



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 8

COMMON ADDRESS OF LOTS TO BE REZONED:

118 North 3rd Street, Terre Haute, Indiana 47807

Parcel Number: 84-06-21-409-008.000-002

Current Zoning: Commercial Entertainment District (C5)

Requested Zoning: Community Commercial District (C2)

Proposed Use: Continue use as office building but also install self-service ice vending machine
in parking lot.

Name of Owner: Petimo, LLC

Address of Owner: 118 North 3rd Street, Terre Haute, Indiana 47807

Phone Number of Owner: (812) 234-7500

Attorney Representing Owner (if any): Timothy R. Hayes

Address of Attorney: 118 North 3rd Street, Terre Haute, Indiana 47807

Phone Number of Attorney: (812) 234-7500

For Information Contact: Timothy R. Hayes

Council Sponsor: Todd J. Nation

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

FILED

MAR 3 2021

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 8, 2021

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

SECTION 1. 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:

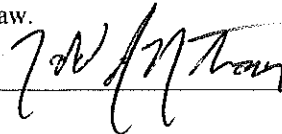
*In Lots One Hundred Twenty-Six (126) and One Hundred Twenty-Seven (127) of
the Original In Lots of the Town, now City of Terre Haute, Vigo County,
Indiana, except Twenty (20) feet, Eleven (11) inches off the South side of In Lots
One Hundred Twenty-Six (126).*

Commonly known as: *118 North 3rd Street, Terre Haute, Vigo County, Indiana 47807*

Be and the same is hereby established as a Community Commercial District (C2) 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 J. Nation

Passed in Open Council this 8TH day of APRIL, 2021.


O. EARL ELLIOTT

-President

ATTEST:

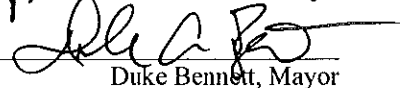


Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 9TH day of APRIL, 2021


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 9TH day of APRIL, 2021


Duke Bennett, Mayor

ATTEST:



Michelle Edwards, City Clerk

This instrument prepared by: *Timothy R. Hayes, 118 North 3rd Street, Terre Haute, IN 47807, (812) 234-7500.*

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.



Timothy R. Hayes

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 Petitioner, Petimo LLC, an Indiana limited liability company, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

In Lots One Hundred Twenty-Six (126) and One Hundred Twenty-Seven (127) of the Original In Lots of the Town, now City of Terre Haute, Vigo County, Indiana, except Twenty (20) feet, Eleven (11) inches off the South side of In Lots One Hundred Twenty-Six (126).

Commonly known as 118 North 3rd Street, Terre Haute, Vigo County, Indiana 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 C5.

Your petitioner would respectfully state that the real estate is now used as an office building. Your petitioner intends to continue to use the real estate as an office building, but to also install a self-serve ice machine in the parking lot on the north side of the building.

Your petitioner would request that the real estate described herein shall be zoned as a Community Commercial District (C2). Your petitioner alleges that the Community 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 Community 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 WITNESS WHEREOF, this petition has been duly executed this 20th day of February, 2021.

PETIMO LLC

By: 
Timothy R. Hayes, Member

PETITIONER: Petimo LLC, 118 N. Third Street, Terre Haute, IN 47807.

This instrument was prepared by Timothy R. Hayes, Attorney at Law, 118 N. Third Street, Terre Haute, IN 47807. 812-234-7500

AFFIDAVIT OF TIMOTHY R. HAYES

COMES NOW affiant, Timothy R. Hayes,

and affirms under penalty of law that Petimo LLC, of which affiant is a member, is the owner of record of the property located at 118 N. Third Street, Terre Haute, IN 47807, 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.

Petimo LLC, by:

SIGNATURE: 
Timothy R. Hayes, Member of Petimo LLC

STATE OF INDIANA)
SS
COUNTY OF VIGO)

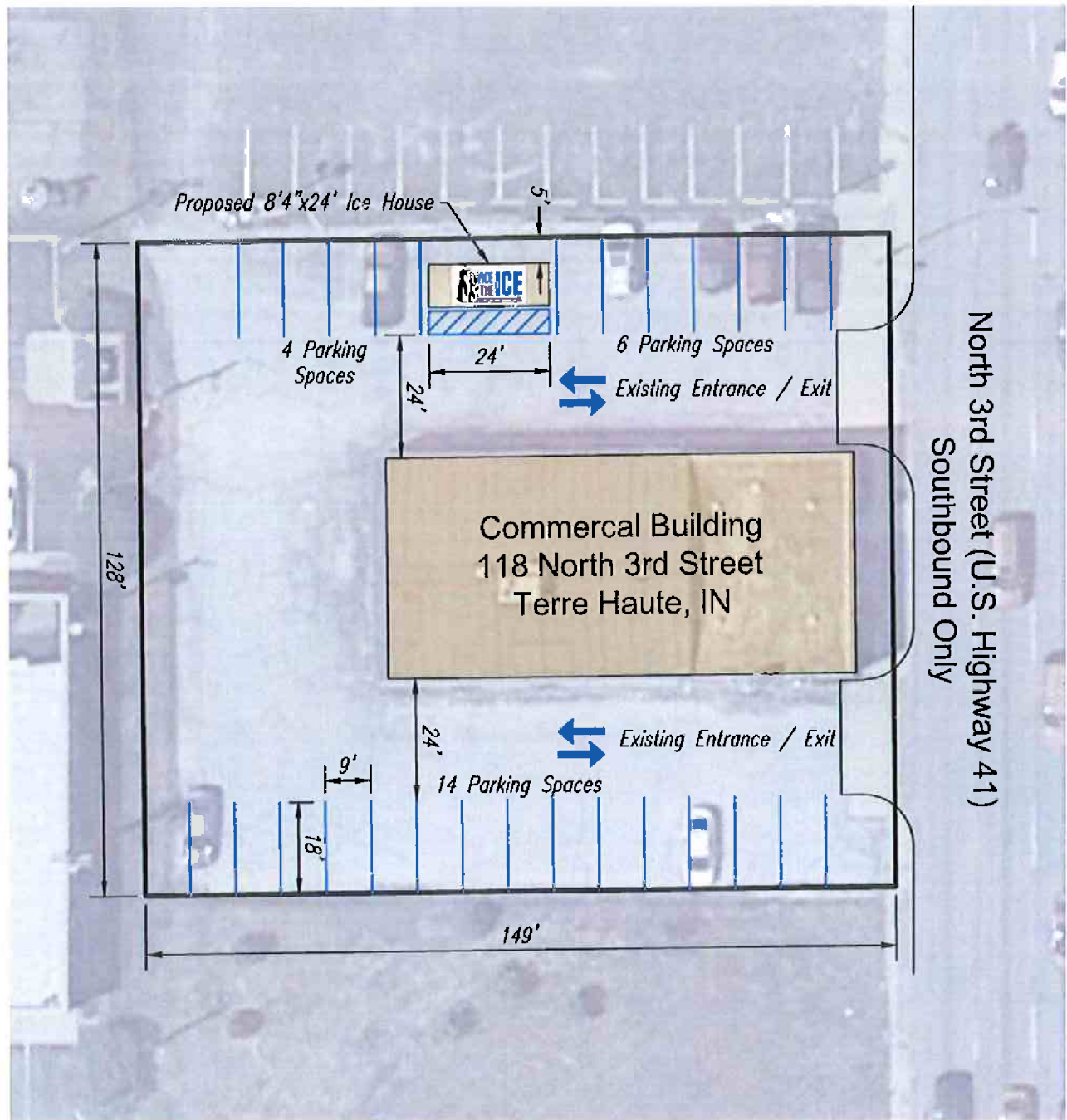
Before me, a Notary Public in and for said County and State, personally appeared Timothy R. Hayes, who acknowledged the execution of the above and foregoing, after being duly sworn upon hisoath, and after having read this Affidavit.

WITNESS my hand and notarial seal, this 22nd day of February, 2021.


Danielle K. Grant, Notary Public



My Commission Expires: August 20, 2024
My County of Residence: Vigo



SCALE: 1"=30'

24 Parking Spaces

Index

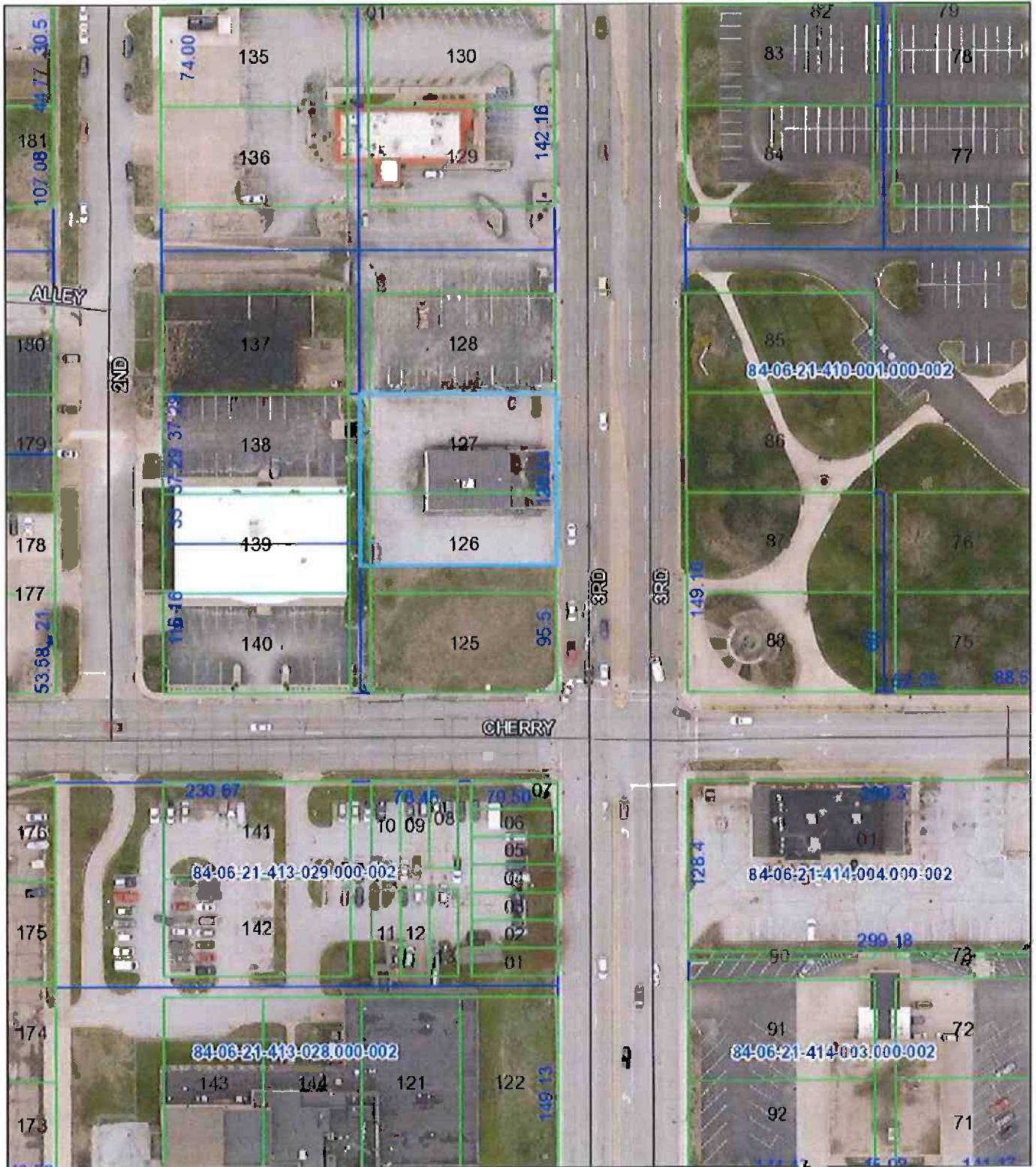
- 1) Site Plan
- 2) Parcel Data
- 3) Ice House Specs.
- 4) Ice House Specs.



Proposed Site Plan
New Ice House

Preliminary 2/22/2021

Sheet 1 of 4



Parcel ID 84-06-21-409-008.000-002
 Sec/Twp/Rng 21
 Property Address 118 N 3RD ST
 TERRE HAUTE

Alternate ID 118-06-21-409-008
 Class Com Office bldgs 1& 2 story
 Acreage n/a

Owner Address PETIMO LLC
 118 N 3RD ST
 TERRE HAUTE, IN 47807

Neighborhood 118310- HARRISON
 District 002 HARRISON
 Brief Tax Description TERRE HAUTE & PART ALLEY VACATED EX 20'11" S-126
 21-12-9 LOTS 126-127
 (Note: Not to be used on legal documents)



3,500+
ICE VENDING
MACHINES AROUND THE WORLD



**LARGEST CAPACITY
HIGH VOLUME DESTINATION**

The Ice House is our premier ice and water vending machine, offering the highest capacity production and storage of any of our three models. It is the nation's leading ice and water vending destination and features five patented technologies plus a filtration process that ensures the freshest, most hygienic ice and water product available. About the size of two parking spaces, the Ice House is the high capacity, high volume solution for your high traffic location, such as retail business centers, home improvement locations, recreational centers and convenience store locations.



ICE HOUSE



Our Story

In 2003, Ice House America revolutionized the ice industry by combining precision manufacturing, state of the art engineering and cutting-edge technology to provide premium ice direct to the consumer at a wholesale price. Since that time, we have grown to support over 3,500 machines worldwide with a new machine installed every 2-3 days. Our Vision is to be the most recognized consumer ice and bulk water brand in the world. To accomplish this Vision, we committed to innovating our models to evolve with the consumer marketplace.

Scalable Business Opportunity

The retail ice business is a \$4 billion recession-proof industry. Ice vending is rapidly growing in this industry and is well-suited for entrepreneurs looking for bankable ROI with a low-cost operation and a simple to manage business model. Our independent ownership opportunity offers you the flexibility to operate one ice vending machine or scale your fleet of machines to capture a larger portion of this industry.

Innovative Leadership

Our machines represent over 90% of the ice vending business in the world. We maintain this level of market share by investing time and resources into continuously improving the reliability, quality and customer experience of our machines. However, don't just take our word. Come visit our manufacturing facility and see for yourself why our machines are the best in class.

Warranty

Ice House America models have a one-year warranty plus each major component has its own manufacturer warranty policy.

High Capacity Destination

The Ice House is the original ice vending machine concept we launched in 2003. With a 200 ft² footprint (2 parking spaces) and up to 13,000 lbs of ice production capacity, the Ice House is truly a manufacturing plant that can accommodate up to 50,000 customer visits annually. It is the ultimate destination model, that will attract customers not only by its curb appeal, but equally by the unique design of the machine.

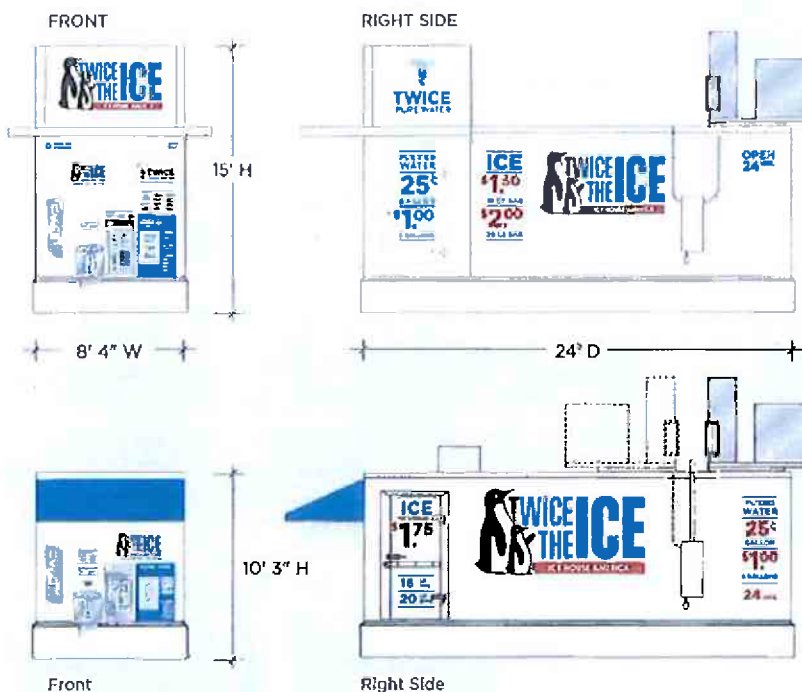
Water Vending by Twice Pure Water

Water vending is a sustainable and profitable business that continues to grow thanks to the increased awareness of water quality concerns throughout the world. Combining ice and water vending not only increases the profitability of the business, it attracts different consumers to increase the overall traffic flow to the location. Add to this the purified water quality from our Twice Pure Water™ and there is a great potential to own both the ice and water business in your market.

SmartIce™ Remote Management System

SmartIce™ Remote Management System, a web-based application, lets you manage all aspects of the vending machine - including location information, product sales, technical operations, and customer service. It offers real-time alert messages and current sales data. It lets you compare sales trends, benchmark locations and evaluate machine performance. Most importantly, SmartIce gives you the visibility to see what your machine is doing from the comfort of your home or anywhere you can connect to the internet.

Twice the Ice™ Is an Ice House America Independent Owner Brand. Tel 888.391.8065 www.twicetheice.com sales@icehouseamerica.com



Technical Specifications

- Dimensions : 8' 4" W x 24' D x 15' H (2 parking spaces)
- Products
 - Bulk Ice
 - Bagged Ice: 10 lb, 16 lb, and 20 lb options
 - Purified or Filtered Water: 1, 3, and 5 gal options
- Ice Bin Capacity: 6,500 lbs
- Ice Production Capability: 4,500 - 13,000 lbs in 24 hours
- Healthwise™ Filtration System
- SmartIce™ Remote Management

Ice House with 5200SM Ice Maker

- Power Requirement: 77A @ 208-240/60/3 (123A w/2nd Ice Maker)
- Power Consumption: 216 KWH per 4,500 lbs
- Water Consumption: 542 gal per 4,500 lbs
- Ice Production: up to 4,500 lb per 24 hrs (9,000 lbs w/2nd Ice Maker)

Ice House with 1000SM Ice Maker

- Power Requirement: 98A @ 208-240/60/3 (158A w/2nd Ice Maker)
- Power Consumption: 300 KWH per 6,500 lbs
- Water Consumption: 783 gal per 6,500 lbs
- Ice Production: up to 6,500 lbs per 24 hrs (13,000 lbs w/ 2nd Ice Maker)



Receipt

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

Date: 3/3/21

Name: PETEMO LLC

Reason: <u>REZONING NOTICE OF FILING -</u>	<u>\$ 25.00</u>
<u>REZONING PETITION</u>	<u>\$ 20.00</u>
	<u>\$45.00</u>

Cash: _____

Check: \$ 45.00 CHK # 1262

Credit: _____

Total: \$ 45.00

Received By: LEWIS / MB

RECORDED
10/11/2016

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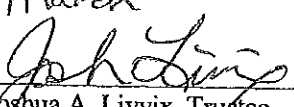
TRUSTEE'S DEED

THIS INDENTURE WITNESSETH, That the *United Brotherhood Carpenters and Joiners of America Local No. 133*, by its duly elected Trustees, *Joshua A. Livvix, John McCoy and Scott Bosc*, convey and warrant to *Petimo LLC*, for valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:


In Lots One Hundred Twenty-Six (126) and One Hundred Twenty-Seven (127) of the Original In Lots of the Town, now City of Terre Haute, Vigo County, Indiana, except Twenty (20) feet, Eleven (11) inches off the South side of In Lots One Hundred Twenty-Six (126).

This Deed is executed pursuant to, and in the exercise of, the power and authority granted to and vested in the said Trustees by the terms of said Deed or Deeds in trust delivered to the said Trustees in pursuance of the Trust Agreement above mentioned, and subject to all restrictions of record. Grantors represent they are the current and acting Trustees of the United Brotherhood Carpenters and Joiners of America Local No. 133.


IN WITNESS WHEREOF, Joshua A. Livvix, John McCoy and Scott Bosc, Trustees of United Brotherhood Carpenters and Joiners of America Local No. 133 have set their hands and seals, this 1st day of February, 2016.

March


Joshua A. Livvix, Trustee
United Brotherhood Carpenters and
Joiners of America Local No. 133 (SEAL)



John McCoy, Trustee
United Brotherhood Carpenters and
Joiners of America Local No. 133 (SEAL)



Scott Bosc, Trustee
United Brotherhood Carpenters and
Joiners of America Local No. 133 (SEAL)



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: April 8, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 8-21

CERTIFICATION DATE: April 7, 2021

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. 8-21. This Ordinance is a rezoning of the property located at 118 N 3rd. The Petitioner, Petimo LLC, petitioned the Plan Commission to rezone said real estate from zoning classification C-5 to C-2 Limited Community Commerce in order to install a self-service ice vending machine in the parking lot.

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. 8-21 at a public meeting and hearing held Wednesday, April 7, 2021. 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. 8-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 8-21 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. 8-21 was FAVORABLE.

Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 8th day of April, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-21

Doc: # 22

Date: April 2021

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APPLICATION INFORMATION

Property Owner: Petimo, LLC

Representative: Timothy R. Hayes

Proposed Use: Continue use as office building but also install self-service ice vending machine.

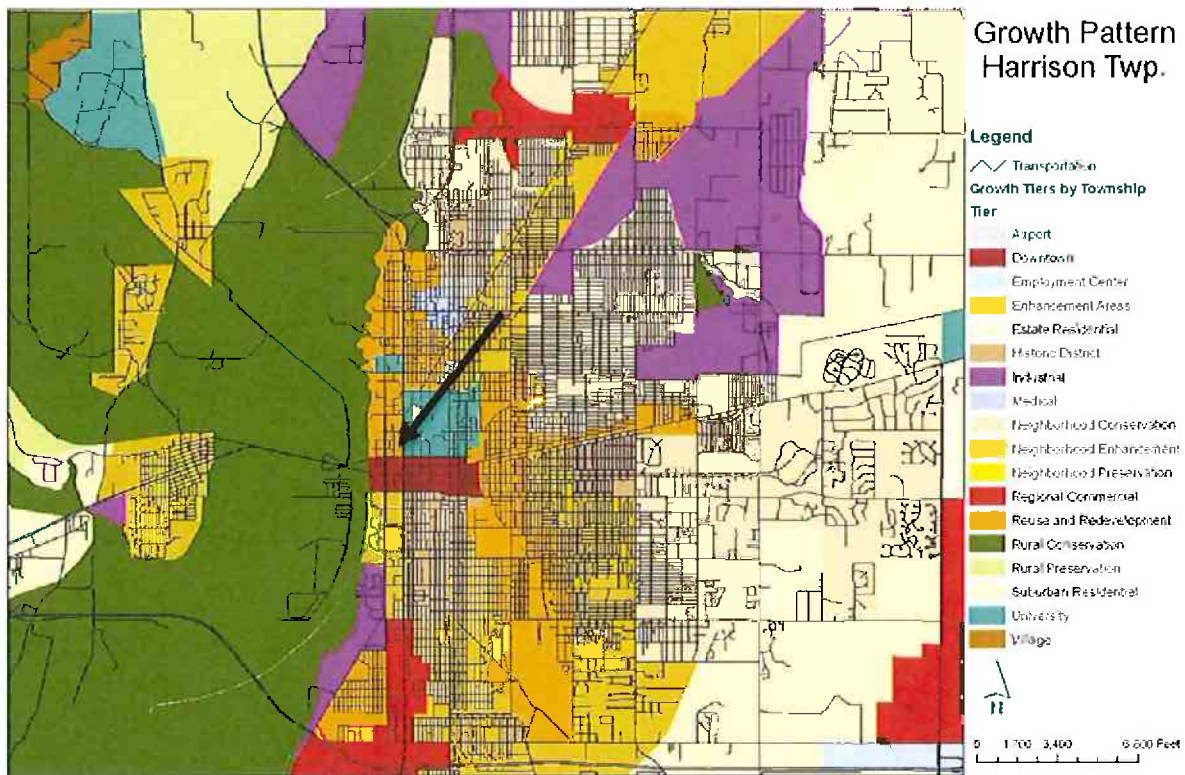
Proposed Zoning: C-2, Limited Community Commerce

Current Zoning: C-5, General Central Business District

Common Address: 118 N. 3rd Street, Terre Haute
Parcel#84-06-21-409-008.000-002

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-21

Doc: # 22

Date: April 2021

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Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Available Services: Area is well served by utilities.

Street Access: N. 3rd Street

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-5

East – C-5

South – C-5

West – C-5

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: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-21

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Date: April 2021

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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.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone to C-2 in order to install a self-serve ice machine in the parking lot on the north side of the building. The building is now used as an office building and the petitioner intends to continue the use. Vending machines and business and professional offices are both permitted by right in the C-2 district. No additional buffering will be required as commercial uses immediately surround this property.

Staff has no additional concerns with this request so long as any future site plans meet City Code and are approved by City Engineering.

Recommendation: Favorable on the C-2 rezoning request.