



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 12, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

3250 and 3230 North 22nd Street, Terre Haute, IN 47804

Current Zoning: 3250 North 22nd Street, Terre Haute, IN 47804: C-2
3230 North 22nd Street, Terre Haute, IN 47804: R-1

Requested Zoning: C-3

Proposed Use: Carwash

Name of Owner: Brian Porter and Lisa Porter, as husband and wife

Address of Owner: 4050 S. 325 W., Rockville, IN 47872

Phone Number of Owner: 765-569-5002

Attorney Representing Owner: Jeffrey A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffrey A. Lind, atty, 400 Ohio Street, Terre Haute, IN 47807,
812-234-5463

Introduced by Council Member: Cheryl Loudermilk

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

FILED

APR 04 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 2022**

CITY CLERK

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

SECTION 1. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the “Comprehensive Zoning Ordinance for Terre Haute” and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

“That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Tract 1

Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Commonly known as 3250 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-0013.000-002

Tract 2

Lots Numbers 73 and 74 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Commonly known as 3230 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-014.000-002

All as shown in the Plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder’s Office of Vigo County, Indiana.

Commonly known as: **3250 and 3230 North 22nd Street, Terre Haute, IN 47804**

Be and the same is hereby established as a **C-3 Regional Commerce 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,

Cheryl Loudermilk
Cheryl Loudermilk

Passed in Open Council this 2nd day of June, 2022.

Cheryl Loudermilk
Cheryl Loudermilk, President

ATTEST Michelle L Edwards
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 2nd day of June 2022.

Michelle L Edwards
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 2nd day of JUNE, 2022.

Duke Bennett
Duke Bennett, Mayor

ATTEST Michelle L Edwards
Michelle Edwards, City Clerk

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

Jeffrey A. Lind
Jeffrey A. Lind

This instrument prepared by: **Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, phone: 812-234-5463.**

**PETITION TO REZONE REAL PROPERTY
SPECIAL ORDINANCE 12, 2022**

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, Brian Porter and Lisa Porter, as husband and wife, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Tract 1

Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

**Commonly known as 3250 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-0013.000-002**

Tract 2

Lots Numbers 73 and 74 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

**Commonly known as 3230 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-014.000-002**

All as shown in the Plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 3250 and 3230 North 22nd Street, Terre Haute, IN 47804.

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," Tract 1, 3250 North 22nd Street, Terre Haute, IN, Parcel No. 84-06-11-106-0013.000-002, is now zoned **C-2 Community Commerce District** and Tract 2, 3230 North 22nd Street, Terre Haute, IN, Parcel No. 84-06-11-106-014.000-002 is now zoned as **R-1 Single Family Residence District**.

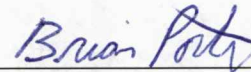
Your petitioner would respectfully state that the real estate is now **occupied by two structures which would be demolished as a part of this project**. Your petitioner intends to develop a carwash on this location.

Your petitioner would request that the real estate described herein shall be zoned as a **C-3 Regional Commerce District**. Your petitioner would allege that the **C-3 Zoning designation** would not alter the general characteristics of this neighborhood.

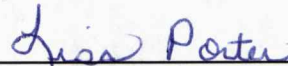
Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **C-3 Regional Commerce District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, this petition has been duly executed this 4th day of April, 2022.



Brian Porter



Lisa Porter

PETITIONER: **Brian Porter and Lisa Porter, as husband and wife**

This instrument was prepared by **Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, phone: 812-234-5463.**

AFFIDAVIT OF BRIAN PORTER and LISA PORTER

COMES NOW affiant Brian Porter and Lisa Porter and affirms under penalty of law that affiants are the owners of record of the property located at 3250 and 3230 North 22nd Street, Terre Haute, IN 47804 for which a rezoning is requested and a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Brian Porter
Brian Porter

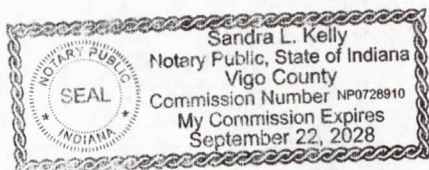
Lisa Porter
Lisa Porter

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Brian Porter and Lisa Porter who acknowledge the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 4th day of April, 2022.

Notary Public:



Sandra L. Kelly
Sandra L. Kelly
Printed name

My Commission Expires: 9/22/2028

My County of Residence: Vigo

Subject to final acceptance for Transfer

MAR 24 2022


VIGO COUNTY AUDITOR

2022003743 WD \$25.00
03/24/2022 09:01:45A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That DC Schimmel, LLC, a limited liability company organized and existing under the laws of the State of Indiana (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Brian Porter and Lisa Porter, husband and wife, of Parke County, State of Indiana, (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Tract 1 - Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Tract 2 - Lots Numbers 73, 74, 75, and 76 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 1, Township 12 North, Range 9 West.

Tract 3 - Lot Number Sixty-five (65) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half (N 1/2) of the North West Quarter (NW 1/4) of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

All as shown in the plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Parcel Number: 84-06-11-106-013.000-002, 84-06-11-106-014.000-002, 84-06-11-106-015.000-002, 84-06-11-106-020.000-002

Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed, that they are either (*mark applicable option*):

1. all of the Members of Grantor
Or
 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.

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 the instrument.

GRANTEE'S ADDRESS: 4050 S. 325 W. Rockville, IN 47872

MAIL TAX STATEMENTS TO: same

Receipt

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

Date: 4/4/2022

Name: Brian Porter

Reason: Rezoning - notice of filing \$25-
Rezoning - petition \$20
\$45

Cash: _____

Check: 45 CK# 6148

Credit: _____

Total: _____

Received By: *Antz*

TERRE HAUTE, IN
PAID
APR - 4 2022
CONTROLLER



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: May 5, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 12-22

CERTIFICATION DATE: May 4, 2022

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. 12-22. This Ordinance is a rezoning of 3230 and 3250 N. 22nd Street. The Petitioner, Brian and Lisa Porter petitions the Plan Commission to rezone said carwash from zoning classification C-2 and R-1 to C-3 Regional Commerce 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. 12-22 at a public meeting and hearing held Wednesday, May 4, 2022. 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. 12-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-22 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. 12-22 was TABLED.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 5th day of May, 2022

Jeffry A. Lind*
*Admitted in Indiana and Illinois



FILED
MAY 02 2022
CITY CLERK

400 Ohio Street • Terre Haute, IN 47807 • www.lindlawfirm.com
(812) 234-5463

May 02, 2022

Michelle Edwards, City Clerk
Terre Haute City Hall
17 Harding Street
Terre Haute, IN 47807

Via Email: michelle.edwards@terrehaute.in.gov
and
Hand-Delivery

***Re: Brian and Lisa Porter Rezoning Request at 22nd and Ft. Harrison Streets
Special Ordinance 12-2022***

Dear Michelle:

Attached or enclosed, as applicable, is a revised site plan related to the above-referenced project. It has been revised to legibly show the distance of the north drive to the intersection of 22nd and Ft. Harrison and the distance between the two (2) drives.

This day, we are filing an application with the Board of Zoning Appeals requesting a variance, which if granted, would allow the north drive to be 30' or more from the intersection of 22nd and Ft. Harrison and lining up with the drive for the commercial property to the east and across 22nd Street.

As our filing with BZA today would not allow us to be heard by BZA in May, but rather in June, please table this matter in your May meeting(s) and place this matter on your agenda(s) in June.

Additionally, please accept the site plan delivered herewith as an Amended Site Plan and make it a part of our previous rezoning filing.

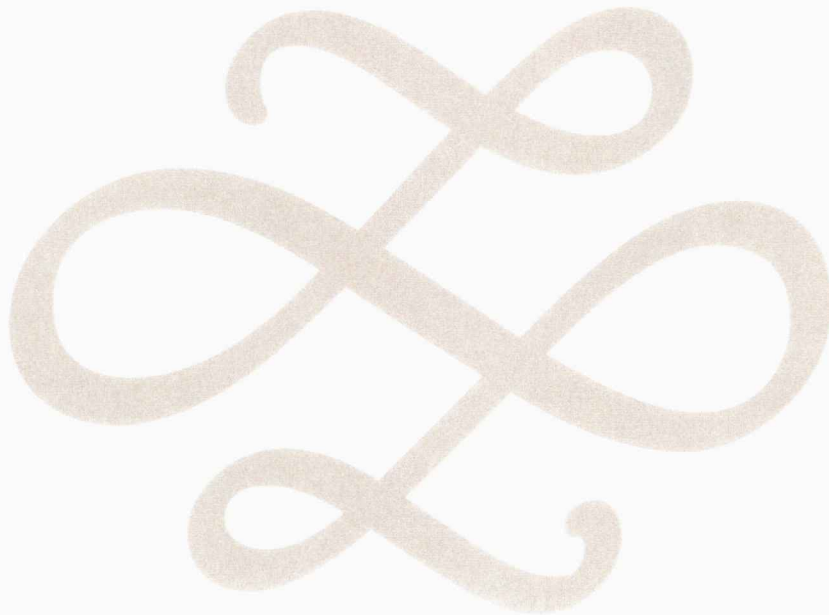
As always, if you have any questions or concerns, please feel free to give me a call.

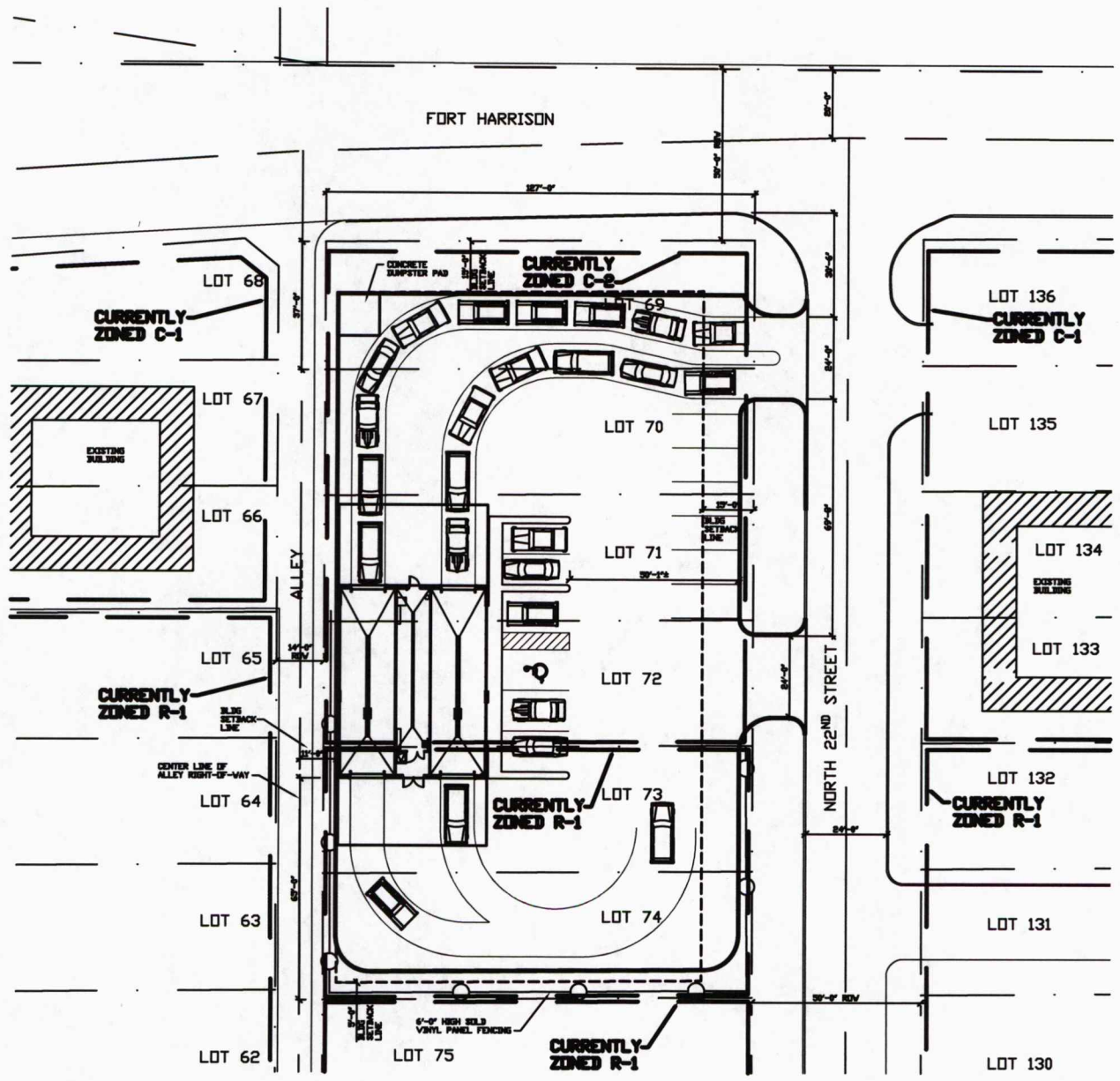
Respectfully yours,



Jeffrey A. Lind

cc: Brian and Lisa Porter







SITE PLAN
 SCALE: NONE



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: June 2, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 12-22

CERTIFICATION DATE: June 1, 2022

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. 12-22. This Ordinance is a rezoning of 3230 and 3250 N. 22nd Street. The Petitioners, Brian and Lisa Porter, petitions the Plan Commission to rezone said carwash from zoning classification C-2 and R-1 to C-3, Regional Commerce.

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. 12-22 at a public meeting and hearing held Wednesday, June 2, 2022. 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. 12-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-22 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. 12-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Site plan, parking, screening to residential, and stormwater drainage approval by City Engineering 2.) Approval of variance for the minimum distance of the drive from the street intersection by City BZA

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 2nd day of June, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-22

Doc: #36

Date: May 2022

Page 1 of 4

APPLICATION INFORMATION

Property Owners: Brian & Lisa Porter

Proposed Use: Carwash

Proposed Zoning: C-3, Regional Commerce District

Current Zoning: C-2 & R-1 District

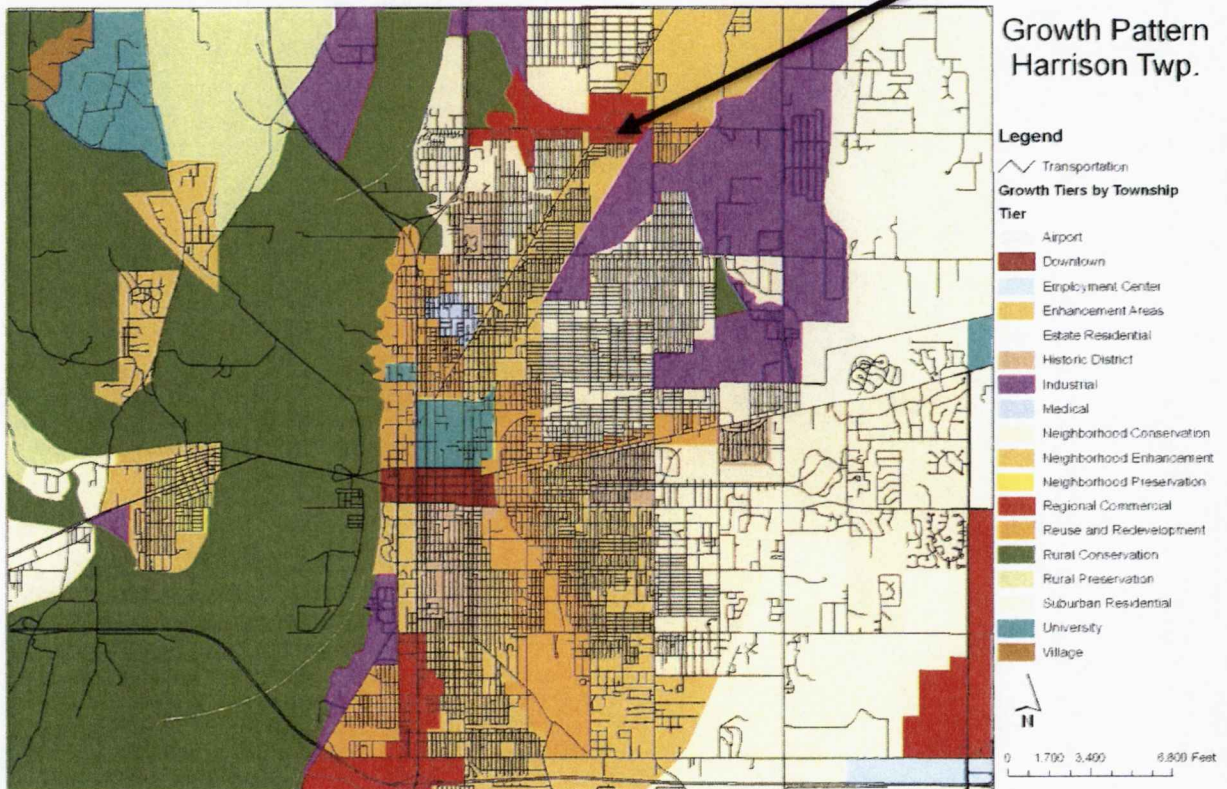
Representative: Jeffry A. Lind

Location: The properties are located on the corner of Ft. Harrison Rd. & N. 22nd St. Ft. Harrison ADD Lots 69-74

Common Address: 3230 N. 22nd Street, T.H. 84-06-11-106-013.000-002 –R-1
3250 N. 22nd Street, T.H. 84-06-11-106-014.000-002 –C-2

COMPREHENSIVE PLAN GUIDANCE

Service Area: Terre Haute



ZONING COMPATIBILITY

Regional Commercial

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

Additional policies to guide future development decisions include:

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

Available Services: Area is well served by utilities.

Intensity: High intensity employment area

Street Access: N. 22nd Street

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-22

Doc: #36

Date: May 2022

Page 3 of 4

Sur. Zones and Uses:

North – R-1, C-5

West – C-1 & R-1

South – R-1,

East – R-1, C-6

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the properties to C-3, Regional Commercial District, for a car wash.

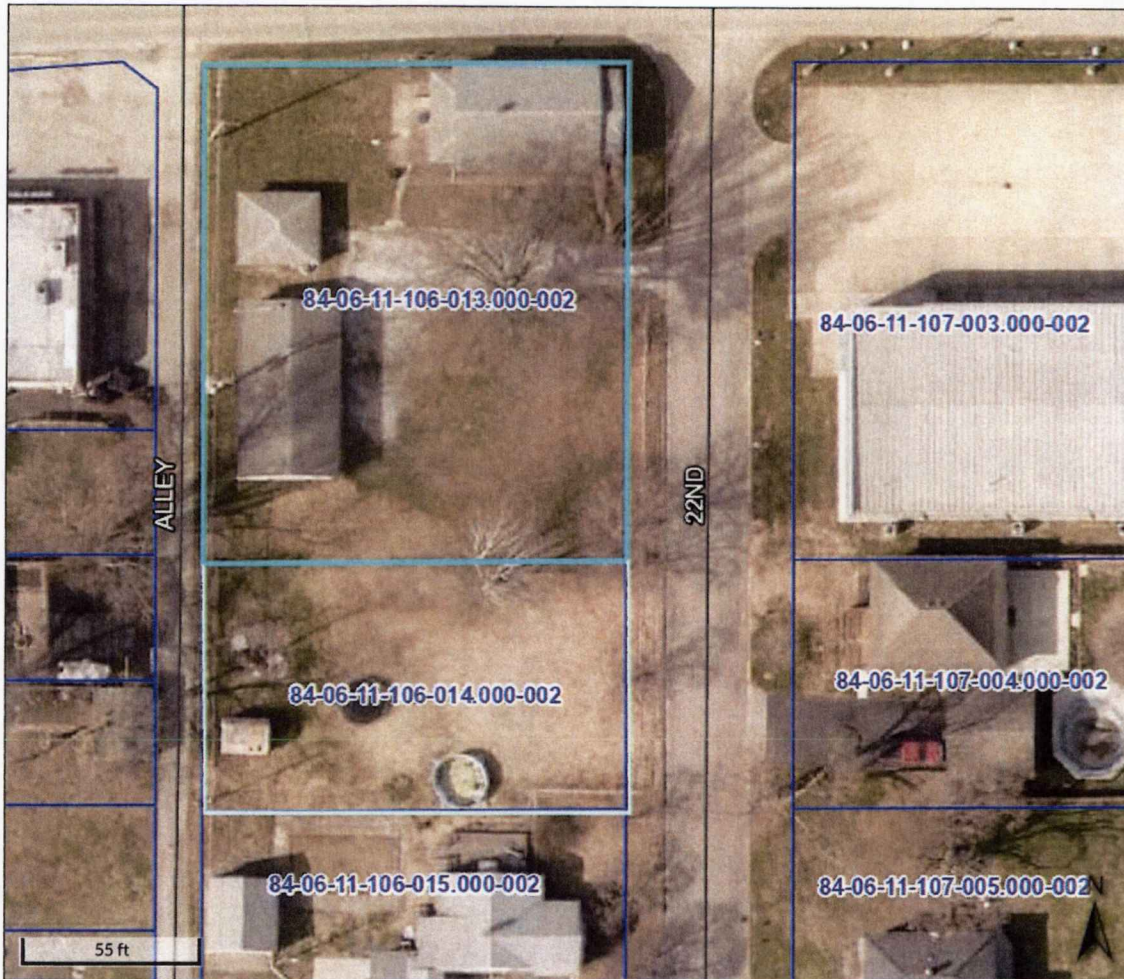
The parking and driveways will need to be hard-surfaced. The northern ingress driveway does not meet the minimum distance from the street intersection (50'). They have applied for a variance to be heard at the June 1, 2022 BZA meeting. The site plan has been updated with increased parking. For a car wash, city code calls for “four (4) spaces per bay or stall plus one space per employee plus ten (10) stacking spaces” (Sec. 10-137(g)(2)). Drive access from 22nd St was recommended by City Engineering due to the high volume and velocity of traffic on Ft. Harrison.

Screening to residential is indicated on the south and west side of the site plan, but will need to be approved

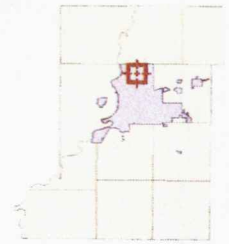
Recommendation:

Staff would offer a favorable recommendation with the following conditions:

1. Site plan, parking, screening to residential, and stormwater drainage approval by City Engineering
2. Approval of variance for the minimum distance of the drive from the street intersection by City BZA



Overview



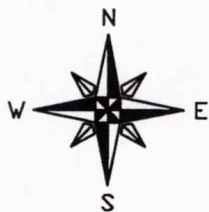
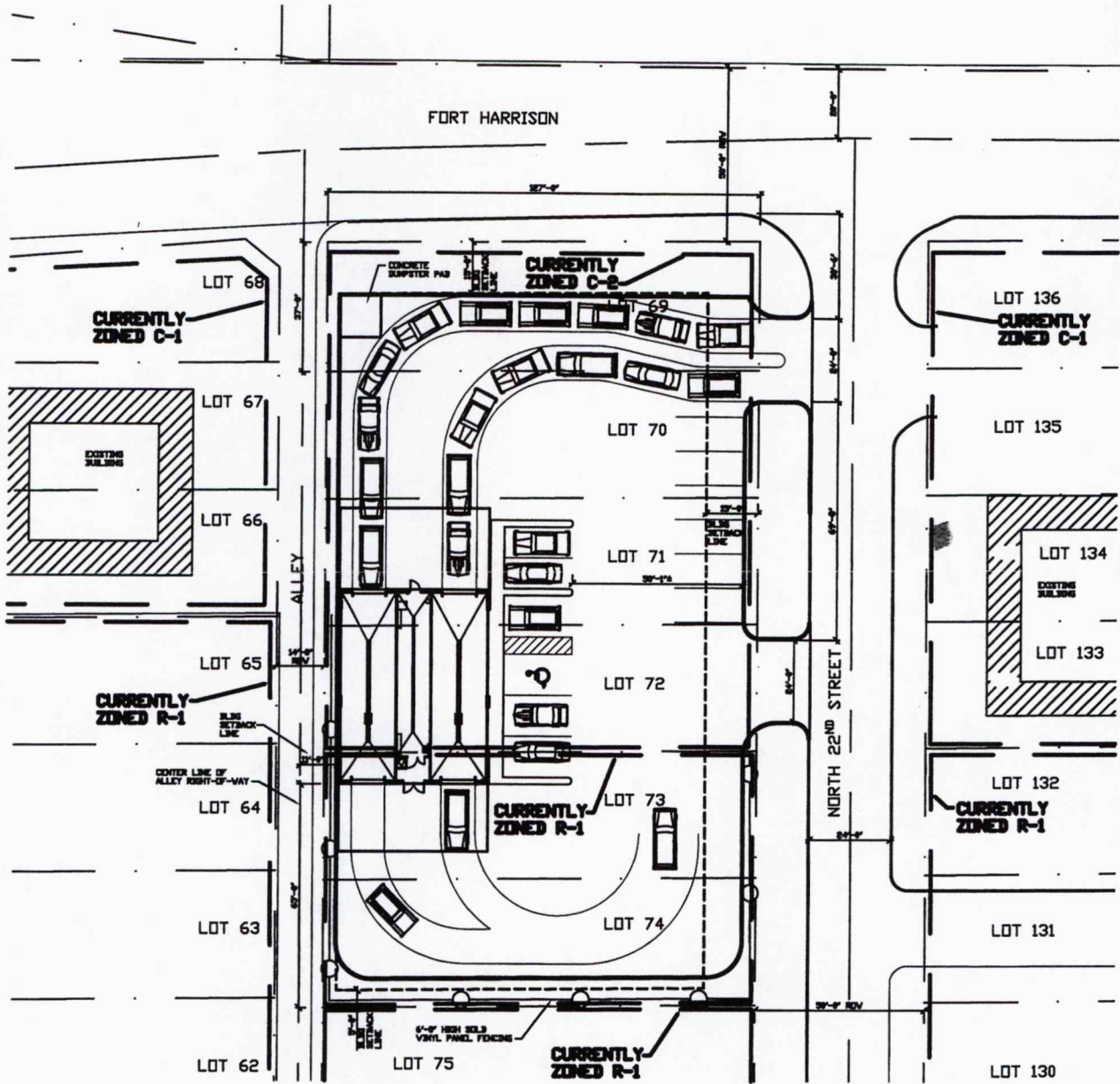
Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

Parcel ID	84-06-11-106-013.000-002	Alternate ID	84-06-11-106-013.000-002	Owner Address	Porter Brian & Lisa Proter H/W
Sec/Twp/Rng	11	Class	Res 1 fam dwelling platted lot		4050 S 325 W
Property Address	3250 N 22ND ST	Acreage	n/a		Rockville, IN 47872
	TERRE HAUTE				
Neighborhood	118503 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FT HARRISON ADD (3250 N 22ND) D-441/1862 11-12-9 LOTS 69-72 <i>(Note: Not to be used on legal documents)</i>				

Date created: 4/6/2022
Last Data Uploaded: 4/5/2022 8:45:04 PM

Developed by **Schneider**
GEOSPATIAL



SITE PLAN
SCALE: NONE

CITY OF
TERRE HAUTE
DEPARTMENT
OF ENGINEERING

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807

Phone: 812.232.4028
Fax: 812.234.3973

www.terrehaute.IN.gov

DUKE A. BENNETT
Mayor

CHARLES W. ENNIS, P.E., S.E.
City Engineer

engineering@terrehaute.in.gov

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Caleb Williams
Staff Engineer

DATE: April 18, 2022

RE: **3230 & 3250 N 22nd St – Brian and Lisa Porter**

As requested by the Area Planning Department, the Department of Engineering has reviewed the request by Brian and Lisa Porter at 3230 & 3250 N 22nd St for the following:

- Rezoning of lots from R-1 and C-2 to C-3

This office recommends approving the request to rezone since the area has existing commercial activity.

Concerns about site layout, how the entrance/exit would impact 22nd Street, were also brought to attention. Area Planning staff had recommended access from Ft. Harrison to reduce traffic on 22nd Street. From the limited site plan provided, the following is recommended:

- Drive approaches must be a minimum of 50 feet from street intersections, the north drive approach appears to be less than 50 feet from the intersection of Ft. Harrison and 22nd Street. A variance would be required if that is true. This office recommends a full site plan be provided so that distances can be verified.
- Given the high volume and velocity of traffic on Ft. Harrison, this office recommends leaving all drive approaches on 22nd Street. Additional drive approaches on Ft. Harrison creates potential points of conflict that would be significantly more dangerous than on 22nd Street. A car wash is required to have 10 stacking spaces which would help alleviate stacking onto 22nd Street.

Jeffrey A. Lind*
*Admitted in Indiana and Illinois



400 Ohio Street • Terre Haute, IN 47807 • www.lindlawfirm.com
(812) 234-5463

May 2, 2022

Jared Baylor, Director
Vigo County Area Planning Dept.
159 Oak Street
Terre Haute, IN 47807

*Via Email: Baylor@vigocounty.in.gov
and
Hand-Delivery*

***Re: Brian and Lisa Porter Rezoning Request at 22nd and Ft. Harrison Streets
Special Ordinance 12-2022***

Dear Jared:

Attached or enclosed, as applicable, is a revised site plan related to the above-referenced project. It has been revised to legibly show the distance of the north drive to the intersection of 22nd and Ft. Harrison and the distance between the two (2) drives.

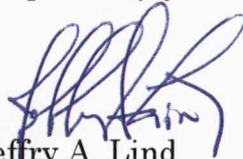
This day, we are filing an application with the Board of Zoning Appeals requesting a variance, which if granted, would allow the north drive to be 30' or more from the intersection of 22nd and Ft. Harrison and lining up with the drive for the commercial property to the east and across 22nd Street.

As our filing with BZA today would not allow us to be heard by BZA in May, but rather in June, we have requested the City Clerk to table this matter in the City Council May meeting(s) and place this matter on the agenda(s) in June.

Additionally, please accept the site plan delivered herewith as an Amended Site Plan and make it a part of our previous rezoning filing.

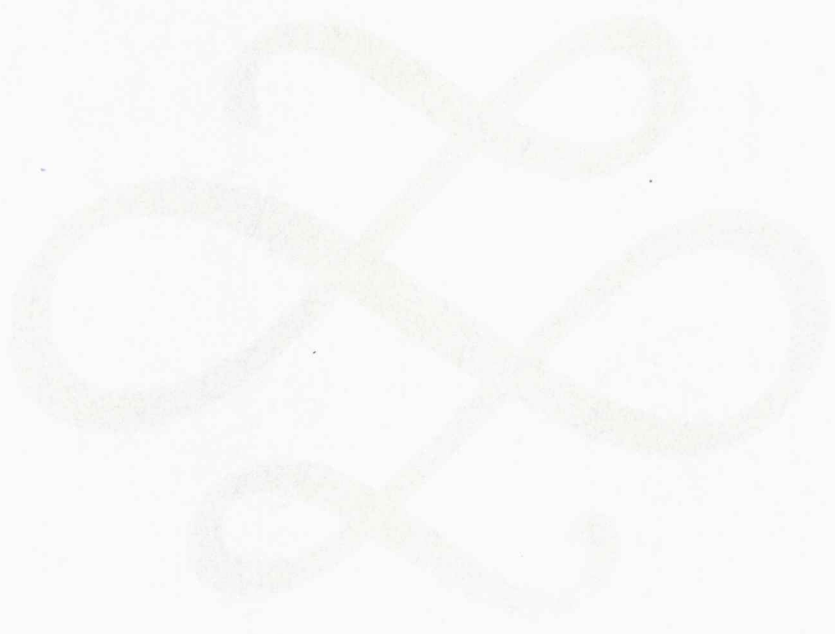
As always, if you have any questions or concerns, please feel free to give me a call.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Lind". The signature is stylized with loops and a long horizontal stroke.

Jeffrey A. Lind

cc: Brian and Lisa Porter





APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 12, 2022

COMMON ADDRESS OF LOTS TO BE REZONED:

3250 and 3230 North 22nd Street, Terre Haute, IN 47804

Current Zoning: 3250 North 22nd Street, Terre Haute, IN 47804: C-2
3230 North 22nd Street, Terre Haute, IN 47804: R-1

Requested Zoning: C-3

Proposed Use: Carwash

Name of Owner: Brian Porter and Lisa Porter, as husband and wife

Address of Owner: 4050 S. 325 W., Rockville, IN 47872

Phone Number of Owner: 765-569-5002

Attorney Representing Owner: Jeffry A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffry A. Lind, atty, 400 Ohio Street, Terre Haute, IN 47807,
812-234-5463

Introduced by Council Member: Cheryl Loudermilk

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

FILED

APR 04 2022

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 2022

CITY CLERK

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

SECTION 1. BE IT 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:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Tract 1

Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Commonly known as 3250 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-0013.000-002

Tract 2

Lots Numbers 73 and 74 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Commonly known as 3230 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-014.000-002

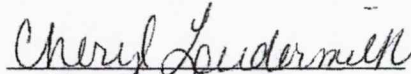
All as shown in the Plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: **3250 and 3230 North 22nd Street, Terre Haute, IN 47804**

Be and the same is hereby established as a **C-3 Regional Commerce 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,


Cheryl Loudermilk

Passed in Open Council this _____ day of _____, 2022.

Cheryl Loudermilk, President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____, 2022.

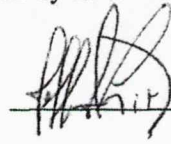
Michelle Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2022.

Duke Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

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


Jeffrey A. Lind

This instrument prepared by: **Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, phone: 812-234-5463.**

**PETITION TO REZONE REAL PROPERTY
SPECIAL ORDINANCE 12, 2022**

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, Brian Porter and Lisa Porter, as husband and wife, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Tract 1

Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

**Commonly known as 3250 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-0013.000-002**

Tract 2

Lots Numbers 73 and 74 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

**Commonly known as 3230 North 22nd Street, Terre Haute, IN
Parcel No. 84-06-11-106-014.000-002**

All as shown in the Plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 3250 and 3230 North 22nd Street, Terre Haute, IN 47804.

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," Tract 1, 3250 North 22nd Street, Terre Haute, IN, Parcel No. 84-06-11-106-0013.000-002, is now zoned **C-2 Community Commerce District** and Tract 2, 3230 North 22nd Street, Terre Haute, IN, Parcel No. 84-06-11-106-014.000-002 is now zoned as **R-1 Single Family Residence District**.

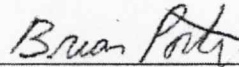
Your petitioner would respectfully state that the real estate is now **occupied by two structures which would be demolished as a part of this project**. Your petitioner intends to develop a carwash on this location.

Your petitioner would request that the real estate described herein shall be zoned as a **C-3 Regional Commerce District**. Your petitioner would allege that the **C-3 Zoning designation** would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **C-3 Regional Commerce District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, this petition has been duly executed this 4th day of April, 2022.



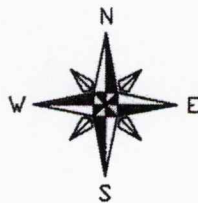
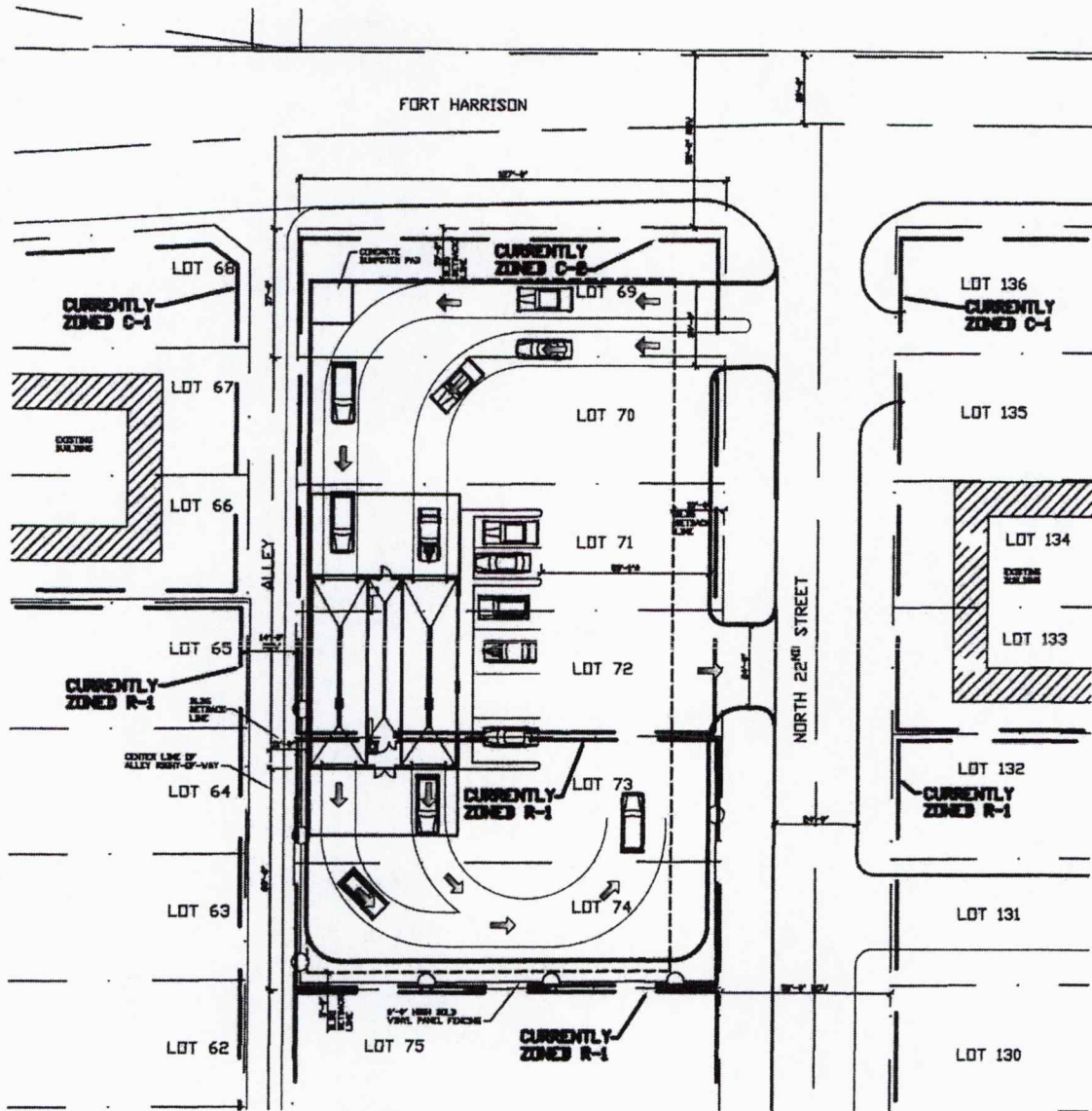
Brian Porter



Lisa Porter

PETITIONER: **Brian Porter and Lisa Porter, as husband and wife**

This instrument was prepared by **Jeffrey A. Lind, 400 Ohio Street, Terre Haute, IN 47807, phone: 812-234-5463.**



SITE PLAN
SCALE: NONE

AFFIDAVIT OF BRIAN PORTER and LISA PORTER

COMES NOW affiant Brian Porter and Lisa Porter and affirms under penalty of law that affiants are the owners of record of the property located at 3250 and 3230 North 22nd Street, Terre Haute, IN 47804 for which a rezoning is requested and a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Brian Porter
Brian Porter

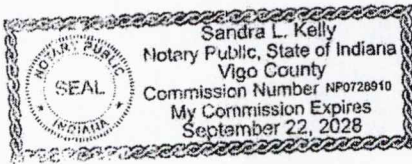
Lisa Porter
Lisa Porter

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Brian Porter and Lisa Porter who acknowledge the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 4th day of April, 2022.

Notary Public:



Sandra L. Kelly
Sandra L. Kelly

Printed name

My Commission Expires: 9/22/2028

My County of Residence: Vigo

Subject to final acceptance for Transfer

MAR 24 2022

James W. Bramble
VIGO COUNTY AUDITOR

2022003743 WD \$25.00
03/24/2022 09:01:45A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, That DC Schimmel, LLC, a limited liability company organized and existing under the laws of the State of Indiana (hereinafter called Grantor), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Brian Porter and Lisa Porter, husband and wife, of Payhe County, State of Indiana, (hereinafter called Grantee), the following described real estate in Vigo County, Indiana, to-wit:

Tract 1 - Lots Number Sixty-nine (69), Seventy (70), Seventy-one (71) and Seventy-two (72) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a Subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 11, Township 12 North, Range 9 West.

Tract 2 - Lots Numbers 73, 74, 75, and 76 in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half of the North West Quarter of Section 1, Township 12 North, Range 9 West.

Tract 3 - Lot Number Sixty-five (65) in Fort Harrison Addition to the City of Terre Haute, Vigo County, Indiana, a subdivision of Lots 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, and 16 in Fort Harrison Heights, a Subdivision in the North half (N 1/2) of the North West Quarter (NW 1/4) of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West.

All as shown in the plat of Fort Harrison Addition recorded April 13, 1904 in Plat Record 7, Page 56, records of the Recorder's Office of Vigo County, Indiana.

Parcel Number: 84-06-11-106-013.000-002, 84-06-11-106-014.000-002, 84-06-11-106-015.000-002, 84-06-11-106-020.000-002

Subject to any grants, easements, leases, rights-of-way, covenants, or restrictions of record which might affect the title to the subject real estate.

Subject to real estate taxes prorated to the date hereof.

As a further consideration of the payment of the above sum, the person(s) executing this deed on behalf of Grantor represent(s), for the purpose of inducing Grantee to accept this Warranty Deed, that they are either (*mark applicable option*):

1. all of the Members of Grantor
Or
 2. the duly elected and designated Manager of Grantor as provided in Grantor's Articles of Organization and have been fully empowered by the Members of Grantor as provided in Grantor's Articles of Organization and/or Operating Agreement to execute and deliver this deed;

that Grantor has full capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of Grantor's business.

IN WITNESS WHEREOF, DC Schimmel, LLC has caused this deed to be executed in its name and on its behalf by its undersigned Members or its duly authorized Manager, this 23rd day of March, 2022.

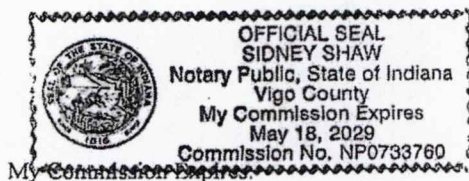
DC Schimmel, LLC

By [Signature] And by —
David Schimmel (Printed Name and Title) Operating Manager (Printed Name and Title)

STATE OF Indiana)
COUNTY OF Vigo) SS:

I, Sidney Shaw, a Notary Public in and for said County and State, do hereby certify that David Schimmel personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument as Member(s) or Manager of DC Schimmel, LLC appeared before me this day in person and, being first duly sworn said that the statements and representations contained in said instrument are true and that said person(s) signed and delivered said instrument as a free and voluntary act of said DC Schimmel, LLC and as said person(s) own free and voluntary act as such Member(s) or Manager for the use and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of March, 2022.



[Signature]
Notary Public
Sidney Shaw
(Printed Name)
My 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.

[Signature]
Signature
Leah Shattuck
Printed Name

This instrument prepared by Donald J. Bonomo, Attorney at Law, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. 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 the instrument.

GRANTEE'S ADDRESS: 4050 S. 325 W. Rockville, IN 47872

MAIL TAX STATEMENTS TO: same