

SPECIAL ORDINANCE NO. 7, 2021

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

2315 East Margaret Avenue, Terre Haute, Indiana 47802

Parcel No. 84-09-02-126-003.000-005

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Rezone From: C-2 Community Commerce District

Rezone To: C-5 General Central Business District

Proposed Use: Storage Units

Name of Owners: Daniel T. Wolfe

Address of Owners: 14 E. Fairway Drive  
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 47808

For Information Contact:  Owner  Attorney

Council Sponsor: Amy Auler

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 7, 2021

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:

Commencing as a point 835.68 feet West of the Northeast corner of the Northwest quarter of section 2, township 11 North, Range 9 West, thence from said point South along a line, which if extended would intersect the South line of said Northwest Quarter at a point 864.0 feet West of the center of said Section 2, township 11 north, Range 9 West, a distance of 1513.4 feet; thence West 129.53 feet; thence North to a point in the North line of said Northwest Quarter of said Section 2, Township 11 North, Range 9 West, 129.53 feet West of the point of beginning; thence East 129.53 feet to the point of beginning. Except that part thereof as granted to State of Indiana by instrument dated April 21, 1964 and recorded in Deed Record 334, Page 406.

Except that part thereof conveyed to Richard C. Hanley, single and unmarried, as shown bu instrument dated October 9, 1973 and recorded in Deed Record 360, Page 856.


All records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-09-02-126-003.000-005

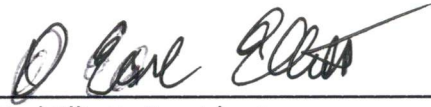
Commonly known as: 2315 East Margaret Avenue, Terre Haute 47802.

Be and the same is hereby established as a C-5 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,   
Amy Auler, Councilperson

Passed in open Council this 8<sup>TH</sup> day of APRIL, 2021.

  
O. Earl Elliott, President


ATTEST:

  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 9<sup>TH</sup> day of APRIL, 2021.

  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 9<sup>TH</sup> day of April, 2021.

  
Duke A. Bennett, 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, Daniel T. Wolfe, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Commencing as a point 835.68 feet West of the Northeast corner of the Northwest quarter of section 2, township 11 North, Range 9 West, thence from said point South along a line, which if extended would intersect the South line of said Northwest Quarter at a point 864.0 feet West of the center of said Section 2, township 11 north, Range 9 West, a distance of 1513.4 feet; thence West 129.53 feet; thence North to a point in the North line of said Northwest Quarter of said Section 2, Township 11 North, Range 9 West, 129.53 feet West of the point of beginning; thence East 129.53 feet to the point of beginning. Except that part thereof as granted to State of Indiana by instrument dated April 21, 1964 and recorded in Deed Record 334, Page 406.

Except that part thereof conveyed to Richard C. Hanley, single and unmarried, as shown by instrument dated October 9, 1973 and recorded in Deed Record 360, Page 856.

All records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-09-02-126-003.000-005

Commonly known as: 2315 East Margaret Avenue, Terre Haute, Indiana 47802.

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-2 Community Commerce District.

Your Petitioner intends to use this real estate for self-storage units. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

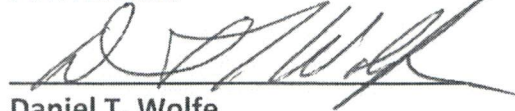
Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

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-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.

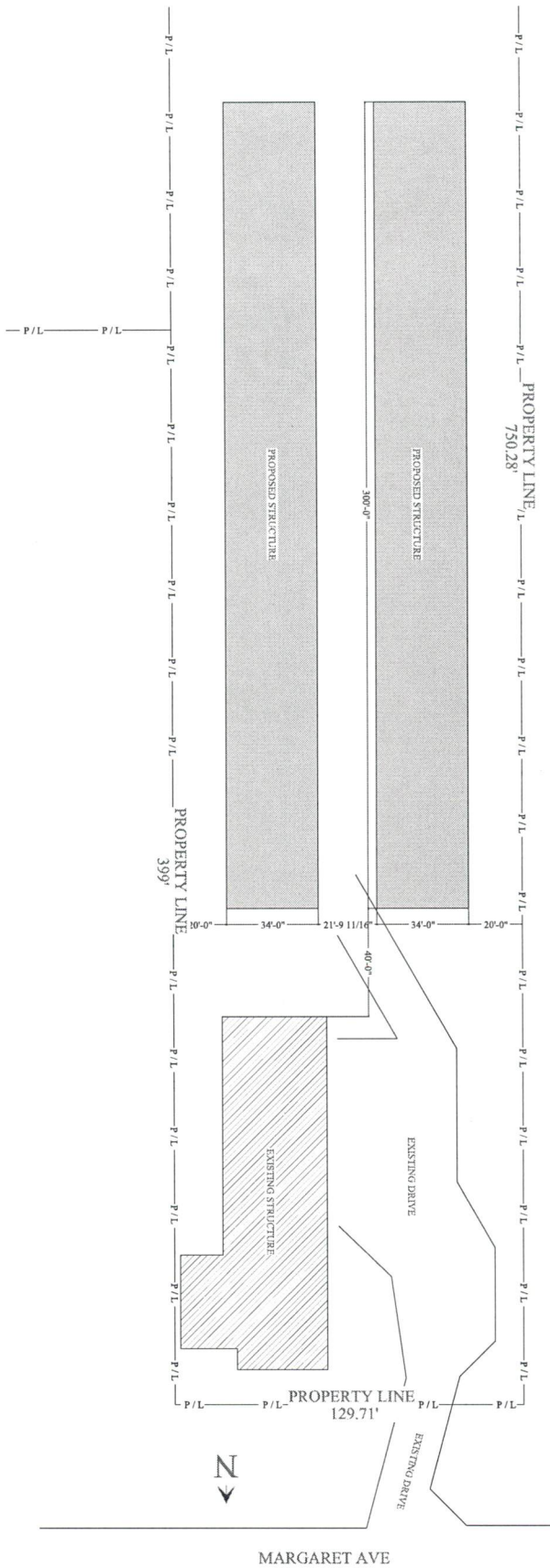
IN WITNESS WHEREOF, this petition has been duly executed this 23 day of February, 2021.

**PETITIONER:**



**Daniel T. Wolfe**

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.




Page #  
Cover Sheet  
**1**

Project Number  
Bohnert: Storage  
Scale: Specified

Drawn By: \_\_\_\_\_ Date: \_\_\_\_\_  
Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

THIS DRAWING AND ALL INFORMATION THEREON IS THE CONFIDENTIAL PROPERTY OF EVOLUTIONARY DESIGN AND WALKTRUCKS, LLC AND MUST NOT BE REPRODUCED OR COPIED WITHOUT AUTHORIZATION AND IN VIOLATION TO EITHER PARTY'S AGREEMENT.

**Storage Unit Proposal**



Evolutionary Designs  
And Walktrucks  
812.240.7049  
evolutionarydesigns@me.com

C-2 dr  
2315 MARGARET AVE  
Site Plan



STATE OF INDIANA ) SS:  
COUNTY OF VIGO )

AFFIDAVIT

Comes now, Daniel T. Wolfe, being duly sworn upon his oath, deposes and says:

1. That Daniel T. Wolfe 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:

Commencing as a point 835.68 feet West of the Northeast corner of the Northwest quarter of section 2, township 11 North, Range 9 West, thence from said point South along a line, which if extended would intersect the South line of said Northwest Quarter at a point 864.0 feet West of the center of said Section 2, township 11 north, Range 9 West, a distance of 1513.4 feet; thence West 129.53 feet; thence North to a point in the North line of said Northwest Quarter of said Section 2, Township 11 North, Range 9 West, 129.53 feet West of the point of beginning; thence East 129.53 feet to the point of beginning. Except that part thereof as granted to State of Indiana by instrument dated April 21, 1964 and recorded in Deed Record 334, Page 406.

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All records of Recorder's Office of Vigo County, Indiana.

Parcel No. 84-09-02-126-003.000-005

Commonly known as: 2315 East Margaret Avenue, Terre Haute, Indiana 47802.

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 Affiants make this Affidavit for the sole purpose of affirming that Daniel T. Wolfe 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





DUTY WITHHELD ON TAXATION  
Subject to final acceptance for transfer

RAD Date 08/22/2000 Time 09:50:24  
Mitchell Haulon 2P  
Vigo County Recorder 16.00  
Filing Fee: n 445/5750  
1 200013035

AUG 22 2000

## WARRANTY DEED

  
VIGO COUNTY CLERK

THIS INSTRUMENT WITNESSETH, THAT Thomas E. Rothrock by Cynthia Marie Rothrock, his attorney-in-fact, pursuant to that certain Power of Attorney dated September 13, 1999 and recorded August 14, 2000 in Miscellaneous Record 211, Page 2934, records of Recorder's Office of Vigo County for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, conveys and warrants unto Daniel T. Wolfe, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Commencing at a point 835.68 feet West of the Northeast corner of the Northwest Quarter of Section 2, Township 11 North, Range 9 West, thence from said point South along a line, which if extended would intersect the South line of said Northwest Quarter at a point 864.0 feet West of the center of said Section 2, Township 11 North, Range 9 West, a distance of 1513.4 feet; thence West 129.53 feet; thence North to a point in the North line of said Northwest Quarter of said Section 2, Township 11 North, Range 9 West, 129.53 feet West of the point of beginning; thence East 129.53 feet to the point of beginning.

Except that part thereof as granted to State of Indiana by instrument dated April 21, 1964 and recorded in Deed Record 334, Page 406.

Except that part thereof conveyed to Richard C. Hanley, single and unmarried, as shown by instrument dated October 9, 1973 and recorded in Deed Record 360, Page 856.

All records of Recorder's Office of Vigo County, Indiana.

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

Subject to taxes prorated to the date hereof.

The undersigned Cynthia Marie Rothrock, as attorney in fact for Thomas Eugene Rothrock, does hereby warrant and state that she is the duly authorized attorney-in-fact for Thomas Eugene Rothrock, pursuant to that certain Power of Attorney dated September 13, 1999 and recorded August 14, 2000 in Miscellaneous Record 211, Page 2934 and that she remains the duly appointed and constituted attorney-in-fact for the said Thomas Eugene Rothrock, the said Thomas Eugene Rothrock is still living and has not revoked the above mentioned Power of Attorney.

IN WITNESS WHEREOF the above referred to Thomas E. Rothrock, by Cynthia Marie Rothrock, his attorney-in-fact, has hereunto set his hand, this 15th day of August, 2000.

 (SEAL)

Thomas E. Rothrock, by Cynthia Marie Rothrock, his attorney-in-fact, pursuant to that certain Power of Attorney dated September 13, 1999 and recorded August 14, 2000 in Miscellaneous Record 211, Page 2934, records of Recorder's Office of Vigo County.

STATE OF INDIANA, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 15th day of August, 2000 personally appeared Thomas E. Rothrock by Cynthia Marie Rothrock, his attorney-in-fact,

5760

pursuant to that certain Power of Attorney dated September 13, 1999 and recorded August 14, 2000 in Miscellaneous Record 211, Page 2934, records of Recorder's Office of Vigo County and he acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

September 24, 2006

My County of residence is:

Vigo

Susan K. Keller  
Notary Public  
SUSAN K. Keller  
Typewritten or printed name of notary


THIS INSTRUMENT WAS PREPARED BY:

[Signature]  
Jeffrey A. Lind, Attorney, Cox, Zwermer, Gambill & Sullivan 511 Wabash Avenue, Terre Haute, IN 47807

MAIL TAX STATEMENTS TO:

David J. Wolfe

2400 Ohio  
Terre Haute, In 47503

Presented by Council Member,   
Amy Auler, Councilperson

Passed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Earl O. Elliott, President

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Duke A. Bennett, 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





# 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: April 8, 2021

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 7-21

CERTIFICATION DATE: April 7, 2021

TO: The Honorable Common Council of the City of Terre Haute

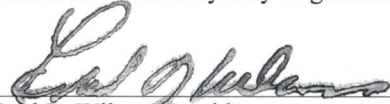
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 7-21. This Ordinance is a rezoning of the property located at 2315 E. Margaret Ave. The Petitioner, Daniel T. Wolfe, petitioned the Plan Commission to rezone said real estate from zoning classification C-2 to C-5 General Central Business District in order to build storage units.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 7-21 at a public meeting and hearing held Wednesday, April 7, 2021. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 7-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-21 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 7-21 was FAVORABLE WITH THE FOLLOWING CONDITION: All required development standards as outlined by City Engineering be met.

  
Fred L. Wilson, President

  
Jared Bayler, Executive Director

Received this 8th day of April, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-21

Doc: # 21

Date: April 2021

Page 1 of 4

### APPLICATION INFORMATION

Petitioner: Daniel T. Wolfe

Property Owner: Same as Above

Representative: Richard J. Shagley II

Proposed Use: Storage units

Proposed Zoning: C-5 General Central Business District

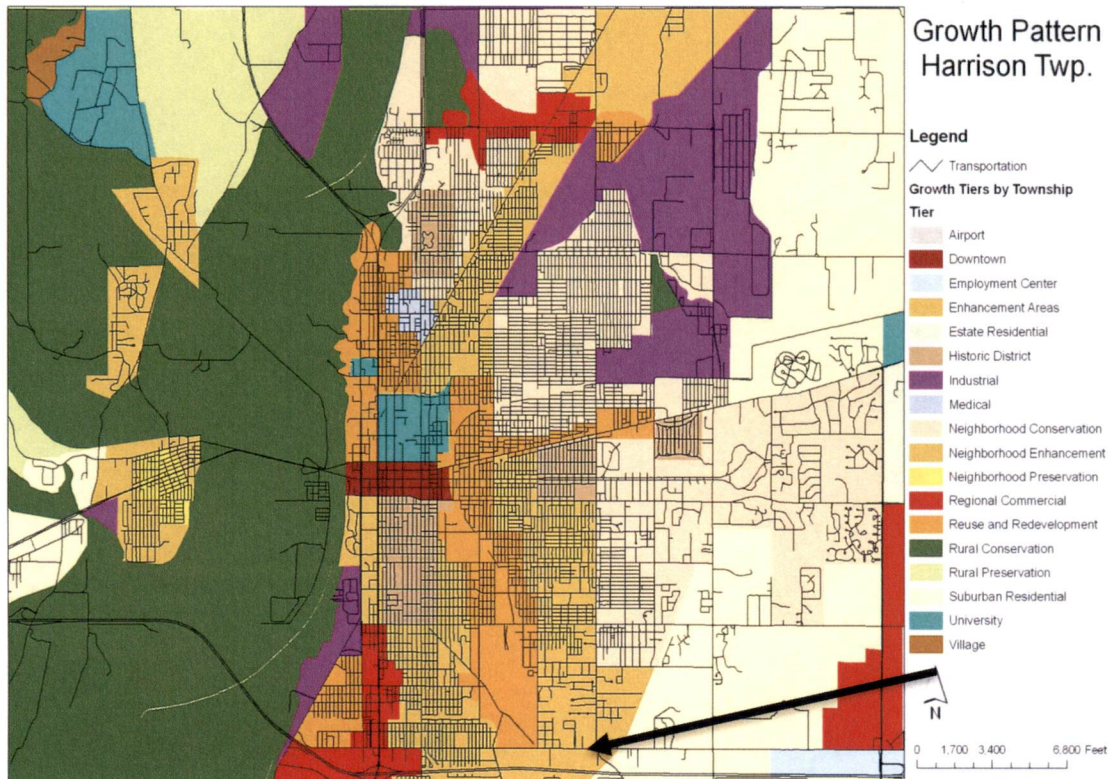
Current Zoning: C-2 Limited Community Commerce District

Location: 775 feet west of the intersection of 25<sup>th</sup> and E Margaret

Common Address: 2315 E Margaret Avenue, Terre Haute, 47802

### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute





## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-21

Doc: # 21

Date: April 2021

Page 2 of 4

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Street Access: E. Margaret Avenue

Dev. Priority: High intensity development

### Neighborhood Enhancement Areas

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

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

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

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

Additional policies for Neighborhood Enhancement Areas should include:

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



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-21

Doc: # 21

Date: April 2021

Page 3 of 4

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**ZONING COMPATIBILITY**

Sur. Zones and Uses:

**North** – C-1, R-1, C-2

**East** – M-2

**South** – A-1

**West** – R-1PD, C-3

Character of Area: The petitioned property is located within a mix use corridor.

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**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.

(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.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 7-21

Doc: # 21

Date: April 2021

Page 4 of 4

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(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.

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## **FINDINGS and RECOMMENDATION**

### Staff Findings:

Mini warehouses are a permitted use by right in the C-5 District in the City. The area consists of many mixed uses and abuts I-70 to the south. The storage units are planned to be built behind the existing building.

The existing building appears within the 5' side setback on the east side of the property. BZA relief will be required from the setback. It was not clear whether the existing building is an office or residence. Use as a residence would not be allowed in the C-5 district. Hard surfacing will be required.

Recommendation: Favorable with the following condition;

1. All required development standards as outlined by City Engineering be met
2. BZA approval for a side setback variance or a site plan showing the structure meets the 5' setback
3. Removal of residence if necessary