

SPECIAL ORDINANCE NO. 7, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1617 S. 3rd Street, Terre Haute, IN 47802
Parcel # 84-06-28-454-006.000-002

1623 S. 3rd Street, Terre Haute, IN 47802
Parcel # 84-06-28-454-008.000-002

Rezone From: C-2 Community Commerce District
R-3 General Residence District

Rezone To: C-6 Strip Business District

Proposed Use: Commercial Development

Name of Owners: Keller 2850, LLC
Terre Haute Third Street, LLC

Address of Owners: 2850 N. Meridian Street
Indianapolis, Indiana 46208

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II

Address of Attorney: Wright, Shagley & Lowery, P.C.
500 Ohio Street, Terre Haute, IN 47807

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Cheryl Loudermilk

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 17 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 7, 2022**

CITY CLERK

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:

Forty-two (42 feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Commonly known as: 1617 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-006.000-002
(Owner: Keller 2850, LLC)

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

EXCEPT:

A part of Lot 19 in Grover's Subdivision of Lot No. 2 in Subdivision of Lot No. 67, the plat of which subdivision is recorded in Plat Book 1, page 25, in the Office of the Recorder of Vigo County, Indiana being all that part of the grantor's land identified as Parcel No. 42 that lies within the R/W lines depicted upon the Right of Way Parcel Plat for Parcel 42 of INDOT Project STP-T410(003) and attached as Exhibit "B", described as follows: Beginning at the southeast corner of said lot; thence North 89 degrees 19 minutes 08 seconds West 142.00 feet along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 10 minutes 44 seconds West 10.00 feet along the west line of said lot to point "368" as shown on said Exhibit "B"; thence North 89 degrees 19 minutes 08 seconds East 73.68 feet to point "369" as shown on said Exhibit "B"; thence North 55 degrees 41 minutes 21 seconds East 61.03 feet to point "370" as shown on aid Exhibit "B"; thence North 23 degrees 45 minutes 58 seconds East 43.95 feet to the east line of said lot and point "371" as shown on said Exhibit "B"; thence South 0 degrees 08 minutes 57 seconds East 85.44 feet along said east line to the point of beginning and containing 3,288 square feet, more or less.

Commonly known as: 1623 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-008.000-002
(Owner: Terre Haute Third Street, LLC)

Be and the same is hereby established as a C-6 Strip 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, Cheryl Loudermilk
Cheryl Loudermilk

Passed in open Council this 5th day of May, 2022.

Cheryl Loudermilk
Cheryl Loudermilk, President

ATTEST:

Michelle Edwards
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 5th day of May, 2022.

Michelle Edwards
Michelle Edwards, City Clerk

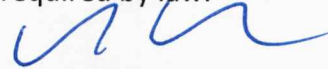
Approved by me, the Mayor of the City of Terre Haute, this 5th day of MAY, 2022.

Duke A. Bennett
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, P.O. Box 9849, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Keller 2850, LLC and Terre Haute Third Street, LLC, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Forty-two (42 feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Commonly known as: 1617 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-006.000-002
(Owner: Keller 2850, LLC)

ALSO:

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

EXCEPT:

A part of Lot 19 in Grover's Subdivision of Lot No. 2 in Subdivision of Lot No. 67, the plat of which subdivision is recorded in Plat Book 1, page 25, in the Office of the Recorder of Vigo County, Indiana being all that part of the grantor's land identified as Parcel No. 42 that lies within the R/W lines depicted upon the Right of Way Parcel Plat for Parcel 42 of INDOT Project STP-T410(003) and attached as Exhibit "B", described as follows: Beginning at the southeast corner of said lot; thence North 89 degrees 19 minutes 08 seconds West 142.00 feet along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 10 minutes 44 seconds West 10.00 feet along the west line of said lot to point "368" as shown on said Exhibit "B"; thence North 89 degrees 19 minutes 08 seconds East 73.68 feet to point "369" as shown on said Exhibit "B"; thence North 55 degrees 41 minutes 21 seconds East 61.03 feet to point "370" as shown on aid Exhibit "B"; thence North 23 degrees 45 minutes 58 seconds East 43.95 feet to the

east line of said lot and point "371" as shown on said Exhibit "B"; thence South 0 degrees 08 minutes 57 seconds East 85.44 feet along said east line to the point of beginning and containing 3,288 square feet, more or less.

Commonly known as: 1623 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-008.000-002
(Owner: Terre Haute Third Street, LLC)

Your Petitioners are informed and believe 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 commonly known as 1617 S. 3rd Street is now zoned as C-2 Community Commerce District, and the real estate commonly known as 1623 S. 3rd Street is now zoned as an R-3 General Residence District.

Your Petitioners intend to sell said real estate for commercial development. Your Petitioners would request that the real estate described herein shall be zoned as a C-6 Strip Business District.

Your Petitioners would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood since the neighborhood is located on a major commercial thoroughfare in a mixed commercial district.

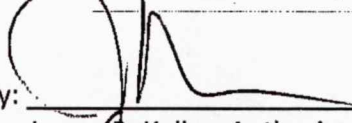
Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioners respectfully request 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the a C-6 Strip 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 WITNESS WHEREOF, This petition has been duly executed this 11 day
of March, 2022.

PETITIONERS:

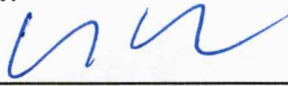
TERRE HAUTE THIRD STREET, LLC

By: 
James R. Keller, Authorized Agent

KELLER 2850, LLC

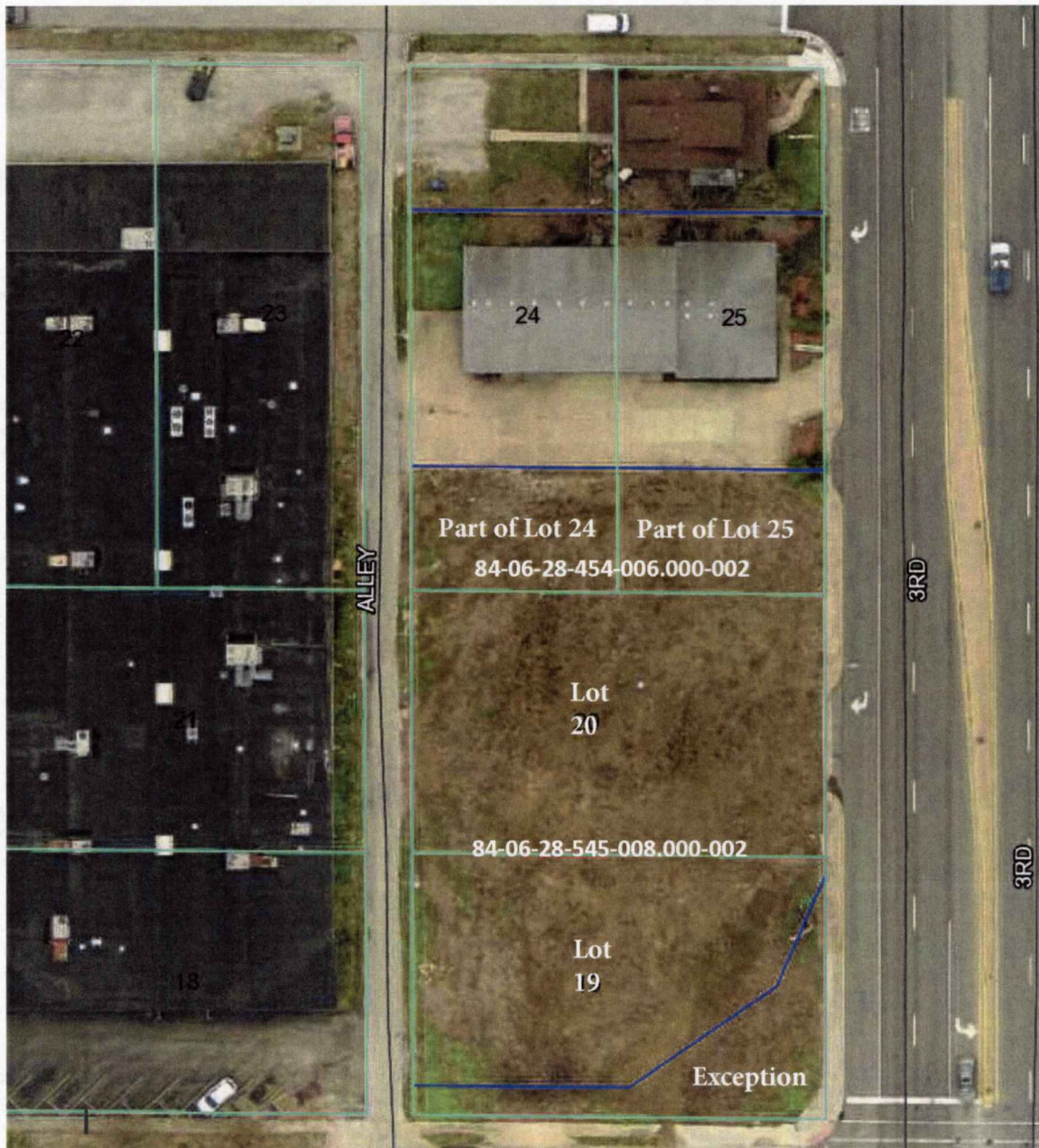
By: 
James R. Keller, Authorized Agent

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, P.O. Box 9849, Terre Haute, Indiana 47807

SITE PLAN
SPECIAL ORDINANCE NO. 7, 2022



1617 S. 3rd Street, Terre Haute, Indiana 47802
Parcel No. 84-06-28-454-006.000-002

1623 S. 3rd Street, Terre Haute, Indiana 47802
Parcel No. 84-06-28-545-008.000-002

**C-2 Community Commerce District and R-3 General Residence to District to
C-6 Strip Business District**

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

AFFIDAVIT

Comes now, James R. Keller, being duly sworn upon his oath, deposes and says:

1. That Keller 2850, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Forty-two (42 feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Commonly known as: 1617 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-006.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Keller 2850, LLC, the owner 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 Terre Haute Third Street, LLC.

4. Further, Affiant saith not.

Dated at Indpls ~~Indpls~~, Indiana this 11 day of March, 2022.

By: 

James R. Keller, Authorized Agent
Keller 2850, LLC

[NOTARY TO FOLLOW]

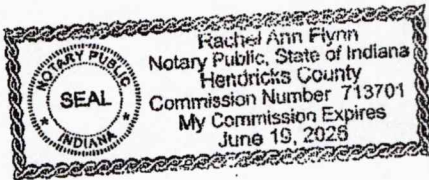
STATE OF INDIANA)
) SS:
COUNTY OF Marion)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County
and State, this 11 day of March, 2022.

Rachel Ann Flynn
_____, Notary Public

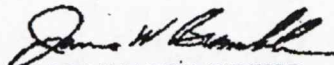
My Commission expires: June 19, 2026

My County of Residence: Hendricks



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 20 2002


VIGO COUNTY AUDITOR

EGA Date 11/20/2002 Time 15:03:20
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200233425 Page 1 of 2

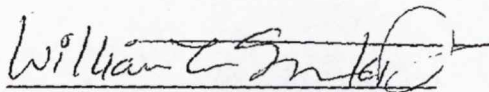
WARRANTY DEED

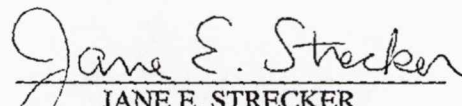
THIS INDENTURE WITNESETH that WILLIAM L. STRECKER, JR. AND JANE E. STRECKER, HUSBAND AND WIFE, "Grantor" of Vigo County in the State of Indiana, CONVEY AND WARRANT to KELLER 2850 LLC of Vigo County in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Forty-two (42) feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Taxes shall be prorated to the date of this deed.

DATED this 20 day of Nov, 2002.


WILLIAM L. STRECKER, JR.


JANE E. STRECKER

Page 1 of 2

EXHIBIT A

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 20 day of November, 2002, personally appeared: William L. Strecker, Jr. and Jane E. Strecker, husband and wife, 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:

July 4, 2008

Yuana Wright
Notary Public

Printed: Yuana Wright

Residing in Vigo County



Mail Tax Statements To: Keller 2850, LLC, 2850 North Meridian
Indianapolis, In 46208

Mail Deed To: Keller 2850 LLC 2850 North Meridian
Indianapolis, In 46208

This instrument was prepared by: Terry R. Modesitt, MODESITT LAW FIRM, 321 Ohio Street, Terre Haute, IN 47807.

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

AFFIDAVIT

Comes now, James R. Keller, being duly sworn upon his oath, deposes and says:

1. That Terre Haute Third Street, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

EXCEPT:

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Commonly known as: 1623 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-008.000-002
(Owner: Terre Haute Third Street, LLC)

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Terre Haute Third Street, LLC, the owner 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 Terre Haute Third Street, LLC.

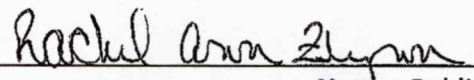
4. Further, Affiant saith not.

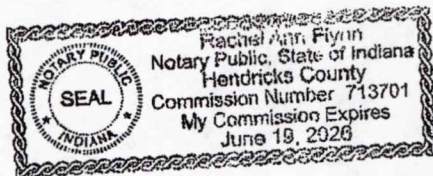
Dated at Indpls, Indiana this 11 day of March, 2022.

By: 
James R. Keller, Authorized Agent
Terre Haute Third Street, LLC

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 11 day of March, 2022.


_____, Notary Public



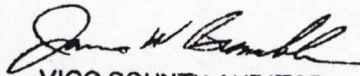
My Commission expires: June 19, 2026

My County of Residence: Hendricks

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2007010079 WD \$20.00
07/06/2007 10:17:18A 3 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

JUL 05 2007


VIGO COUNTY AUDITOR

Chicago Title Insurance Company

For Recorder's Use Only

WARRANTY DEED

This indenture witnesseth, that Mutual Bank ("Grantor"), of Cook County, in the State of Illinois, bargains, sells, conveys releases, remises and specially warrants to Terre Haute Third Street, LLC, an Indiana corporation ("Grantee"), of Marion County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana (hereinafter called the "Real Estate"):

Attached as Exhibit A

To have and to hold the Real Estate to Grantee and Grantee's successors and assigns forever. Grantor covenants and warrants that said Real Estate is free of any encumbrance made or suffered by said Grantor, and that Grantor and Grantor's successors shall warrant and defend the same to said Grantee and said Grantee's successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under the said Grantor, but against none other.

Subject to all matters reflected in the Commitment for Title Insurance issued April 23, 2007 by Chicago Title Insurance Company identified as #420060293.

In witness whereof, Grantor has executed this Warranty Deed this 14th day of June, 2007.

Mutual Bank

By: 

Title: Vice-Chairman

EXHIBIT A

CM 420060293

State of Indiana)
)SS
County of Vigo)

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

Witness my hand and Notarial Seal this 13th day of June 2007.



[Signature]
(Signature)
Mary Ann Kotis
(Printed name), Notary Public

Commission Expiration Date: 4/8/08

Resident of Cook County, Illinois

Send tax bills to:

Jim Keller

Grantee's mailing address is:

2850 North Meridian
Indianapolis, Indiana 46208

This instrument was prepared by:

Frank Kladis
111 West Washington St., Suite 1525
Chicago, Illinois 60602

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

[Signature]
Signature

Frank Kladis
Printed Name

EXHIBIT A

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

Situated in the City of Terre Haute, Vigo County, Indiana.

Commonly known as: 1637 South 3rd Street, Terre Haute, Indiana 47802

Parcel Number(s): 18-06-28-454-007
18-06-28-454-008
18-06-28-454-009



RECEIPT

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

Date: 3/17/2022

Name: Keller 2850, LLC

Reason: Reasoning- Notice of filing \$25.00
Reasoning Petition \$20
\$45

TERRE HAUTE, IN
PAID
MAR 17 2022
CONTROLLER

Cash: _____

Check: # 072421 \$45

Credit: _____

TOTAL: \$45.00

Received By: Gnn it



TERRE HAUTE
A LEVEL ABOVE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: May 5, 2022

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 7-22

CERTIFICATION DATE: May 4, 2022

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 7-22. This Ordinance is a rezoning of 1617 and 1623 S. 3rd Street. The Petitioners, Keller 2850 LLC. and Terre Haute Third Street, LLC, petitions the Plan Commission to rezone said commercial development from zoning classification C-2 and R-3 to C-6 Strip 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. 7-22 at a public meeting and hearing held Wednesday, May 4, 2022. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 7-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 7-22 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 7-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) All future site plans must meet code and be approved by City Engineering.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayley.

Jared Bayley, Executive Director

Received this 5th day of May, 2022

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #7-22

Doc: # 27

Date: May 2022

Page 1 of 4

APPLICATION INFORMATION

Owners: Keller 2850 LLC. & Terre Haute Third Street, LLC.

Representative: Richard J. Shagley II

Proposed Zoning: C-6, Strip Business District

Current Zoning: C-2, Community Commercial & R-3, General Residence District

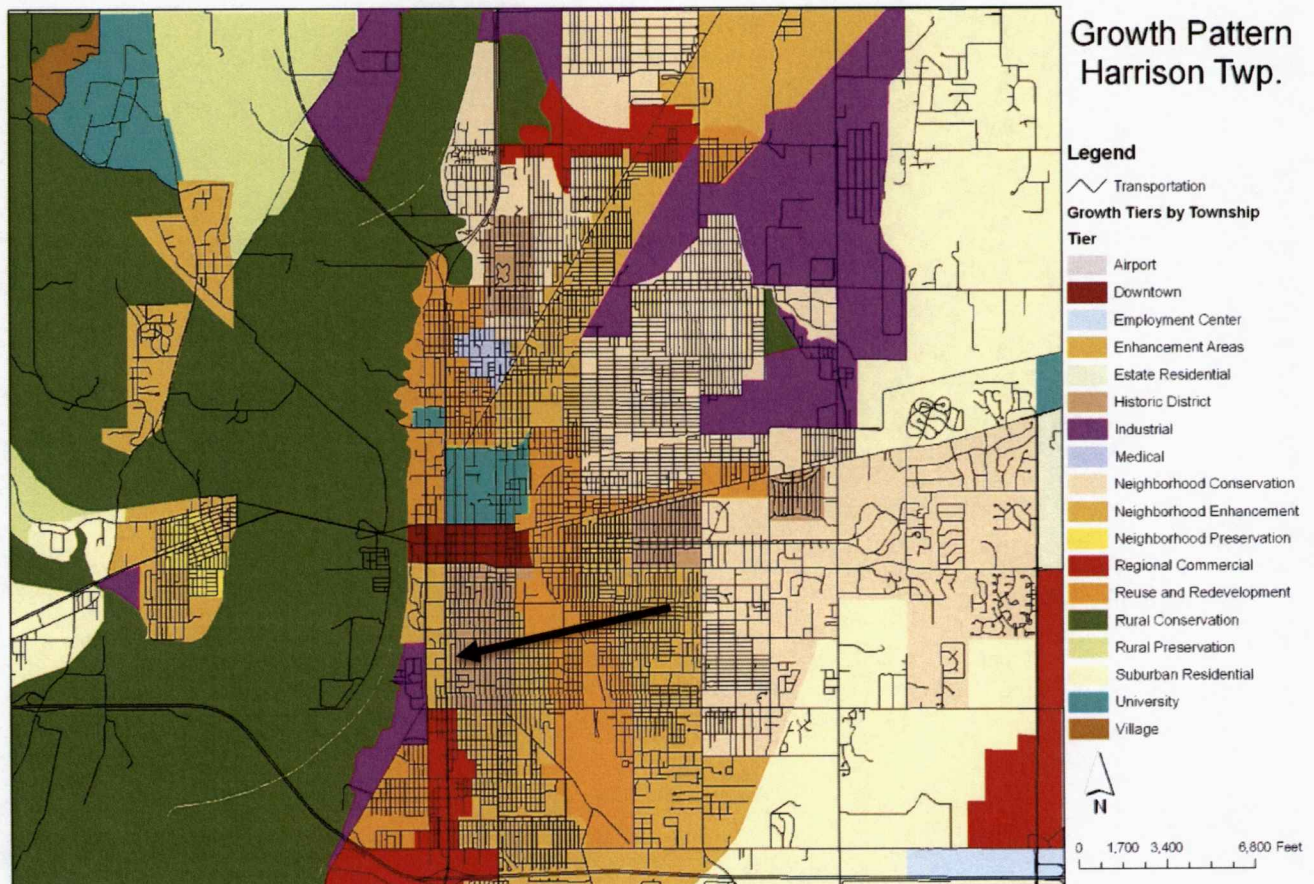
Proposed Use: Commercial Development

Location: S. 3rd Street & Hulman Street- Parcel# 84-06-08-454-006.000-002
& 84-06-28-454-008.000-002. Grovers 1st Sub 24-25 & 19-20

Common Address: 1617 & 1623 S. 3rd Street, Terre Haute, IN

COMPREHENSIVE PLAN GUIDANCE

Service Area: Harrison Township



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 #7-22

Doc: # 27

Date: May 2022

Page 3 of 4

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2

East – C-6

South – C-6, R-2 PD

West – M-1

Character of Area: The petitioned property is located in a mix use of zoning categories.

ZONING REGULATIONS

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioners are requesting to rezone the properties to match the surrounding commercial zoning and make the property more marketable. The lots are currently vacant and intended for sale.

This could be considered spec zoning since there is currently no proposed use or site plan and there are a number of possibilities for uses in a C-6 zoning. If in the future the land owners have a potential commercial use for this location then a site plan must be approved prior to development. However, the property is on a commercial corridor along South Third Street and a C-6 zoning would be consistent with the area.

A site plan for any new construction, including storm water drainage and parking, will need to be approved by City Engineering. Hard surfacing is required in the C-6 District.

Recommendation: Staff offers a Favorable Recommendation with the following conditions:

1. All future site plans must meet code and be approved by City Engineering.

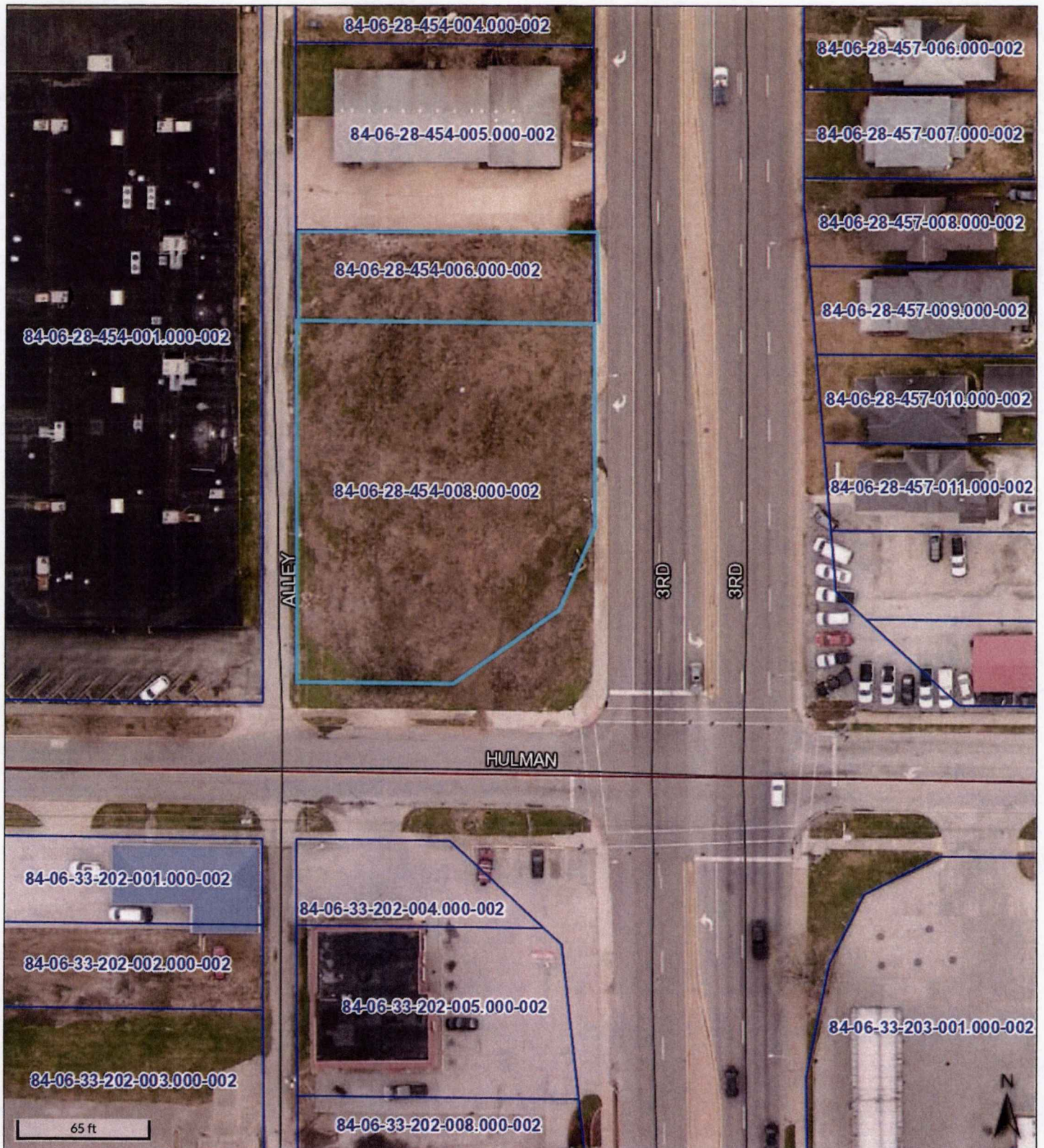


BeaconTM

Vigo County, IN / City of Terre Haute

Docket #27 SO #7-22

1617 and 1623 S. 3rd



Docket # 27

SPECIAL ORDINANCE NO. 7, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

1617 S. 3rd Street, Terre Haute, IN 47802
Parcel # 84-06-28-454-006.000-002

1623 S. 3rd Street, Terre Haute, IN 47802
Parcel # 84-06-28-454-008.000-002

Rezoned From:	<u>C-2 Community Commerce District</u> <u>R-3 General Residence District</u>
Rezoned To:	<u>C-6 Strip Business District</u>
Proposed Use:	<u>Commercial Development</u>
Name of Owners:	<u>Keller 2850, LLC</u> <u>Terre Haute Third Street, LLC</u>
Address of Owners:	<u>2850 N. Meridian Street</u> <u>Indianapolis, Indiana 46208</u>
Phone Number of Owner	c/o (812) 232-3388
Attorney Representing Owner:	Richard J. Shagley, II
Address of Attorney:	Wright, Shagley & Lowery, P.C. 500 Ohio Street, Terre Haute, IN 47807
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	<u>Cheryl Loudermilk</u>

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 17 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 7, 2022**

CITY CLERK

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:

Forty-two (42 feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Commonly known as: 1617 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-006.000-002
(Owner: Keller 2850, LLC)

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

EXCEPT:

A part of Lot 19 in Grover's Subdivision of Lot No. 2 in Subdivision of Lot No. 67, the plat of which subdivision is recorded in Plat Book 1, page 25, in the Office of the Recorder of Vigo County, Indiana being all that part of the grantor's land identified as Parcel No. 42 that lies within the R/W lines depicted upon the Right of Way Parcel Plat for Parcel 42 of INDOT Project STP-T410(003) and attached as Exhibit "B", described as follows: Beginning at the southeast corner of said lot; thence North 89 degrees 19 minutes 08 seconds West 142.00 feet along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 10 minutes 44 seconds West 10.00 feet along the west line of said lot to point "368" as shown on said Exhibit "B"; thence North 89 degrees 19 minutes 08 seconds East 73.68 feet to point "369" as shown on said Exhibit "B"; thence North 55 degrees 41 minutes 21 seconds East 61.03 feet to point "370" as shown on aid Exhibit "B"; thence North 23 degrees 45 minutes 58 seconds East 43.95 feet to the east line of said lot and point "371" as shown on said Exhibit "B"; thence South 0 degrees 08 minutes 57 seconds East 85.44 feet along said east line to the point of beginning and containing 3,288 square feet, more or less.

Commonly known as: 1623 S. 3rd Street, Terre Haute, IN 47802.

Parcel # 84-06-28-454-008.000-002

(Owner: Terre Haute Third Street, LLC)

Be and the same is hereby established as a C-6 Strip 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, *Cheryl Loudermilk*
Cheryl Loudermilk

Passed in open Council this ____ day of _____, 2022.

Cheryl Loudermilk, President

ATTEST:

Michelle Edwards, City Clerk

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

Michelle Edwards, City Clerk

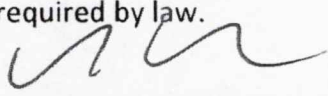
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

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, P.O. Box 9849, 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 PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Keller 2850, LLC and Terre Haute Third Street, LLC, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Forty-two (42 feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Commonly known as: 1617 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-006.000-002
(Owner: Keller 2850, LLC)

ALSO:

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

EXCEPT:

A part of Lot 19 in Grover's Subdivision of Lot No. 2 in Subdivision of Lot No. 67, the plat of which subdivision is recorded in Plat Book 1, page 25, in the Office of the Recorder of Vigo County, Indiana being all that part of the grantor's land identified as Parcel No. 42 that lies within the R/W lines depicted upon the Right of Way Parcel Plat for Parcel 42 of INDOT Project STP-T410(003) and attached as Exhibit "B", described as follows: Beginning at the southeast corner of said lot; thence North 89 degrees 19 minutes 08 seconds West 142.00 feet along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 10 minutes 44 seconds West 10.00 feet along the west line of said lot to point "368" as shown on said Exhibit "B"; thence North 89 degrees 19 minutes 08 seconds East 73.68 feet to point "369" as shown on said Exhibit "B"; thence North 55 degrees 41 minutes 21 seconds East 61.03 feet to point "370" as shown on aid Exhibit "B"; thence North 23 degrees 45 minutes 58 seconds East 43.95 feet to the

east line of said lot and point "371" as shown on said Exhibit "B"; thence South 0 degrees 08 minutes 57 seconds East 85.44 feet along said east line to the point of beginning and containing 3,288 square feet, more or less.

Commonly known as: 1623 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-008.000-002
(Owner: Terre Haute Third Street, LLC)

Your Petitioners are informed and believe 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 commonly known as 1617 S. 3rd Street is now zoned as C-2 Community Commerce District, and the real estate commonly known as 1623 S. 3rd Street is now zoned as an R-3 General Residence District.

Your Petitioners intend to sell said real estate for commercial development. Your Petitioners would request that the real estate described herein shall be zoned as a C-6 Strip Business District.

Your Petitioners would allege that the C-6 Strip Business District would not alter the general characteristics of this neighborhood since the neighborhood is located on a major commercial thoroughfare in a mixed commercial district.

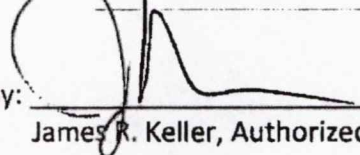
Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioners respectfully request 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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the a C-6 Strip 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.

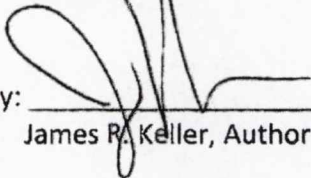
IN WITNESS WHEREOF, This petition has been duly executed this 11 day
of March, 2022.

PETITIONERS:

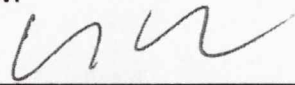
TERRE HAUTE THIRD STREET, LLC

By: 
James R. Keller, Authorized Agent

KELLER 2850, LLC

By: 
James R. Keller, Authorized Agent

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, P.O. Box 9849, Terre Haute, Indiana 47807

**SITE PLAN
SPECIAL ORDINANCE NO. 7, 2022**



**1617 S. 3rd Street, Terre Haute, Indiana 47802
Parcel No. 84-06-28-454-006.000-002**

**1623 S. 3rd Street, Terre Haute, Indiana 47802
Parcel No. 84-06-28-545-008.000-002**



**C-2 Community Commerce District and R-3 General Residence to District to
C-6 Strip Business District**

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

AFFIDAVIT

Comes now, James R. Keller, being duly sworn upon his oath, deposes and says:

1. That Keller 2850, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Forty-two (42 feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Commonly known as: 1617 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-006.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Keller 2850, LLC, the owner 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 Terre Haute Third Street, LLC.

4. Further, Affiant saith not.

Dated at Indpls, Indiana this 11 day of March, 2022.

By: 

James R. Keller, Authorized Agent
Keller 2850, LLC

[NOTARY TO FOLLOW]

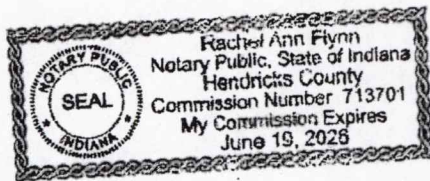
STATE OF INDIANA)
) SS:
COUNTY OF Marion)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County
and State, this 11 day of March, 2022.

Rachel Ann Flynn
_____, Notary Public

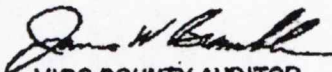
My Commission expires: June 19, 2026

My County of Residence: Hendricks



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

NOV 20 2002


VIGO COUNTY AUDITOR

EGA Date 11/20/2002 Time 15:03:20
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200233425 Page 1 of 2

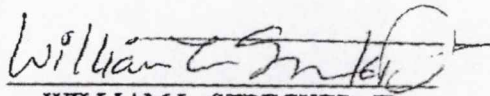
WARRANTY DEED

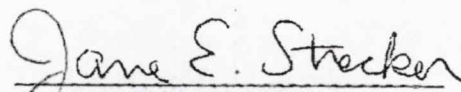
THIS INDENTURE WITNESETH that WILLIAM L. STRECKER, JR. AND JANE E. STRECKER, HUSBAND AND WIFE, "Grantor" of Vigo County in the State of Indiana, CONVEY AND WARRANT to KELLER 2850 LLC of Vigo County in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Forty-two (42) feet off the South end of Lots Number Twenty-four (24) and Twenty-five (25) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number Sixty-seven (67) of the Original Out Lots of the Town, now City of Terre Haute, Indiana.

Taxes shall be prorated to the date of this deed.

DATED this 20 day of Nov, 2002.


WILLIAM L. STRECKER, JR.


JANE E. STRECKER

Page 1 of 2

EXHIBIT A

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 20 day of November, 2002, personally appeared: William L. Strecker, Jr. and Jane E. Strecker, husband and wife, 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:
July 4, 2008

Yuana Wright
Notary Public

Printed: Yuana Wright

Residing in Vigo County



Mail Tax Statements To: Keller 2850, LLC; 2850 North Meridian Indianapolis, IN 46208

Mail Deed To: Keller 2850 LLC 2850 North Meridian Indianapolis, IN 46208

This instrument was prepared by: Terry R. Modesitt, MODESITT LAW FIRM, 321 Ohio Street, Terre Haute, IN 47807.

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

AFFIDAVIT

Comes now, James R. Keller, being duly sworn upon his oath, deposes and says:

1. That Terre Haute Third Street, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

EXCEPT:

A part of Lot 19 in Grover's Subdivision of Lot No. 2 in Subdivision of Lot No. 67, the plat of which subdivision is recorded in Plat Book 1, page 25, in the Office of the Recorder of Vigo County, Indiana being all that part of the grantor's land identified as Parcel No. 42 that lies within the R/W lines depicted upon the Right of Way Parcel Plat for Parcel 42 of INDOT Project STP-T410(003) and attached as Exhibit "B", described as follows: Beginning at the southeast corner of said lot; thence North 89 degrees 19 minutes 08 seconds West 142.00 feet along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 10 minutes 44 seconds West 10.00 feet along the west line of said lot to point "368" as shown on said Exhibit "B"; thence North 89 degrees 19 minutes 08 seconds East 73.68 feet to point "369" as shown on said Exhibit "B"; thence North 55 degrees 41 minutes 21 seconds East 61.03 feet to point "370" as shown on aid Exhibit "B"; thence North 23 degrees 45 minutes 58 seconds East 43.95 feet to the east line of said lot and point "371" as shown on said Exhibit "B"; thence South 0 degrees 08 minutes 57 seconds East 85.44 feet along said east line to the point of beginning and containing 3,288 square feet, more or less.


Commonly known as: 1623 S. 3rd Street, Terre Haute, IN 47802.
Parcel # 84-06-28-454-008.000-002
(Owner: Terre Haute Third Street, LLC)

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Terre Haute Third Street, LLC, the owner 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 Terre Haute Third Street, LLC.

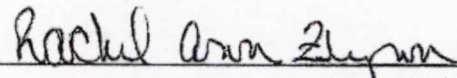
4. Further, Affiant saith not.

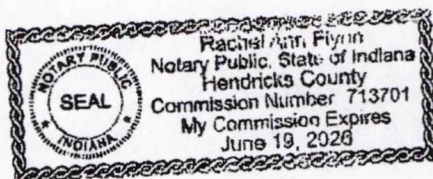
Dated at Indpls, Indiana this 11 day of March, 2022.

By: 
James R. Keller, Authorized Agent
Terre Haute Third Street, LLC

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 11 day of March, 2022.


_____, Notary Public



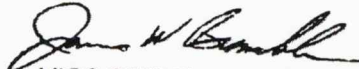
My Commission expires: June 19, 2026

My County of Residence: Hendricks

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2007010079 WD \$20.00
07/06/2007 10:17:18A 3 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

JUL 05 2007


VIGO COUNTY AUDITOR

Chicago Title Insurance Company

For Recorder's Use Only

WARRANTY DEED

This indenture witnesseth, that Mutual Bank ("Grantor"), of Cook County, in the State of Illinois, bargains, sells, conveys releases, remises and specially warrants to Terre Haute Third Street, LLC, an Indiana corporation ("Grantee"), of Marion County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana (hereinafter called the "Real Estate"):

Attached as Exhibit A

To have and to hold the Real Estate to Grantee and Grantee's successors and assigns forever. Grantor covenants and warrants that said Real Estate is free of any encumbrance made or suffered by said Grantor, and that Grantor and Grantor's successors shall warrant and defend the same to said Grantee and said Grantee's successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under the said Grantor, but against none other.

Subject to all matters reflected in the Commitment for Title Insurance issued April 23, 2007 by Chicago Title Insurance Company identified as #420060293.

In witness whereof, Grantor has executed this Warranty Deed this 14th day of June, 2007.

Mutual Bank

By: 

Title: Vice-Chairman

EXHIBIT A

CM 420060293

State of Indiana)
)SS
County of Vigo)

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

Witness my hand and Notarial Seal this 13th day of June 2007.



[Signature]
(Signature)
Mary Ann Kotis
(Printed name), Notary Public

Commission Expiration Date: 4/18/08
Resident of Cook County, Illinois

Send tax bills to: Jim Keller

Grantee's mailing address is: 2850 North Meridian
Indianapolis, Indiana 46208

This instrument was prepared by: Frank Kladis
111 West Washington St., Suite 1525
Chicago, Illinois 60602

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

[Signature]
Signature

Frank Kladis
Printed Name

EXHIBIT A

LOTS 19 AND 20 IN JOSEPH GROVER'S SUBDIVISION OF LOT NUMBER TWO (2) IN THE SUBDIVISION OF OUT LOT SIXTY-SEVEN (67) OF THE ORIGINAL TOWN, NOW CITY, OF TERRE HAUTE.

Situated in the City of Terre Haute, Vigo County, Indiana.

Commonly known as: 1637 South 3rd Street, Terre Haute, Indiana 47802

Parcel Number(s): 18-06-28-454-007
18-06-28-454-008
18-06-28-454-009



RECEIPT

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

Date: 3/17/2022

Name: Keller 2850, LLC

Reason: Rezoning- Notice of filing \$25.00
Rezoning- Petition \$20
\$45

CONTROLLER

MAR 17 2022

TERRE HAUTE, IN
PAID

Cash: _____

Check: #072421 \$45

Credit: _____

TOTAL: \$45.00

Received By: Gnn it