

SPECIAL ORDINANCE NO. 9, 2018

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

1140 Locust Street, Terre Haute, IN 47803

Rezone From: C-3 Regional Commercial District

Rezone To: C-5 Commercial Entertainment District

Proposed Use: Mini-warehouses

Name of Owner: SAZ Properties, LLC
Address of Owner: P.O. Box 95
Bourbonnais, IL 60914

Phone Number of Owner c/o Richard J. Shagley II
(812) 232-3388

Attorney Representing Owner: Richard J. Shagley II

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

For Information Contact: Owner Attorney

Council Sponsor: Neil Garrison

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 05 2018

CITY CLERK

SPECIAL ORDINANCE NO. 9, 2018

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:

A part of the East Half (E½) of the Southwest Quarter (SW¼) of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, Harrison Township, Vigo County, Indiana described as follows: Beginning at a ½ inch iron pipe with plastic cap stamped "W.T. Crowley, Jr. 0696" hereinafter called an iron pipe, at the intersection of the South right-of-way line of 3rd Avenue with the centerline of 12th Street; thence South 00 degrees 15 minutes 33 seconds West, bearing is assumed and is the basis of bearings for this description, along said centerline of 12th Street a distance of 733.47 feet to a 5/8 inch re bar with plastic cap stamped "Myers IN LS 9400006, hereinafter called a monument; thence South 90 degrees 00 minutes 00 seconds West, parallel with the North right-of-way line of Locust Street, a distance of 200.51 feet to a monument; thence North 00 degrees 24 minutes 48 seconds West, a distance of 217.74 feet to a monument; thence North 44 degrees 44 minutes 30 seconds West, a distance of 212.99 feet to a monument; thence North 00 degrees 15 minutes 30 seconds East a distance of 184.46 feet to a monument; thence North 20 degrees 18 minutes 00 seconds East, a distance of 95.03 feet to a monument; thence South 89 degrees 59 minutes 56 seconds East, parallel with said South right-of-way line, a distance of 261.10 feet to a monument; thence North 00 degrees 15 minutes 33 seconds East a distance of 90.86 feet to a monument on said South right-of-way line; thence South 89 degrees 59 minutes 56 seconds East along said South right-of-way line a distance of 60.00 feet to the point of beginning. Now known as Tract 1 in Spatz Subdivison, as per plat thereof, recorded November 30, 2007 as Instrument No. 2007017531, in the Office of the Recorder of Vigo County, Indiana.

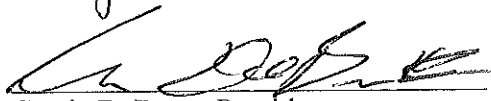
Commonly known as: 1140 Locust Street, Terre Haute, IN 47807
Parcel No. 84-06-15-382-001.000-002

be the same is hereby established as a C-5 Commercial Entertainment 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."

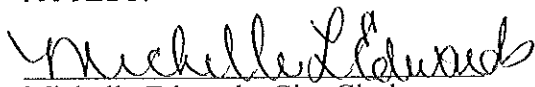
SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, 
Neil Garrison, Councilperson

Passed in open Council this 12 day of July, 2018.


Curtis DeBaun, President

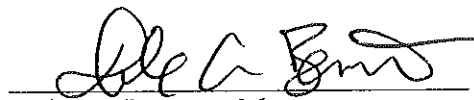
ATTEST:


Michelle Edwards, City Clerk

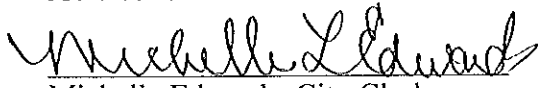
Presented by me, to the Mayor of the City of Terre Haute, this 13 day of July, 2018.


Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 13th day of July, 2018.


Duke A. Bennett, Mayor

ATTEST:


Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.


Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, 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, Ahmed Zaheer, Member of SAZ Properties, LLC, an Indiana Foreign Limited Liability Company, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

A part of the East Half (E½) of the Southwest Quarter (SW¼) of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, Harrison Township, Vigo County, Indiana described as follows: Beginning at a ½ inch iron pipe with plastic cap stamped "W.T. Crowley, Jr. 0696" hereinafter called an iron pipe, at the intersection of the South right-of-way line of 3rd Avenue with the centerline of 12th Street; thence South 00 degrees 15 minutes 33 seconds West, bearing is assumed and is the basis of bearings for this description, along said centerline of 12th Street a distance of 733.47 feet to a 5/8 inch re bar with plastic cap stamped "Myers IN LS 9400006, hereinafter called a monument; thence South 90 degrees 00 minutes 00 seconds West, parallel with the North right-of-way line of Locust Street, a distance of 200.51 feet to a monument; thence North 00 degrees 24 minutes 48 seconds West, a distance of 217.74 feet to a monument; thence North 44 degrees 44 minutes 30 seconds West, a distance of 212.99 feet to a monument; thence North 00 degrees 15 minutes 30 seconds East a distance of 184.46 feet to a monument; thence North 20 degrees 18 minutes 00 seconds East, a distance of 95.03 feet to a monument; thence South 89 degrees 59 minutes 56 seconds East, parallel with said South right-of-way line, a distance of 261.10 feet to a monument; thence North 00 degrees 15 minutes 33 seconds East a distance of 90.86 feet to a monument on said South right-of-way line; thence South 89 degrees 59 minutes 56 seconds East along said South right-of-way line a distance of 60.00 feet to the point of beginning. Now known as Tract 1 in Spatz Subdivison, as per plat thereof, recorded November 30, 2007 as Instrument No. 2007017531, in the Office of the Recorder of Vigo County, Indiana.

Commonly known as: 1140 Locust Street, Terre Haute, IN 47807
Parcel No. 84-06-15-382-001.000-002

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-3 Regional Commercial District.

Your Petitioner would respectfully state that the real estate is now a vacant grocery store. The Petitioners intend to convert the building into mini-warehouses.

Your Petitioner would request that the real estate described herein shall be zoned as a C-5 Commercial Entertainment District to allow for the use as proposed by Petitioners. Your Petitioners would allege that the C-5 Commercial Entertainment 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.

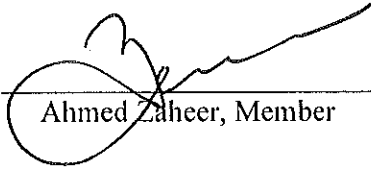
WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-5 Commercial Entertainment 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 owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed, this 23 day of MAY, 2018.

PETITIONER:

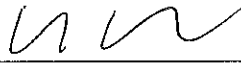
SAZ PROPERTIES, LLC

By: _____


Ahmed Zaheer, Member

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

BY: _____


Richard J. Shagley II #23135-84
Attorneys for Petitioner

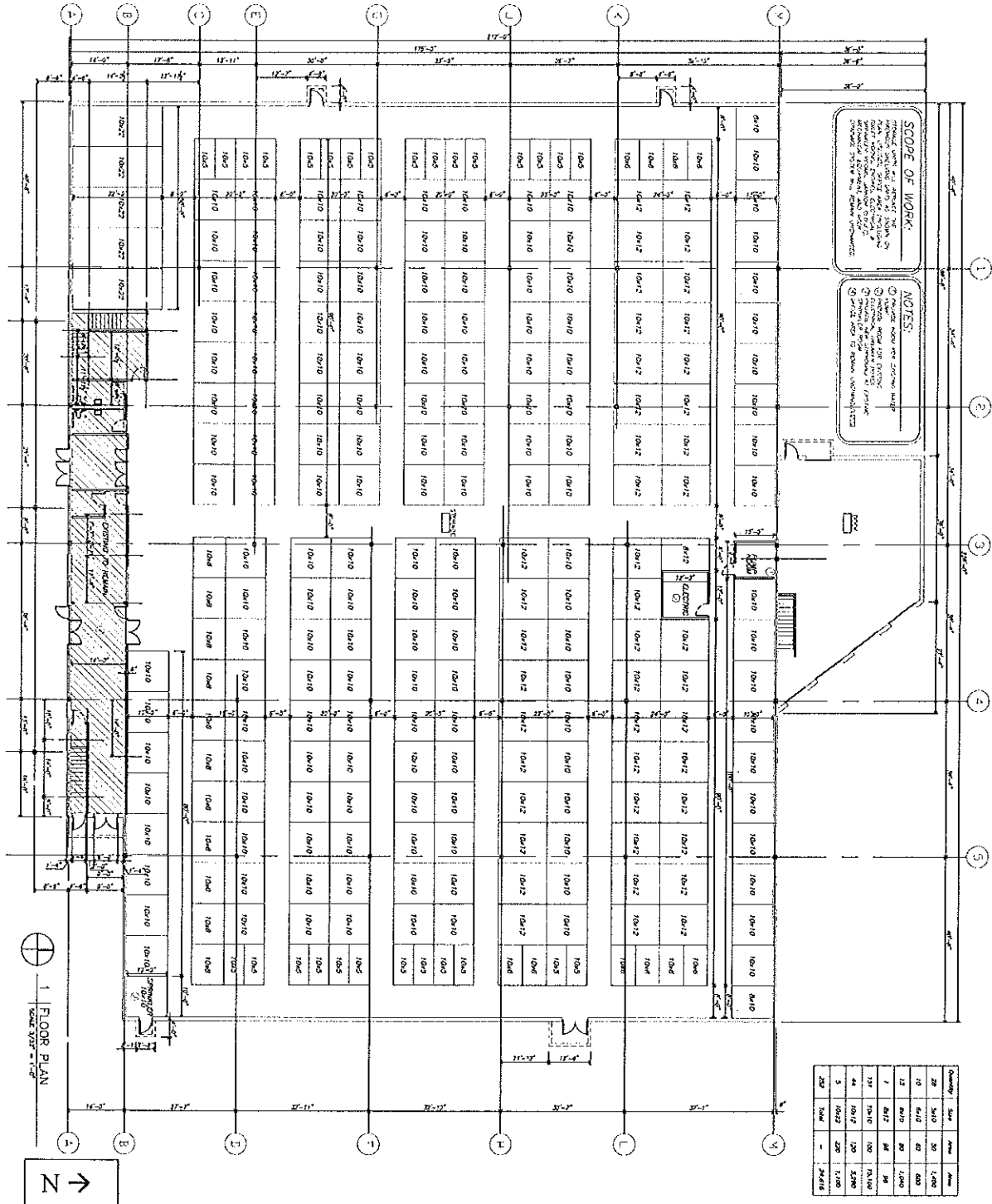
The owner and mailing address: P.O. Box 95, Bourbonnais, IL 60914

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

SITE PLAN

Special Ordinance No. 9, 2018
 SAZ Properties, LLC
 1140 Locust Street, Terre Haute, IN 47807


Currently zoned: C-3
 Proposed zoning: C-5
 Proposed use: Mini-warehouses



ENTERED FOR TAXATION
Subject to final acceptance for Transfer


MAY 10 2017


VIGO COUNTY AUDITOR

2017004498 0D \$20.00
05/10/2017 01:22:33P 3 PGS
Stacey Joy Fueston
VIGO County Recorder IN
Recorded as Presented


EXEMPT FROM DISCLOSURE FEE

QUITCLAIM DEED

C&I
CTIC# 505337 MDS


The Grantor,

AHMED ZAHEER,

whose address is P.O. Box 95, Bourbonnais, Illinois 60914, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, CONVEYS and QUITCLAIMS to the Grantee,

SAZ PROPERTIES LLC,

an Illinois limited liability company duly authorized to transact business in the State of Indiana,

whose address is P.O. Box 95, Bourbonnais, Illinois 60914, the following described real estate located in Vigo County, Indiana:

A part of the East Half (E½) of the Southwest Quarter (SW¼) of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, Harrison Township, Vigo County, Indiana described as follows: Beginning at a ½ inch iron pipe with plastic cap stamped "W.T. Crowley, Jr. 0696" hereinafter called an iron pipe, at the intersection of the South right-of-way line of 3rd Avenue with the centerline of 12th Street; thence South 00 degrees 15 minutes 33 seconds West, bearing is assumed and is the basis of bearings for this description, along said centerline of 12th Street a distance of 733.47 feet to a 5/8 inch rebar with plastic cap stamped "Myers IN LS 9400006, hereinafter called a monument; thence South 90 degrees 00 minutes 00 seconds West, parallel with the North right-of-way line of Locust Street, a distance of 200.51 feet to a monument; thence North 00 degrees 24 minutes 48 seconds West, a distance of 217.74 feet to a monument; thence North 44 degrees 44 minutes 30 seconds West, a

EXHIBIT A

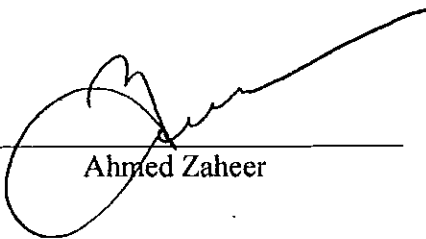
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Tax Identification No. 84-06-15-382-001.000-002

Common address: 1140 Locust Street
Terre Haute, Indiana 47807

to have and to hold forever.

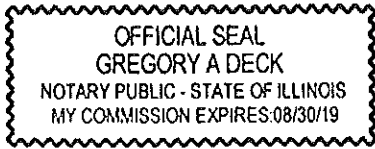
Dated: May 4, 2017


Ahmed Zaheer

STATE OF ILLINOIS)
)
 COUNTY OF KANKAKEE) ss

I, the undersigned, a notary public in and for Kankakee County, Illinois, do hereby certify that AHMED ZAHEER, personally known or properly identified to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed, and delivered the instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 4th day of May, 2017.



[Handwritten Signature]
 Notary Public

Prepared by and return to:

Gregory A. Deck
 Deck & Baron
 200 E Court Street
 P.O. Box 693
 Kankakee, Illinois 60901

Mail tax statements:

SAZ Properties LLC
 P.O. Box 95
 Bourbonnais, Illinois 60914

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Ahmed Zaheer, Member of SAZ Properties, LLC, an Indiana Foreign Limited Liability Company, being duly sworn upon his oaths, deposes and says:

1. That SAZ Properties, LLC 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:

A part of the East Half (E½) of the Southwest Quarter (SW¼) of Section Fifteen (15), Township Twelve (12) North, Range Nine (9) West, Harrison Township, Vigo County, Indiana described as follows: Beginning at a ½ inch iron pipe with plastic cap stamped "W.T. Crowley, Jr. 0696" hereinafter called an iron pipe, at the intersection of the South right-of-way line of 3rd Avenue with the centerline of 12th Street; thence South 00 degrees 15 minutes 33 seconds West, bearing is assumed and is the basis of bearings for this description, along said centerline of 12th Street a distance of 733.47 feet to a 5/8 inch re bar with plastic cap stamped "Myers IN LS 9400006, hereinafter called a monument; thence South 90 degrees 00 minutes 00 seconds West, parallel with the North right-of-way line of Locust Street, a distance of 200.51 feet to a monument; thence North 00 degrees 24 minutes 48 seconds West, a distance of 217.74 feet to a monument; thence North 44 degrees 44 minutes 30 seconds West, a distance of 212.99 feet to a monument; thence North 00 degrees 15 minutes 30 seconds East a distance of 184.46 feet to a monument; thence North 20 degrees 18 minutes 00 seconds East, a distance of 95.03 feet to a monument; thence South 89 degrees 59 minutes 56 seconds East, parallel with said South right-of-way line, a distance of 261.10 feet to a monument; thence North 00 degrees 15 minutes 33 seconds East a distance of 90.86 feet to a monument on said South right-of-way line; thence South 89 degrees 59 minutes 56 seconds East along said South right-of-way line a distance of 60.00 feet to the point of beginning. Now known as Tract 1 in Spatz Subdivision, as per plat thereof, recorded November 30, 2007 as Instrument No. 2007017531, in the Office of the Recorder of Vigo County, Indiana.

Commonly known as: 1140 Locust Street, Terre Haute, IN 47807
Parcel No. 84-06-15-382-001.000-002

2. That a copy of the Quitclaim Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to SAZ Properties, LLC, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants makes this Affidavit for the sole purpose of affirming that they 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 SAZ Properties, LLC.

4. Further, Affiants saith not.

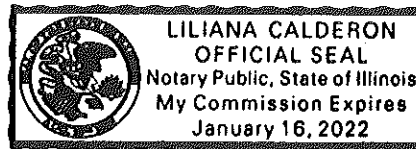
Dated at Kankakee, Illinois this 23 day of MAY, 2018.

SAZ PROPERTIES, LLC

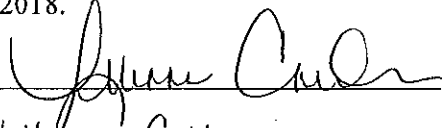
By:


Ahmed Zaheer, Member

STATE OF ILLINOIS)
) SS:
COUNTY OF Kankakee)



SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 23 day of May, 2018.


Liliana Calderon, Notary Public

My Commission expires:

January 16, 2022

My County of Residence:

Kankakee

Receipt

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

Date: 06.05.18

Name: Wright, Shagley & Rowley

Reason: SAZ Properties, LLC
Resizing - 509th, 2018

TERRE HAUTE, IN
PAID

JUN 05 2018

Cash: _____

Check: \$45.00 #068467

CONTROLLER

Credit: _____

Total: \$45.00

Received By: [Signature]



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: July 12, 2018

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #9-18

CERTIFICATION DATE: July 11, 2018

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. 9-18. This Ordinance is a rezoning of the property located at 1140 Locust Street. The Petitioner, SAZ Properties, LLC, petitions the Plan Commission to rezone said real estate from zoning classification C-3 to C-5, Commercial Entertainment District, for mini warehouses. 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. 9-18 at a public meeting and hearing held Wednesday, July 11, 2018. 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. 9-18 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 9-18 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. 9-18 was FAVORABLE.


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 11th day of July, 2018

APPLICATION INFORMATION

Petitioner: SAZ Properites, LLC

Property Owner: Same as Above

Representative: Richard Shagley II

Proposed Use: Mini- Warehouses

Proposed Zoning: C-5 General Business District

Current Zoning: C-3 Regional Commercial District

Location: The property is located on Locust Street approximately 433 feet west of N. 13th Street.

Common Address: 1140 Locust Street, Terre Haute, IN 47803

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Street Access: Locust Street

Dev. Priority: Low

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-18

Doc: # 43

Date: July 2018

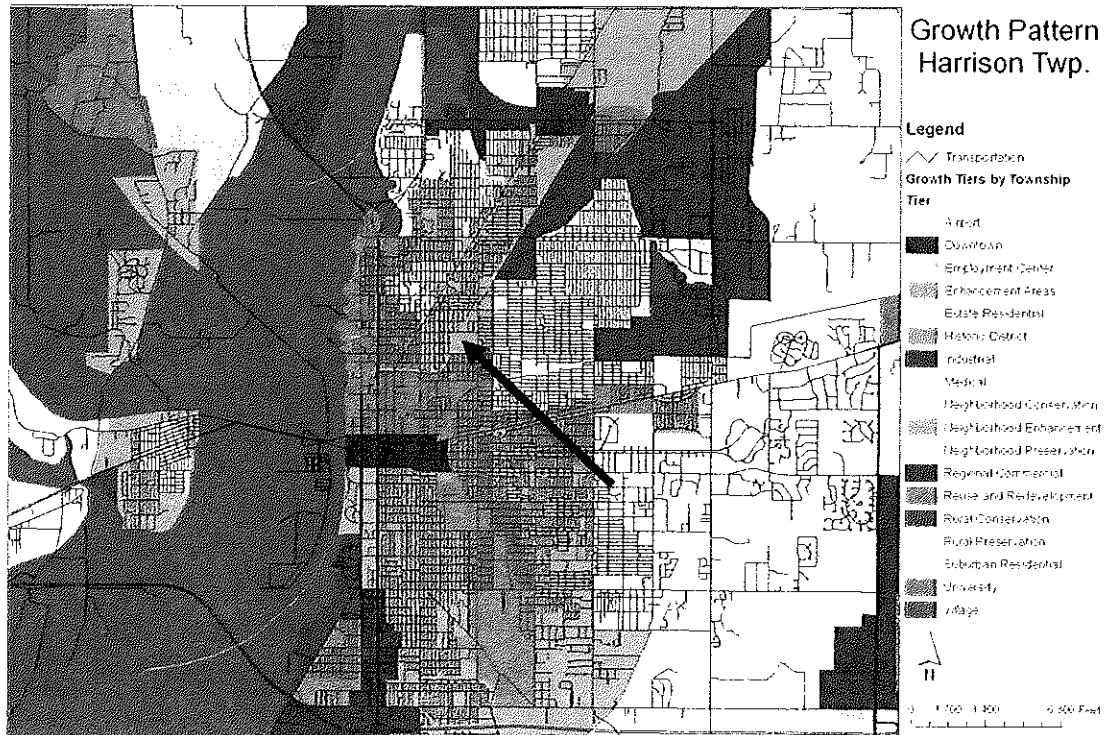
Page 2 of 4

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.



ZONING COMPATIBILITY

Sur. Zones and Uses:

North – C-2, M-2

East – R-2.R-1 PD

South – R-3 Multi Family

West – R-2, M-1, M-2 & C-2

Character of Area: The petitioned property is located within a variety of mixed uses, with the Boys & Girls club located in the Chauncey Rose Middle School to the East.

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #9-18

Doc: # 43

Date: July 2018

Page 4 of 4

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.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner intends to convert the existing vacant grocery store to a facility housing 500 or more mini-warehouses.

Recently this property has been through multiple commercial uses. The site offers ample parking and is designed for a more intensive commercial use than what is proposed.

Warehousing and storage are permitted uses by right in a C-5 district.

Reuse and redevelopment within the City of Terre Haute is an encouraged activity.

Recommendation: Favorable