law that affiant is the owner of record of the property located

at 1339 Poplar

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.

DIY RENTALS INC.

SIGNATURE: [Signature]

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

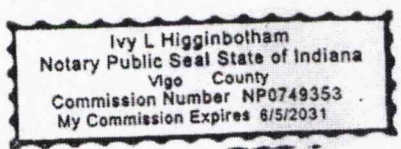
Personally appeared before me, a Notary Public in and for
said County and State, Vigo Indiana.

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 16 day of October, 2023.

Notary Public: [Signature]
[Typed name]

My Commission Expires: 04/05/2031
My County Of Residence: Vigo



Poplar Street

121'

13th Street

355'

10
X
300
W
/10
X
10
unit

30'

20'

20 x 80 w/10x10 units

20 x 80 w/10x10
units

20 x 80 w/10x10
units

20 x 80 w/10x10
units

20 x 80 w/10x20
units

20 x 80 w/10x20
units

20 x 80 w/10x20
units

50'

25 x 120 boat & RV w / 15' bays

= Entrances

ENTERED FOR REVISION
Subject to final acceptance for Transfer

2023011263 WD \$25.00
10/13/2023 09:49:58A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

OCT 13 2023

Jane W Bramble
VIGO COUNTY AUDITOR



WARRANTY DEED

THIS INDENTURE WITNESSETH that **Sherry L. Lamb**, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to **DIY Rentals, Inc.**, "Grantee" of the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

A part of Lot No. One (1) of Nathaniel Preston's Subdivision of West half (1/2) of the North East Quarter (1/4) of Section Twenty-seven (27) in Township Twelve (12) North of Range Nine (9) West, described as follows, to-wit: Commencing at the Southeast corner of thirteen & one half (13 1/2) and Poplar Streets as now located and established thence running East along the South line of Poplar Street, one hundred and twenty-five (125) feet more or less to the North West corner of Lot No. One (1) in William Paddock's Subdivision of One Hundred and seventy-five (175) feet off East side of Lot No. One (1) of N. Preston's Subdivision of West 1/2 of North East 1/4 of Section 27 in Township 12 North Range 9 West; thence running South six hundred (600) feet more or less to the North line of Oak Street as now located and established thence running West along North line of Oak Street One Hundred and twenty-five (125) feet more or less to East line of Thirteenth & one half (13 1/2) Street; thence North along East line of said last named street to the place of beginning in City of Terre Haute, Ind.

EXCEPT that part thereof conveyed by Deed Records 69 page 327, 204 page 479, 206 page 500, 227 page 556, 227 page 558, 244 page 129, and by 283 page 557, all records of the Recorder's Office Vigo County, Indiana.

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

Parcel No.: 84-06-27-202-001.000-002

Commonly known as: 1339 Poplar St., Terre Haute, IN 47807

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Taxes shall be prorated to the date of this deed.

DATED this 4th day of October, 2023.

Sherry L Lamb
Sherry L. Lamb

2

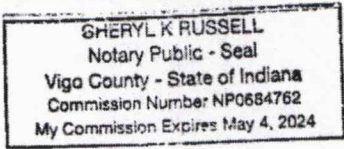
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

4th Before me, the undersigned, a Notary Public in and for said County and State, this day of October, 2023, personally appeared Sherry L. Lamb, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

Cheryl K Russell
Notary Public
Printed: _____
Residing in _____ County



Mail Tax Statements To Grantee at: 1251 N Fruitridge Ave.
Terre Haute, IN 47804

Mail Deed To: Integrity Title Services, 1532 Wabash Ave., 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.

Cheryl K Russell

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. 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 this instrument.
CMT: 23 0675



Receipt of Payment

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

Date 10/16/23
Name ERIC J. WESTFIELD
Reason REZONING FBDS - # 45.00
1339 POPLAR

Cash 0.00
Check 0.00 Ck # _____
Credit 45.00
Total 45.00

TERRE HAUTE
INDIANA
CONTROLLER

Received By LEWIS IMPULATR

Docket #95 SO #42-23
1339 Poplar Street

