

SPECIAL ORDINANCE NO. 36, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Addresses of lots to be rezoned:

145 Voorhees Street, Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-002.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000-002

Rezoned From: R-3 General Residence District

Rezoned To: C-4 Restricted Central Business District

Proposed Use: Hotel, retail and storage

Name of Owners: Russ Enterprises LLC

Address of Owners: 1229 Vorhees Street, Terre Haute, IN 47802

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47807

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Kandace Hinton

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

SEP 04 2024

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 36, 2024**

CITY CLERK

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

SECTION I. BE IT ORDIANED 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:

TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

Lots Numbered Three (3) and Four (4) in Krumbhaar Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West

ALSO

Part of a vacated alley in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, more particularly described as follows: Beginning at the Northeast corner of Lot 0 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 0, 1 and 2 in George R. Preston Subdivision of Krumbhaar Subdivision to the Southeast corner of Lot 2 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 3 and 4 in George R. Preston Subdivision of Krumbhaar Subdivision of the Southeast corner of Lot 4; thence Southeasterly to the Southwest corner of Lot 43 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North along the West line of Lots 43, 44 and 45 in George R. Preston Subdivision of Krumbhaar Subdivision to the Northwest corner of Lot 45 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North 180 feet to the South line of Voorhees Street; thence West 16 feet to the place of beginning.

TRACT III

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

ALSO

Commencing at the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence North along the West Line of Lots 43, 44, and 45 in George R. Prestons Subdivision extending 180 feet North of the Northeast corner of Lot 45 in George R. Prestons Subdivision to the South line of Voorhees Street, thence West 8 feet to the centerline of the alley, thence South along the centerline of the alley to a point 8 feet West of the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence East 8 feet to the Southwest corner of Lot 43 George R. Prestons Subdivision, the point of beginning.

Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002


Parcel No. 84-06-33-401-002.000-002

Parcel No. 84-06-33-401-007.000-002

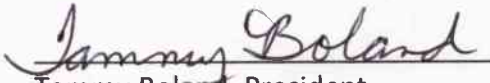
Parcel No. 84-06-33-401-008.000.002

Be and the same is hereby established as a C-4 Restricted 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, 
Kandace Hinton, Councilperson

Passed in open Council this 3 day of October, 2024.


Tammy Boland, President

ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 7 day of October, 2024. 10:46am


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 7 day of October, 2024.


Brandon Sakbun, Mayor

ATTEST:


Michelle Edwards, City Clerk

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.


Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

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, Russ Enterprises, LLC, 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

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

Lots Numbered Three (3) and Four (4) in Krumbhaar Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West

ALSO

Part of a vacated alley in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, more particularly described as follows: Beginning at the Northeast corner of Lot 0 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 0, 1 and 2 in George R. Preston Subdivision of Krumbhaar Subdivision to the Southeast corner of Lot 2 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 3 and 4 in George R. Preston Subdivision of Krumbhaar Subdivision of the Southeast corner of Lot 4; thence Southeasterly to the Southwest corner of Lot 43 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North along the West line of Lots 43, 44 and 45 in George R. Preston Subdivision of Krumbhaar Subdivision to the Northwest corner of Lot 45 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North 180 feet to

the South line of Voorhees Street; thence West 16 feet to the place of beginning.

TRACT III

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

ALSO

Commencing at the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence North along the West Line of Lots 43, 44, and 45 in George R. Prestons Subdivision extending 180 feet North of the Northeast corner of Lot 45 in George R. Prestons Subdivision to the South line of Voorhees Street, thence West 8 feet to the centerline of the alley, thence South along the centerline of the alley to a point 8 feet West of the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence East 8 feet to the Southwest corner of Lot 43 George R. Prestons Subdivision, the point of beginning.

Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-402-002.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000.002

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-3 General Residence District.

Your Petitioner intends to take the existing school building and remodel it for use as a hotel along with new retail space and/or storage units. Your Petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District.

Your Petitioner would allege that the C-4 Restricted Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and this would be a good use for the vacant land while saving the old school that has been on the property for many decades.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-4 Restricted 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 owner 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 3rd day of September, 2024.

PETITIONER:



Russell Ferrell, Member of Russ
Enterprises LLC

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Russell Ferrell, member of Russ Enterprises, LLC, being duly sworn upon his oath, depose and say:

1. That Russ Enterprises, LLC, is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

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Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

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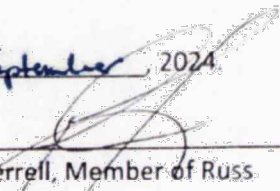
2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Russ Enterprises, LLC, is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has

been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Russell Ferrell, member of Russ. Enterprises, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4th day of September, 2024.

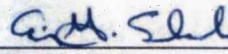


Russell Ferrell, Member of Russ
Enterprises LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4th day of September, 2024.





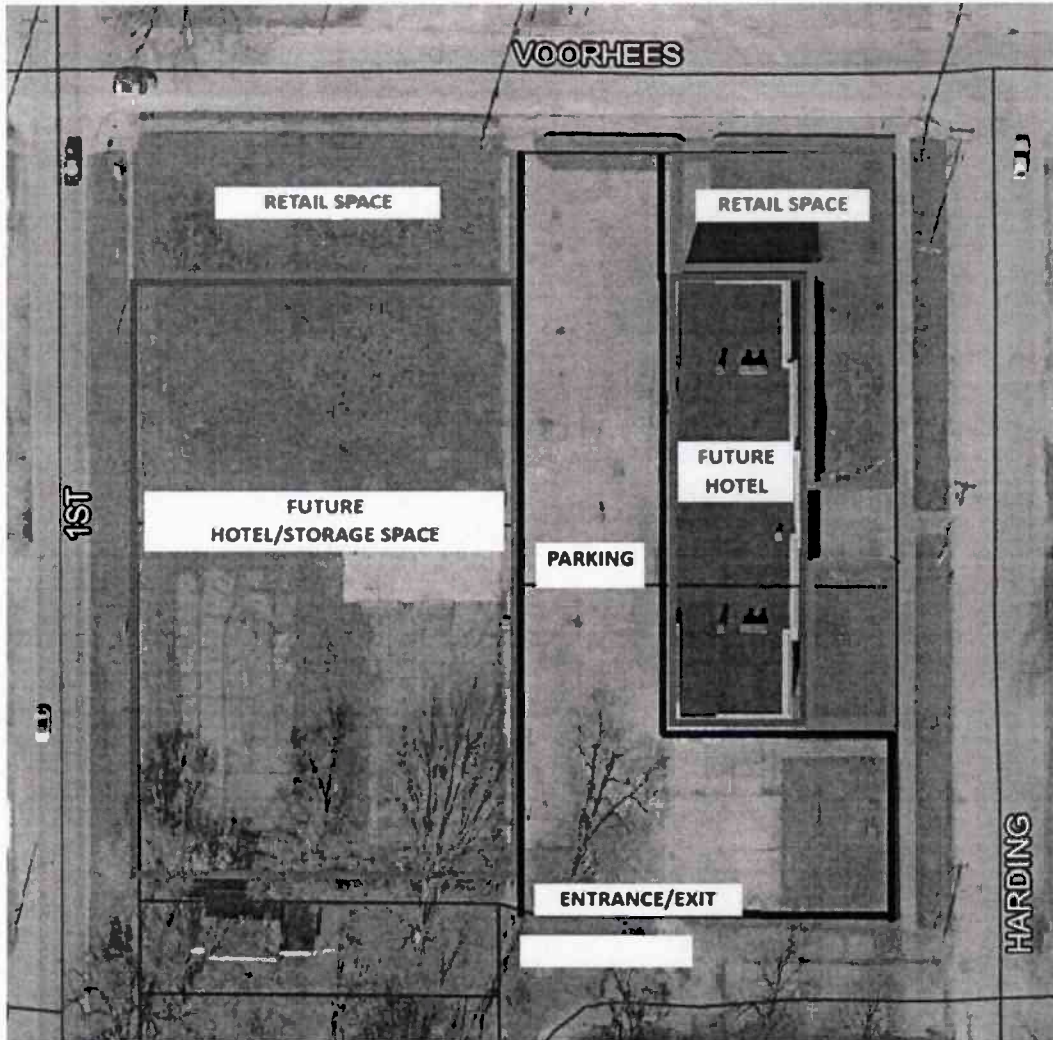
Emily G. Schwab, Notary Public

My Commission expires: 11.13.2030

My County of Residence: Pulnam

This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. 36, 2024



145 Voorhees Street, Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000-002

R-3 General Residence District

to

C-4 Restricted Central Business District

Proposed Use: Hotel, Retail, and Storage

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2021015696 CORP WD \$25.00
11/24/2021 11:50:58A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

NOV 24 2021


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

This indenture witnesseth that **SALVAGED LIVES MINISTRY INC.** a corporation organized and existing under the laws of the State of INDIANA

Convey(s) and Warrant(s) to **RUSS ENTERPRISES, LLC** of VIGO County in 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 Real Estate in VIGO County in the State of Indiana, to-wit:

TRACT I

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Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Conditions, restrictions, covenants and easements as shown on the Plat of George R. Preston's Subdivision of Krumbhaar's Subdivision.

Parcel No. 84-06-33-401-001.000-002, 84-06-33-401-002.000-002, 84-06-33-401-007.000-002 and 84-06-33-401-008.000-002

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The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper Corporate Resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full Corporate capacity to convey the real estate described herein; and that all necessary Corporate action for the making of such conveyance has been taken and done.

Dated this 23rd day of NOVEMBER, 2021.

SALVAGED LIVES MINISTRY INC.

Aharon J Batson
BY: AHARON J BATSON, MEMBER



State of INDIANA, County of VIGO

) SS:

Before me, a Notary Public in and for said county and state, this 23rd day of NOVEMBER, 2021, personally appeared AHARON J BATSON, the MEMBER respectively, of SALVAGED LIVES MINISTRY INC., who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

7-19-2024

My County of Residence:

Clay

Notary Public

Printed:

Heather J Sorlie
HEATHER J Sorlie

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 320 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527

D-4202; HCT-2021-0728

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to Grantee at Grantee's address of:

1299 Voorhees St. Terre Haute, IN 47802



Receipt of Payment

TERRE HAUTE, IN
PAID
SEP 04 2024
CONTROLLER

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

Date 9/4/24
Name Russ Enterprises LLC
Reason Rezoning Petition to file 20.00
Notice of file 25.00
\$45.00

Cash

Check 45.00 Ck # 74550

Credit

Total \$45.00

Received By J. Thome/gm



TERRE HAUTE
A LITTLE 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: October 3, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 36-24

CERTIFICATION DATE: October 2, 2024

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. 36-24. This Ordinance is a rezoning of property located at 145 Voorhees St., Terre Haute, IN. Parcel numbers 84-06-33-401-001.000-002/002/007/008. The Petitioner, Russ Enterprises LLC, petitions the Plan Commission to rezone said hotel, retail, and storage from zoning classification R-3 to C-4 Restricted 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. 36-24 at a public meeting and hearing held Wednesday, October 2, 2024. 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. 36-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 36-24 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. 36-24 was FAVORABLE with the following condition: 1) Site plan approval by the Department of Engineering with parking and stormwater drainage.



A handwritten signature in black ink.
Norm Froderman, APC Secretary

A handwritten signature in black ink.
Jared Bayler, Executive Director

Received this 3rd day of October, 2024

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-24

Doc: #73

Date: October 2024

Page 1 of 5

APPLICATION INFORMATION

Property Owners: Russ Enterprises LLC.

Proposed Use: Hotel, retail and storage

Proposed Zoning: C-4, Restricted Central Business District

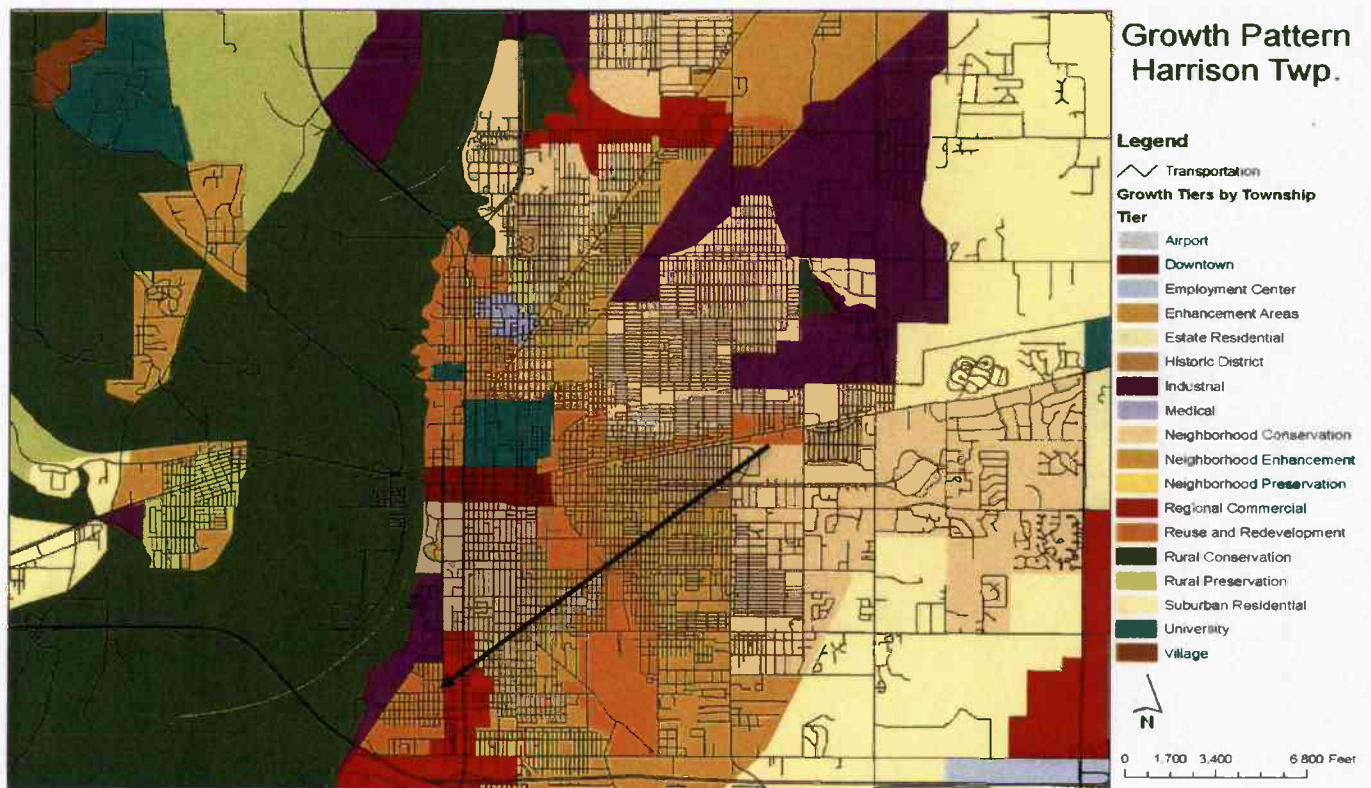
Current Zoning: R-3, General Residence District

Location: The property is located on the south west side of Voorhees Street and Harding Avenue.

Common Address: 145 Voorhees Street, Terre Haute, In 84-06-33-401.000-001/002/007/008

COMPREHENSIVE PLAN GUIDANCE

Service Area: City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-24

Doc: #73

Date: October 2024

Page 2 of 5

ZONING COMPATIBILITY

Regional Commercial

Regional commercial areas are major retail centers providing the widest variety of retail goods and services (comparative shopping goods such as jewelry, apparel, household goods, and general merchandise) to a market area larger than the community, with no single type of retail activity dominating the district. The vitality of the areas is based upon the diversity of retail activities being located in a relatively concentrated area. With respect to these major regional shopping areas, future planning should consider the district or area as a whole, thereby assuring the vitality and viability of these regional commercial areas.

Additional policies to guide future development decisions include:

- Utilize spatial containment of commercial activities to existing commercially zoned sites to:
 - Maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
 - Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkages between and among major existing activity centers.
 - Increase the identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
 - Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes.
 - Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis should increasingly be upon multiple-trip purpose activities with regional significance.
 - Ensure that future retail commercial development in the area does not detract from the viability of existing activity centers and does not detract from the livability of residential Neighborhoods in the vicinity.

Available Services: The area should be well served by utilities.

Intensity: High-intensity employment area

Character of Area: Regional retail greater than 250,000 sq. ft.

Street Access: Harding Avenue & Voorhees Street

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-24

Doc: #73

Date: October 2024

Page 3 of 5

Sur. Zones and Uses:

North – M-2

West – R-1

South – R-1

East – C-5, R-1, C-6

ZONING REGULATIONS

(A) The following uses are permitted in the C-4 Zone except as may be allowed for planned developments, uses designated with an asterisk (*) shall not be located on the ground floor within fifty feet (50') of any street.

1. Any use permitted in the C-3 Zone unless otherwise set forth or Superseded hereinafter. However, restrictions on ground floor location for any use designated with an asterisk (*) in the C-3 zone shall not apply unless such use is designated hereinafter with an asterisk.
2. Apartment hotel and hotels, no other type of dwelling unit is permitted.
3. Employment agencies.
4. Machinery Sales, with no repair or servicing, provided that storage and display of machinery, except of household appliances and office machines such as typewriters, shall be restricted to floor samples.
5. Printing and publishing.
6. Recording studios.*
7. Schools (as permitted in the C-3 Zone, Subsection g.(1)(C)4.
8. Theatres, excluding drive-in theatres.
9. Travel bureaus and transportation ticket offices.
10. Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-24

Doc: #73

Date: October 2024

Page 4 of 5

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property for “hotel, retail, and storage”. The site plan was not detailed, other than showing the general area where future buildings will be located. A site plan will need to be approved by the Department of Engineering with the required parking and setbacks.

The pre-existing building was previously the Greenwood School. The structure has been listed on the National Register of Historic Places since September 26, 1997 (NR-1341). The areas of significance were noted as “education” and “architecture”. In an email, Tommy Kleckner, Director of Indiana Landmarks, Western Regional Office, provided the following information: “the National Register of Historic Places is first and foremost an honorific program. It doesn't restrict property rights whatsoever so long as federal funds aren't being used in a project that may affect a building's/structure's historic appearance or character. National Register listing does open up certain financial incentive programs... No matter the owner's decision about federal rehab tax credits, we always advocate for appropriate rehabilitation of historic properties, particularly those of more impressive architectural character such as Greenwood School. Past inappropriate changes such as replacement windows don't have to be undone though installation of appropriate replacement windows can help transform a property. We encourage retaining as much historic fabric and as many historic features as possible, especially what are referred to as character-defining features. In the case of Greenwood School, some of these character-defining features include the decorative terra cotta on the exterior, the impressive stairways, the glazed brick wainscoting, original doors and trim, and chalkboards.”

The area is a mixed use of residential, commercial, and manufacturing. If approved a new address/addresses will need to be assigned.

The Department of Engineering offered a favorable recommendation.

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-24

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1. Site plan approval by the Department of Engineering with parking and stormwater drainage.





**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: Jason Holler
Lead Building Inspector

DATE: 9/10/2024

RE: Rezoning 145 Voorhees Street

As requested by Area Planning, the Department of Engineering has reviewed the property located at: 145 Voorhees Street

- Rezoning of 145 Voorhees Street from R-3 General Residence District to an C-4 Restricted Central Business District.

The parcels surrounding this property are zoned M-2 to the North, properties located to the South and West zoned R-1, properties located to the East mixed used of C-5, C-6 and R-1. The intended use 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.

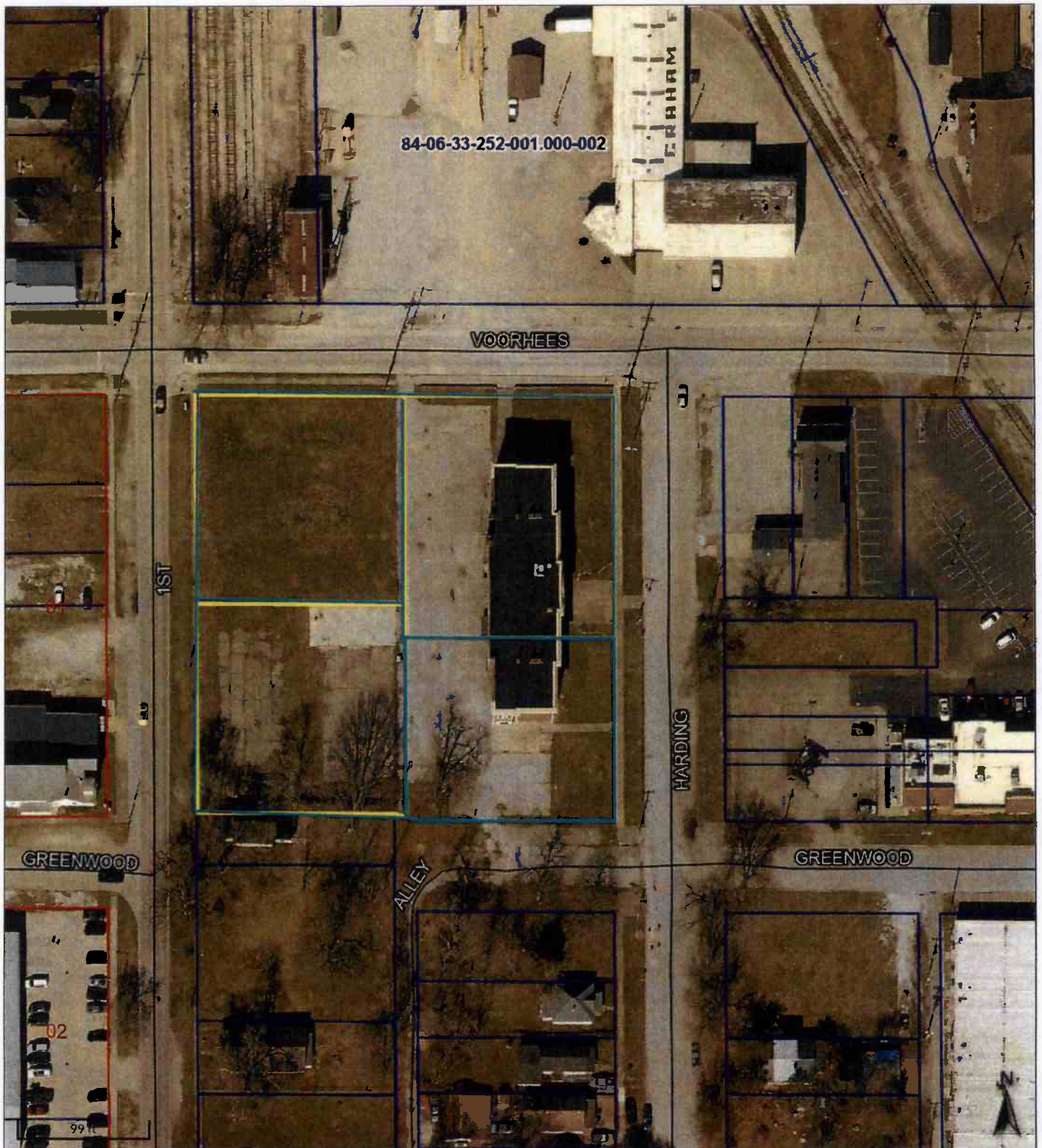


BeaconTM

Vigo County, IN / City of Terre Haute

Docket #73 SO #36-24

145 Voorhees St



Docket #73
SPECIAL ORDINANCE NO. 36, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Addresses of lots to be rezoned:

145 Voorhees Street, Terre Haute, Indiana 47802
Parcel No. 84-06-33-401-001.000-002
Parcel No. 84-06-33-401-001.000-002
Parcel No. 84-06-33-401-007.000-002
Parcel No. 84-06-33-401-008.000-002

Rezone From:	<u>R-3 General Residence District</u>
Rezone To:	<u>C-4 Restricted Central Business District</u>
Proposed Use:	<u>Hotel, retail and storage</u>
Name of Owners:	<u>Russ Enterprises LLC</u>
Address of Owners:	<u>1229 Vorhees Street, Terre Haute, IN 47802</u>
Phone Number of Owners:	<u>c/o Richard J. Shagley II</u> <u>812-232-3388</u>
Attorney Representing Owners:	<u>Richard J. Shagley II</u>
Address of Attorney:	<u>Wright, Shagley & Lowery, P.C.</u> <u>PO Box 9849, Terre Haute, IN 47807</u>
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	<u>Kandace Hinton</u>

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

SEP 04 2024

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 36, 2024**

CITY CLERK

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

SECTION I. BE IT ORDIANED 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:

TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

Lots Numbered Three (3) and Four (4) in Krumbhaar Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West

ALSO

Part of a vacated alley in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, more particularly described as follows: Beginning at the Northeast corner of Lot 0 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 0, 1 and 2 in George R. Preston Subdivision of Krumbhaar Subdivision to the Southeast corner of Lot 2 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 3 and 4 in George R. Preston Subdivision of Krumbhaar Subdivision of the Southeast corner of Lot 4; thence Southeasterly to the Southwest corner of Lot 43 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North along the West line of Lots 43, 44 and 45 in George R. Preston Subdivision of Krumbhaar Subdivision to the Northwest corner of Lot 45 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North 180 feet to the South line of Voorhees Street; thence West 16 feet to the place of beginning.

TRACT III

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

ALSO

Commencing at the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence North along the West Line of Lots 43, 44, and 45 in George R. Prestons Subdivision extending 180 feet North of the Northeast corner of Lot 45 in George R. Prestons Subdivision to the South line of Voorhees Street, thence West 8 feet to the centerline of the alley, thence South along the centerline of the alley to a point 8 feet West of the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence East 8 feet to the Southwest corner of Lot 43 George R. Prestons Subdivision, the point of beginning.

Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000.002

Be and the same is hereby established as a C-4 Restricted 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, 

Kandace Hinton, Councilperson

Passed in open Council this ____ day of _____, 2024.

Tammy Boland, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2024.

Michelle Edwards, City Clerk

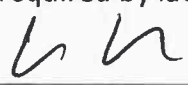
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2024.

Brandon Sakbun, Mayor

ATTEST:

Michelle Edwards, City Clerk

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.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

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, Russ Enterprises, LLC, 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

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

Lots Numbered Three (3) and Four (4) in Krumbhaar Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West

ALSO

Part of a vacated alley in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, more particularly described as follows: Beginning at the Northeast corner of Lot 0 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 0, 1 and 2 in George R. Preston Subdivision of Krumbhaar Subdivision to the Southeast corner of Lot 2 in George R. Preston Subdivision of Krumbhaar Subdivision; thence South along the East line of Lots 3 and 4 in George R. Preston Subdivision of Krumbhaar Subdivision of the Southeast corner of Lot 4; thence Southeasterly to the Southwest corner of Lot 43 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North along the West line of Lots 43, 44 and 45 in George R. Preston Subdivision of Krumbhaar Subdivision to the Northwest corner of Lot 45 in George R. Preston Subdivision of Krumbhaar Subdivision; thence North 180 feet to

the South line of Voorhees Street; thence West 16 feet to the place of beginning.

TRACT III

Lots Numbers Forty-three (43), Forty-four (44), and Forty-five (45) in George R. Prestons Subdivision of Lots Numbers One (1) Two (2) and Seven (7) to Sixteen (16) inclusive and Nineteen (19) Twenty (20) and Twenty-five (25) and part of Lots Numbers Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-two (22) and Twenty-four (24) and part of Block "A" of Krumbhaar's Subdivision of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), Township Twelve (12) North, Range Nine (9) West, Also Commencing at the Northeast corner of Lot Number Forty-five (45) in George R. Prestons Subdivision aforesaid; running thence North One Hundred and Eighty (180) feet to the South line of Voorhees Street as now located; thence running West along the South line of Voorhees Street One Hundred and Forty- two (142) feet to the East line of an alley as platted in George R. Prestons Subdivision thence South along the East line of said alley to the North West Corner of said Lot Number Forty- five (45) of George R. Prestons Subdivision; thence East to the place of beginning.

ALSO

Commencing at the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence North along the West Line of Lots 43, 44, and 45 in George R. Prestons Subdivision extending 180 feet North of the Northeast corner of Lot 45 in George R. Prestons Subdivision to the South line of Voorhees Street, thence West 8 feet to the centerline of the alley, thence South along the centerline of the alley to a point 8 feet West of the Southwest corner of Lot 43 in George R. Prestons Subdivision, thence East 8 feet to the Southwest corner of Lot 43 George R. Prestons Subdivision, the point of beginning.

Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000.002

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-3 General Residence District.

Your Petitioner intends to take the existing school building and remodel it for use as a hotel along with new retail space and/or storage units. Your Petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District.

Your Petitioner would allege that the C-4 Restricted Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and this would be a good use for the vacant land while saving the old school that has been on the property for many decades.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-4 Restricted 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 owner 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 3rd day of September, 2024.

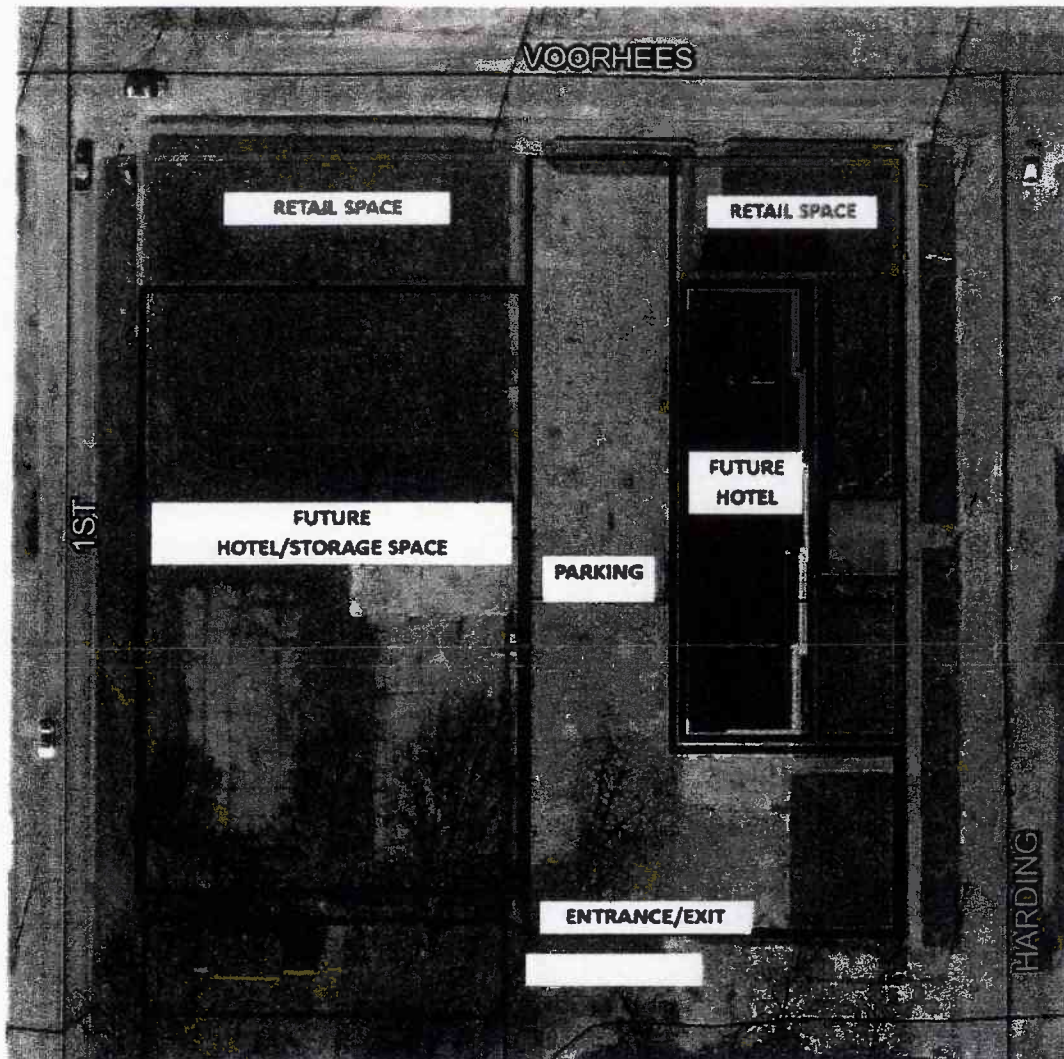
PETITIONER:



Russell Ferrell, Member of Russ Enterprises LLC

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. 36, 2024



145 Voorhees Street, Terre Haute, Indiana 47802

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-001.000-002

Parcel No. 84-06-33-401-007.000-002

Parcel No. 84-06-33-401-008.000-002

R-3 General Residence District
to

C-4 Restricted Central Business District

Proposed Use: Hotel, Retail, and Storage

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Russell Ferrell, member of Russ Enterprises, LLC, being duly sworn upon his oath, depose and say:

1. That Russ Enterprises, LLC, is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

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Commonly known as: 145 Vorhees St., Terre Haute, Indiana 47802

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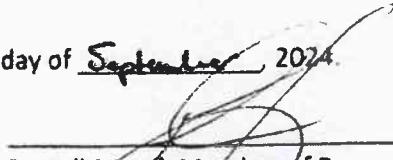
2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Russ Enterprises, LLC, is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has

been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Russell Ferrell, member of Russ Enterprises, LLC.

4. Further, Affiant saith not.

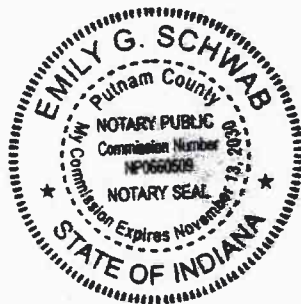
Dated at Terre Haute, Indiana this 4th day of September, 2024.




Russell Ferrell, Member of Russ Enterprises LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4th day of September, 2024.





Emily G. Schwab, Notary Public

My Commission expires: 11.13.2030

My County of Residence: Putnam

This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

NOV 24 2021


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

This indenture witnesseth that **SALVAGED LIVES MINISTRY INC.** a corporation organized and existing under the laws of the State of INDIANA

Convey(s) and Warrant(s) to **RUSS ENTERPRISES, LLC** of VIGO County in 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 Real Estate in VIGO County in the State of Indiana, to-wit:

TRACT I

Lots Numbered 0, 1 and 2 in George R. Preston's Subdivision of Krumbhaar's Subdivision of the North West Quarter of the South East Quarter of Section 33, Township 12 North, Range 9 West, Vigo County, Indiana.

TRACT II

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The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper Corporate Resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full Corporate capacity to convey the real estate described herein; and that all necessary Corporate action for the making of such conveyance has been taken and done.

Dated this 23rd day of NOVEMBER, 2021.

SALVAGED LIVES MINISTRY INC.

BY: AHARON J BATSON, MEMBER



State of INDIANA, County of VIGO

) SS:

Before me, a Notary Public in and for said county and state, this 23rd day of NOVEMBER, 2021, personally appeared AHARON J BATSON, the MEMBER respectively, of SALVAGED LIVES MINISTRY INC., who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

7-19-2024

My County of Residence:

Clay

Notary Public

Printed:

Heather J Sorlie

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 320 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527

D-4202; HCT-2021-0728

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to Grantee at Grantee's address of:

1299 Voorhees St. Terre Haute, IN 47802

Arriving

On your right: 145 Voorhees St, Terre

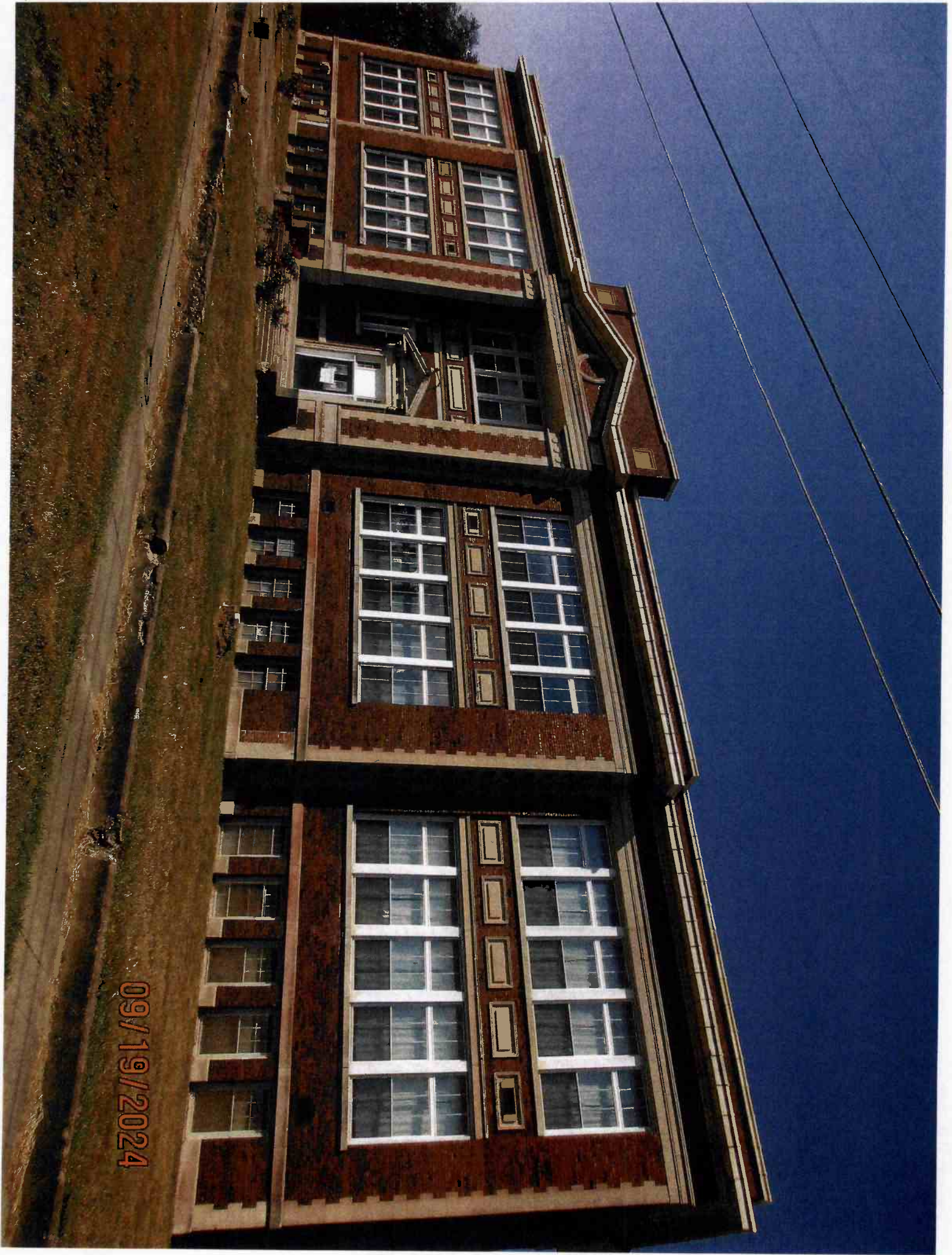
Rate your route



End Route

09/19/2024

09/19/2024



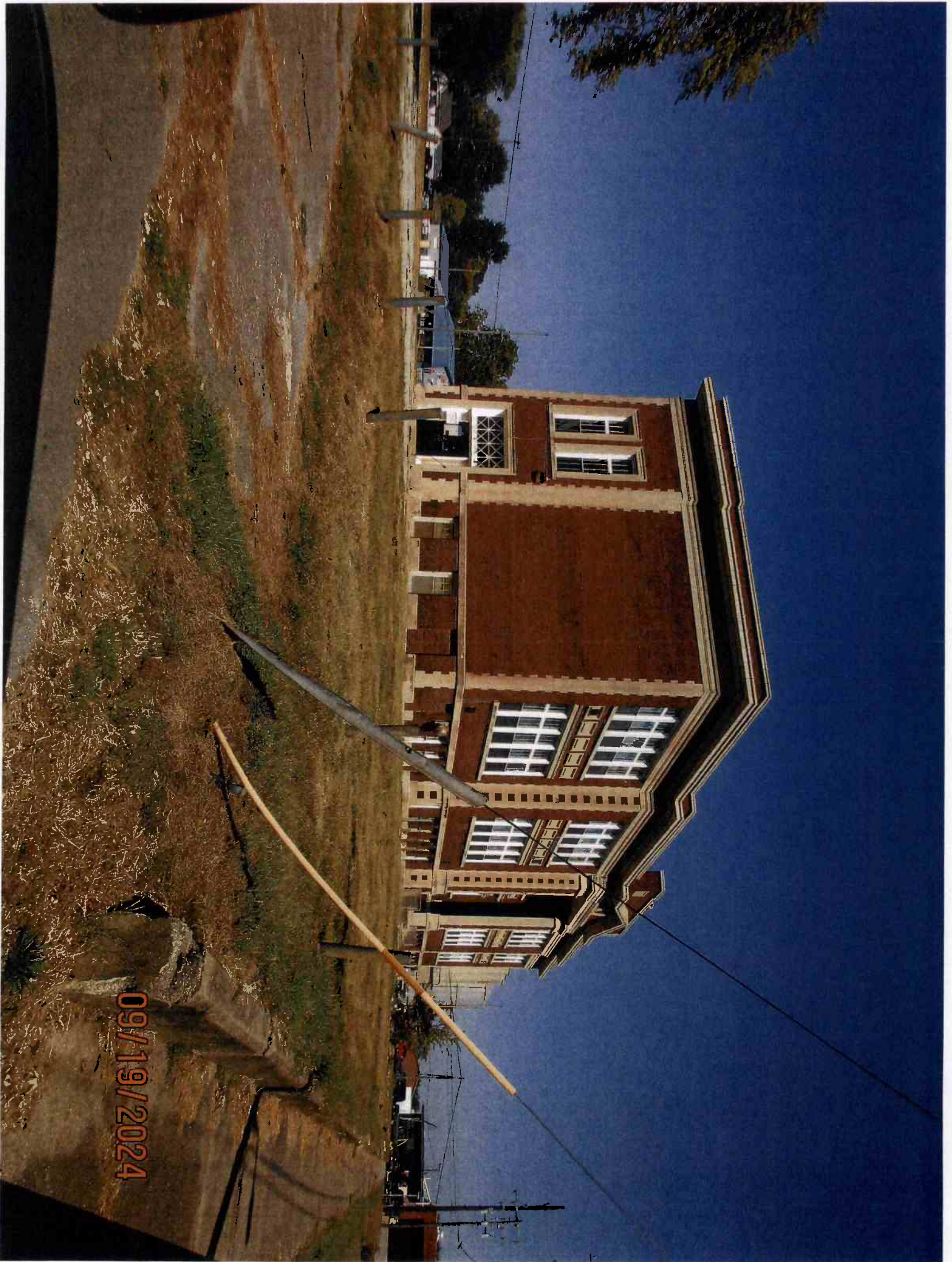


WOOD

SCHOOL

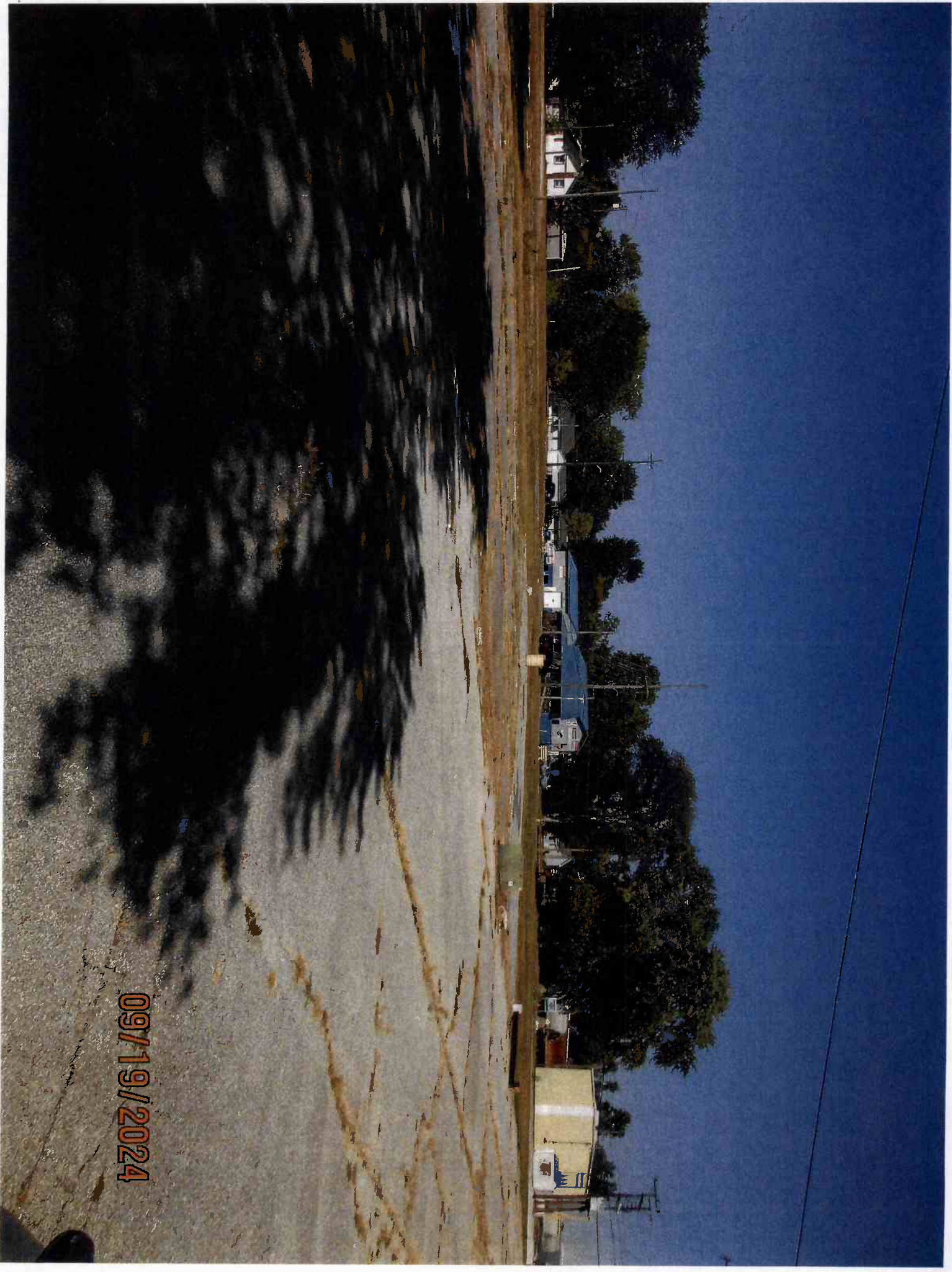
1924

09/19/2024





09/19/2024



09/19/2024

09/19/2024

