



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 6, 2020**

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COMMON ADDRESS OF LOTS TO BE REZONED:

1502, 1528 Poplar Street and 338 South 15th Street, Terre Haute, IN 47803

Current Zoning: C-6 Strip Business District

Requested Zoning: C-5 General Central Business District

Proposed Use: Mini-warehouses

Name of Owner: Bishop Partners, LLC (1502 Poplar Street and 338 South 15th Street) and Pitch Partners, LLC (1528 Poplar Street), affiliated entities

Address of Owners: 825 N. Capital Avenue, Suite A, Indianapolis, IN 46204

Phone Number of Owner: (317) 418-9756

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, 400 Ohio Street, Terre Haute, IN 47807, 812-234-5463

Council Sponsor: Martha Crossen

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

FILED

APR 28 2020

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 6, 2020

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:

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

Lots Numbers 125, 126, 127, 128, 129, 130, and 131, in the Second Subdivision of  
Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9  
West.

ALSO

Lots Numbers One Hundred Thirty-two (132), One Hundred Thirty-three (133), One  
Hundred Thirty-four (134) and One Hundred Thirty-five (135), in the Second  
Addition or Plat of the Gilbert Place, in the South East Quarter of Section 22,  
Township 12 North, Range 9 West.

Commonly known as: 1502, 1528 Poplar Street and 338 South 15th Street, Terre Haute, IN 47803

Be and the same is hereby established as a C-5 General Central Business District, together with all rights  
and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases  
provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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

Presented by Council Member, Martha Crossen  
Martha Crossen

Passed in Open Council this 4 day of June, 2020.

ATTEST Michelle Edwards  
Michelle Edwards, City Clerk

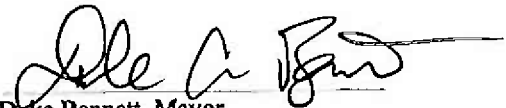
George Azar  
George Azar-President

Presented by me to the Mayor of the City of Terre Haute this 8TH day of JUNE, 2020.

Michelle Edwards  
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 8TH day of JUNE, 2020.

ATTEST   
Michelle Edwards, City Clerk

  
Duke Bennett, Mayor

This instrument prepared by, and 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:

  
Jeffrey A. Lind

400 Ohio Street, Terre Haute, IN 47807, 812-234-5468.

PETITION TO REZONE REAL PROPERTY  
SPECIAL ORDINANCE NO. 6, 2020

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, Bishop Partners, LLC (1502 Poplar Street and 338 South 15th Street) and Pitch Partners, LLC (1528 Poplar Street), affiliated entities, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Numbers 125, 126, 127, 128, 129, 130, and 131, in the Second Subdivision of Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West.

ALSO

Lots Numbers One Hundred Thirty-two (132), One Hundred Thirty-three (133), One Hundred Thirty-four (134) and One Hundred Thirty-five (135), in the Second Addition or Plat of the Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West.

Commonly known as: 1502, 1528 Poplar Street and 338 South 15th Street, Terre Haute, IN 47803

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 District.

Your petitioner would respectfully state that the real estate is now unimproved. Your petitioner intends to use the real estate for mini-warehousing units (storage units).  
All drives will be paved with asphalt or concrete.

Your petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District. Your petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood.

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-5 General Central Business District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 20<sup>th</sup> day of April, 2020.

Bishop Partners, LLC  
By Nancy Shields  
Nancy Shields, Manager  
Printed name and title

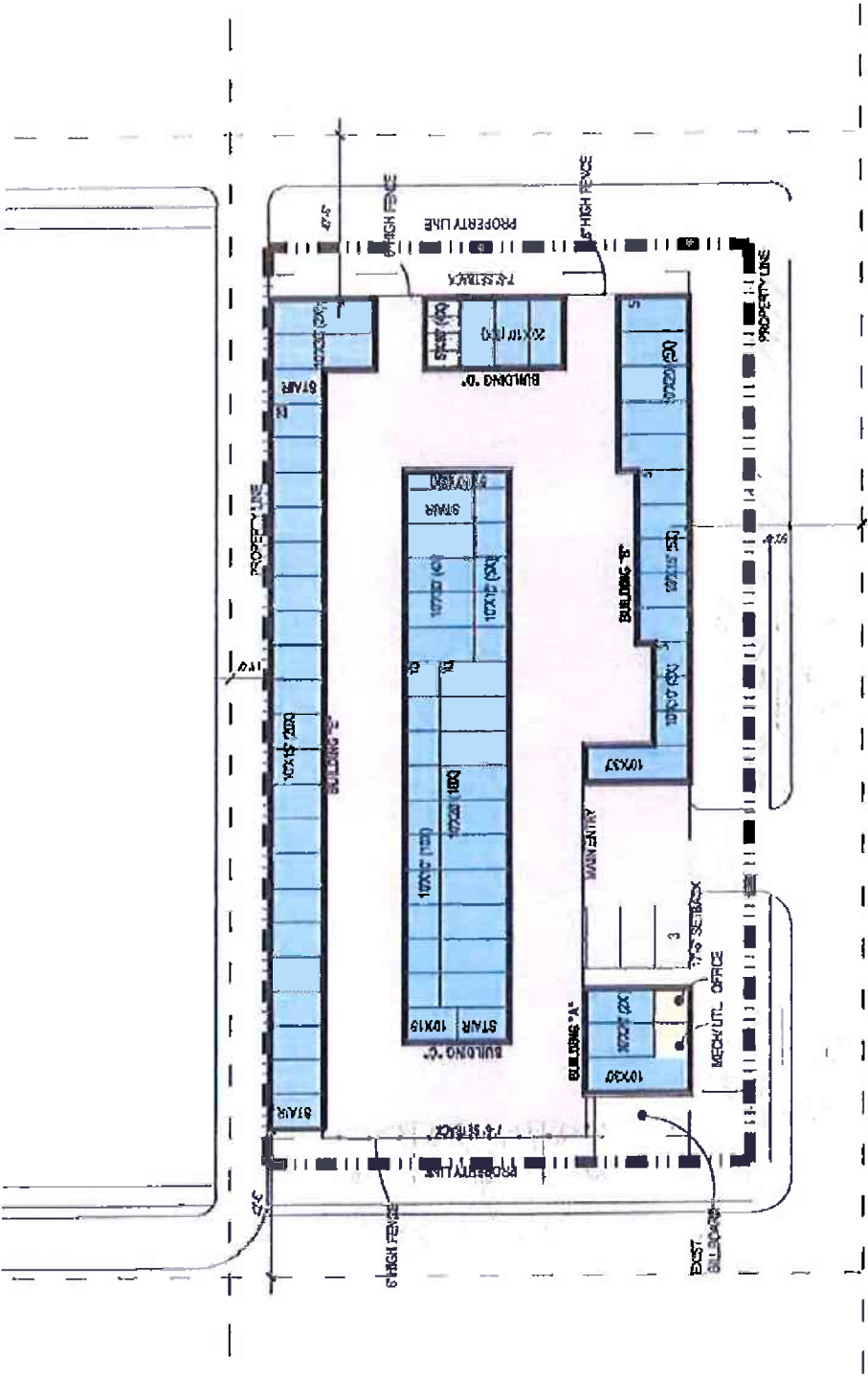
Pitch Partners, LLC  
By Nancy Shields  
Nancy Shields, Manager  
Printed name and title

**PETITIONERS: Bishop Partners, LLC (1502 Poplar Street and 338 South 15th Street) and Pitch Partners, LLC (1528 Poplar Street), affiliated entities**

**Address of Owners: 825 N. Capital Avenue, Suite A, Indianapolis, IN 46204)**

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

<b>SITE DATA</b>	SCALE: 1/32" = 1'-0"
CURRENT ZONING-	C-6
REQUESTED ZONING-	C-5
<b>LAND AREA</b>	
TOTAL AREA	37,100 S.F. (0.85 ACRES)
<b>PARKING DATA</b>	
PARKING SPACES	3 PKG SPACES
<b>BUILDING DATA</b>	
1ST FLOOR	12,900 SF TOTAL
BUILDING 'A'	900 SF
BUILDING 'B'	2,300 SF
BUILDING 'C'	4,900 SF
BUILDING 'D'	900 SF
BUILDING 'E'	3,900 SF
2ND FLOOR	7,900 SF TOTAL
BUILDING 'C'	4,600 SF
BUILDING 'E'	3,300 SF
<b>TOTAL BLDG</b>	<b>20,800 SF</b>
<b>STORAGE UNITS</b>	<b>1ST FLR 2ND FLR</b>
10' X 30'	4 -
10' X 20'	24 -
10' X 15'	26 -
10' X 10'	8 -
10' X 8'	18 -
5' X 10'	2 -
5' X 10'	7 -
	36 -
	<b>145 UNITS TOTAL</b>
	<b>200 SF</b>
<b>NOTE:</b>	
THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE AREAS AND LOCATIONS OF SIZES OF A BUILDING OR BUILDINGS THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CORRECTED DIMENSIONS AND BOUNDARIES IS COMPLETED. DIMENSIONS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.	



**PRELIMINARY PLANS  
PITCH PARTNERS-STORAGE COMPLEX**

APRIL 07, 2020 - 1528 POPLAR ST, TERRE HAUTE, IN, 47807



**AFFIDAVIT OF PITCH PARTNERS, LLC**

COMES NOW affiant Pitch Partners, LLC and affirm under penalty of law that affiant is the owner of record of the property located at **1528 Poplar Street, Terre Haute, IN 47803** for which a rezoning is requested and hereto copies of the deeds and land contract are attached evidencing such ownership.

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

Pitch Partners, LLC  
By Nancy Shields  
Nancy Shields, Manager  
Printed name and title

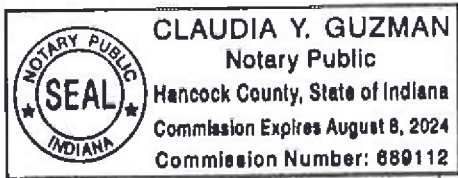
STATE OF Indiana )  
COUNTY OF Marion ) SS:

Personally appeared before me, a Notary Public in and for said County and State, Nancy Shields, as Manager of Pitch Partners, LLC, 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 20<sup>th</sup> day of April, 2020.

Notary Public: Claudia Y. Guzman  
Claudia Y. Guzman  
Printed name

My Commission Expires: 8-8-24 My County Of Residence: Hancock





DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

AUG 01 2013

*Terah M. Spivey*  
VIGO COUNTY AUDITOR

2013009871 WD \$18.00  
08/01/2013 03:30:55P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH, That Keith Ermisch (Grantor) of Vigo County, in the State of Indiana *CONVEYS AND WARRANTS* to Pitch Partners, LLC, an Indiana limited liability company (Grantee), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

**Lots Numbers One Hundred Thirty-two (132), One Hundred Thirty-three (133), One Hundred Thirty-four (134) and One Hundred Thirty-five (135), in the Second Addition or Plat of the Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West.**

*Subject* to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

The address of such real estate is commonly known as 1528 Poplar Street, Terre Haute, IN 47807. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 23 day of July, 2013.

GRANTOR

Signature

*Keith Ermisch*  
Keith Ermisch

WHEN RECORDED RETURN TO:  
LAWYERS TITLE COMMERCIAL SERVICES  
135 N. PENNSYLVANIA STREET  
SUITE 710  
INDIANAPOLIS, IN 46204  
CASE NO. 13-007297

2

ACKNOWLEDGEMENT

STATE OF IN )  
 )SS:  
COUNTY OF Vigo )

Before me, a Notary Public in and for said County and State, personally appeared Keith Ermisch, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 23 day of July, 2013.

My Commission expires:

Signature: Debra S Keller

Printed: \_\_\_\_\_



DEBRA S. KELLER  
NOTARY PUBLIC - STATE OF INDIANA  
CLAY COUNTY  
MY COMMISSION EXPIRES  
AUGUST 20 2016

Resident of \_\_\_\_\_ County

State of \_\_\_\_\_

Send Tax Bills to: \_\_\_\_\_

Grantee's Mailing Address: \_\_\_\_\_

This instrument was prepared by JEFFREY R. LADE, Attorney at Law, 135 N. Pennsylvania Street, Suite 710, Indianapolis, Indiana 46204.

I affirm, under penalty of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Daniel D Guyon Jr.

File No. 13-007298.

**AFFIDAVIT OF BISHOP PARTNERS, LLC**

COMES NOW affiant Bishop Partners, LLC and affirm under penalty of law that affiant is the owner of record of the property located at **1502 Poplar Street and 338 South 15th Street, Terre Haute, IN 47803** for which a rezoning is requested and hereto copies of the deeds and land contract are attached evidencing such ownership.

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

Pitch Partners, LLC  
By Nancy Shields  
Nancy Shields, Manager  
Printed name and title

STATE OF Indiana )  
COUNTY OF Marion ) SS:

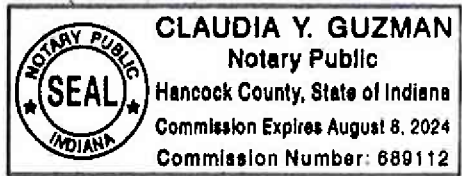
Personally appeared before me, a Notary Public in and for said County and State, Nancy Shields, as Manager of Bishop Partners, LLC, who acknowledge the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 30<sup>th</sup> day of April, 2020.

Notary Public: Claudia Y Guzman  
Claudia Y Guzman  
Printed name

My Commission Expires: 8-8-24

My County Of Residence: Hancock



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

AUG 01 2013

*Tommy M. Spivey*  
VIGO COUNTY AUDITOR

2013009870 TT \$20.00  
08/01/2013 03:30:55P 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

**TRUSTEE'S DEED**

THIS INDENTURE WITNESSETH, That JOHN B. ERMISCH and ROSLYN L. ERMISCH, Trustees or their successors in trust, under the JOHN B. & ROSLYN L. ERMISCH LIVING TRUST, dated December 10, 1992 (Grantor) of Vigo County, State of Indiana CONVEYS to Bishop Partners, LLC, an Indiana limited liability company (Grantee), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged the following described real estate in Vigo County, State of Indiana:

Lots Numbers 125, 126, 127, 128, 129, 130, and 131, in the Second Subdivision of Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West.

Subject to Real Estate taxes not delinquent, and to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known 338 S. 15th Street and 1502 Poplar Street, Terre Haute, IN 47803. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

This Deed is executed pursuant to, and in the exercise of, the power and authority granted to and vested in the said Trustees by the terms of said Deed or Deeds in Trust delivered to the said Trustee in pursuance of the Trust Agreement above mentioned and subject to all restrictions of record. The Trustee herein states as to the trust that (i) the Trust has not been amended, modified or revoked since its execution; (ii) the Trust is in full force and effect as of the date hereof; (iii) the Real Estate has not been withdrawn from the operation of said Trust Agreement.

IN WITNESS WHEREOF, Grantor has executed this deed this 23 day of July, 2013.

WHEN RECORDED RETURN TO:  
LAWYERS TITLE COMMERCIAL SERVICES  
136 N. PENNSYLVANIA STREET  
SUITE 710  
INDIANAPOLIS, IN 46204  
CASE NO. 13-007298

**GRANTOR:**

Signature: X John B. Ermisch  
JOHN B. ERMISCH, as Trustee

By: X Keith Ermisch  
Keith Ermisch, Attorney in Fact

Signature: X Roslyn L. Ermisch  
ROSLYN L. ERMISCH, as Trustee

By: X Keith Ermisch  
Keith Ermisch, Attorney in Fact

ACKNOWLEDGMENT

STATE OF IN )  
 )SS:  
COUNTY OF Vigo )

Before me, a Notary Public in and for said County and State, personally appeared Keith Ermisch, Attorney in Fact for JOHN B. ERMISCH and ROSLYN L. ERMISCH, Trustees or their successors in trust, under the JOHN B. & ROSLYN L. ERMISCH LIVING TRUST, dated December 10, 1992, who acknowledged the execution of the foregoing Trustees' Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 23 day of July, 2013.

My Commission expires:

Signature Debra S. Keller

Printed \_\_\_\_\_



DEBRA S. KELLER  
NOTARY PUBLIC - STATE OF INDIANA  
CLAY COUNTY  
MY COMMISSION EXPIRES  
AUGUST 20 2016

Resident of \_\_\_\_\_ County

State of \_\_\_\_\_

Send Tax Bills to: \_\_\_\_\_

Grantee's Address: \_\_\_\_\_

This instrument was prepared by Jeffrey R. Lade, Attorney at Law, 135 N. Pennsylvania St., Ste. 710, Indianapolis, IN 46204.

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 Daniel D. Guyer, Jr.  
File No. 13-007297.

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

AUG 01 2013

*Timothy M. Allsup*  
VIGO COUNTY AUDITOR

2013008670 TT \$20.00  
08/01/2013 03:30:55P 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



TRUSTEE'S DEED

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Lots Numbers 125, 126, 127, 128, 129, 130, and 131, in the Second Subdivision of Gilbert Place, in the South East Quarter of Section 22, Township 12 North, Range 9 West.

Subject to Real Estate taxes not delinquent, and to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known 338 S. 15th Street and 1502 Poplar Street, Terre Haute, IN 47803. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

This Deed is executed pursuant to, and in the exercise of, the power and authority granted to and vested in the said Trustees by the terms of said Deed or Deeds in Trust delivered to the said Trustee in pursuance of the Trust Agreement above mentioned and subject to all restrictions of record. The Trustee herein states as to the trust that (i) the Trust has not been amended, modified or revoked since its execution; (ii) the Trust is in full force and effect as of the date hereof; (iii) the Real Estate has not been withdrawn from the operation of said Trust Agreement.

IN WITNESS WHEREOF, Grantor has executed this deed this 23 day of July, 2013.

WHEN RECORDED RETURN TO:  
LAWYERS TITLE COMMERCIAL SERVICES  
135 N. PENNSYLVANIA STREET  
SUITE 710  
INDIANAPOLIS, IN 46204  
CASE NO. 13-007298

GRANTOR:

Signature: X John B. Ermisch  
JOHN B. ERMISCH, as Trustee  
By: X Keith Ermisch  
Keith Ermisch, Attorney in Fact

Signature: X Rosalyn L. Ermisch  
ROSALYN L. ERMISCH, as Trustee  
By: X Keith Ermisch  
Keith Ermisch, Attorney in Fact



ACKNOWLEDGMENT

STATE OF IN )  
 )SS:  
COUNTY OF Vigo )

Before me, a Notary Public in and for said County and State, personally appeared Keith Ermisch, Attorney in Fact for JOHN B. ERMISCH and ROSLYN L. ERMISCH, Trustees or their successors in trust, under the JOHN B. & ROSLYN L. ERMISCH LIVING TRUST, dated December 10, 1992, who acknowledged the execution of the foregoing Trustees' Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 23 day of July, 2013.

My Commission expires: Signature Debra S Keller

Printed \_\_\_\_\_



DEBRA S. KELLER  
NOTARY PUBLIC - STATE OF INDIANA  
CLAY COUNTY  
MY COMMISSION EXPIRES  
AUGUST 20 2016

Resident of \_\_\_\_\_ County

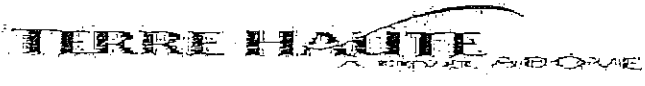
State of \_\_\_\_\_

Send Tax Bills to: \_\_\_\_\_

Grantee's Address: \_\_\_\_\_

This instrument was prepared by Jeffrey R. Lade, Attorney at Law, 135 N. Pennsylvania St., Ste. 710, Indianapolis, IN 46204.

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 Daniel D. Guyard, Jr.  
File No. 13-007297.



Receipt

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

Date: 4/30/2020

Name: Ash Union (Lind Law Firm)

Reason: Rezoning - Notice of Filing \$25.00  
Petition \$20.00

Cash:

Check: # 5823 \$45.00

Credit:

Total: \$45.00

Received By: [Signature]

TERRE HAUTE, INC.  
PAID  
APR 29 2020  
CONTROLLER



**TERRE HAUTE**  
A MILE 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: June 4, 2020

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 6-20

CERTIFICATION DATE: June 3, 2020

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. 6-20. This Ordinance is a rezoning of the property located at 1502, 1528 Poplar and 338 South 15th. The Petitioners, Bishop Partners LLC and Pitch Partners LLC, petition the Plan Commission to rezone said real estate from zoning classification C-6 to C-5, General 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. 6-20 at a public meeting and hearing held Wednesday, June 3, 2020. 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. 6-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 6-20 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. 6-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: All required development standards as outlined by City Engineering be met, BZA approval for a rear setback variance or an amended site plan meeting rear setbacks be approved if buildings aren't properly set back from the alley, and if requested, verification by the EPA or IDEM of the completed remediation.



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 4th day of June, 2020

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 6-20

Doc: # 22

Date: 2020

Page 1 of 4

# APPLICATION INFORMATION

Petitioner: Bishop Partners, LLC and Pitch Partners, LLC

Property Owner: Same as Above

Representative: Jeff Lind

Proposed Use: Mini- warehouses

Proposed Zoning: C-5 General Central Business District

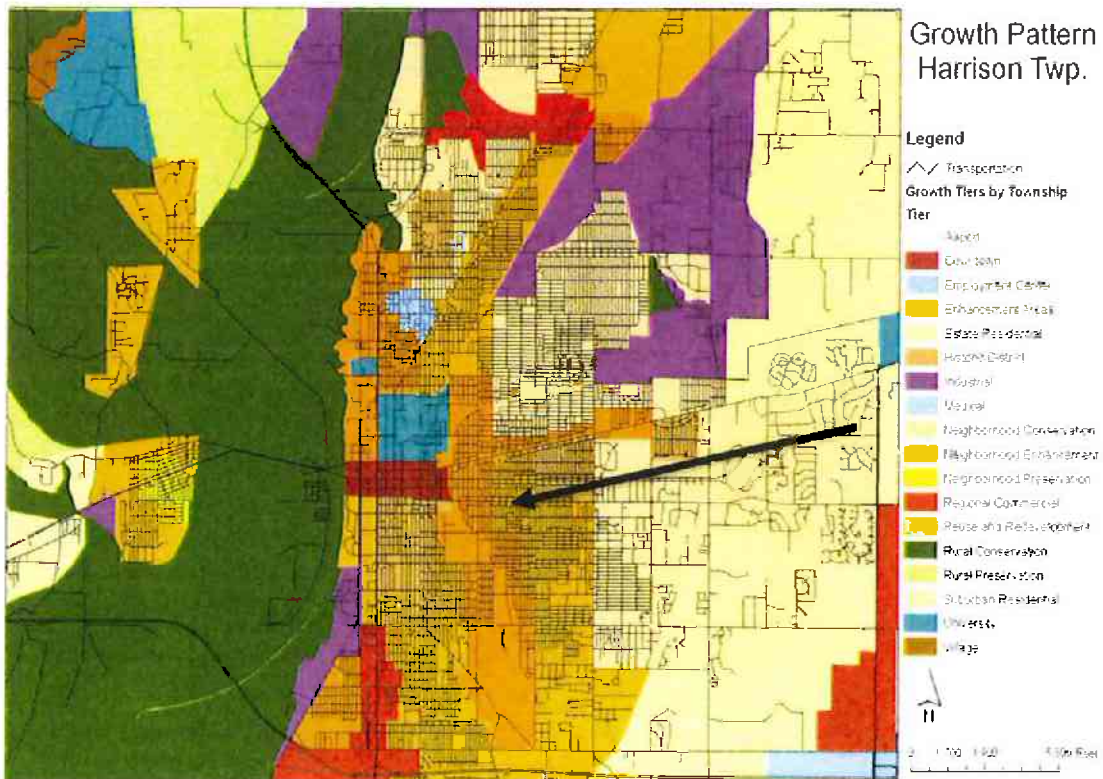
Current Zoning: C-6 Strip Business District

Location: The property is located at S. 15<sup>th</sup> Street and Poplar Street. GILBERTS 2ND SUB Lots 125,126,127,128,129,130, &131

Common Address: 1502, 1528 Poplar Street, & 338 S. 15<sup>th</sup> Street, Terre Haute

# COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 6-20

Doc: # 22

Date: 2020

Page 2 of 4

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Street Access: Poplar Street

Dev. Priority: High intensity Residential

### Neighborhood Enhancement Areas

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

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

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

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

Additional policies for Neighborhood Enhancement Areas should include:

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 6-20

Doc: # 22

Date: 2020

Page 3 of 4

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## ZONING COMPATIBILITY

Sur. Zones and Uses:

**North** – R-3

**East** – C-6

**South** – C-6

**West** – C-6

Character of Area: The petitioned property is located within a commercial corridor

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## ZONING REGULATIONS

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements: 10-128

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk in Terre Haute City Code (\*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk in Terre Haute City Code(\*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk in Terre Haute City Code (\*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

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## **FINDINGS and RECOMMENDATION**

### Staff Findings:

Currently vacant, the petitioned property was the former site of a commercial establishment. That establishment left contamination in the soil that needed to be remediated. Monitoring equipment used to measure contaminants has now been removed. This would logically mean the site has been remediated. However, prior to permitting, evidence from the EPA or IDEM may need to be provided to assure no contaminants will become airborne, leak into the water or exist in the soil at levels that could be considered hazardous.

Mini warehouses are a permitted use by right in the C-5 District in the City.

The revised site plan depicts buildings on or near the rear property line. §10-136 Bulk and Density Requirements outlines rear setbacks to be 11' from the center of an Alley. BZA approval or a revised site plan must be approved if the buildings are to be constructed any closer than permitted by §10-136.

Recommendation: Favorable with the following condition;

1. All required development standards as outlined by City Engineering be met.
2. BZA approval for a rear setback variance or an amended site plan meeting rear setbacks be approved if buildings aren't properly set back from the alley.
3. If requested, verification by the EPA or IDEM of the completed remediation.