



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 29

COMMON ADDRESS
OF LOTS TO BE

REZONED: 329 North 23rd Street, Terre Haute, Indiana 47807

Current Zoning: R-1. Single Family Residence District

Requested Zoning: R-1, Planned Development for Vending Trailer with Seasonal Food Sales

Proposed Use: Operation of a Vending Trailer for seasonal use to sell food for takeout

Name of Owner: Anthony H. Reid and Beth E. Reid

Address of Owner: 116 S. 13th ½ Street, Terre Haute, Indiana 47807

Phone Number of Owner: 812-917-5133

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Beth E. Reid, 812-917-5133

Council Sponsor: Norm Loudermilk

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

FILED

AUG 19 2011

CITY CLERK

SPECIAL ORDINANCE NO. 29, 2011

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

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION 1. That Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute, Indiana" and Division 4, Section 10.121 thereof, District Maps be, and the same is hereby amended as follows:

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

Lot Nine (9) in Bement's plot, a subdivision of lots 3 (three) and 4 (Four) of Lintun and Madrigal's Subdivision of part of the south half of the north west quarter of Section 23, Township 12 north of range 9 west of 2nd principal medium.

Commonly known as: 329 North 23rd Street, Terre Haute, Vigo County Indiana 47807

Be and the same is hereby established as a R-1, Planned Development, 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 as provided, subject to all limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this Ordinance."

That the real estate described shall be a Planned Development in a R-1, Single-Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used for the operation of a vending trailer for seasonal use (May through October) to sell food for takeout.
- (b) The real estate shall be subject to the following:
 - a. That in the event said Planned Development has not materialized within six (6) months of approval, said Planned Development becomes void, and
 - b. That the rights granted herein shall be transferable, and
 - c. That said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval.
- (c) That the owners have met all the criteria determined by the Area Plan Commission and by the City of Terre Haute, Indiana, that a hardship does exist due to neighborhood being blighted and that a Planned Development

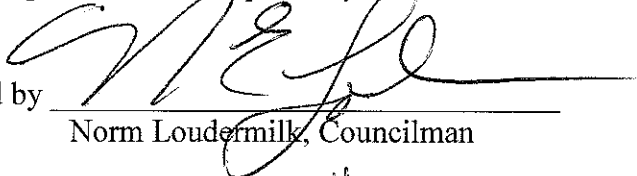
as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.

SECTION 2. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 8, 1982 (Planned Development) being Section 10-111, and

WHEREAS, a public hearing has been held pursuant to Section 10-263 of Said Ordinance and the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exist pursuant to Section 10-112 of said Ordinance and that the Planned Development will not adversely affect public health, safety, and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of real estate described as R-1, Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed use described will be in the public interest and that substantial justice will be done.

SECTION 3. WHEREAS, an emergency exists for the immediate taking effect from and after its passage by the Common Council if Terre Haute, and approval of the Mayor and publication as required by law,

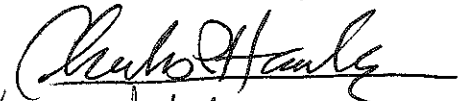
Presented by 
Norm Loudermilk, Councilman

Passed in Open Council this 14th day of September, 2011

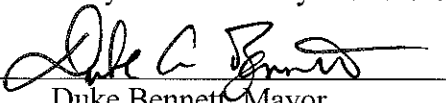

John Mullican, President

ATTEST 
Charles P. Hanley, City Clerk

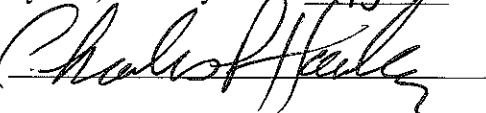
Charles P. Hanley



Presented by me to the Mayor of the City of Terre Haute this 15th day of September 2011


Duke Bennett, Mayor

Approved by me, the Mayor this 15th day of SEPTEMBER, 2011

ATTEST  Charles P. Hanley, City Clerk

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, Anthony H. Reid and Beth E. Reid, respectfully submits this Petition to rezone the following real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Nine (9) in Bement's plot, a subdivision of lots numbers 3 (three) and 4 (four) of Lintun and Madrigal's Subdivision of part of the south half of the north west quarter of Section 23, Township 12 north of range 9 west of the 2nd principal meridian.

Commonly known as: 329 North 23rd Street, Terre Haute, Indiana, Vigo County, Indiana 47807.

Your Petitioner is 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 is now zoned as R-1, Single-Family Residence District.

Your Petitioner would respectfully state that the real estate is now a vacant garage. Your Petitioner intends to use the real estate to operate a vending trailer for seasonal use to sell food for takeout. Open through Saturday from 10:00 a.m. to 8:00 p.m. summer and fall months only (May through October).

Your Petitioner would request that the real estate described herein shall be zoned as a R-1, Planned Development. Your Petitioner would allege that the Planned Development 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.

WHEREAS, 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 Terre Haute, Indiana, and declaring the above-described real estate to be part of the R-1, Single-

Family Residence District Planned Development 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 _____ day of _____, 2011.

BY: _____ and _____
Anthony Reid Beth Reid

Petitioner: Anthony H. Reid and Beth E. Reid

AFFIDAVIT OF:

COMES NOW affiant Anthony & Beth Reid

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

at 329 N 23rd St Terre Haute In

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.

~~Anthony H. Reid and Beth E. Reid~~
[Typed name of owner(s) on deed]

SIGNATURE: Anthony H. Reid

SIGNATURE: Beth E. Reid

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Anthony H. Reid & Beth E. Reid

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 5th day of July, 2011.

Notary Public:

Cathy Rusin
[Typed name] Cathy Rusin

My Commission Expires: 10-19-16

My County Of Residence: Vigo

84-08-23-176-012.000-002

84-06-23-176-013.000-002

84-06-23-176-014.000-002

84-06-23-176-015.000-002

23RD

LIBERTY

84-06-23-177-001.000-002

84-06-23-177-002.000-002

84-06-23-177-003.000-002

84-06-23-177-004.000-002

ALLEY

OCT 06 2008

[Signature]
VIGO COUNTY AUDITOR

QUIT CLAIM DEED
THIS INDENTURE WITNESSETH:

That Patrick H. Edwards and Shirley L. Edwards
Grantors, of Marion County, in the of State of Indiana
RELEASE AD QUIT CLAIM to Anthony H Reid and Beth E Reid
of Vigo County, in the State of Indiana

for and in consideration of the sum of One Dollar (\$550.00) and other valuable consideration,
the receipt of which is hereby acknowledge, the following described real estate in Vigo County.
In the State of Indiana, to wit:

Lot Nine (9) in BEMENT'S plot, a Subdivision of lots numbers 3 (three) and 4(four)
of lintun and madrigal's subdivision of part of south jalf of the north west quarter of
Section 23, Township 12 north of range 9 west of 2d principal medium

Located in Vigo County, Indiana, and commonly Known as 329 No 23ST
47807, Terre Haute, Insiana

IN WITNESS WHEREOF, Patrick H Edwards or Shirley L Edwards grantors herein, has
hereunto set his/her hand and seal this 6th Day of October, 2008

[Signature]
Patrick H Edwards / Shirley L Edwards

ANTHONY REID
116 S 13 1/2
TERRE HAUTE IN 47807

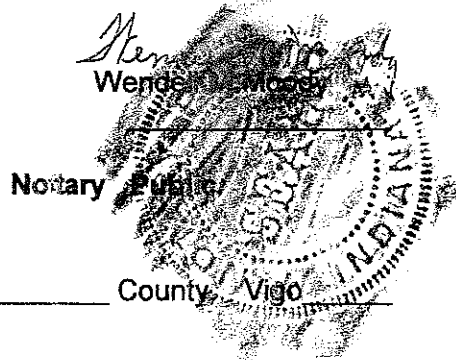
STATE OF Indiana _____

COUNTY Vigo _____

Before me, the undersigned, a Notary Public for said County and State, personally
appeared the within named Patrick H Edwards / Shirley L Edwards grantor/s in the above
conveyance, and acknowledge the execution of the foregoing Quit Deed Claim Deed to be
his/her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal this 6th _____ day of October _____, 2008.

My Commission expires: October 12, 2009



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.

Resident of Terre Haute County, Vigo

[Signature]
Anthony H. Reid

Prepared by: *[Signature]*
Anthony H. Reid

116 S 13 1/2 St Terre Haute Ind
47807 Grantee



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: September 8, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #29-11

CERTIFICATION DATE: September 7, 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. 29-11. This Ordinance is a rezoning of the property located at 329 North 23rd Street. The Petitioner, Anthony and Beth Reid, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-1 Planned Development District, for seasonal use to sell food for takeout. 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. 29-11 at a public meeting and hearing held Wednesday, September 7, 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. 29-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 29-11 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. 29-11, was FAVORABLE .

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 8th day of September, 2011

APPLICATION INFORMATION

Petitioner: Anthony H. Reid and Beth E. Reid

Property Owner: Same-As-Above

Representative: Anthony H. Reid and Beth E. Reid

Proposed Use: To use and operate a Vending Trailer for seasonal use to sell food for takeout

Proposed Zoning: R-1 PD, Single-Family Residence Planned Development

Current Zoning: R-1, Single-Family Residence District

Location: The property is located on the south east corner of North 23rd Street and Liberty Ave.

Common Address: 329 North 23rd Street

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- 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.
- 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: North 23rd Street is a local level roadway

Dev. Priority: This area has a high priority for capital investment

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #29-11

Doc: # 67

Date: September 2011

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single-Family Residence District
East – R-1, Single-Family Residence District, and
R-2, Two-Family Residence District
South – R-1, Single-Family Residence District
West – R-1, Single-family Residence District

Character of Area: This area has many attractive sites that include historical churches, dwelling, and the National Road Heritage trail, which all add to the uniqueness and diversity of this portion of the city. Many of these urban features are in great need for reinvestment, and await an urban renewal.

Contig. Uses & Zones: The contiguous zoning is R-1, Single-Family Residence District its uses are single family dwellings.

ZONING REGULATIONS

P-D Purpose: Planned Developments are uses that may be permitted, under certain circumstances, that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

R-1, P-D: Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
- (2) Hardship due to the improvements on the land.
- (3) Hardship due to adjacent, scattered incompatible uses.
- (4) Hardship due to the general deterioration of the neighborhood.
- (5) Parcel located near district boundary lines.

R-1 Standards: Minimum Lot Size: 6,600 Sq. Ft.
FAR 0.9 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
Parking Requirements will be determined through site-plan review

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #29-11

Doc: # 67

Date: September 2011

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FINDINGS and RECOMMENDATION

Staff Findings: The propose use will add to the mix of goods and services available to this area. Urban features of this area are in great need for reinvestment, and await an urban renewal. The Planned Development will keep the R-1, Single Family Residence District intact for any and all future residential uses.

Recommendation: Favorable Recommendation.
