

SPECIAL ORDINANCE NO. 28, 2011.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

1350 Margaret Avenue, Terre Haute, IN 47802

Rezoned From: R-1 Single Family Residence District

Rezoned To: C-6 Strip Business District

Proposed Use: Commercial Building

Name of Owners: (1) Andrew Stadler
Address of Owner: 1101 E. Margaret Avenue
Terre Haute, IN 47802

Name of Owners: (2) Theodore J. McDaniel and Sandra M. McDaniel
Address of Owner: 2956 S. 13 1/2 Street
Terre Haute, IN 47804

Name of Owners: (3) Kenneth E. Steiner, Jr.
Address of Owner: 3174 West Florine Drive
Terre Haute, IN 47802

Phone Number of Owner(1) (812) 478-2800

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: _____

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

AUG 04 2011

CITY CLERK

SPECIAL ORDINANCE NO. 28, 2011

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:


Lots 419, 420, 432, 433, 434, 435, 475, 476, 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section.

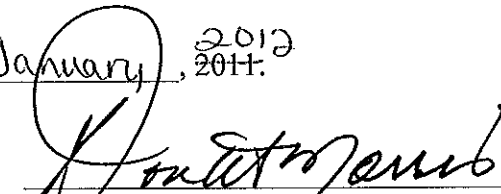
be and the same is, hereby established as a C-2 Community Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

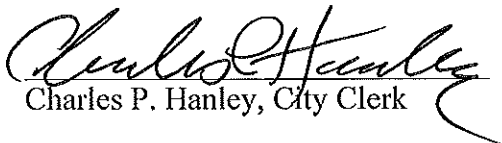
SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, 
Richard F. Dunkin, Councilperson

Passed in open Council this 12th day of January, ~~2011~~²⁰¹².

ATTEST:

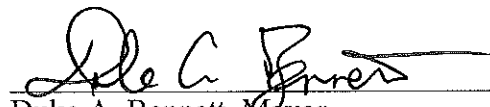

John Mullican, President
DON MORRIS


Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 13th day of January, ~~2011~~²⁰¹².


Charles P. Hanley, City Clerk

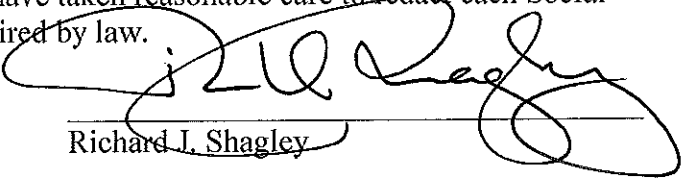
Approved by me, the Mayor of the City of Terre Haute, this 13th day of JANUARY, 2012


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, 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

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, 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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Andrew Stadler, Theodore J. McDaniel and Sandra M. McDaniel , and Kenneth E. Steiner, Jr., respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots 419, 420, 432, 433, 434, 435, 475, 476, 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residential District.

Petitioner, Andrew Stadler, would propose to develop a commercial building which will be used by commercial tenants including Stadler Tax Service. Stadler Tax Service is presently located at 1101 East Margaret Avenue, Terre Haute, Indiana 47802. However, Stadler Tax Service is subject to condemnation proceedings by the City of Terre Haute to widen Margaret Avenue. Petitioners, Theodore J. McDaniel and Sandra M. McDaniel, Husband and Wife, have agreed to sell their real estate to Andrew Stadler and Kenneth E. Steiner, Jr. has agreed to lease its real estate to Andrew Stadler for parking for the development.

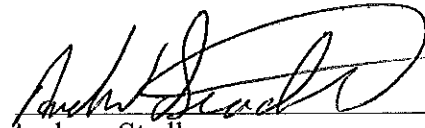
Your Petitioners would request that the real estate described herein shall be zoned as a C-6 Strip Business District to allow for the use as proposed by Petitioner, Andrew Stadler. Your Petitioners would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood, since the real estate is located in Terre Haute's Canal Street Bypass Corridor.

Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

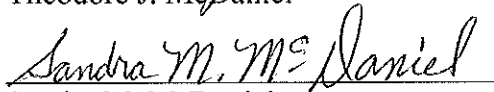
WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-2 Community Commerce District of the City of Terre Haute, Indiana, and is 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.

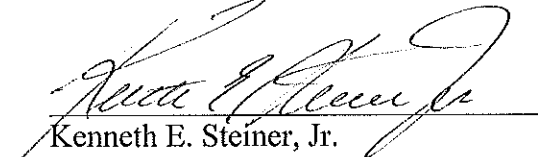
IN WITNESS WHEREOF, the undersigned Petitioners have executed this Petition to Rezone Real Property, this 3 day of ~~July~~^{August}, 2011.

PETITIONERS:

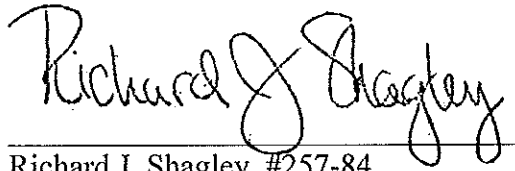

Andrew Stadler


Theodore J. McDaniel


Sandra M. McDaniel


Kenneth E. Steiner, Jr.

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

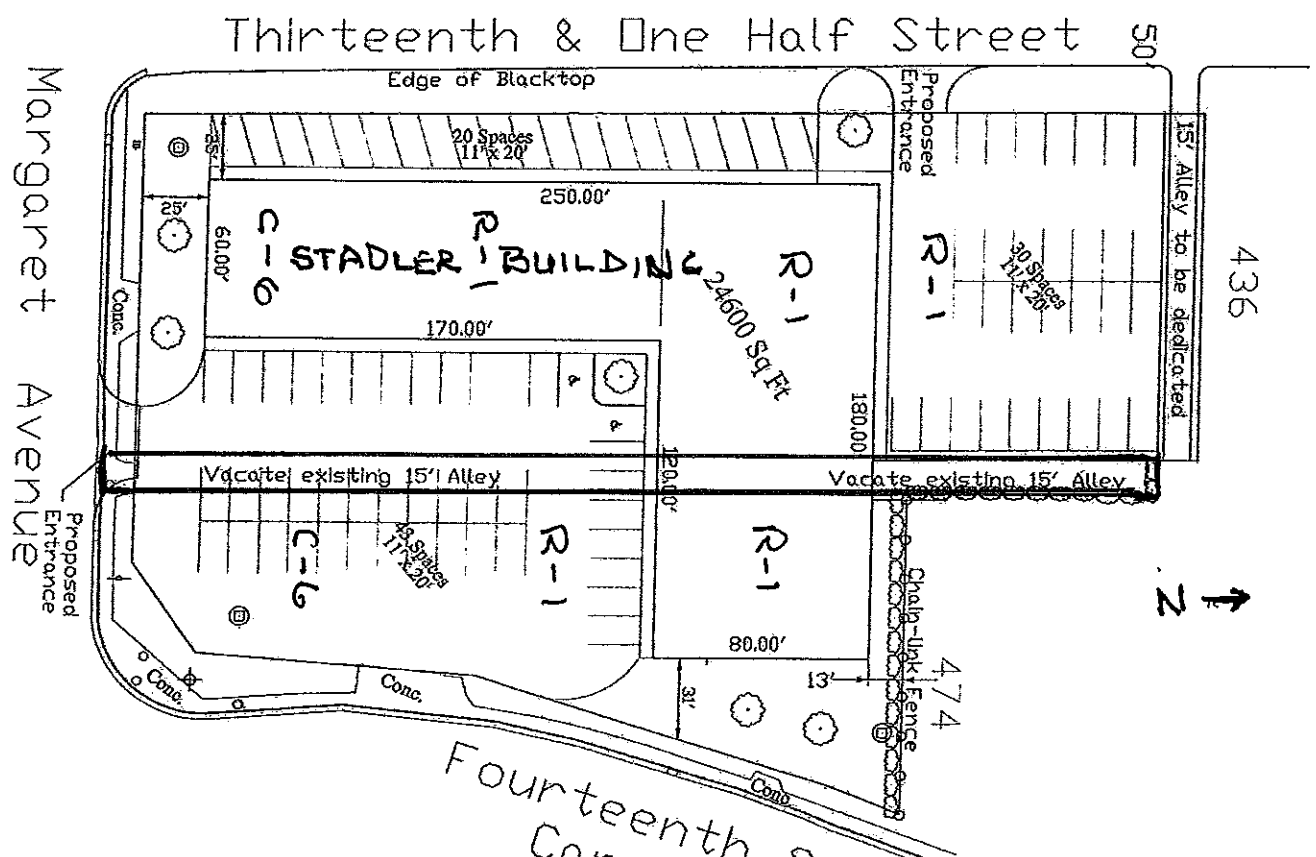
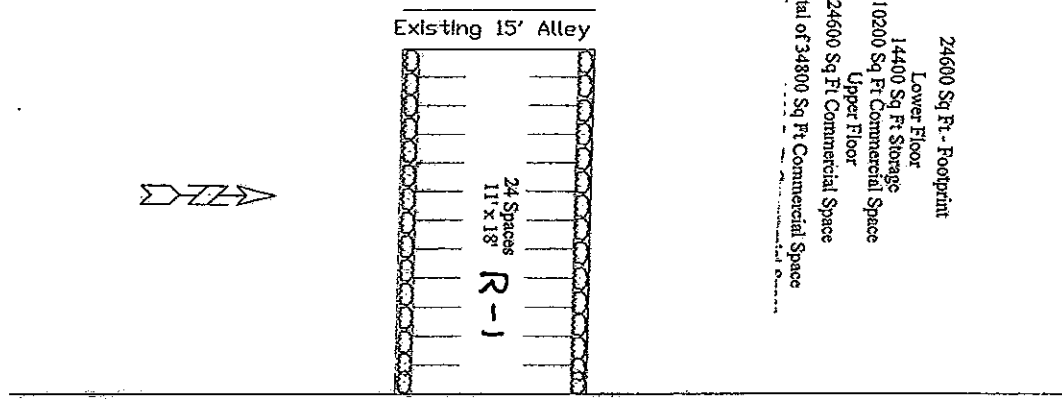
BY: 
Richard J. Shagley, #257-84
Attorneys for Petitioners

The owner and mailing address: Andrew Stadler, 1101 Margaret Avenue, Terre Haute, IN 47802, Theodore J. McDaniel & Sandra M. McDaniel, 2956 S. 13 ½ Street, Terre Haute, IN 47804, and Norma Lawson, 2933 S. 14th Street, Terre Haute, IN 47802 .

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

PRELIMINARY SITE PLAN

24600 Sq Ft - Footprint
 Lower Floor
 14400 Sq Ft Storage
 10200 Sq Ft Commercial Space
 Upper Floor
 24600 Sq Ft Commercial Space
 Total of 34800 Sq Ft Commercial Space



S.O. 28, 2011

R-1 to C-6

1350 MARGARET AVENUE

STADLER DEVELOPMENT
 EXHIBIT A

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Andrew Stadler, being duly sworn upon his oath, deposes and says:

1. That Andrew Stadler is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots 475, 476, 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Andrew Stadler 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 Andrew Stadler 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 Andrew Stadler, Theodore J. McDaniel and Sandra M. McDaniel, and Kenneth E. Steiner, Jr.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 3 day of ^{August} July, 2011.



Andrew Stadler

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUN 21 2011

EXEMPT FROM DISCLOSURE

2011007782 QD \$18.00
06/21/2011 01:29:14P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Timothy M. Spence
VIGO COUNTY AUDITOR

QUIT CLAIM DEED



THIS INDENTURE WITNESSETH:

CITY OF TERRE HAUTE, INDIANA, BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND SAFETY, of Vigo County, State of Indiana, as Grantor, RELEASES AND QUIT CLAIMS to ANDREW STADLER, of Vigo County, as Grantee, for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit:

Lots 475, 476, 477, and 478 in Rosemont 2nd
Commonly identified as 2937 and 2941 South 14th Street, Terre Haute, Indiana.
Tax Parcel No. 84-06-34-455-019.000-002 and 84-06-34-455-020.000-002

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

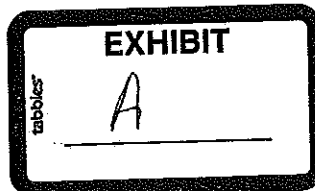
The property must be maintained and utilized in compliance with all federal, state, and local laws and ordinances and applicable zoning regulations.

IN WITNESS WHEREOF, the City of Terre Haute, Indiana Board of Public Works & Safety, of Vigo County, State of Indiana, has caused this Deed to be executed this 13 day of June, 2011.

City of Terre Haute, Indiana
Board of Public Works & Safety

By: *William D. Lower*
William D. Lower, President

ATTEST:
By: *Jonathan Stinson*
Jonathan Stinson, Secretary



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me the undersigned, a Notary Public, in and for said County and State, this ___ day of June, 2011, personally appeared the within William D. Lower and Jonathon Stinson, the President and Secretary respectively, of the City of Terre Haute, Indiana Board of Public Works & Safety, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

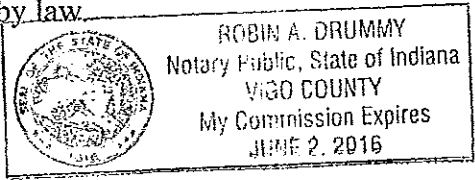
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Robin A. Drummy
Robin A. Drummy, Notary Public

My Commission Expires: 6/2/16 County of Residence: Vigo

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.

William D. Lower
William D. Lower, President



This instrument prepared by City Attorney Chou-il Lee, Legal Department, 17 Harding Avenue, Terre Haute, IN, 47807 (812) 232-2508.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Theodore J. McDaniel, being duly sworn upon his oath, deposes and says:

1. That Theodore J. McDaniel and Sandra M. McDaniel are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots 432, 433, 434, and 435 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Theodore J. McDaniel and Sandra M. McDaniel are attached hereto and made a part hereof and marked as Exhibits A and B.

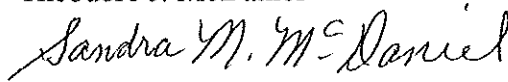
3. That Affiant makes this Affidavit for the sole purpose of affirming that Theodore J. McDaniel and Sandra M. McDaniel are the owners of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Andrew Stadler, Theodore J. McDaniel and Sandra M. McDaniel, and Kenneth E. Steiner, Jr.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 3 day of ^{August} ~~July~~, 2011.



Theodore J. McDaniel



Sandra M. McDaniel

Duly entered for taxation this 2

Received for record this 3 day of

day of Apr, 1984.

April, 1984 at 8 o'clock

Auditor's Fee \$ Wm Paul Newton

A. M. and recorded in Book 396 Page 409

Auditor Vigo County

Wm Bramble

Recorder Vigo County

89-70 2345

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

That The Terre Haute Housing Authority Development Corp., RELEASES AND QUIT CLAIMS to Theodore J. McDaniel and Sandra M. McDaniel, for valuable consideration of the sum of One Dollar and other good and valuable considerations the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana; to-wit:

Lot No. four hundred thirty-two (432) and Lot number four hundred and thirty-three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows:

All that part of the southwest quarter of the southeast quarter of section thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying south and west of the south and west right of way line of the Southern Indiana Railway Company's property in said quarter section, containing eighteen and five hundred seventy-six thousandths (18-576/1000) acres, as shown in Plat Record 9, page 11, in the Recorder's Office of Vigo County, Indiana.

All property taxes, liens, and assessments shall be paid before the date causing the payment to be delinquent.

The property must be maintained in compliance with any city ordinance concerning trash, weeds or junk cars after sixty (60) days from date of this deed.

The property may be used for purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel.

Vigo County Tax Parcel 346 455 008

Taxes pro-rated to date of Deed.

The undersigned persons executing this deed on behalf of the Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

This transfer is being made to carry out the disposition policies contained in Urban Renewal Plan and Program for the Recovery of Demolition Sites and Other Vacant Properties, and pursuant to Resolution No. 6, 1981, approved by the Board of Public Works and Safety of the City of Terre Haute, Indiana, on June 17, 1981, Vigo County Council Ordinance No. _____, March 31, 1981, and the Common Council of the City of Terre Haute Resolution No. 14, 1981, dated May 14, 1981, all of the aforesaid being passed and approved to carry out the provisions of the Urban Renewal Plan and Program for the Recovery Demolition Sites and Other Vacant Properties. Said plan being formulated, passed and approved by the Terre Haute Redevelopment Commission Resolution No. 6, dated February 2, 1981, Resolution No. 10, dated February 18, 1981, Area Plan Commission Resolution No. PR1, 1981, dated February 4, 1981, and the Common Council of the City of Terre Haute Resolution No.

EXHIBIT

A

WARRANTY DEED

THIS INDENTURE WITNESSETH: That KENNETH JAMES HARDAS (Adult Male) of Vigo County, State of Indiana, CONVEYS AND WARRANTS to THEODORE J. McDANIEL and SANDRA M. McDANIEL (Husband and Wife) of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots 434 and 435, in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

Grantor warrants that he is the sole and absolute owner, in fee simple absolute, of the aforesaid real estate.

Grantor warrants that there are no liens, mortgages, restrictions, encumbrances, or defects in description or title to said property.

Taxes are to be pro rated to date of sale.

IN WITNESS WHEREOF, The above named Grantor, Kenneth James Hardas, has hereunto set his hand and seal on this ___ day of October, 1994.

Kenneth James Hardas (SEAL)
Kenneth James Hardas (Grantor)

DULY ENTERED FOR INDEXING
Oct 18 1994
Judith Anderson
Notary Vigo County

STATE OF INDIANA, COUNTY OF VIGO, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 12 day of October, 1994, personally appeared Kenneth James Hardas, the within named Grantor in this conveyance, and acknowledged the execution of the same to be his voluntary act and deed.

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

Commission Expires: 3-7-97 David Roberts (SEAL)
County of Residence: Vigo Notary

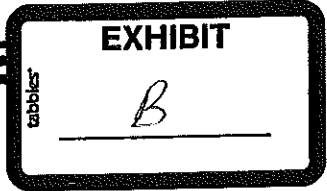
Prepared by Theodore J. McDaniel, 2955 S. 13 1/2 St., Terre Haute, Indiana.

Taxes sent to: Theodore and Sandra McDaniel, 2955 S. 13 1/2 St., Terre Haute, Indiana.

RECEIVED FOR RECORD
AT 9:30 O'CLOCK A.M.
RECORD 339 PAGE 27

OCT 18 1994

Nancy Lambert
RECORDER VIGO COUNTY



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Kenneth E. Steiner, Jr., being duly sworn upon his oath, deposes and says:

1. That Kenneth E. Steiner, Jr. is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

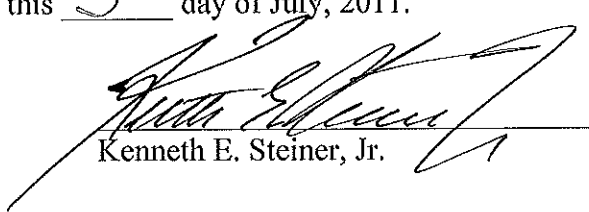
Lots 419 and 420 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Kenneth E. Steiner, Jr. 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 Kenneth E. Steiner, Jr. 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 Andrew Stadler, Theodore J. McDaniel and Sandra M. McDaniel, and Kenneth E. Steiner, Jr.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 3 day of ^{August} July, 2011.


Kenneth E. Steiner, Jr.

96 13486

EXEMPT FROM DISCLOSURE Sale by The Viquezney Company, Terre Haute, Indiana

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

WARRANTY DEED

002854

THIS INDENTURE WITNESSETH, That James C. Spence and Tammi J. Spence, husband and wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Kenneth E. Steiner, Jr., a competent adult

of Vigo County, in the State of Indiana

for the sum of One Dollar (\$1.00) and other valuable consideration Dollars

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Lots 419 and 420 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

Taxes prorated to date of deed.

443 PAGE 2854

RECEIVED FOR RECORD
MAR 5 PM 3:10

013486

IN WITNESS WHEREOF, The said James C. Spence and Tammi J. Spence, husband and wife has hereunto set their hand and seal, this 4th day of March 1998

James C. Spence (Seal) Tammi J. Spence (Seal)
(Seal) (Seal)
(Seal) (Seal)

STATE OF INDIANA, Vigo COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 4th day of March 1998, personally appeared James C. Spence and Tammi J. Spence, husband and wife

and acknowledged the execution of the annexed Deed.

WITNESS my hand and Notarial Seal.

My commission expires April 13 1999

Tracy A. Patrick Notary Public
County of Residence Vigo

DULY ENTERED FOR TAXATION

The Day of 19

Fee Auditor

RECEIVED FOR RECORD

The day of
A. D. 19 , at o'clock M.
and recorded in Deed Record
page

Recorder County

Mail to: Kenneth E. Steiner, Jr., 3174 West Florine Dr., Terre Haute, IN 47802

This instrument prepared by: Thomas L. Spelman, Attorney, 20 South 5th St., Terre Haute, IN

EXHIBIT
A

Receipt

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

Date: 8/4/11

Name: Andy Stadler

Reason: Reasoning

TERRE HAUTE, IN
PAID

AUG - 4 2011

CONTROLLER

Cash: _____

Check: \$4500

Credit: _____

Total: \$4500

Received By: Dat Lee's



TERRE HAUTE

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: September 8, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #28-11

CERTIFICATION DATE: September 7, 2011

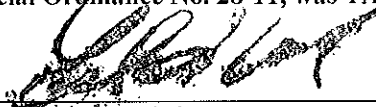
TO: The Honorable Common Council of the City of Terre Haute

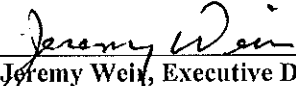
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 28-11. This Ordinance is a rezoning of the property located at 1350 Margaret Avenue. The Petitioner, Andrew Stadler, Theodore and Sandra McDaniel and Kenneth Steiner, Jr., Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-6, Strip Business District, for a commercial building. 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. 28-11 at a public meeting and hearing held Wednesday, September 7, 2011. 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. 28-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 28-11 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. 28-11, was TABLE .


Fred L. Wilson, President


Jeremy Wein, Executive Director

Received this 8th day of September, 2011



TERRE HAUTE
A LEVEL 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: January 5, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #28-11

CERTIFICATION DATE: January 4, 2012

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. 28-11. This Ordinance is a rezoning of the property located at 1350 Margaret Avenue. The Petitioner, Andrew Stadler, Theodore and Sandra McDaniel and Kenneth Steiner, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-6, Strip Business District, for mixed use commercial center. 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. 28-11 at a public meeting and hearing held Wednesday, January 4, 2012. 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. 28-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 28-11 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. 28-11, was Passed – 1 Nay, Todd Nation.

Handwritten signature of Fred L. Wilson.

Fréd L. Wilson, President

Handwritten signature of Jeremy Weir.

Jeremy Weir, Executive Director

Received this 5th day of January, 2012

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #28-11
Date: September 2011

Doc: # 60
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APPLICATION INFORMATION

Petitioner: Andrew Stadler, Theodore McDaniel, Sandra McDaniel, Kenneth Steiner

Property Owner: Same-As-Above

Representative: Richard Shagley

Proposed Use: Mixed Use Commercial Center

Proposed Zoning: C-6, Strip Business Zone

Current Zoning: R-1, Single-Family Residence District

Location: Property is located on the north side of Margaret Drive between 13th Street and the realigned 14th Street. Site has been giving a tentative address of 1350 Margaret Drive

Common Address: 1350 Margaret Drive (tentative)

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement

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

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Good. - Margaret Drive is a primary arterial, 14th is a primary arterial, 13th is a local roadway.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #28-11

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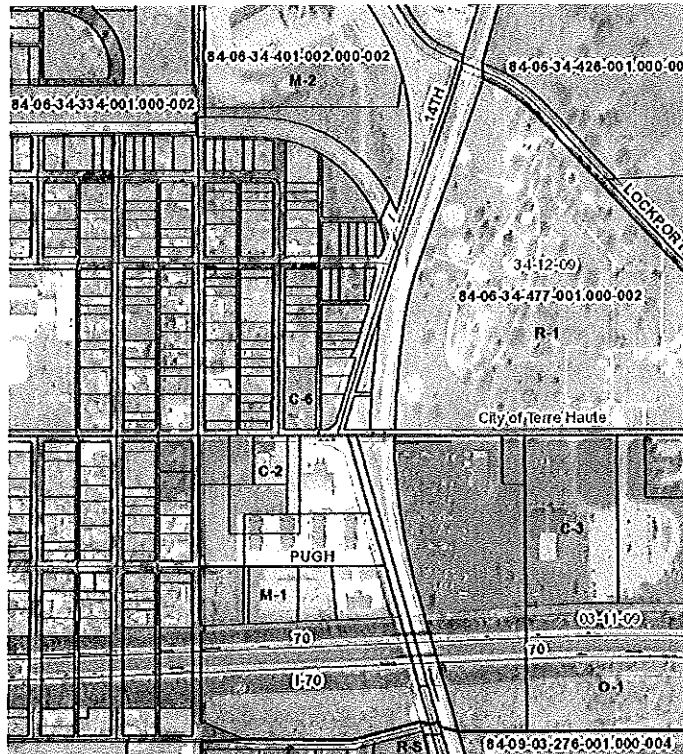
Date: September 2011

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Dev. Priority: High – reinvestment to capitalize on infrastructure improvements along 13th street corridor and Margaret Drive.

ZONING COMPATIBILITY

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



Character of Area: Mixed use commercial and residential.

Contig. Uses & Zones: Location is contiguous with C-6 as well as other commercial uses.

ZONING REGULATIONS

C-6 Purpose: The Strip Business Zone is a business use created primarily for transient’s needs, but with some subjugated business uses serving neighborhood needs. It shall therefore be located only along major streets or expressways of the planning area and in addition shall be limited to Federal or state primary highways in densely developed

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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areas only and not along “Limited” or “Controlled” access highways.

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

C-6 Standards:

Minimum Lot Size: 3,300 Sq. Ft.

FAR 0.5 %

Street Setback: 55 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

Parking standard: Office, Business and Professional

Three (3) parking spaces per one thousand (1,000) square feet of gross floor area

Park lots for more than ten (10) cars will need visual buffering from adjacent residential properties

FINDINGS and RECOMMENDATION

Staff Findings: The realignment of 14th/Canal Road at the intersection of Margaret Drive provides an ideal location for commercial services and retailers serving the market of commuters who use the Canal Road route to and from Terre Haute from the southern part of the county on a regular basis. Uses appropriate for this location include automobile service and fuel, convenience stores, professional services, and other non-big box retail operations. The use of appropriate buffers between this node and the surrounding neighborhoods will be an important means to support the sustainability of both the residential and commercial uses.

Recommendation: Favorable Recommendation.