

SPECIAL ORDINANCE NO. 16, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lot to be rezoned:

1132 & 1116 Poplar St., Terre Haute, IN 47807

Parcel No. 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Rezone From: C-6 Strip Business

Rezone To: C-4 Restricted Central Business District

Proposed Use: Craft store, Private Dining and Second Floor
Residential

Name of Owners: Oehler Living Trust

Address of Owners: 2260 Ohio Blvd
Terre Haute, IN 47803

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: Anthony Dinkel

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**SPECIAL ORDINANCE FOR A REZONING
AS AMENDED SPECIAL ORDINANCE NO. 16, 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:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

Tract II:

The East One Half (1/2) of Lot Number Eighty-nine (89) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road, now Wabash Avenue, in the City of Terre Haute, Vigo County, Indiana

ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14,

1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002
Commonly known as: 1132 & 1116 Poplar St., Terre Haute, IN 47807

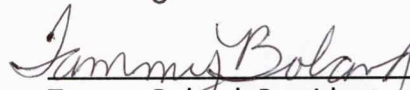
Be and the same is hereby established as a C-4 Restricted Central Business District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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


Anthony Dinkel, Councilperson

Passed in open Council this 2nd day of May, 2024.


Tammy Boland, President


ATTEST:


Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 2nd day of May, 2024 at 9:30pm o'clock.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 2nd day of May, 2024.



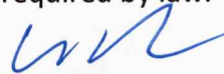
Brandon Sakbun, Mayor

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, Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto, 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:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

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ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve

(12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14, 1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 Poplar St., 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.

Your Petitioner intends to use this real estate for a craft store, private dining and a second floor residence which is within the boundaries of the C-4 Restricted Central Business District. 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 in a mixed-use neighborhood, and the use of this real estate with the boundaries of the C-4 Restricted Central Business District should not cause concern for the surrounding 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 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 owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

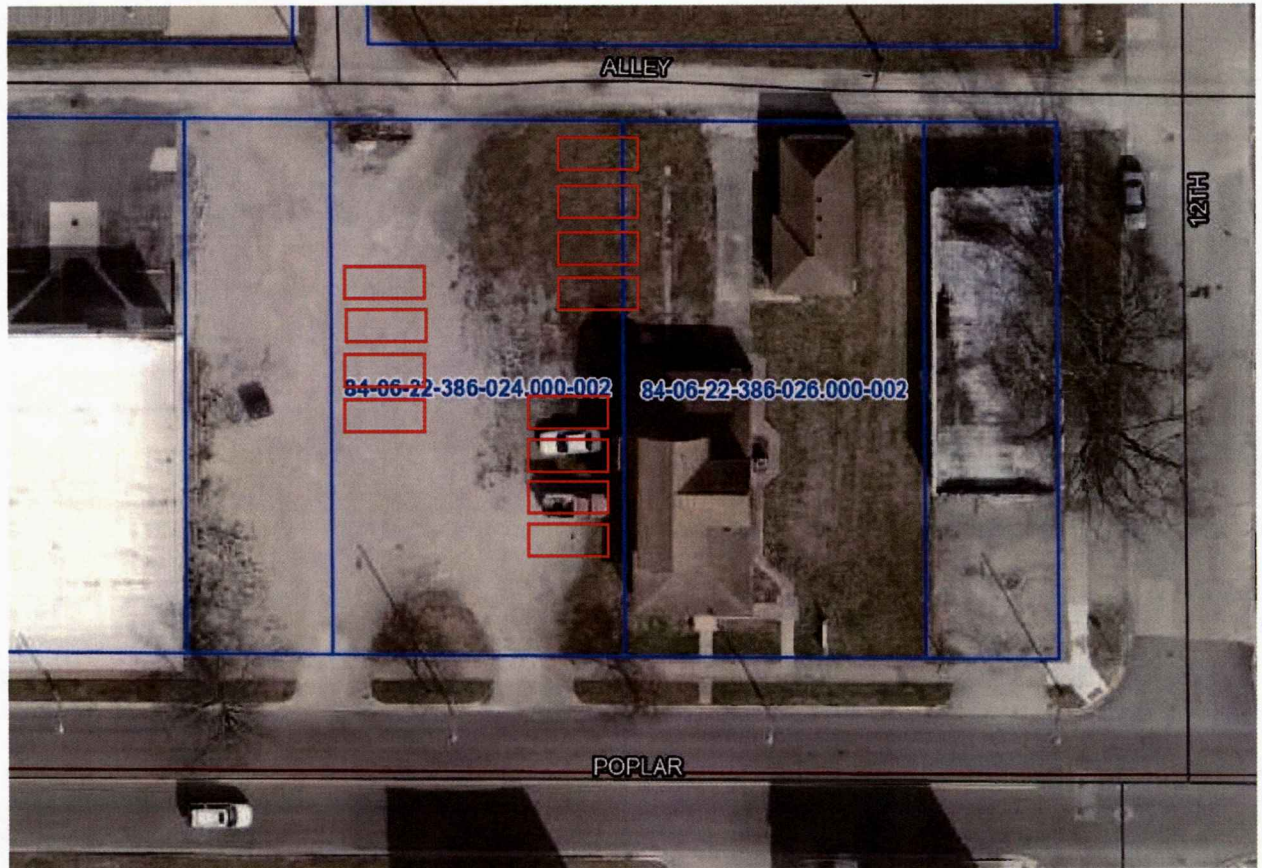
IN WITNESS WHEREOF, this petition has been duly executed this 1st day
of ~~March~~, 2024.
April

PETITIONER:

By: Robert C. Oehler, Trustee
Robert C. Oehler, Trustee of the Oehler
Living Trust, dated September 3, 2015 and
amendments thereto

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. 16, 2024



1116 Poplar Street Terre Haute, IN 47807
1132 Poplar Street Terre Haute, IN 47807



Parcel Nos.: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

C-6 Strip Business
to
C-4 Restricted Central Business District

Proposed Use: Craft Store, Private Dining and Second Floor Residential

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto, being duly sworn upon his oath, deposes and says:

1. That Oehler Living Trust, dated September 3, 2015 and amendments thereto 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:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

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ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14,

1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 Poplar St., Terre Haute, IN 47807

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 Oehler Living Trust 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 Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 1st day of ~~March~~ ^{April}, 2024.

By: Robert C. Oehler Trustee
Robert C. Oehler, Trustee of the
Oehler Living Trust, dated
September 3, 2015 and
amendments thereto

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 1st day of ~~March~~ ^{April}, 2024.

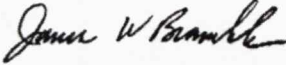


Julie R. Baysinger
Julie R. Baysinger Notary Public
My Commission expires: 9-24-2028
My County of Residence: Vermillion

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.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

JAN 22, 2024 SH


VIGO COUNTY AUDITOR

2024000634 WD \$25.00
1/22/2024 2:05:19 PM 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH that **Keith Altvater**, "Grantor" of the State of Indiana, CONVEYS, GRANTS, AND WARRANTS to **Robert C. Oehler and Marilyn S. Oehler, Trustees, or their successors in Trust, under the Oehler Living Trust, dated September 3, 2015, and any amendments thereto**, "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:

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Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

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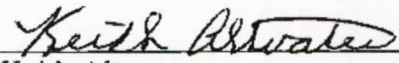
Parcel Nos.: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 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 12th day of January, 2024.

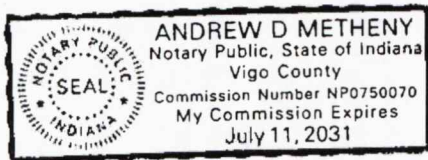

Keith Altvater

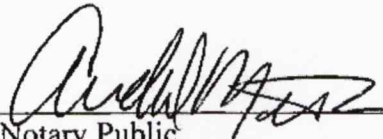
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 12th day of January, 2024, personally appeared Keith Altvater, 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:
07/11/2031

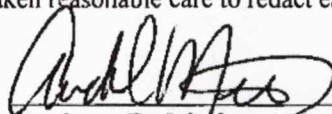



Notary Public
Printed: Andrew D. Metheny
Residing in Vigo County

Mail Tax Statements To Grantee at: 2260 Ohio Blvd, Terre Haute, IN 47803

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.


Andrew D. Metheny

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 1260A



Receipt of Payment

TERRE HAUTE, IN
PAID
APR 03 2024
CONTROLLER

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

Date 4/3/24
Name Oehler Trust - Kris Kraut
Reason Rezoning

Cash _____

Check 45.00 Ck # 74243

Credit _____

Total \$45.00

Received By J Rhomel/giv



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: May 2, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 16-24

CERTIFICATION DATE: May 1, 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. 16-24. This Ordinance is a rezoning of property located at 1116 and 1132 Poplar Street, Terre Haute, IN. Parcel numbers 84-06-386-024.000-002/026. The Petitioner, Oehler Living Trust petitions the Plan Commission to rezone said craft store, private dining, and second floor residential from zoning classification C-6 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. 16-24 at a public meeting and hearing held Wednesday, May 1, 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. 16-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 16-24 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. 16-24 was FAVORABLE with no conditions.



Received this 2nd day of May, 2024

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Sydney Shahr.

Sydney Shahr, Assistant Director

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #16-24

Doc: #13

Date: May 2024

Page 1 of 3

APPLICATION INFORMATION

Property Owners: Oehler Living Trust

Proposed Use: Craft store, private dining and second floor residential

Proposed Zoning: C-4, Restricted Central Business District

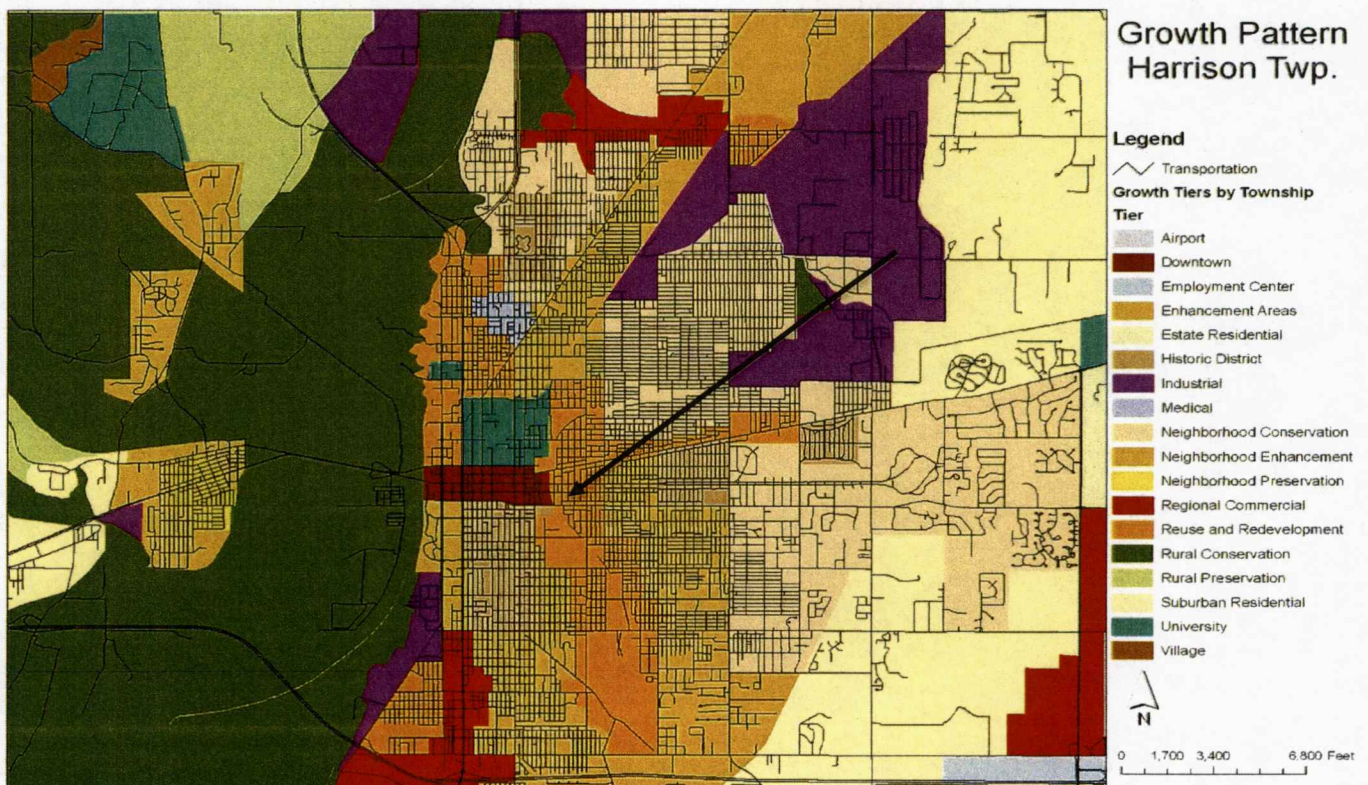
Current Zoning: C-6, Strip Business

Location: The property is located on the north side of Poplar Street approximately 35 ft. from S. 12th Street.

Common Address: 1116 & 1132 Poplar Street, Terre Haute, In 84-06-386-024.000-002/026

COMPREHENSIVE PLAN GUIDANCE

Service Area: City of Terre Haute



ZONING COMPATIBILITY

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

Available Services: Area should be well served by utilities.

Character of Area: Neighborhood Commercial

Street Access: Poplar Street

Sur. Zones and Uses:

North – C-2
West – C-6
South – C-6
East – 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).

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property to a C-4, Restricted Central Business District, for a craft store, private dining and second floor residential. 1116 Poplar Street is currently a vacant commercial lot.

The site plan shows parking on the western parcel. Parking will need to be hard-surfaced and meet all parking lot requirements in City Code.

The C-4 zoning allows, “apartment hotel and hotels, no other type of dwelling is permitted”. However, the Department of Engineering believed that this zoning classification was the best fit for the range of uses requested. Dwelling units have previously been approved in a C-3 zoning (SO #1-24), which also generally prohibits dwelling units.

The Department of Engineering has stated, “the intended use would not alter the neighborhood’s characteristic or create any significant problems for the surrounding area. They provided a favorable recommendation for the rezoning.

Recommendation: Staff provides a favorable recommendation.



**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: April 11, 2024

RE: **1132 & 1116 Poplar Street**

As requested by Area Planning, the Department of Engineering has reviewed the request by Oehler Living Trust for the following:

- Rezoning of 1132 & 1116 Poplar Street from C-6 Commerce Zone to C-4 Commerce Zone.

The parcels surrounding this property are zoned C-6 to the west, south and east and R-1 to the north. The intended use of the property is a Craft Store, Private Dining and Second Floor Residential. 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.



Dokcet #33 SO #16-24

1116 and 1132 Poplar St



Docket #33

SPECIAL ORDINANCE NO. 16, 2024

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Rezoned To: C-4 Restricted Central Business District

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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: Anthony Dinkel

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SPECIAL ORDINANCE NO. 16, 2024

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Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

Tract II:

The East One Half (1/2) of Lot Number Eighty-nine (89) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road, now Wabash Avenue, in the City of Terre Haute, Vigo County, Indiana

ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14,

1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002
Commonly known as: 1132 & 1116 Poplar St., Terre Haute, IN 47807

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, _____
Anthony Dinkel, 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 at _____ o'clock.

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this _____ day of _____, 2024 at _____ o'clock.

Michelle Edwards, City Clerk

Approved by me, the Mayor, 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, Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto, 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:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

Tract II:

The East One Half (1/2) of Lot Number Eighty-nine (89) in Chauncey Rose's Subdivision of 44 acres and 2 rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road, now Wabash Avenue, in the City of Terre Haute, Vigo County, Indiana

ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve

(12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14, 1960 in Plat Record 1, Page 79, records of the Recorder's Office of Vigo County, Indiana.

Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 Poplar St., 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.

Your Petitioner intends to use this real estate for a craft store, private dining and a second floor residence which is within the boundaries of the C-4 Restricted Central Business District. 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 in a mixed-use neighborhood, and the use of this real estate with the boundaries of the C-4 Restricted Central Business District should not cause concern for the surrounding 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 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 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 _____ day of March, 2024.

PETITIONER:

By: _____
Robert C. Oehler, Trustee of the Oehler
Living Trust, dated September 3, 2015 and
amendments thereto

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, Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto, being duly sworn upon his oath, deposes and says:

1. That Oehler Living Trust, dated September 3, 2015 and amendments thereto 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:

Being a part of Lot 87, and a part of Lot 88, of Chauncey Rose's Subdivision of 44 acres and two rods off the East side of the West half of Section 22, Township 12 North, Range 9 West, lying South of the National Road in the City of Terre Haute, and more particularly described as follows:

Beginning at a point S-89° 47' 58"-W 35.00 feet, from the Southeast corner of Lot 87, of Chauncey Rose's Subdivision, of 44 acres and two rods, thence S-89° 47' 58"-W along the South line of Lots 87 and 88 a distance of 79.87 feet; thence N-01° 02' 02"- W 140.00 feet to an existing iron pin; thence N-89° 47' 58"-E 79.87 feet to an iron pin set, said pin being 35.00 feet West of the Northeast corner of Lot 87, thence S-01° 02' 02"-E 140.00 feet to the point of beginning.

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ALSO

38 feet 10 ½ inches off the West side of Lot Number Eighty-eight (88) in the Subdivision of Forty-four (44) acres and Two (2) rods off the East side of the West Half of Section Number Twenty-two (22), Township Twelve (12) North of Range Nine (9) West, lying South of the National Road and bounded on the South by the Bloomington Road, or Poplar Street, as heretofore made by Chauncey Rose, as shown by plat recorded June 14,

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Parcel Nos: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

Commonly known as: 1132 & 1116 Poplar St., Terre Haute, IN 47807

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 Oehler Living Trust 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 Robert C. Oehler, Trustee of the Oehler Living Trust, dated September 3, 2015 and amendments thereto.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this _____ day of March, 2024.

By: _____
Robert C. Oehler, Trustee of the
Oehler Living Trust, dated
September 3, 2015 and
amendments thereto

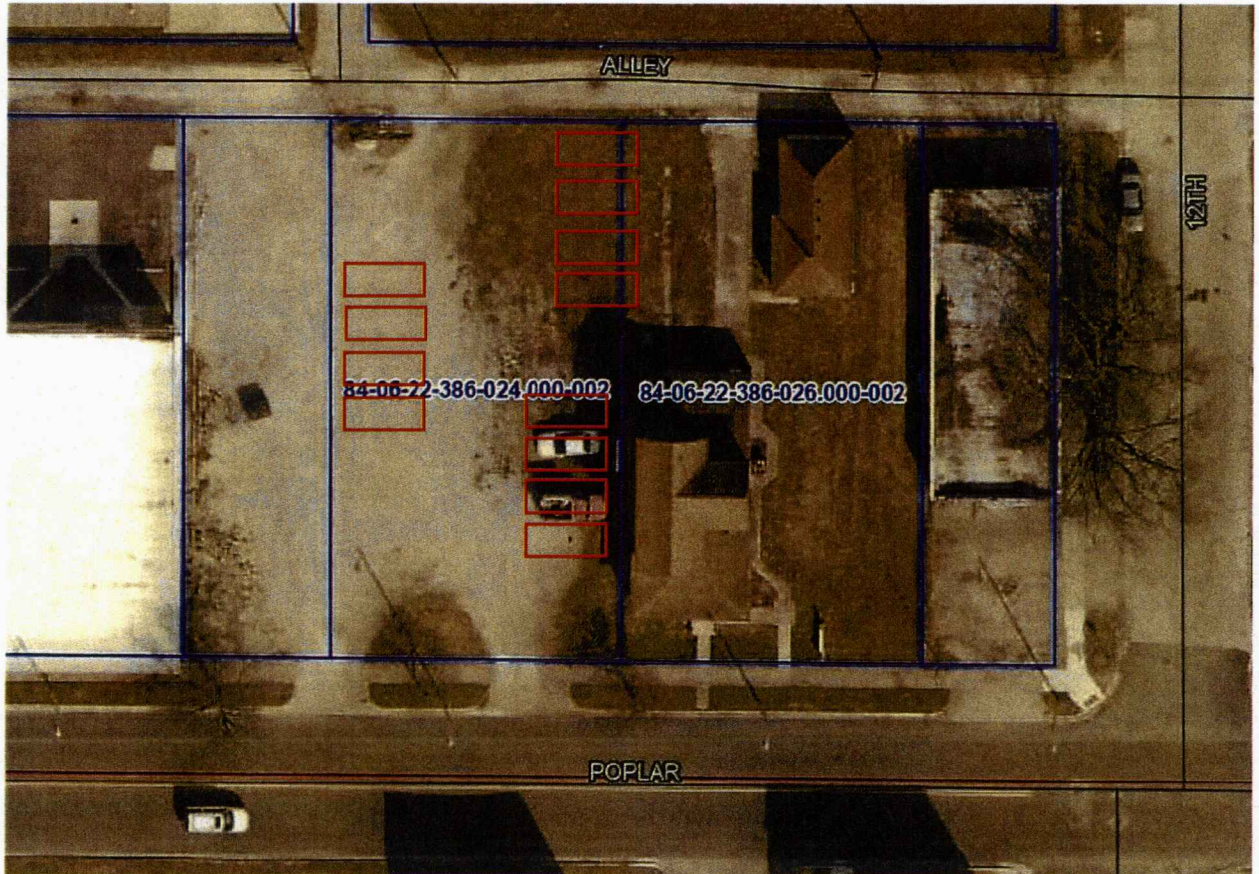
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

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

_____, Notary Public
My Commission expires: _____
My County of Residence: _____

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. 16, 2024



1116 Poplar Street Terre Haute, IN 47807
1132 Poplar Street Terre Haute, IN 47807



Parcel Nos.: 84-06-22-386-024.000-002 & 84-06-22-386-026.000-002

C-6 Strip Business
to
C-4 Restricted Central Business District

Proposed Use: Craft Store, Private Dining and Second Floor Residential