

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 3, 2015

=====
Common Address of lots to be rezoned:

634 Beech Street, 1731 Central Avenue, 1735 Central Avenue, and 625 Ash Street, Terre Haute, Indiana

Rezone From: R-3 – Multi-Family Residence District

Rezone To: C-3 – Regional Commerce District

Proposed Use: medical offices

Name of Owner: Kashlan Partnership, LP and Longa Partnership, LP

Address of Owner: 145 Hamilton Drive, Terre Haute, IN 47803

Phone Number of Owner: c/o (812) 232-6003

Attorney Representing Owner: Louis F. Britton

Address of Attorney: Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807

Phone Number of Attorney: (812) 232-6003
for Information Contact: Owner Attorney

Council Sponsor: Todd Nation

FILED
JAN 07 2015
CITY CLERK

SPECIAL ORDINANCE NO. 3, 2015

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

SECTION 1. BE IT ORDAINED 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:

SEE EXHIBIT A.

Commonly known as 634 Beech Street, 1731 Central Avenue, 1735 Central Avenue, and 625 Ash Street, Terre Haute, Vigo County, Indiana 47804, be and the same is hereby established as C-3 – Regional Commerce District - as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-3 – Regional Commerce District authorizing the use of said real estate for medical offices as well as the other uses permitted by such designation, together with all rights, privileges, and provisions 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 2. 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 approval by the Mayor and publication as required by law.

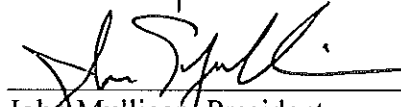
SECTION 3. In the event the Planned Development has not materialized within six (6) months of the date hereof, the Planned Development shall be void.

SECTION 4. This Ordinance shall be recorded within ninety (90) days of approval.

PRESENTED BY COUNCILPERSON _____


TODD NATION

Passed in open Council this 12th day of February, 2015.


John Mullican, President

ATTEST:

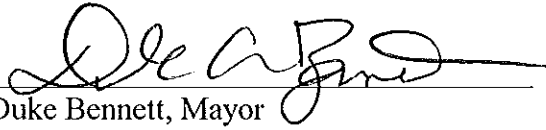

Charles Hanley

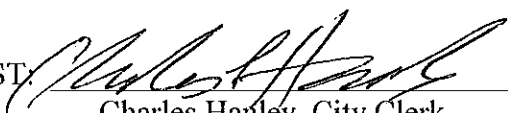
_____, City Clerk

Presented by me to the Mayor this 13th day of February, 2015.


Charles Hanley, City Clerk

Approved by me, the Mayor, this 130th day of February, 2015.


Duke Bennett, Mayor
City of Terre Haute

ATTEST: 
Charles Hanley, City Clerk

I prepared the foregoing instrument 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.

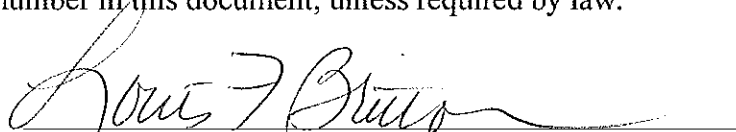

Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue, Terre Haute, IN 47807
Phone: (812) 232-6003

Exhibit A

The following described real estate situated in Vigo County, Indiana, to-wit:

Lots Numbered 11,12,13,14,15 and 16 in W.A. McFarlands Subdivision of that part of Lot Thirteen (13) of the Subdivision of School Section Sixteen (16) Township Twelve (12) North, Range Nine (9) West which lies West of the East line of Center Street produced to the North in the City of Terre Haute, Indiana.

AND

Lots Numbers Forty-seven (47), Forty-eight (48), Forty-nine (49), and Fifty (50) in Monninger Heirs Subdivision of part of Lot Number Seven (7) and Lot Number Twelve (12) in the subdivision of School Section Sixteen (16), Township Twelve (12) North of Range Nine (9) West in the City of Terre Haute, Indiana.

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Gentlemen:

Kashlan Partnership, LP and Longa Partnership, LP, petitioner, are the owners of the following described real estate located in Vigo County, Indiana, to-wit:

SEE EXHIBIT A

which real estate is commonly known as 634 Beech Street, 1731 Central Avenue, 1735 Central Avenue, and 625 Ash Street, Terre Haute, Vigo County, Indiana 47807.

The owner proposes to use the property for a medical office. Site plans are attached.

Petitioner is informed and believes that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned R-3 – Multi-Family Residence District of the City of Terre Haute, Indiana. Petitioner is further informed and believes that the operation of petitioner's proposed use would require said real estate to be rezoned to the classification as C-3 – Regional Commerce District, under which classification Section 10.180(f), "Uses Permitted – C-3 – Regional Commerce District" would authorize such use.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

A. That the proposed use would be beneficial to the local community and would provide housing opportunities for the community;

B. That said real estate is located on Beech Street near Union Hospital which provides ample access to the property as well as in other parts of town;

C. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;


D. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.

WHEREFORE, Petitioner respectfully requests the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be a part of "C-3 – Regional Commerce District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owner thereof by virtue of said classification description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioner, Kashlan Partnership, LP and Longa

Partnership, LP have duly executed this instrument this 5th day of January,
2015.

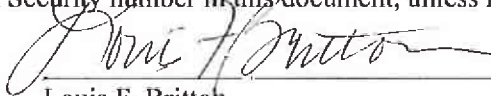
LONGA PARTNERSHIP, LP

By: 
Gerald Longa

KASHLAN PARTNERSHIP, LP

By: _____
Bashar Kashlan

I prepared the foregoing instrument 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.


Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue, Terre Haute, IN 47807
Phone: (812) 232-6003

Partnership, LP have duly executed this instrument this 5th day of January,
2015.

LONGA PARTNERSHIP, LP

By: _____
Gerald Longa

KASHLAN PARTNERSHIP, LP

By: M. Bashar Kashlan
Bashar Kashlan

I prepared the foregoing instrument 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.

Louis F. Britton
Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue, Terre Haute, IN 47807
Phone: (812) 232-6003

s:\users\clients\longa\rezoning - 634 beech st, et al\rezoning documents\petition for rezoning.doc
12/22/2014

*State of Florida
County of Miami-Dade*

This foregoing affidavit was acknowledged before me this 5 day of January, 2015 by Bashar Kashlan, on behalf of Kashlan Partnership, LP who is personally known to me, did not take an oath.

*Notary Public:
S. Pimanova*



Exhibit A

The following described real estate situated in Vigo County, Indiana, to-wit:

Lots Numbered 11,12,13,14,15 and 16 in W.A. McFarlands Subdivision of that part of Lot Thirteen (13) of the Subdivision of School Section Sixteen (16) Township Twelve (12) North, Range Nine (9) West which lies West of the East line of Center Street produced to the North in the City of Terre Haute, Indiana.

AND

Lots Numbers Forty-seven (47), Forty-eight (48), Forty-nine (49), and Fifty (50) in Monninger Heirs Subdivision of part of Lot Number Seven (7) and Lot Number Twelve (12) in the subdivision of School Section Sixteen (16), Township Twelve (12) North of Range Nine (9) West in the City of Terre Haute, Indiana.

PLAT MAP

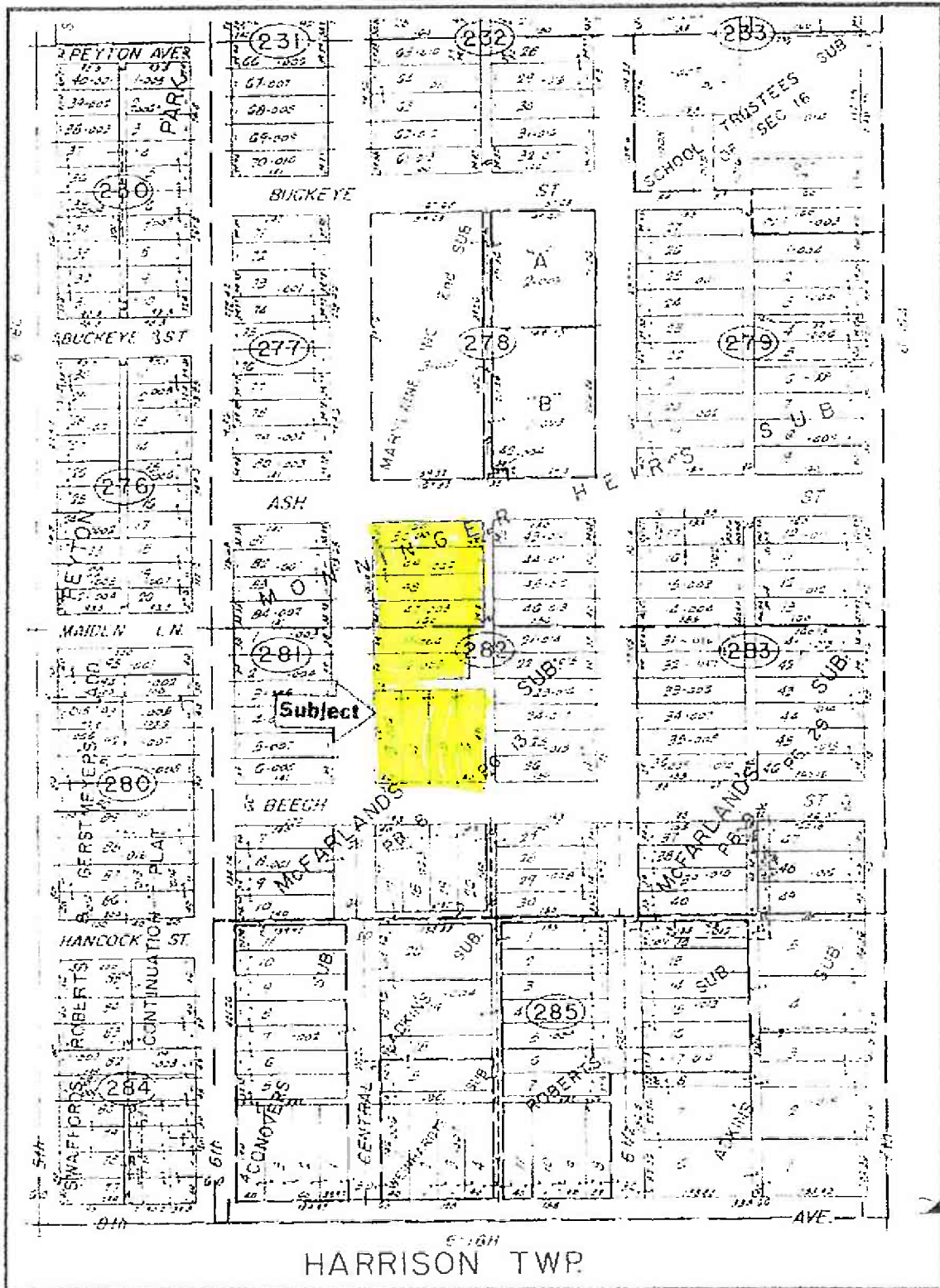
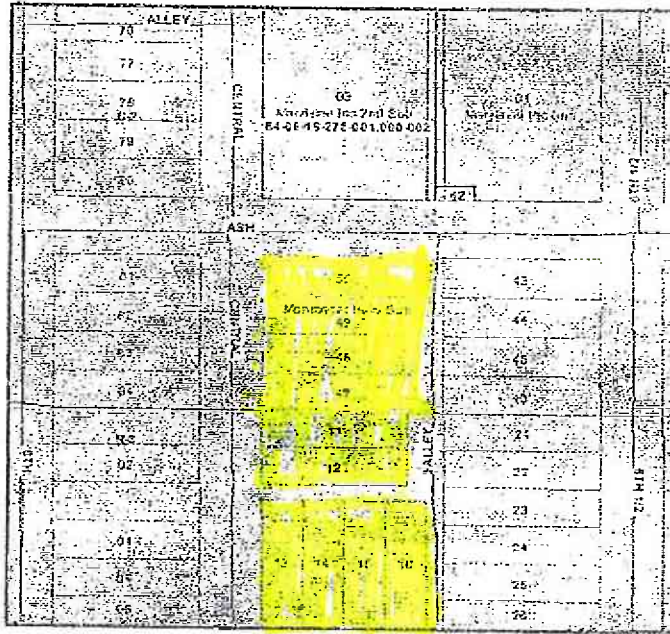


EXHIBIT "A"

ZONING MAP



According to the National Flood Insurance Program Federal Emergency Management Agency Flood Map No. 180254-0003B the property is in zone C or is not in the 100 year flood plain.

AFFIDAVIT

COMES NOW affiants, Kashlan Partnership, LP and Longa Partnership, LP, by their authorized partners, and affirm under penalty of law that they are the owners of record of the property located at 634 Beech Street, 1731 Central Avenue, 1735 Central Avenue, and 625 Ash Street, Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

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

LONGA PARTNERSHIP, LP

By: _____
Gerald Longa

KASHLAN PARTNERSHIP, LP

By: *Bashar Kashlan*
Bashar Kashlan

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned Notary Public in and for said county and state, personally appeared Gerald Longa, General Partner of Longa Partnership, LP, a Partnership, and having been first duly sworn acknowledged that he is the sole partner of said Partnership and that he signed, sealed and delivered the foregoing instrument as his free and voluntary act and deed as General Partner of Longa Partnership, LP, a Partnership, and that he is authorized to make, execute and deliver said instrument for and on behalf of said Partnership, this _____ day of _____, 201____.

Witness my hand and Notarial Seal.

Notary Public

(Printed Name)

My Commission Expires:

My County of Residence:

Florida
STATE OF INDIANA)
Miami-Dade) SS:
COUNTY OF VIGO)

Before me, the undersigned Notary Public in and for said county and state, personally appeared Bashar Kashlan, General Partner of Kashlan Partnership, LP, a Partnership, and having been first duly sworn acknowledged that he is the sole partner of said Partnership and that he signed, sealed and delivered the foregoing instrument as his free and voluntary act and deed as General Partner of Kashlan Partnership, LP, a Partnership, and that he is authorized to make, execute and deliver said instrument for and on behalf of said Partnership, this 5 day of January, 2015.

Witness my hand and Notarial Seal.



S. Pimanova
Notary Public
Svetlana Pimanova
(Printed Name)

My Commission Expires:
August 17, 2018

My County of Residence:
Howard County

I prepared the foregoing instrument 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.

Louis F. Britton
Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue, Terre Haute, IN 47807
Phone: (812) 232-6003

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUL 17 2007


VIGO COUNTY AUDITOR

2007010504 QD \$18.00
07/17/2007 10:33:36A 2 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, that M. Bashir Kashlan, an adult, of Vigo County, State of Indiana, quitclaims to Kashlan Partnership, L.P., an Indiana limited partnership, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, an undivided one-half (1/2) interest in the following described real estate located in Vigo County, Indiana, to-wit:

Lots Numbered 11,12,13,14,15 and 16 in W.A. McFarlands Subdivision of that part of Lot Thirteen (13) of the Subdivision of School Section Sixteen (16) Township Twelve (12) North, Range Nine (9) West which lies West of the East line of Center Street produced to the North in the City of Terre Haute, Indiana.

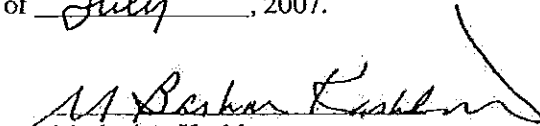
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Taxes due and payable after the date of the deed to be paid by Purchaser.

Subject to all easements and restrictions of record.

DATED this 12th day of July, 2007.


M. Bashir Kashlan

2

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 12th day of July, 2007, personally appeared M. Bashar Kashlan and acknowledged the execution of the foregoing deed.

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

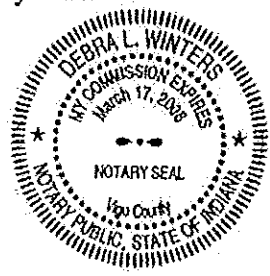
My Commission Expires:

March 17, 2008

My County of Residence:

Vigo

Debra L. Winters
Notary Public
Printed: Debra L. Winters



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.

Bradley A. Bough
Bradley A. Bough

Return Deed to: Bradley A. Bough, of Wright, Shagley & Lowery, P.C., P.O. Box 8448, Terre Haute, IN 47808-8448.

Send Tax Statements to: Kashlan Partnership, L.P., c/o M. Bashar Kashlan, M.D., Managing Partner, 125 Covington Court, Oak Brook IL 60523

This instrument prepared by Bradley A. Bough, of Wright, Shagley & Lowery, P.C., 500 Ohio St., P.O. Box 8448, Terre Haute, Indiana 47808-8448. (812) 232-3388.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUL 17 2007


VIGO COUNTY AUDITOR

2007010508 QD \$18.00
07/17/2007 10:33:36A 2 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, that Gerald J. Longa, an adult, of Vigo County, State of Indiana, quitclaims to Longa Partnership, L.P., an Indiana limited partnership, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, an undivided one-half (1/2) interest in the following described real estate located in Vigo County, Indiana, to-wit:

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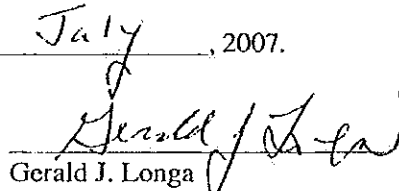
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Taxes due and payable after the date of the deed to be paid by Purchaser.

Subject to all easements and restrictions of record.

DATED this 12th day of July, 2007.


Gerald J. Longa

2

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 12th day of July, 2007, personally appeared Gerald J. Longa and acknowledged the execution of the foregoing deed.

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

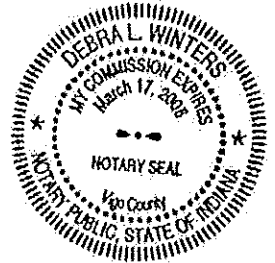
My Commission Expires:

March 17, 2008

My County of Residence:

Vigo

Debra L. Winters
Notary Public
Printed: Debra L. Winters



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.

Bradley A. Bough
Bradley A. Bough

Return Deed to: Bradley A. Bough, of Wright, Shagley & Lowery, P.C., P.O. Box 8448, Terre Haute, IN 47808-8448.

Send Tax Statements to: Longa Partnership, L.P., c/o Gerald J. Longa, M.D., Managing Partner, 145 Hamilton Drive, Terre Haute, Indiana 47803.

This instrument prepared by Bradley A. Bough, of Wright, Shagley & Lowery, P.C., 500 Ohio St., P.O. Box 8448, Terre Haute, Indiana 47808-8448. (812) 232-3388.

Receipt

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

Date: 1/7/14

Name: Cox, Guerner, Hambrick & Sullivan

Reason: Reyzoring - Mr. Longa

Cash: _____

Check: 45⁰⁰ CK# 94347

Credit: _____

Total: 45⁰⁰

TERRE HAUTE, IN
PAID
JAN -7 2015
CONTROLLER

Received By: Jill Ellis



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: February 5, 2015

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #3-15**

CERTIFICATION DATE: February 4, 2015

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. 3-15. This Ordinance is a rezoning of the property located at 634 Beech, 1731 and 1735 Central Ave. and 625 Ash. The Petitioner, Kashlan Partnership, LP and Longa Partnership, LP, petitions the Plan Commission to rezone said real estate from zoning classification R-3 to C-3, Regional Commerce District for medical offices. 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. 3-15 at a public meeting and hearing held Wednesday, February 4, 2015. 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. 3-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 3-15 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. 3-15 was FAVORABLE.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Darren Maher.

Darren Maher, Executive Director

Received this 5th day of February, 2015

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #3-15
Date: February, 2015

Doc: # 14
Page 1 of 4

APPLICATION INFORMATION

Petitioner: Kashlan Partnership, LP and Longa Partnership, LP
Property Owner: Same as Above
Representative: Louis F. Britton
Proposed Use: Medical Offices
Proposed Zoning: C-3, Regional Commerce District
Current Zoning: R-3, Multi-Family Residence District
Location: The property is located along the east side of Central Ave. between Beech and Ash Streets.
Common Address: 634 Beech St., 1731 Central Ave., 1735 Central Ave., and 625 Ash St. Terre Haute In 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Medical/Hospital Areas

The land within these areas is intended for uses that have a large concentration of Existing medical activities. In addition to the hospitals, various clinics and offices of medical practitioners, support activities such as hospital equipment, medical supplies, pharmacies, medical and dental laboratories are appropriate for these areas. Ancillary retail activities for hospital visitors or employees may be appropriate – florists, limited restaurants, lodging facilities, insurance services, banking services, etc. It should be recognized Terre Haute’s hospitals are regional health care providers servicing a large number of counties in West Central Indiana and East Central Illinois. Evidence suggests that the hospitals will continue future growth at least in a regional context.

Three future planning principles need to be followed as future development projects emerge in these areas:

- The size of the district(s) and the spillover effects of traffic and medical activities into adjacent residential neighborhoods should be contained and limited. This should be accomplished in a manner that does not inhibit future medical growth or development opportunities but at the same time does not cause displacement or conversion of residential uses for medical activities.
- The district should be planned as a whole with clear and controlled access, direction signage, controlled drive cuts, cooperative district wide parking, and careful planning of the spatial interrelationships between various land uses and activities.
- Along the edges of the district(s) special attention should be devoted to buffering, perhaps through landscaping, to clearly separate and distinguish the hospital/medical area from the adjacent residential areas. Within the hospital/medical district landscaping, streetscape details and pedestrian amenities should be enhanced and coordinated.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2 Community Commercial, C-3 Regional Commercial,
R-2 Two Family Residential
East – C-3 Community Commercial
South – R-3 Multi-Family Residential
West – R-3 Multi-Family Residential

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #3-15

Doc: # 14

Date: February, 2015

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Character of Area: The surrounding area is dominated by the Union Hospital Health Campus.

Contig. Uses & Zones: The contiguous uses are either buildings constructed primarily for health care uses or converted uses of existing buildings for health care purposes.

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: Floor Area Ratio of 8.0; street setback of 5 feet from centerline; rear setback 11' from the rear property line; Interior 0' from the interior lot line, and Meet the minimum parking requirement per table 4. Office-Site Parking facilities are required a Special Use by the City of Terre Haute Board of Zoning Appeals. Off-street parking areas for more than ten (10) vehicles, and off-street loading areas, shall be effectively screened on each side, which adjoins or faces residential or institutional premises situated in any R-District. All parking lots shall be illuminated. Such lighting shall be composed of light posts, which are compatible with the architecture of the building and are wired internally and underground. All commercial and public lots shall have an average intensity of not more than one (1) to four (4) during the period of use.

Illumination of an off-street parking area shall be arranged so as to reflect direct rays of light into adjacent residential districts and

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #3-15

Doc: # 14

Date: February, 2015

Page 4 of 4

streets. In no case shall such lighting causing more than three (3) foot candles of light to fall on adjacent properties as measured horizontally at the lot line.

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned property is located within an area identified by the Thrive 2025 Comprehensive Plan for medical/hospital expansion. Further, the Collett Park Vicinity Plan confirms this area to be designated as use in the Hospital Support Periphery. The Choice of the C-3 zoning is in keeping with the zonings designated for Regional Health establishments and Union Hospital.

Recommendation: Staff offers a Favorable Recommendation.

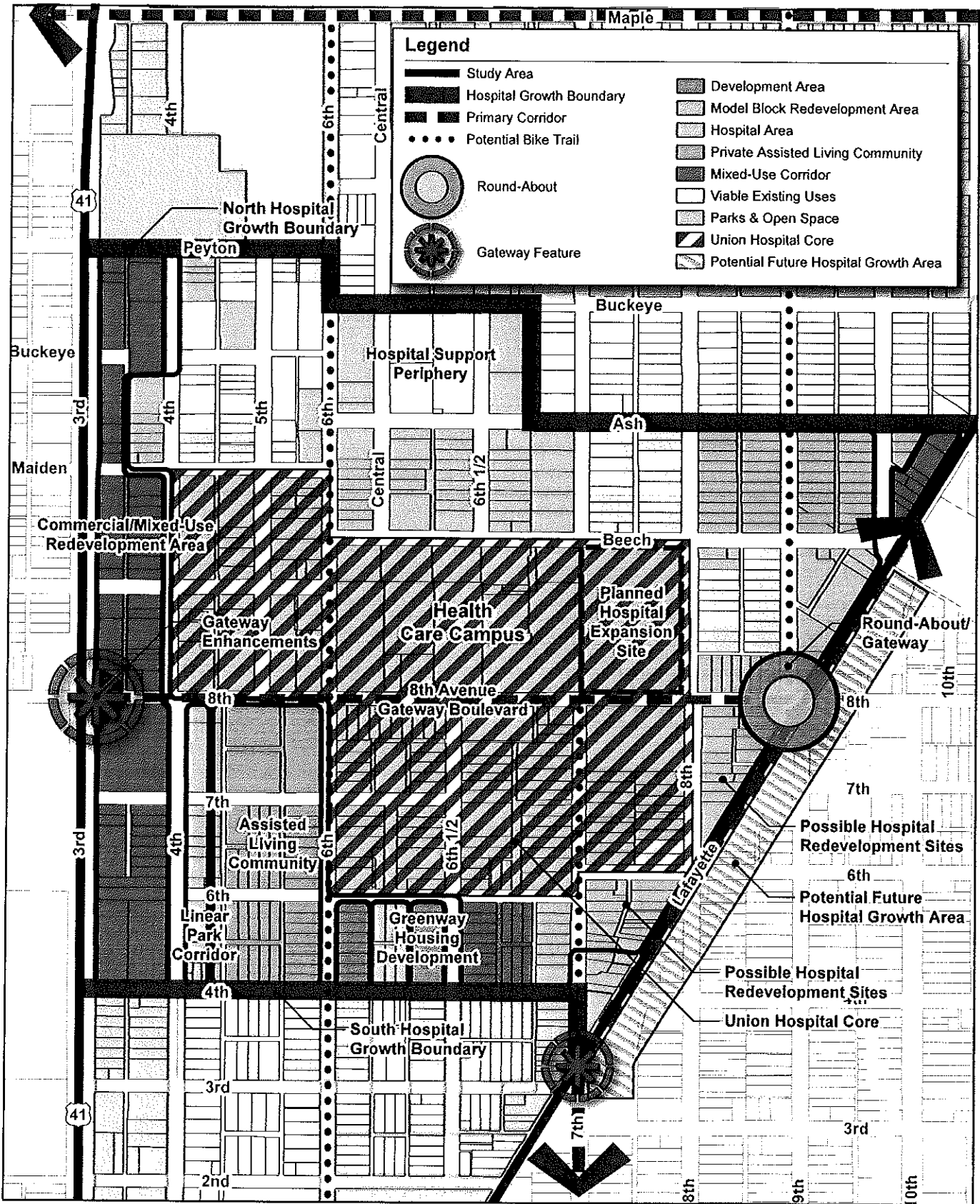


Figure 15
Concept Plan: Union Hospital Health Care Campus Subarea Plan

Collett Park Vicinity Plan
 Terre Haute, Indiana



CAMIROS