



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 23

COMMON ADDRESS OF LOTS TO BE REZONED:

2619 Ft. Harrison Rd. Terre Haute, IN 47804

Current Zoning: R-1 Single Family Residence

Requested Zoning: C-2 Community Commerce Zone

Proposed Use: Pizzeria

Name of Owner: Gregory Thome

Address of Owner: 300 Ft. Harrison Rd. Terre Haute, IN 47804

Phone Number of Owner: 812-208-7443

Name of Owner: Sandra Nasser

Address of Owner: 114 Aikman Pl. Terre Haute, IN 47803

Phone Number of Owner: 812-251-9343

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: _____

Council Sponsor: Norm Loudermilk

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

FILED

JUN 29 2011

SPECIAL ORDINANCE NO. 23, 2011

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

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

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

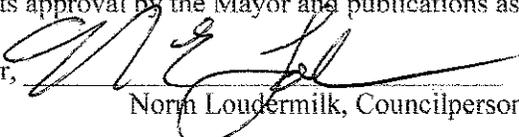
Lot numbers Sixty-seven (67), Sixty-eight (68) and Sixty-nine (69) in Dresser Place, a subdivision of a part of the Northeast Quarter of section Eleven (11), Township Twelve (12) North, Range Nine (9) West as the same that appears of record in the office of the Recorder of Vigo County, Indiana.

Except, the West half of Lot 67 of Dresser Place, Section 11, Township 12, Range 9 West, consisting of 22.14'x140'.

Commonly known as 2619 Ft. Harrison Rd., Terre Haute, IN 47804.

be and the same is, hereby established as a C-2 Community Commerce Zone, together with all rights and privileges 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 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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

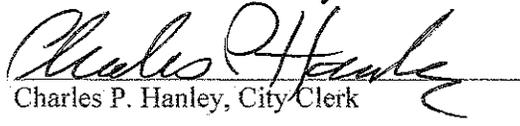
Presented by Council Member, 
North Loudermilk, Councilperson

Passed in open Council this 11th day of August, 2011.

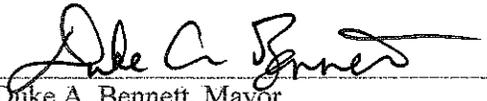

John Mullican, President

ATTEST:

Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 12th day of August, 2011.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 12th day of AUGUST, 2011.


Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Sandra Nasser 114 Aikman Pl. Terre Haute, IN 47803.

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.


Sandra Nasser

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, Gregory Thome, Sandra Nasser, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot numbers Sixty-seven (67), Sixty-eight (68) and Sixty-nine (69) in Dresser Place, a subdivision of a part of the Northeast Quarter of section Eleven (11), Township Twelve (12) North, Range Nine (9) West as the same that appears of record in the office of the Recorder of Vigo County, Indiana.

Except, the West half of Lot 67 of Dresser Place, Section 11, Township 12, Range 9 West, consisting of 22.14'x140'.

Commonly known as: 2619 Ft. Harrison Rd., Terre Haute, Indiana 47804.

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-1 Single Family Residence.

Your petitioner would respectfully state that the real estate is now R-1 Single Family Residence. Your petitioner intends to use the real estate to Pizzeria.

Your petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce Zone. Your petitioner would allege that the Community Commerce Zone 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-2 Community Commerce Zone 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 29th day of June, 2011.

BY:



Gregory Thome

BY: *Sandra Nasser*
Sandra Nasser

PETITIONER: Gregory Thome 300 Ft. Harrison Rd. Terre Haute, IN 47804
Sandra Nasser 114 Aikman Pl. Terre Haute, IN 47803

This instrument was prepared by Sandra Nasser 114 Aikman Pl. Terre Haute, IN 47803
812-251-9343

AFFIDAVIT OF:

COMES NOW affiant Gregory Thome and Sandra Nasser

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

at 2619 Ft. Harrison Rd. Terre Haute, IN 47804

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.

Gregory Thome and Sandra Nasser

SIGNATURE:

Gregory Thome

SIGNATURE:

Sandra Nasser

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, VIGO County, Indiana, Gregory Thome and Sandra Nasser

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 11th day of August, ~~200~~ 2011.

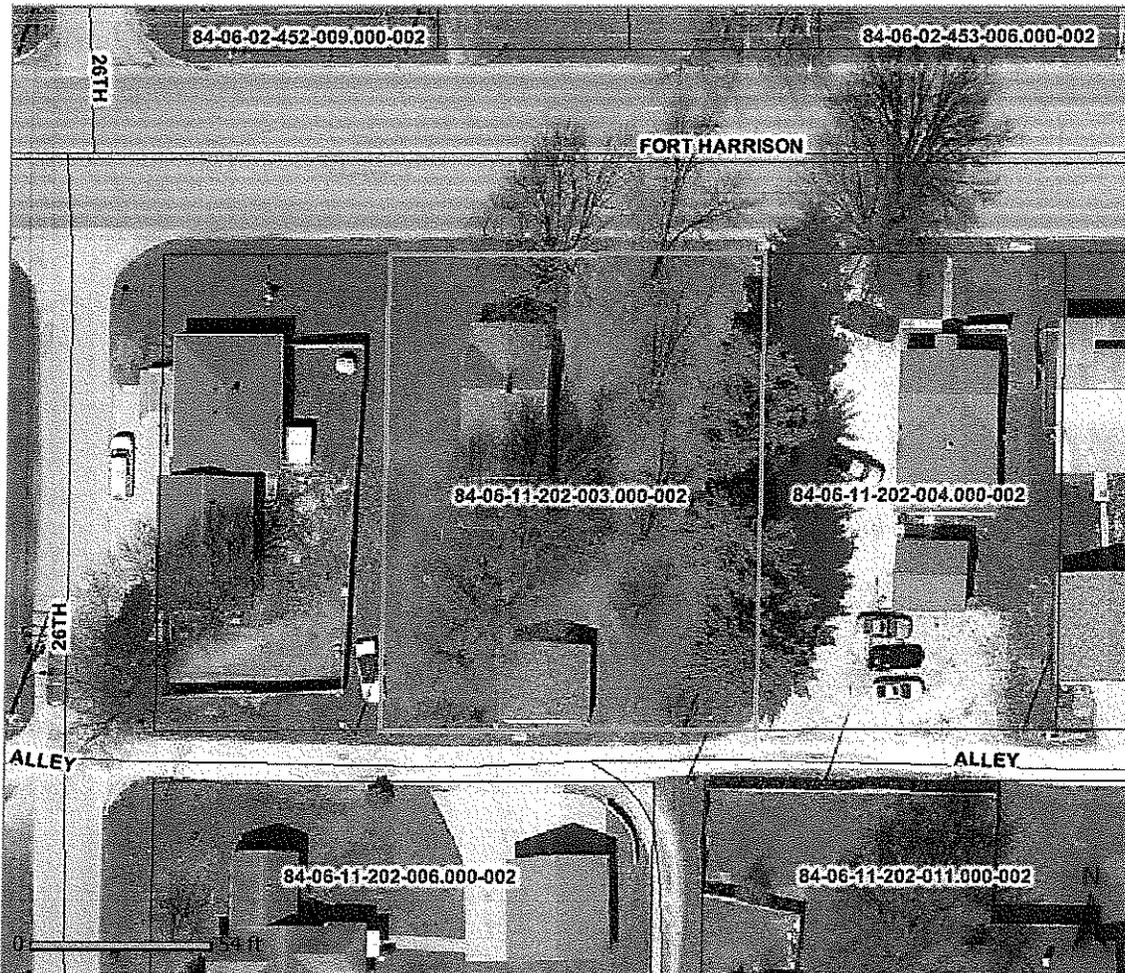
Notary Public:

Michelle L Edwards
[Typed name] Michelle L Edwards

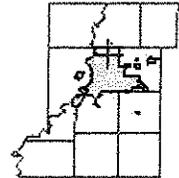
My Commission Expires: October 28, 2012

My County Of Residence: VIGO

Date Created: 6/26/2011
Map Scale: 1 in = 54 ft



Overview



Legend

-  Road Centerlines
-  Parcels
-  Blocks
-  Sections
-  Political Townships
-  Corporate Limits

Parcel ID	84-06-11-202-003.000-002	Alternate ID	118-06-11-202-003	Owner Address	THROME GREGORY & SANDRA NASSER AS JTWROS 304 FORT HARRISON RD TERRE HAUTE, IN 47804
Sec/Twp/Rng		Class	Res 1 fam dwelling platted lot		
Property Address	2619 FT HARRISON RD TERRE HAUTE	Acreage	0.00		
District	002 HARRISON				
Brief Tax Description	DRESSER PLACE E-1/2 LOT 67 (2619 FT HARRISON RD) D-428/64 11-12-9 LOTS 67-69 (Note: Not to be used on legal documents)				

Last Data Upload: 6/25/2011 2:48:35 AM

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAY 16 2011

Timothy M. Heppner
VIGO COUNTY AUDITOR

2011006028 TT \$18.00
05/16/2011 01:38:47P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



TRUSTEE'S DEED

THIS INDENTURE WITNESSETH that Stanley W. Smith, as Trustee of the Smith Family Revocable Trust dated the 19th day of January, 2010, "Grantor" of Vigo County in the State of Indiana, CONVEYS, GRANTS AND WARRANTS Gregory Thome and Sandra Nasser, as JTWROS, "Grantees", of 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:

Lot Numbers Sixty-seven (67), Sixty-eight (68) and Sixty-nine (69) in Dresser Place, a subdivision of a part of the Northeast Quarter of Section Eleven (11), Township Twelve (12) North, Range Nine (9) West as the same that appears of record in the office of the Recorder of Vigo County, Indiana.

Except, the West half of Lot 67 of Dresser Place, Section 11, Township 12, Range 9 West, consisting of 22.14' x 140'.

Subject to any other easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Taxes shall be prorated to the date of this deed.

The undersigned person executing this Trustee's Deed represent and certifies that she has good right and lawful authority as the Trustee under the aforementioned Trust, to sell and convey said real estate in accordance with the terms of the aforementioned Trust.

DATED this 10 day of may, 2011.

Stanley W. Smith, as Trustee
of the Smith Family Revocable
Trust dated the 19th day of January, 2010

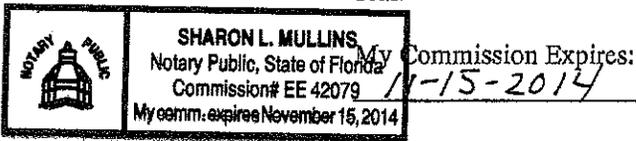
BY: *Stanley W. Smith*
Stanley W. Smith, Trustee

2

State of Florida)
County of Orange.) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 10th day of MAY, 2011, personally appeared Stanley W. Smith, as Trustee of the before-mentioned Trust, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.



Sharon L Mullins
Notary Public
Printed: Sharon L. Mullins
Residing in Orange County

Mail Tax Statements to Grantee at: 304 Fort Harrison Rd.,
Terre Haute, IN 47804

Mail Deed To: Integrity Title Services, 1721 Wabash Ave., Terre Haute, IN 47807

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 A. Gurchiek, Esq.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN 46038, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of this instrument.
CMT: 11 0501



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: August 4, 2011

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #23-11

CERTIFICATION DATE: August 3, 2011

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

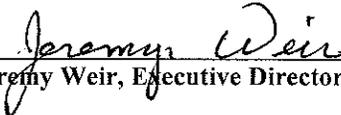
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 23-11. This Ordinance is a rezoning of the property located at 2619 Ft. Harrison Rd. The Petitioner, Gregory Thome, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-2, Community Commerce District, for a Pizzeria. 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. 23-11 at a public meeting and hearing held Wednesday, August 3, 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. 23-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 23-11 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. 23-11, was FAVORABLE .


Fred L. Wilson, President


Jeremy Weir, Executive Director

Received this 4th day of August, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #23-11

Doc: # 54

Date: August 2011

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Gregory Thome and Sandra Nasser

Property Owner: Same-As-Above

Representative: Gregory Thome and Sandra Nasser

Proposed Use: Pizzeria

Proposed Zoning: C-2, Limited Community Commercial District

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

Location: The property is located on the south side of Fort Harrison about 100 ft. east of the Fort Harrison Rd. and North 26th Street intersection.

Common Address: 2619 Fort Harrison Road, Terre Haute, IN 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Reuse and Redevelopment Areas

- All policies from Neighborhood Enhancement
- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- 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.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Fort Harrison Road is a Primary Arterial Roadway

Dev. Priority: This has a high priority for redevelopment: Neighborhood Commercial at intersection of at least an arterial and/or sub-collector roadways: Center with 100,000 SQ. FT. Maximum size on 10 acres or less could be in low to high Intensity residential areas with appropriate buffering

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photos tating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, 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), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.9 %
Street Setback: 45 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
Parking Requirements will be determined through site-plan review

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned property is the eastern half of lot 67 and all of lots 68 and 69 of Dresser Place Subdivision. The proposed Pizzeria should not have any negative impacts on neighboring property, as the properties to the east and west are commercial in use and zoning.

The Thrive 2025 Comprehensive Plan has identified this area within the City of Terre Haute for reuse and redevelopment. The development priority for commercial development within this area could be low to high intensity based on the local thoroughfare network. High intensity commercial development and uses need to have direct access without traffic intrusion onto residential neighborhoods, and needs the appropriate buffering.

Buffered from adjacent residential uses by all of the following:

- Scale of building design
- Landscaping
- Loading

Recommendation: Staff has a Favorable Recommendation for a C-2, Community Commercial District.