

SPECIAL ORDINANCE NO. 25, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

1930 S. Center St., Terre Haute, IN 47802
Parcel No. 84-06-33-233-016.000-002

Current Zoning: R-1 Single Family Residence District

Rezone To: R-1 Planned Development

Proposed Use: Botox Center

Name of Owner: Grimes Investments, LLC
Address of Owner: 4533 E. Poplar Dr.
Terre Haute, Indiana 47803

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II

Address of Attorney: Wright, Shagley & Lowery, P.C.
500 Ohio Street, Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Amy Auler

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

SPECIAL ORDINANCE NO. 25, 2022

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 5 and 9 feet 5 inches off of the South side of Lot 6 in Block 24 in John D. Chestnuts Addition to Terre Haute, Indiana, being part of the North East quarter of Section 33, Township 12 North, Range 9 West.

Parcel No. 84-06-33-233-016.000-002

Commonly known as: 1930 S. Center St., Terre Haute, IN 47802.

be and the same is, hereby established as a 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 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 condition set forth herein.

- (a) That the real estate shall be used for any use permitted in a R-1 Single Family Residence District and Botox center.
- (b) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void.
- (c) A variance is hereby granted from Section 10-113 a (1) and 10-113 a (2) which states in part:
 - a (1) "Set back requirements", there shall be zero setbacks required for the property; and

a (2) "off street parking requirements", there shall be no requirements beyond the exiting off street parking places

- (d) All such rights granted herein shall be fully transferable.
- (e) 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 owners have met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist, due to general deterioration of the neighborhood, the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, 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 II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

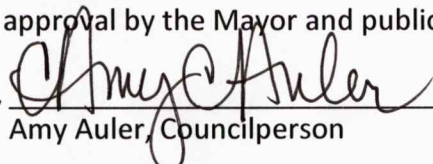
WHEREAS, Special Ordinance No. 25, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Special Ordinance No. 25, 2022, has been held pursuant to Section 10 of said Ordinance 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 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 authorizes and approves the uses of the real estate described as a 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 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 publication as by law provided.

Presented by Council Member,


Amy Auler, Councilperson

Passed in open Council this ____ day of _____, 2022.

Cheryl Loudermilk, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Michelle Edwards, City Clerk

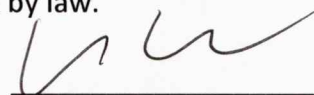
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards, City Clerk

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.



Richard J. Shagley, II

This instrument prepared by Richard J. Shagley, II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

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 PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Grimes Investments, LLC. by its member Jessica Grimes, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot 5 and 9 feet 5 inches off of the South side of Lot 6 in Block 24 in John D. Chestnuts Addition to Terre Haute, Indiana, being part of the North East quarter of Section 33, Township 12 North, Range 9 West.

Parcel No. 84-06-33-233-016.000-002
Commonly known as: 1930 S. Center St., Terre Haute, IN 47802.

The Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute, as amended, 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 single family home that is currently vacant. The Petitioner intends to use the real estate for a Botox center.

Your Petitioner would request that the real estate described herein shall be zoned as a R-1 Planned Development to allow for the use as proposed by Petitioner. Your Petitioner would allege that the R-1 Planned Development would not alter the general characteristics of this neighborhood.

Your Petitioner would allege that there is a hardship due to: 1) improvements on the real estate (nature of structure in a mixed use neighborhood; 2) the general deterioration of the neighborhood; 3) the physical characteristics of the land (the shape of Petitioner's parcel); and 4) the parcel is located near district boundary lines (the other parcels owned by Petitioner in the area are zoned commercial).

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.

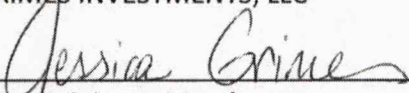
WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of

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 to be part of the R-1 Planned Development of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owner thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 21 day of July, 2022.


PETITIONER:

GRIMES INVESTMENTS, LLC



Jessica Grimes, Member

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 

Richard J. Shagley, II #23135-84
Attorneys for Petitioner

The owner and mailing address: Grimes Investments, LLC
4533 E. Poplar Ave.
Terre Haute, IN 47802

This instrument prepared by Richard J. Shagley, II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN

SPECIAL ORDINANCE NO. 25, 2022



1930 S. Center St., Terre Haute, IN 47802
Parcel No.: Parcel No. 84-06-33-233-016.000-002

From: R-1 Single Family Residence District

To: R-1 Planned Development

Proposed use: Botox Center



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Jessica Grimes, Member of Grimes Investments, LLC, being duly sworn upon her oath, deposes and says:

1. That Grimes Investments, LLC is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot 5 and 9 feet 5 inches off of the South side of Lot 6 in Block 24 in John D. Chestnuts Addition to Terre Haute, Indiana, being part of the North East quarter of Section 33, Township 12 North, Range 9 West.

Parcel No. 84-06-33-233-016.000-002

Commonly known as: 1930 S. Center St., Terre Haute, IN 47802.

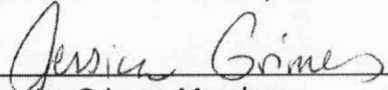
2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Grimes Investments, LLC is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Grimes Investments, LLC is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Grimes Investments, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana, this 21 day of July, 2022.

GRIMES INVESTMENTS, LLC



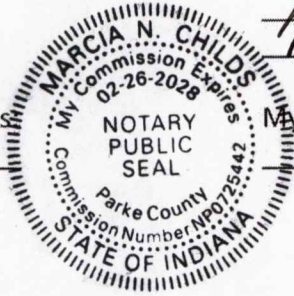
Jessica Grimes, Member

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 21st day of July, 2022.

Marcia N. Childs
Marcia N. Childs, Notary Public

My Commission expires
02-26-2028




My County of Residence:
Parke

This instrument prepared by Richard J. Shagley, II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

JUL 11 2022

2022008425 WD \$25.00
07/11/2022 10:35:57A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented



James W Bramble
VIGO COUNTY AUDITOR

WARRANTY DEED

This indenture witnesseth that RENE B. WEST of Vigo County in the State of Indiana

Convey(s) and Warrant(s) to GRIMES INVESTMENTS, LLC of Vigo County in 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 Real Estate in VIGO County in the State of Indiana, to-wit:

Lot 5 and 9 feet 5 inches off of the South side of Lot 6 in Block 24 in John D. Chestnuts Addition to Terre Haute, Indiana, being part of the North East quarter of Section 33, Township 12 North, Range 9 West.

Subject to any easements, agreements, streets, alleys, restrictions, covenants, building lines, and rights of way of public record including but not limited to:

a) Conditions, restrictions, covenants and easements as shown on the Plat of John D. Chestnuts Addition.

Parcel No. 84-06-33-233-016.000-002

Dated this 8th day of JULY, 2022.

Rene B West
RENE B. WEST

State of Indiana, County of Vigo) SS:

Before me, a Notary Public in and for said county and state, this 8th day of JULY, 2022, personally appeared RENE B. WEST, who acknowledged the execution of the foregoing Warranty Deed to be Grantor(s) voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 7.19.2024
My County of Residence: Clay



Heather J Sorlie
Notary Public
Printed: Heather J Sorlie

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 320 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527

D-4353; HCT-2022-0305A

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to Grantee at Grantee's address of:
4533 E. Apple Ave. Terre Haute, IN 47803
Return Deed to: Honey Creek Vigo Title Svcs, Inc., 405 S. 6th Street, Terre Haute, IN 47807

Receipt

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

Date: 08/03/22

Name: Grimes Investments

Reason: Reasoning - notice of filing \$25

Reasoning - petition \$20
\$45

Cash: _____

Check: _____

Credit: \$45

Total: 45

TERRE HAUTE, IN
AUG - 3 2022
PAID
CONTROLLER

Received By: Grinwite