



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 11

COMMON ADDRESS OF LOTS TO BE REZONED:

1515 South 3rd St. Terre Haute, In 47802

Current Zoning: R2 Two-Family Residential District

Requested Zoning: C6 Strip Business Commercial District

Proposed Use: Business Office for Sign Shop

Name of Owner: Keiko Anvari

Address of Owner: 1000 East Davis Ave. Terre Haute, In 47802

Phone Number of Owner: 812-460-0119

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: 812-460-0119

Council Sponsor: Todd Nation

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

FILED

APR 13 2011

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 11, 2011

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 ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute,
Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the
"Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps,
be, and the same is hereby amended to include as follows:

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

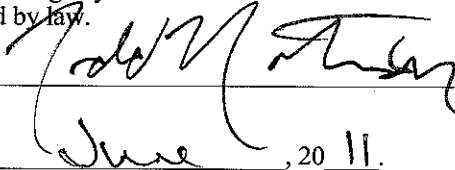
Part of the East half of Lot Number Twenty eight (28) In Joseph Grover's Subdivision of
Lot Number Two (2) In the Subdivision of Out Lots of the Town (now City) of Terre
Haute, Indiana, described as follows, to-wit: Commencing point 31 ½ feet South of the
Northeast corner of the East half of the said Lot Number 28, and running thence South 28
feet; thence West to the East line of the alley running North and South through said Lot
Number 28; thence North 26 feet; thence East to the Place of Beginning.

Commonly known as: ~~1515~~South 3rd Street, Terre Haute, Vigo County, Indiana
47802

Be and the same is hereby established as a **C6 Strip Business Commercial 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, _____



Todd Nation

Passed in Open Council this 9 day of June, 2011.



John Mullican-President

ATTEST:



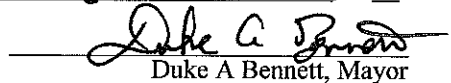
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 10th day of June, 2011.



Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 10th day of JUNE, 2011.



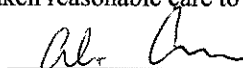
Duke A. Bennett, Mayor

ATTEST:



Charles P. Hanley, City Clerk

This instrument prepared by: **Ali Anvari : 1000 East Davis Dr. Terre Haute, IN 47802 : 812-460-0119**
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.



Ali Anvari

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, **Keiko Anvari**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Part of the East half of Lot Number Twenty eight (28) In Joseph Grover's Subdivision of Lot Number Two (2) In the Subdivision of Out Lots of the Town (now City) of Terre Haute, Indiana, described as follows, to-wit: Commencing point 31 ½ feet South of the Northeast corner of the East half of the said Lot Number 28, and running thence South 28 feet; thence West to the East line of the alley running North and South through said Lot Number 28; thence North 26 feet; thence East to the Place of Beginning.

Commonly known as: ¹⁵¹⁵~~151~~ South 3rd Street, Terre Haute, Vigo County, Indiana
47802

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-2 Two-Family Residential District**.

Your petitioner would respectfully state that the real estate is now **Sign Stop business**. Your petitioner intends to use the real estate to **create and sell signs of all kinds**.

Your petitioner would request that the real estate described herein shall be zoned as a **C-6 Strip Business Commercial District**. Your petitioner would allege that the **Strip Business Commercial District** would not alter the general characteristics of this neighborhood.

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

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **C-6 Strip Business Commercial District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 11th day of April, 2011.

BY: 

PETITIONER: **Keiko Anvari, 1000 East Davis Dr, Terre Haute, IN 47802**

This instrument was prepared by Ali Anvari : 1000 East Davis Dr. Terre Haute, IN : 812-460-0119

AFFIDAVIT OF:

COMES NOW affiant Keiko Anvari

and affirms under penalty of law that affiant is the owner of record of the property located

at 1515 South 3rd St, Terre Haute, IN 47802

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

Keiko Anvari
[Typed name of owner(s) on deed]

SIGNATURE: _____

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State.

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

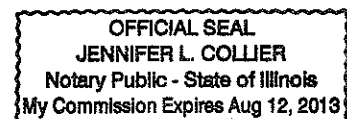
WITNESS my hand and notarial seal, this 13 day of April, 2011.

Notary Public:

Jennifer L. Collier
[Typed name]

My Commission Expires: Aug. 12, 2013

My County Of Residence: Clark




✓ DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUL 23 2010

Timothy M. Applegate
VIGO COUNTY AUDITOR

SPECIAL CORPORATE WARRANTY DEED

2010008738 CORP WD \$18.00
07/23/2010 09:05:11A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


THIS INDENTURE WITNESSETH, THAT

Beltway Capital, LLC

("Grantor"), a corporation organized and existing under the laws of the State of Maryland
CONVEYS AND WARRANTS to

Kelko Chinen Anvari

("Grantee") of Vigo County, in the State of Indiana, for the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana.

Part of the East half of Lot Number Twenty eight (28) in Joseph Grover's Subdivision of Lot Number Two (2) in the Subdivision of Out Lot Number 67 of the Original Out Lots of the Town (now City) of Terre Haute, Indiana, described as follows, to-wit: Commencing at a point 31 1/2 feet South of the Northeast corner of the East half of the said Lot Number 28, and running thence South 26 feet; thence West to the East line of the alley running North and South through said Lot Number 28; thence North 26 feet; thence East to the Place of Beginning.

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 1515 South 3rd Street, Terre Haute, IN 47802. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Grantor hereby binds Grantor and Grantor's heirs, executors, administrator, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty when the claim is by, through, or under Grantor, but not otherwise.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

The conveyance effective date of this deed is July 12, 2010.

2

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 1st day of July, 2010


Beltway Capital, LLC

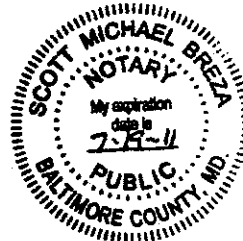

By Amy E.K. Bitz, Managing Member

State of Maryland
County of Baltimore

Before me, a Notary Public in and for said County and State, personally appeared Amy E.K. Bitz the **Managing Member** of Beltway Capital, LLC, who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of July, 2010.


Signature



Scott M. Breza - Notary Public
Printed Name

My Commission Expires: _____

County of Residence: Baltimore

Return deed to: Royal Title Services, Inc., 365 East Thompson Road, Indianapolis, IN 46227

Send tax bills to: 1575 Santa 3rd St, Telle Haute, IN 47802

Grantee's mailing address: Same

This instrument prepared by: Jennifer E. Jones, Attorney at Law

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

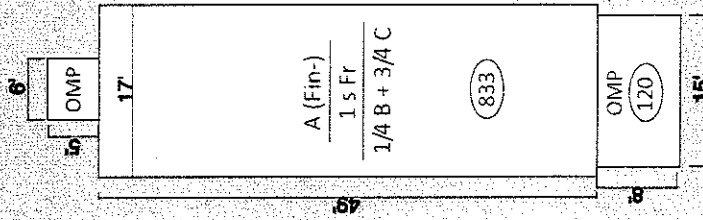
Ramona R Davis

Printed Name

SITE PLAN

Lot Size
26' x 145'

Parking



Sign

ALLEY

17
ALFON
72E
1985-1986
43
(33)
DMP (120)
10

3RD

OSBORNE

Receipt

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

Date: April 13, 2011

Name: Keiko Anwar

Reason: Reasoning 1515 S 3rd St, Terre Haute \$45.00

TERRE HAUTE, IN
PAID

APR 13 2011

Cash: 1

Check: \$45.00

Credit: _____

Total: \$45.00

CONTROLLER

Received By: M. Dowell AE



TERRE HAUTE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: June 2, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #11-11**

CERTIFICATION DATE: June 1, 2011

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. 11-11. This Ordinance is a rezoning of the property located at 1515 South 3rd Street. The Petitioner, Keiko Anvari, Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-6, Strip Business District, for a business office for a sign shop. 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. 11-11 at a public meeting and hearing held Wednesday, June 1, 2011. 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. 11-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 11-11 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. 11-11, was FAVORABLE .


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 2nd day of June, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-11

Doc: # 29

Date: May 2011

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APPLICATION INFORMATION

Petitioner: Keiko Anvari

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: Business Office for Sign Shop

Proposed Zoning: C-6, Strip Business Zone

Current Zoning: R-2, Two-Family Residence District

Location: The property is located on the west side of South 3rd Street, about 150 ft. south of Willow Street.

Common Address: 1515 South 3rd Street

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- New retail activities in an area should contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: South 3rd Street is a Primary Arterial Roadway

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-11

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Dev. Priority: Capital investment is a high priority

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3, General Residence District

M-1, Light Industry District

East – C-1, Neighborhood Commerce District

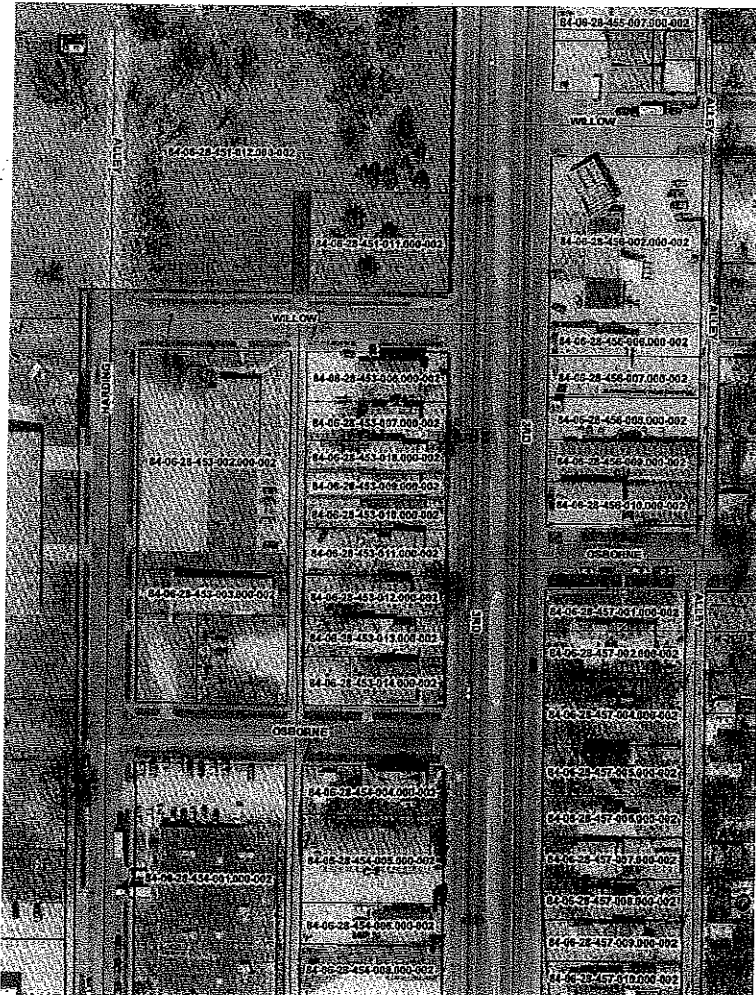
C-2, Community Commerce District

C-6, Strip Business Zone

South – R-3, General Residence District

C-6, Strip Business Zone

West – M-1, Light Industry District



Character of Area: This area has a number of existing structures that have been converted for commercial use utilizing the frontage of South 3rd street. The

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-11

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majority of the properties located along South 3rd Street are zoned C-6, except for a few narrow bands of residential.

Contig. Uses & Zones: The contiguous zoning is R-3, General Residence and C-6, Strip Business; with uses that consist of conforming and non-conforming residential and commercial uses.

ZONING REGULATIONS

C-6 Purpose: The Strip Business Zone is a business use created primarily for transient's needs, but with some subjugated business uses serving neighborhood needs. It shall therefore be located only along major streets or expressways of the planning area and in addition shall be limited to Federal or state primary highways in densely developed areas only and not along "Limited" or "Controlled" access highways.

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.

C-6 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FAR 0.5 %

Street Setback: 55 feet from centerline;

Rear setback 11';

Interior setback of 5' from the interior lot line;

Parking standard: Office, Business and Professional

Three (3) parking spaces per one thousand (1,000) square feet of gross floor area

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #11-11

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Park lots for more than ten (10) cars will need visual buffering
from adjacent residential properties

FINDINGS and RECOMMENDATION

Staff Findings: The proposed site is suitable for the expansion of the C-6, Strip Business District. This location has frontage along South 3rd Street, and is within a close proximity to existing C-6 uses.

Recommendation: Favorable Recommendation.