



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 13

COMMON ADDRESS OF LOTS TO BE REZONED:

2631 and 2649 South 7th Street, Terre Haute, IN 47802

Current Zoning: R-1

Requested Zoning: R-1 Planned Development

Proposed Use: Demolish the home located at 2649 South 7th Street and build a parking lot to serve the beauty salon located at 2631 South 7th Street as well as the veterinary clinic at 2701 South 7th Street which the Petitioner also owns.

Name of Owner: Sarah J. Scank

Address of Owner: 2701 South 7th Street, Terre Haute, IN 47802

Phone Number of Owner: (812) 249-8434

Attorney Representing Owner (if any): David P. Friedrich

Address of Attorney: 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 917-2814

For Information Contact: Betty Scank

Council Sponsor: Amy Auler

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

FILED

SPECIAL ORDINANCE FOR PLANNED DEVELOPMENT

JUN 06 2018

SPECIAL ORDINANCE NO. 13, 2018

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 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 of 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 number Six (6) and Seven (7) in Petzold's Subdivision of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Thirty-Three (33), Township Twelve (12) North , Range Nine (9) West, excepting Three Hundred and Nineteen and One tenth (319 1/10) feet off the South side.

Commonly known as 2631 and 2649 South 7th Street, Terre Haute, Vigo County, Indiana 47802

be and the same is, hereby established as an R-1 Planned Development, 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.

That the real estate described shall be a Planned Development in an R-1 Planned Development 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) The real estate at 2649 South 7th Street shall be used for any use permitted in an R-1 Planned Development as a parking lot, consistent with other uses in the immediate vicinity, subject to all restrictions in this Ordinance
- (b) The real estate at 2631 South 7th Street shall be used for any use permitted in an R-1 Planned Development and will remain a beauty salon, apartments and a parking lot consistent with other uses in the immediate vicinity, subject to all restrictions in this Ordinance.

- (c) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development become void.
- (d) In the event the real estate is not utilized as a Planned Development for a continuous six (6) months as a parking lot, beauty salon and apartments, the said Planned Development becomes void.
- (e) A variance is granted from Table 1 the Schedule of Minimum Thoroughfare Plan Requirements and required building lines of Section 10-136 e. for local street (L) and interior lot (I) to maintain the established building lines for the beauty salon.
- (f) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of the approval by the Council.

That the owner has met all of the criteria determined by the Area Planning Commission, except as stated above by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the adjacent, scattered incompatible uses in the area, and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and that substantial justice will be done for the neighborhood.

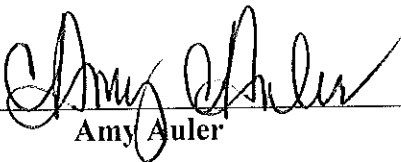
SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No.10, 1999 being Division III Planned Development; and

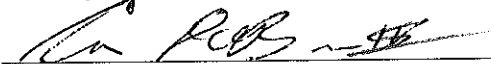
WHEREAS, Special Ordinance No. 13, 2018, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

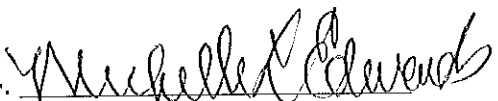
WHEREAS, a public hearing on Special Ordinance No. 13, 2018, has been held pursuant to Section 10 of said Ordinances and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety and the general welfare.

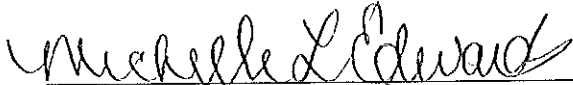
BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owner of the real estate described has demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically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

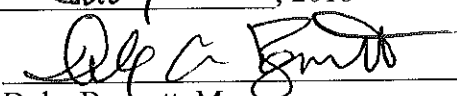
SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publications as by law provided.

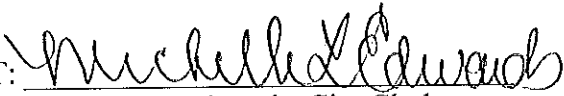
Presented by Council Member, 
Amy Auler

Passed in Open Council this 12 day of July, 2018.

Curtis DeBaun IV-President

ATTEST: 
Michelle L. Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 13 day of July 2018.

Michelle L. Edwards, City Clerk

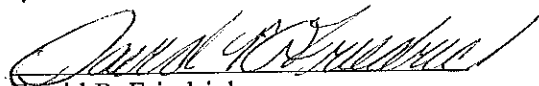
Approved by me, the Mayor, this 13th day of July, 2018

Duke Bennett, Mayor

ATTEST: 
Michelle L. Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street, Terre Haute, IN 47807

I affirm, under the penalties for perjury, that I have taken responsible care to redact each social security number in this document, unless required by law.


David P. Friedrich

PETITION FOR A PLANNED DEVELOPMENT

PETITION TO REZONE REAL ESTATE

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

LADIES and GENTLEMEN:

Sarah J. Scank, Petitioner, is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot number Six (6) and Seven (7) in Petzold's Subdivision of the South East Quarter (1/4) of the North East Quarter (1/4) of Section Thirty-Three (33), Township Twelve (12) North, Range Nine (9) West, excepting Three Hundred and Nineteen and One tenth (319 1/10) feet off the South side.

Commonly known as 2631 and 2649 South 7th Street, Terre Haute, Indiana 47802

The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as R-1 Single Family Residence District.

The Petitioner would state the real estate is an existing single family residence, beauty salon, parking lot and apartments.

The Petitioner would request the real estate described in this petition be zoned as an R-1 Planned Development to allow for use as proposed by the Petitioner. The Petitioner would allege that the R-1 Planned Development would not alter the general characteristics of the neighborhood.

The Petitioner proposes demolishing the single family residence at 2649 South 7th Street and converting it into a parking lot to be utilized by the beauty salon. The Petitioner will build a privacy fence or landscape the north side of the property to provide a buffer to the adjacent real estate.

A variance is sought from Table 1 the Schedule of Minimum Thoroughfare Plan Requirements and required building lines of Section 10-136 e. to maintain the established setbacks and building lines for the beauty salon. A special use variance is also sought pursuant to Section 10-264 for the parking lot to also be used for off-site parking for the Petitioner's veterinary clinic at 2701 South 7th Street.

The Petitioner contends the real estate at 2631 South 7th Street will remain a beauty salon, parking lot and apartments consistent with other uses in the immediate vicinity, subject to all restrictions in this Ordinance.

The Petitioner would allege a hardship exists due to adjacent, scattered incompatible uses in the area.

The Petitioner requests that rezoning should be granted for the following reasons:

A. The Planned Development will not alter the general characteristics of this neighborhood because the area has mixed uses, including other similar commercial and residential uses in the immediate vicinity;

B. The proposed change will not adversely affect surrounding property values and will not adversely affect public health, safety or general welfare nor will it be injurious to the property or improvements in the neighborhood, because of the mixed uses in the area and the existence of other retail and residential real estate in the immediate vicinity. The use of the real estate as a retail store and residential residence is not incompatible with the zoning classification and surrounding uses;

C. The real estate is located on South 7th Street which provides adequate access;


D. The real estate is located near an area which is zoned for commerce and for similar planned development uses;

E. The use of the real estate as proposed will not significantly increase traffic or parking in the area, the real estate lends itself well to the proposed use and the proposed use does not alter the essential character of the area.

Wherefore, the Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance Amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate be zoned R-1 Planned Development of the City of Terre Haute, 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 6th day of June, 2018.

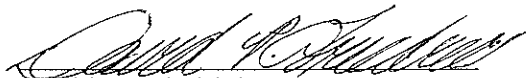
PETITIONER:

By: 
Sarah J. Scank

This document prepared by:

David P. Friedrich, 15164-84
Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy
333 Ohio Street
Terre Haute, IN 47807

I affirm, under the penalties
for perjury, that I have taken
responsible care to redact
each social security number
in this document, unless required
by law.


David P. Friedrich

SITE PLAN
R-1 TO R-1
PLANNED DEVELOPMENT



84-06-33-436-012.000-002

84-06-33-436-013.000-002

84-06-33-436-014.000-002

712

84-06-33-436-015.000-002

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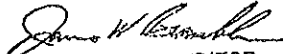
ALLEY

TURNER

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MMD Date 09/24/2002 Time 14:55:00
Mitchell Neuton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200227007 Page 1 of 2

SEP 24 2002


VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Beverly K. Cox f/k/a Beverly K. Cain of
Vigo County, State of Indiana, and Paula K. Neal, joint tenants with
rights of survivorship, of Sullivan County, State of Indiana, for and in
consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and
sufficiency of which is hereby acknowledged, Convey and Warrant unto Jackie W. Caton and Sarah J. Scank,
husband and wife, of Vigo County, State of Indiana, the following
described real estate located in the County of Vigo, State of Indiana, to-wit:

Lot Number Seven (7) in Petzold's Subdivision of the South East Quarter (1/4) of the North
East Quarter (1/4) of the South East Quarter (1/4) of Section Thirty-three (33), Township
Twelve (12) North, Range Nine (9) West, excepting Three Hundred and Nineteen and One
tenth (319 1/10) feet off the South side.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title
to the subject real estate.

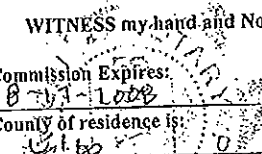
Subject to taxes prorated to the date hereof.

The grantor, Beverly K. Cox f/k/a Beverly K. Cain further warrants that she is one and the
same person as that grantee, Beverly K. Cain in that certain Quitclaim Deed dated May 12,
1998 and recorded May 15, 1998 at Deed Record 443, Page 1687 and that subsequent thereto
has married and is now known as Beverly K. Cox.

IN WITNESS WHEREOF the above referred to Beverly K. Cox f/k/a Beverly K. Cain and Paula K.
Neal have hereunto set their hands and seals, this 19 day of Sept, 2002.

Beverly K. Cox (SEAL) Paula K. Neal (SEAL)
Beverly K. Cox f/k/a Beverly K. Cain Paula K. Neal
STATE OF IN, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 19th day of
Sept, 2002, personally appeared Beverly K. Cox f/k/a Beverly K. Cain and, being first duly sworn,
stated that the representations therein contained are true, and acknowledged the execution of the annexed Deed to be her
voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: 8-17-2006
My County of residence is: Vigo
CAROL N. MCELROY III
Notary Public
Typewritten or printed name of notary

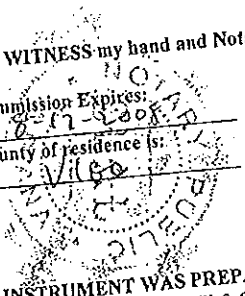
STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 19th day of
September, 2002, personally appeared Paula K. Neal and acknowledged the execution of the annexed Deed
to be her voluntary act and deed.

WITNESS my hand and Notarial Seal

My Commission Expires:

My County of residence is:



Ronald E. Jumps

Notary Public

CRU N. MURPHY III

Typewritten or printed name of notary

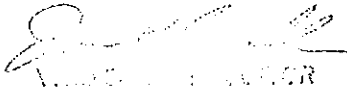
THIS INSTRUMENT WAS PREPARED BY: *Ronald E. Jumps*, Ronald E. Jumps,
Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. Note: In preparing this instrument,
preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: 2049 W. Evans Drive, Terre Haute, IN 47802

U:\USER\DAYREALESTA\HENDRICH\LTIC\Caton Scan\Jackie and Sarah
8/22/02
aad

RAYMOND L. WATTS
VIGO County Recorder IN
IN 2006020903 WD
10/23/2006 11:30:52 2 PGS
Filing Fee: \$18.00

OCT 23 2006



WARRANTY DEED

THIS INDENTURE WITNESSETH that BRAD A. ANDERSON and KARA G. ANDERSON, husband and wife, of Vigo County, in the State of Indiana, **CONVEYS** and **WARRANTS** to JACKIE W. CATON and SARAH J. SCANK, as joint tenants with rights of survivorship and not as tenants in common, of Vigo County, in the State of Indiana for the sum of \$1.00 and other valuable considerations, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, to-wit:

Lot number Six (6) in Petzold's Subdivision of the South East quarter (1/4) of the North East quarter (1/4) of Section Thirty Three (33), Township Twelve (12) North, Range Nine (9) West, excepting Three Hundred and Nineteen and one tenth (319 1/10) feet off the South side.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

The undersigned hereby represents that this real estate is not "property" as defined in Indiana Code 13-11-2-174, and does not contain facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11022) and is not the site of underground storage tanks for which notification is required under 42 U.S.C. 6991a or Indiana Code 13-23-1-2(c)(8)(A) and is not listed on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616), and that, consequently, no disclosure document under Indiana Code 13-25-3-1 et seq. (Indiana Responsible Transfer Law) is required for this transaction.

In Witness Whereof, BRAD A. ANDERSON and KARA G. ANDERSON have hereunto set their hands and seals this 19 day of OCTOBER, 2006.


BRAD A. ANDERSON


KARA G. ANDERSON

STATE OF INDIANA)
) SS:
COUNTY OF ViVo)

Before me, the undersigned, a Notary Public in and for said County and State, this 19 day of October, 2006, personally appeared BRAD A. ANDERSON and KARA G. ANDERSON and acknowledge this conveyance to be their voluntary act and deed.



Brian Wade Martindale

Notary Public
Printed: BRIAN MARTINDALE

My Commission Expires:
April 9, 2010

My County of Residence:
Sullivan

THIS WARRANTY DEED was prepared by Douglas S. Followell, Attorney at Law, PO Box 350, Sullivan, IN 47882 (812) 268-3415 at the specific bequest of Hoosier Title & Abstract based solely on information supplied by them and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by GRANTOR'S execution and GRANTEE'S acceptance of the instrument.

Please mail tax statements to JACKIE W. CATON and SARAH J. SCANK at
2644 S. 7th St Till Home in 47802

I, the undersigned, in accordance with I.C. 36-2-7.5, do hereby affirm under the penalties of perjury that: 1) I have reviewed the document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers; and 2) I have redacted, to the extent permitted by law, such Social Security number in the foregoing document.

Brian Wade Martindale

AFFIDAVIT OF OWNERSHIP

The affiant, Sarah J. Scank, being first duly sworn upon her oath deposes and states:

1. Affiant is the owner of record of 2631 South 7th Street, Terre Haute, IN 47802 and 2649 South 7th Street, Terre Haute, IN 47802.
2. Affiant owned 2631 and 2649 South 7th Street, Terre Haute, IN 47802, with Jackie W. Caton, as husband and wife.
3. Jackie W. Caton died on December 23, 2006.
4. Copies of the deeds for 2631 and 2649 South 7th Street, Terre Haute, IN 47802, are attached evidencing ownership of such real estate.
5. Affiant further sayeth not.

Sarah J. Scank

 Sarah J. Scank

STATE OF INDIANA)
 :SS
 COUNTY OF VIGO)

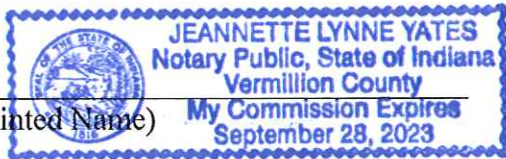
Subscribed an sworn to before me, a Notary Public, this 6th day of June, 2018.

MY COMMISSION EXPIRES:
9/28/23

Jeannette Lynne Yates

 NOTARY PUBLIC

COUNTY OF RESIDENCE:
Vermillion


 (Printed Name)

Receipt

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

Date: 6/6/18

Name: Sarah Scank

Reason: Rezoning - notice of Filing \$25.00

Rezoning - Petition \$20.00

TERRE HAUTE, IN
PAID
JUN 06 2018
CONTROLLER

Cash: _____

Check: #98596 \$45.00

Credit: _____

Total: \$45.00

Received By: [Signature]

WILKINSON, GOELLER, MODESITT,
WILKINSON & DRUMMY, LLP
ATTORNEYS AT LAW
333 OHIO STREET
TERRE HAUTE, INDIANA 47807

FIRST FINANCIAL BANK, NA
TERRE HAUTE, INDIANA 47808
71-35749

0098596

DATE
06/06/18

AMOUNT
*****\$45.00

PAY *** FORTY-FIVE & 00/100 DOLLARS

TO THE City of Terre Haute
ORDER
OF:

WILKINSON, GOELLER, MODESITT, WILKINSON & DRUMMY,
LLP

[Signature]