

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 6, 2021

=====

Common Address of lots to be rezoned: 1122 and 1160 Locust St., Terre Haute, IN

Rezone From: C-3 Regional Commerce District

Rezone To: C-5 General Central Business District

Proposed Use: Existing Uses: retail and blood plasma center. New Use: self storage/warehouse units.

Name of Owner: Terre Haute Associates Limited Partnership

Address of Owner: C/O Spatz Centers, Inc. 14 N. Peoria St., Suite 3F, Chicago, IL 60607

Phone Number of Owner: c/o (812) 232-6003 Louis F. Britton

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: Neil Garrison

FILED

FEB 23 2021

SPECIAL ORDINANCE NO. 6, 2021

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 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 IV, 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:

Parcel # 84-06-15-382-006.000-002 and Parcel # 84-06-15-382-007.000-002 --Tract 2 and Tract 4 in the Plat of Spatz Subdivision as recorded on November 30, 2007.

Commonly known as 1122 and 1160 Locust St, Terre Haute, Indiana, be and the same is hereby established as C-5, General Central Business District as designated in Division X, Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be a C-5, General Central Business District authorizing the use of said real estate for use for retail purposes, a blood plasma center and self storage/warehouse businesses 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.

PRESENTED BY COUNCIL PERSON

Neil Garrison
Neil Garrison

Passed in open Council this 8TH day of APRIL, 2021.

O. Earl Elliott
O. Earl Elliott, President

ATTEST: Michelle L. Edwards, City Clerk
Michelle L. Edwards

Presented by me to the Mayor this 9TH day of APRIL, 2021.

Michelle L. Edwards
Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 9TH day of APRIL, 2021.

Duke Bennett
Duke Bennett, Mayor
City of Terre Haute

ATTEST: Michelle L. Edwards
Michelle L. Edwards, 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.

John S. Bass

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

PETITION FOR REZONING OF REAL ESTATE

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

Gentlepersons:

Terre Haute Associates, Limited Partnership, petitioner, is the owner of the following described real estate located in Vigo County, Indiana, to-wit:

Parcel # 84-06-15-382-006.000-002 and Parcel # 84-06-15-382-007.000-002 -Tract 2 and Tract 4 in the Plat of Spatz Subdivision as recorded on November 30, 2007.

which real estate is commonly known as 1122 and 1160 Locust St., Terre Haute, Indiana.

The owner proposes to use the property for its existing retail uses, blood plasma center operations and to add self storage uses. 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 C-3 Regional Commerce Zone District of the City of Terre Haute, Indiana. Petitioner is further informed and believes that the operation of petitioner's proposed businesses would require said real estate to be rezoned to the classification as C-5, General Central Business District, under which classification Section 10.207(g), "Uses Permitted in General Central Business District C-5 Zone" would authorize such business operations.

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

A. That the proposed business would be beneficial to the local community and would generate employment for the community;

B. That said real estate is located near an area which is zoned for commerce;

C. That said real estate is located on Locust St. which provides access to business and industry in the immediate area as well as in other parts of town;

D. 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;

E. 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;

F. Said rezoning is in the public interest

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-5, General Central Business District" of the City of Terre Haute, Indiana, being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioner, Terre Haute Associates, Limited Partnership, has duly executed this instrument this _____ day of _____, 2021.

Terre Haute Associates, Limited Partnership

By: *Willie Spatz*

Willie Spatz agent
Printed name and title

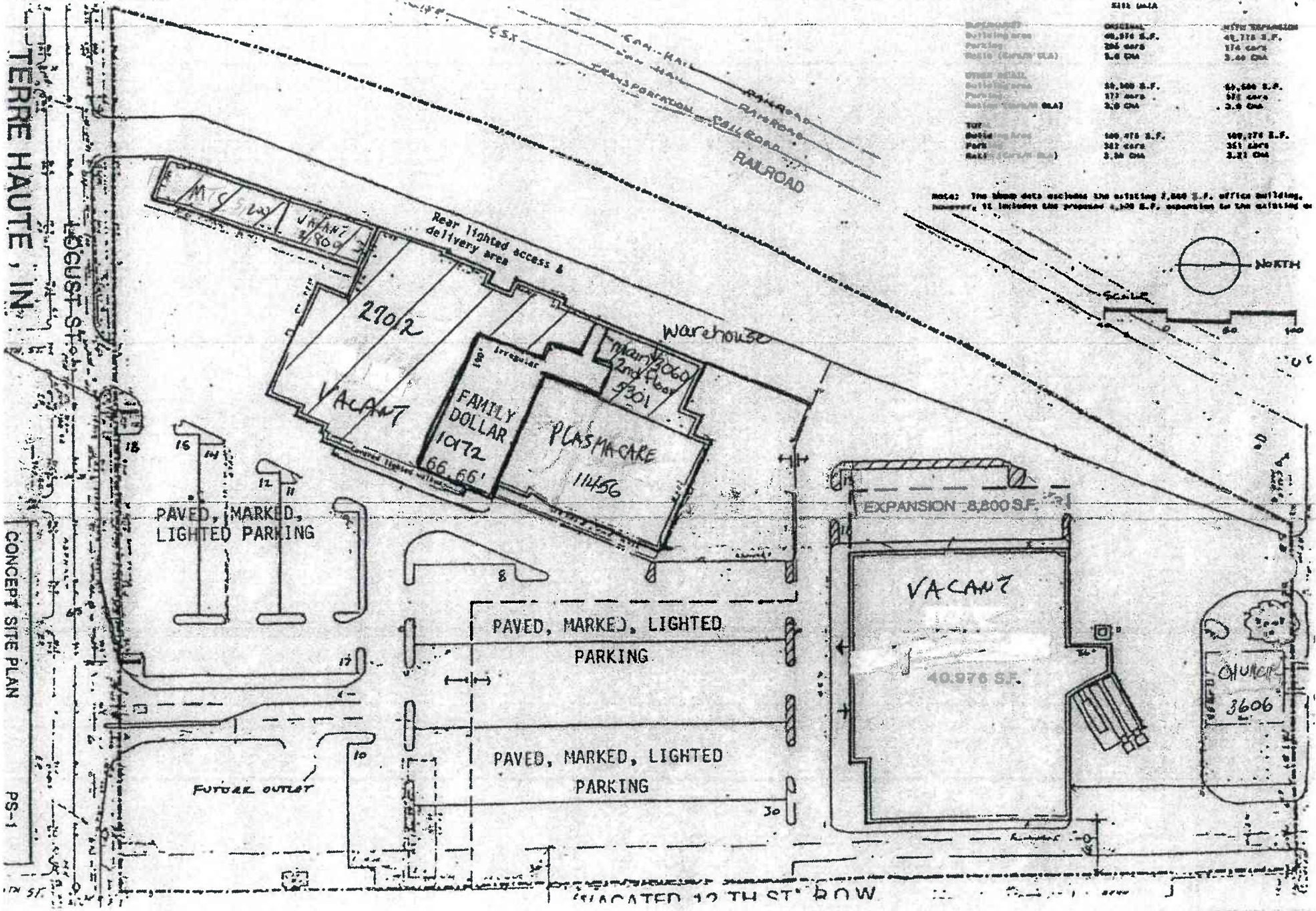
This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

TERRE HAUTE, IN

AUGUST ST

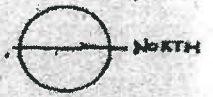
CONCEPT SITE PLAN

PS-1



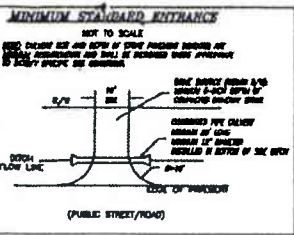
	EXIST. DATA	PROPOSED
OFFICE BUILDING	48,778 S.F.	48,778 S.F.
Parking	174 cars	174 cars
Ratio (Car/Sq. Ft.)	3.6 CAR	3.6 CAR
OTHER BUILDING		
Building Area	50,500 S.F.	47,500 S.F.
Parking	177 cars	181 cars
Ratio (Car/Sq. Ft.)	3.5 CAR	3.8 CAR
TOT		
Building Area	100,478 S.F.	100,278 S.F.
Park	351 cars	355 cars
Ratio (Car/Sq. Ft.)	3.50 CAR	3.51 CAR

NOTE: The above data excludes the existing 2,000 S.F. office building. However, it includes the proposed 2,000 S.F. expansion to the existing building.



VACATED 12 TH ST ROW

2



SPATZ SUBDIVISION

A Parcel of Blocks 8, 9, and 10 Of Early's Addition
Part of the E. 1/2 of the S.W. 1/4, Section 15, Township 12-N, Range 9-W,
Harrison Township, Vigo County, Indiana



Further subdivision of any lot shown on this plot as served by a private road may be prohibited by the Vigo County Subdivision Control Ordinance.

The Policy of the County of Vigo is that, if the county or city improves streets that were never constructed to the standards required in the ordinance for dedicated streets, then 100 percent of the costs of such improvements shall be assessed to the abutting landowners.

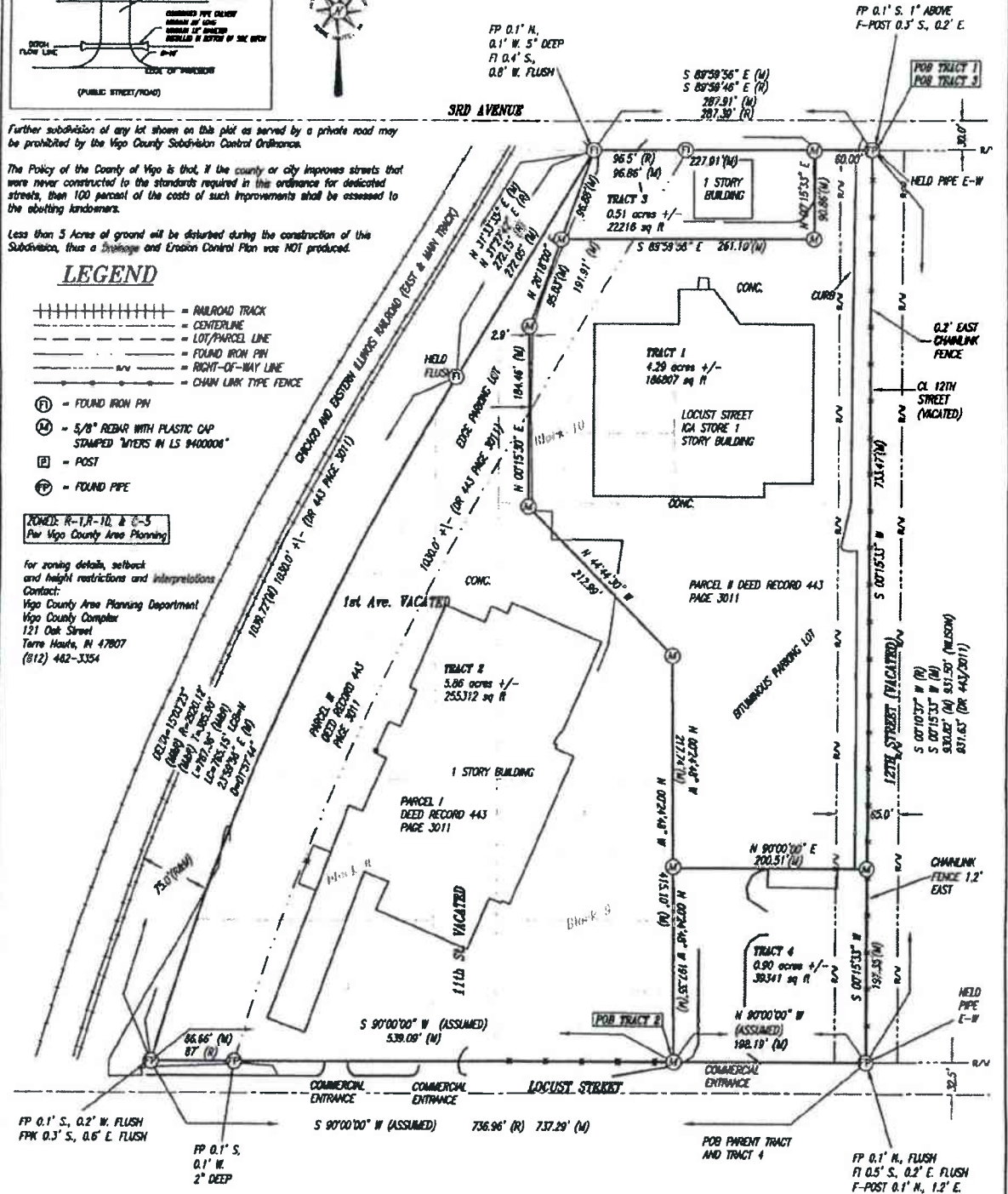
Less than 5 acres of ground will be disturbed during the construction of the Subdivision, thus a Siteplan and Erosion Control Plan was NOT produced.

LEGEND

- RAILROAD TRACK
- CENTERLINE
- LOT/PARCEL LINE
- FOUND IRON PIN
- RIGHT-OF-WAY LINE
- CHAIN LINK TYPE FENCE
- FOUND IRON PIN
- 5/8" REBAR WITH PLASTIC CAP STAMPED "MTERS IN LS 9400008"
- POST
- FOUND PIPE

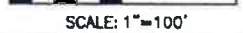
ZONED: R-1, R-10, & C-3
Per Vigo County Area Planning

for zoning details, setback and height restrictions and interpretations
Contact:
Vigo County Area Planning Department
Vigo County Complex
121 Oak Street
Terre Haute, IN 47807
(812) 442-3354



FLOOD ZONE INFORMATION

Flood Insurance Rate Map, Community Number: 180263-0070 B 0 100 200
Zone: C Effective Date: Nov. 2, 1983



SIGNED AND SEALED MAP COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.



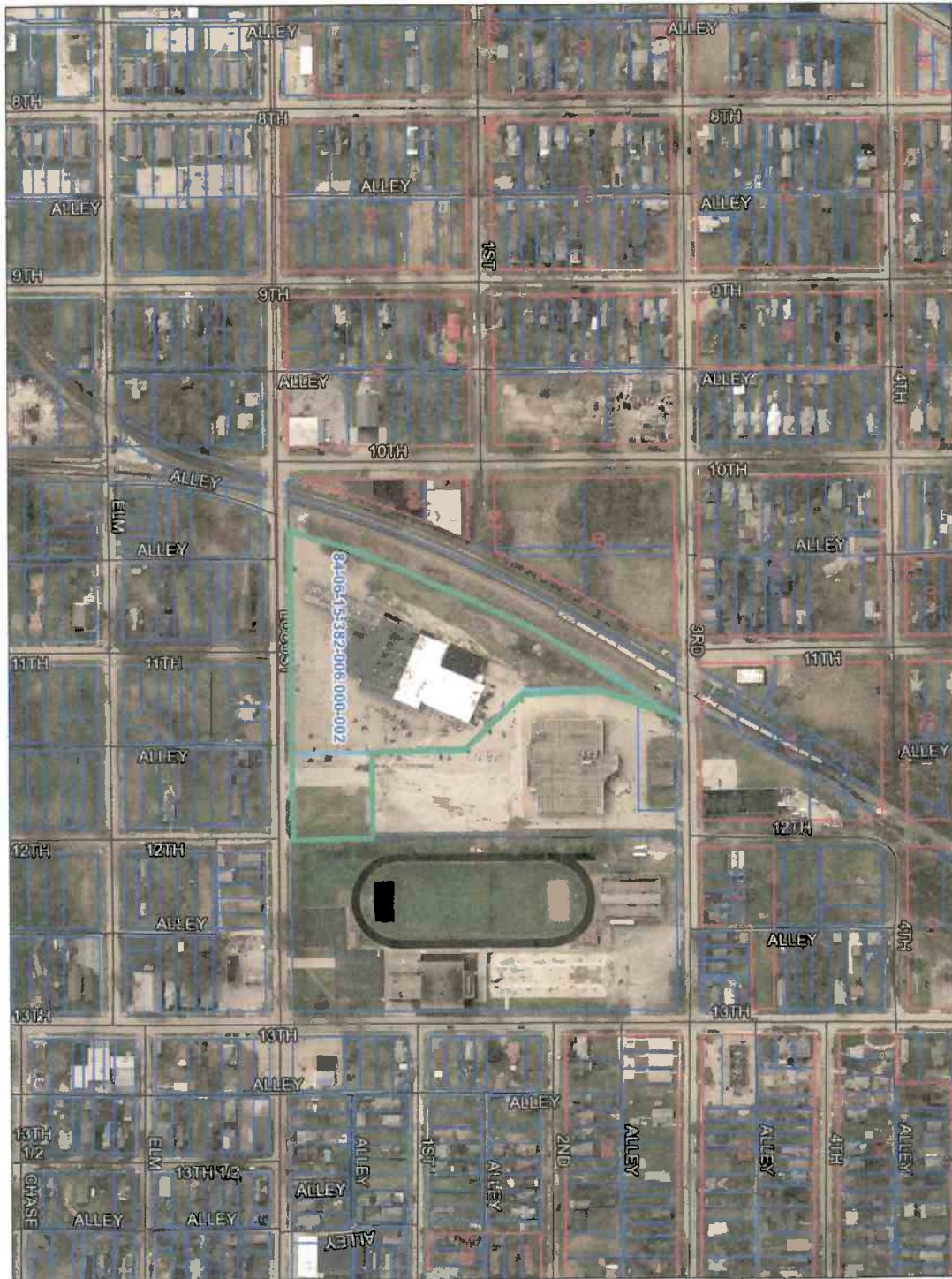
MYERS ENGINEERING, INC.
1033 Crawford Street
Terre Haute, IN 47807
PHONE: (812) 238-9731
FAX: (812) 235-1357
http://MyersEngineering.com
Copyright © 2007

SPATZ SUBDIVISION
A Parcel of Blocks 8, 9, and 10 Of Early's Addition
Part of the E. 1/2 of the S.W. 1/4, Section 15, Township 12-N, Range 9-W,
Harrison Township, Vigo County, Indiana

CLIENT:	Mr. William Spatz	RECORD OWNER:	Terre Haute Associates Limited Partnership
DRAWN BY:	CLT	DATE:	11-14-07
CHECKED BY:	ALM	PROJECT NUMBER:	TMO7-178
APPROVED BY:	JDM	DRAWING NAME:	Sub Plot
SCALE:	1"=100'	FILENAME:	TMO7-178.dwg

DATE	NO.	REVISIONS	BY	CHECKED
11/30/07	1	Revise distance W. line Tract 4 Sheet 2	AV	JDM

DO NOT SCALE PRINT



AFFIDAVIT

COMES NOW affiant, William Spatz, and affirms under penalty of law that Terre Haute Associates Limited Partnership is the owner of record of the property located at 1122 Locust St. Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

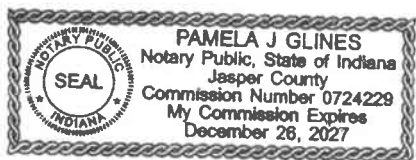
I affirm, under penalties for perjury, that the foregoing representations are true.

William Spatz

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

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

WITNESS my hand and Notarial Seal, this _____ day of _____, 2021.



Pamela J Glines
Notary Public

Pamela J Glines
(Printed Name)

My Commission Expires:
Residence:

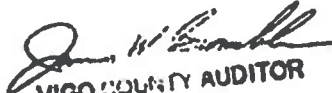
My County of

12-26-2027

Jasper

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUN 15 2000


VIGO COUNTY AUDITOR

Job Date 06/14/2000 Time 08:18:00
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 18.00
I 20000178 D 448/4178

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, that TERRA FIRMA, LLC, ("Grantor") of Madison County, in the State of Indiana, CONVEYS AND WARRANTS to TERRE HAUTE ASSOCIATES LIMITED PARTNERSHIP, ("Grantee") for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

That portion of the Southwest quarter of Section 15, Township 12 North, Range 9 West of the second principal meridian, Vigo County, Indiana more particular described as follows:

Considering the North right-of-way of Locust St. as bearing West 90 degrees 00 minutes 00 seconds with all bearings contained herein relative thereto.

BEGINNING at the North right-of-way of Locust St. and the centerline of Twelfth St. monumented by a 5/8 inch Rebar with cap. (herein called "monument"); thence on and along the North right-of-way of Locust St. West 90 degrees 00 minutes 00 seconds 736.96 feet to a monument at the Southwest corner of that certain Parcel III as described in deed record in Book 443, Page 3011 records of said county and the beginning of a non-tangent curve to the right having a radius of 2920.12 feet on a central angle of 15 degrees 03 minutes 23 seconds, a radial line passing through said monument bears North 73 degrees 35 minutes 41 seconds West; thence on and along the West line of said Parcel III and on and along the arc of said curve 767.36 feet to a monument, a radial line passing through said monument bears North 58 degrees 32 minutes 18 seconds West; thence leaving said curve tangent, continuing on and along the West line of said Parcel III, North 31 degrees 27 minutes 42 seconds East 272.15 feet to a monument on the South right-of-way of Third Ave.; thence on and along said South right-of-way South 89 degrees 59 minutes 46 seconds East 287.39 feet (deed equals South 89 degrees 59 minutes West) to a monument on the centerline of Twelfth St.; thence on and along said centerline, South 00 degrees 10 minutes 37 seconds West 931.50 feet (deed equals North 00 degrees 15 minutes East 931.63 feet) to the POINT OF BEGINNING.

The above described parcel contains 11.56 acres and is subject to all easements and right-of-ways of record. The above described parcel describes the same property formerly described in Warranty Deed to Terra Firma, LLC dated February 10, 1998, and recorded in Deed Record 443, Page 3011, Records of Vigo County, Indiana.

Subject to all unpaid real estate taxes, easements, assessments, and restrictions of record and to the rights of Tenants under the following Leases:

1. Family Dollar Stores of Indiana, Inc. under Lease dated September 30, 1993, as evidenced by a Memorandum

4176

of Lease dated September 30, 1993, and recorded October 27, 1993, in the Records of Vigo County, Indiana in Lease Record 8, Page 810.

- 2. Housing Authority of the City of Terre Haute under Lease dated September 10, 1996.
- 3. Super Valu Stores, Inc. under Lease dated March 27, 1992.
- 4. Consolidated Stores Corporation under Lease dated August 9, 1993.

The person executing this Deed on behalf of this Limited Liability Company personally warrants that he is the Chief Operating Officer of TERRA FIRMA, LLC and is authorized and empowered by TERRA FIRMA, LLC to execute and deliver this Deed, and that TERRA FIRMA, LLC has full legal capacity to convey the real estate described herein, and that all necessary company action for making of such conveyance has been taken and done.

Grantor warrants that there is no gross income tax owing to the State of Indiana by reason of this conveyance.

15 IN WITNESS WHEREOF, the said TERRA FIRMA, LLC above named has hereunto set its hand and seal, this day of June, 2000.

TERRA FIRMA, I.L.C

By: R. Glenn Falls
R. Glenn Falls
Chief Operating Officer and Member

By: William H. Hardacre
William H. Hardacre
Treasurer and Member

STATE OF INDIANA)
)SS:
COUNTY OF MADISON)

Before me, a Notary Public in and for said County and State, personally appeared R. Glenn Falls, Chief Operating Officer and Member, and William H. Hardacre, Treasurer and Member, of TERRA FIRMA, LLC, and being duly sworn acknowledged the execution of the foregoing Limited Liability Warranty Deed on behalf of TERRA FIRMA, LLC, and stated that the statements contained therein are true. Witness my hand and Notarial Seal, this 15 day of June, 2000.

My Commission Expires:
A Resident of Madison County

[Signature]
Notary Public

PREPARED BY DANIEL S. DAVISSON, DAVISSON & DAVISSON, P.C., P.O. BOX 847, 1111 MERIDIAN STREET, ANDERSON, IN 46015, 765-643-6657

330 Melvin Avenue
Northbrook IL 60062



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: April 8, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 6-21

CERTIFICATION DATE: April 7, 2021

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. 6-21. This Ordinance is a rezoning of the property located at 1122 and 1160 Locust Street. The Petitioner, Terre Haute Assoc. Ltd. Part., petitioned the Plan Commission to rezone said real estate from zoning classification C-3 to C-5 General Business District in order to build storage units.

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. 6-21 at a public meeting and hearing held Wednesday, April 7, 2021. 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. 6-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 6-21 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. 6-21 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) All required development standards as outlined by City Engineering be met 2) BZA approval for a side setback variance or a site plan showing the structure meets the 5' setback 3) Removal of residence if necessary.

Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 8th day of April, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 6-21

Doc: # 16

Date: April 2021

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APPLICATION INFORMATION

Petitioner: Terre Haute Associates Limited Partnership

Property Owner: Same as Above

Representative: Louis Britton

Proposed Use: Self-storage/warehouse units

Proposed Zoning: C-5 General Central Business District

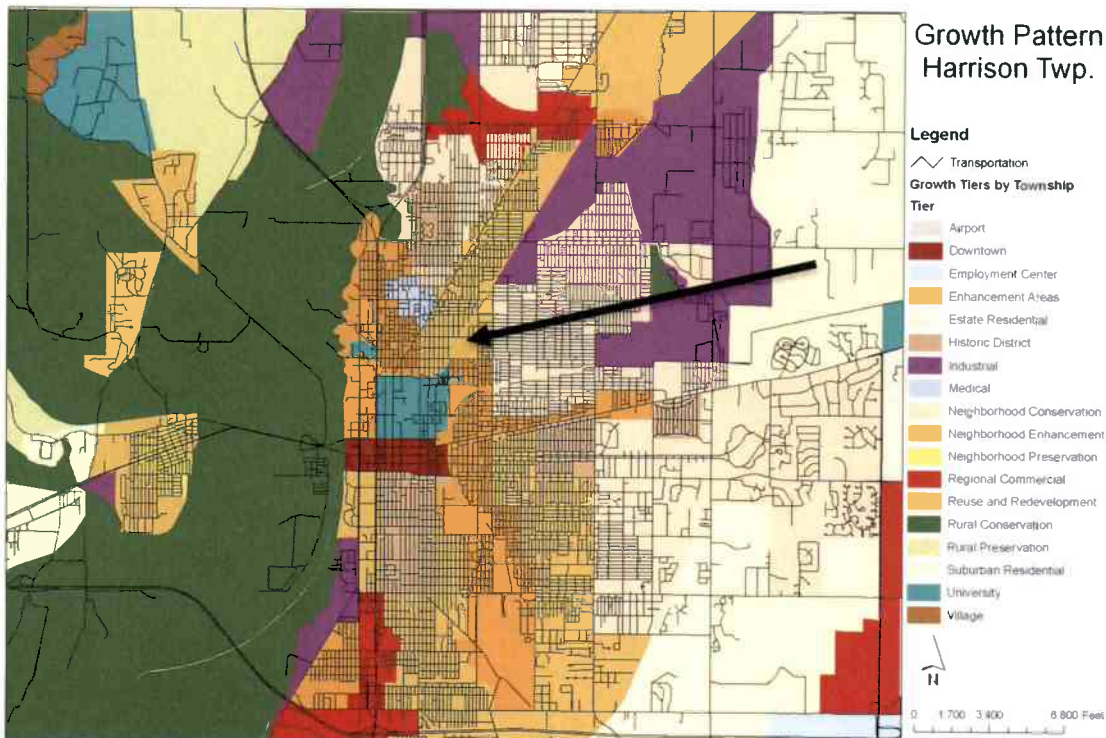
Current Zoning: C-3 Regional Commerce District

Location: The property is located approximately 430 feet west of the intersection of 13th St and Locust St.

Common Address: 1122 and 1160 Locust St, Terre Haute, IN

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 6-21

Doc: # 16

Date: April 2021

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Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Street Access: Locust Street

Dev. Priority: Neighborhood Commercial

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – M-2, C-5

East – C-5, R-2

South – C-6, R-3

West – M-2

Character of Area: The petitioned property is located within a variety of mixed uses.

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 6-21

Doc: # 16

Date: April 2021

Page 3 of 3

- (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.
-

FINDINGS and RECOMMENDATION

Staff Findings:

Mini warehouses are a permitted use by right in the C-5 District in the City. A blood plasma center and a Family Dollar currently operate in the existing building and would continue to be allowed due to the looping in the City Code that allows uses permitted in the C-3 and C-4 districts in the C-5 district. The petitioner states that the self-storage units/mini-warehouses will go into the vacant commercial space inside the existing building.

Recommendation: Favorable with the following condition;

1. All required development standards as outlined by City Engineering be met.