

WITHDRAWN



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 25**

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COMMON ADDRESS OF LOTS TO BE REZONED: 329 North 23<sup>rd</sup> Street

Current Zoning: R-1, Single Family Residence District

Requested Zoning: C-1, Community Commerce District

Proposed Use: to use and operate 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 13<sup>th</sup> ½ Street Terre Haute IN 47807

Phone Number of Owner: 812-917-5133

Attorney Representing Owner (if any):

Address of Attorney:

Phone Number of Attorney:

For Information Contact: Beth E. Reid

Council Sponsor: Norm Loudermilk

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

WITHDRAWN

FILED

JUL 09 2011

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 25, 2011

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 ORDANED 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:

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 half of the north west quarter of Section 23, Township 12  
north of range 9 west of 2<sup>nd</sup> principal medium.

Commonly known as: 329 North 23<sup>rd</sup> Street, Terre Haute, IN 47807

Be and the same is hereby established as a C-1, Neighborhood Commerce 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, \_\_\_\_\_  
Norm Loudermilk

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
John Mullican -President

ATTEST: \_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Duke Bennett, Mayor

ATTEST: \_\_\_\_\_  
Charles P. Hanley, City Clerk

# WITHDRAWN

This instrument prepared by: Beth E. Reid/ 116 South 13<sup>th</sup> ½ Street Terre Haute, IN 47807/812-917-5133

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.

  
Beth E. Reid

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 described 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 south half of the north west quarter of Section 23, Township 12 north of range 9 west of 2<sup>nd</sup> principal medium.

Commonly known as: 329 North 23<sup>rd</sup> Street, Terre Haute IN 47807

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 District.

Your petitioner would respectfully state that the real estate is now to house the vending trailer. Your petitioner intends to use the real estate for to use and 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 C-1 Neighborhood Commerce District. Your petitioner would allege that the C-1 Neighborhood Commerce 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-1 Neighborhood Commerce District Limited 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 6<sup>th</sup> day of July, 2011.

BY: Anthony H. Reid and Beth E. Reid

PETITIONERS: Anthony H. Reid and Beth E. Reid

This instrument was prepared by Beth E. Reid/ 116 South 13<sup>th</sup> ½ Street Terre Haute, IN 47807/812-917-5133

**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 5<sup>th</sup> day of July, 2011.

Notary Public:  
Cathy Rusin  
[Typed name] Cathy Rusin

My Commission Expires: 10-19-16

My County Of Residence: Vigo

84-06-23-176-012.000-002

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 23<sup>ST</sup>  
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

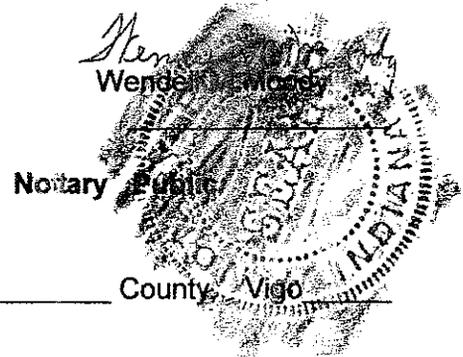
STATE OF Indiana

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 Grantors



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 #25-11

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. 25-11. This Ordinance is a rezoning of the property located at 329 North 23<sup>rd</sup> Street. The Petitioner, Anthony and Beth Reid, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-1, Neighborhood Commerce District, for a seasonal vending trailer. 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. 25-11 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. 25-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 25-11 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. 25-11, 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 #25-11

Doc: # 56

Date: August, 2011

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## 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: C-1, Neighborhood Commerce District

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

Location: The property is located on the south east corner of North 23<sup>rd</sup> Street and .

Common Address: 3704 and 3708 Wabash Ave, Terre Haute IN, 47803

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## 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 23<sup>rd</sup> Street is a local level roadway

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

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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.

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## **ZONING REGULATIONS**

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.  
FAR 0.7 %

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #25-11

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Date: August, 2011

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Street Setback: 55 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

The use doesn’t have a set parking standard.

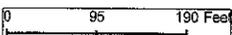
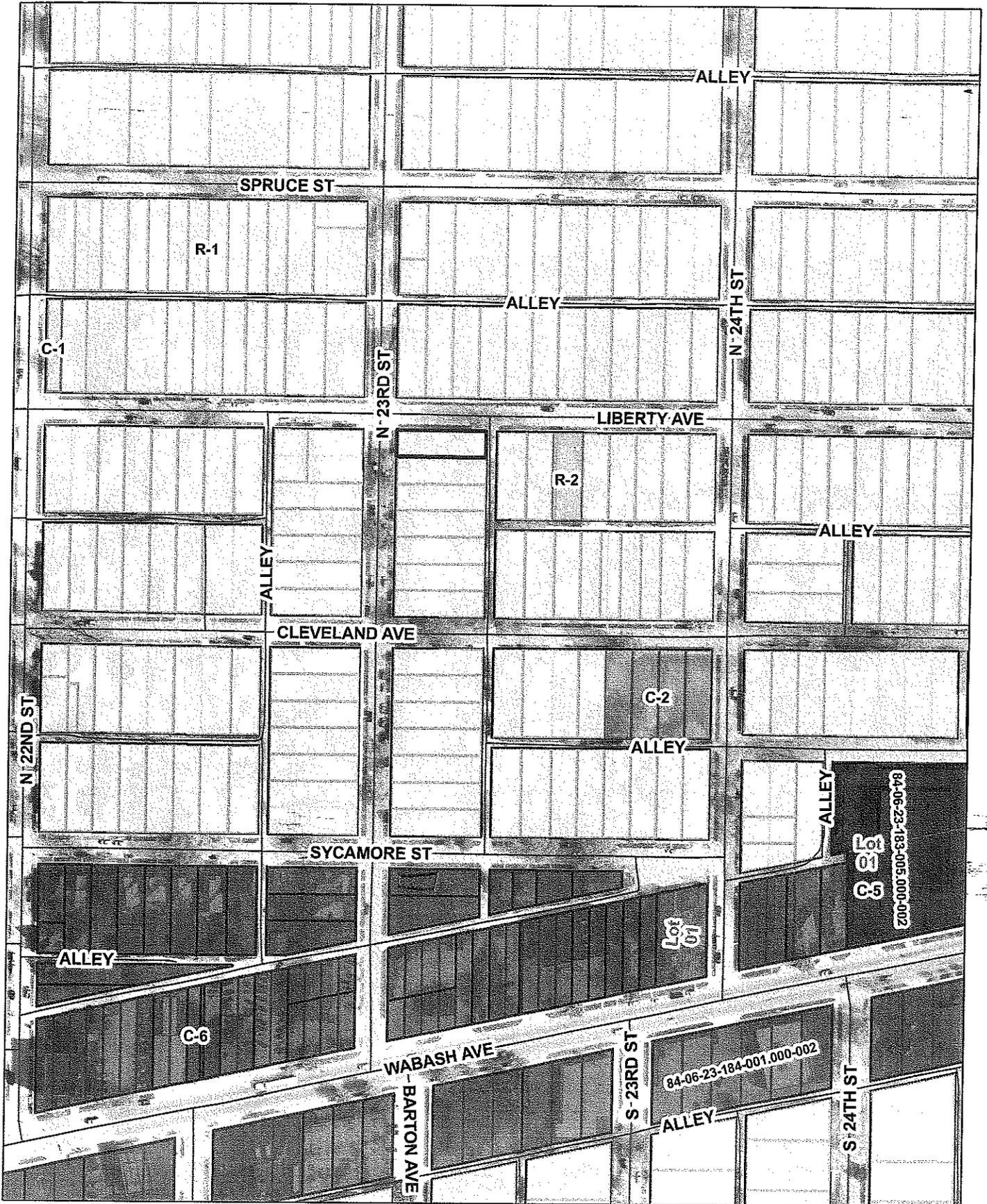
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## **FINDINGS and RECOMMENDATION**

Staff Findings:           The propose use would add to the daily shopping convenience for local residence, and may add to the mix of uses that this neighborhood has to offer. Section 10-263 (15), e of the Comprehensive Zoning Ordinance states that a Spot Zoning as define by the Comprehensive Zoning Ordinance shall not be approved by the City Council nor by the Commission, as it is contrary to the Comprehensive Development Plan.

Recommendation:       Unfavorable Recommendation.

Docket # 56, S.O. # 25-11  
329 North 23rd Street From R-1 to C-1



  
Area-of-Interest

Prepared by the Vigo County  
Department of Area Planning