



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 4, 2019

COMMON ADDRESS OF LOTS TO BE REZONED:

3141 and 3181 N. 25th, Terre Haute, IN 47804

Current Zoning: C-2 Community Commerce District

Requested Zoning: M-1 Light Industry District

Proposed Use: Motor Vehicle Storage

Name of Owner: Scott's Custom Colors, Inc.

Address of Owner: 3140 N 25th Street, Terre Haute IN 47804

Phone Number of Owner: (812) 466-1416

Attorney Representing Owner: Jeffry A. Lind

Address of Attorney: 400 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-234-5463

For Information Contact: Jeffry A. Lind, 400 Ohio Street, Terre Haute, IN 47807, 812-234-5463

Council Sponsor: Karrum Nasser

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

JAN 24 2019

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 4, 2019

CITY CLERK

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

SECTION 1. BE IT ORDIANED 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:

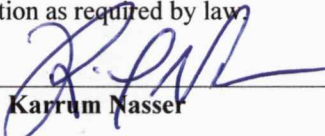
**Lots numbered Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three
(23) and Twenty-four (24) in Dresser Place, a subdivision of a part of the Northeast Quarter
of Section 11 in Township 12 North, Range 9 West as per recorded plat of the same recorded
in Plat Record 13, page 39 of the Recorder's Office of Vigo County, Indiana.**

Commonly known as: **3141 and 3181 N. 25th, Terre Haute, IN 47804**

Be and the same is hereby established as a **M-1 Light Industry 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.

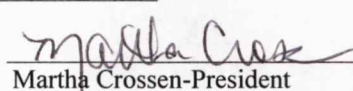
Presented by Council Member, _____


Karrum Nasser

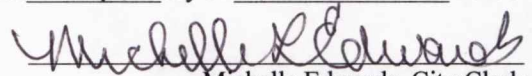
Passed in Open Council this 7TH day of MARCH, 2019.

ATTEST: _____

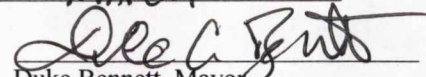

Michelle Edwards, City Clerk


Martha Crossen-President

Presented by me to the Mayor of the City of Terre Haute this 11TH day of MARCH 2019.


Michelle Edwards, City Clerk

Approved by me, the Mayor, this 11TH day of MARCH, 2019.


Duke Bennett, Mayor

ATTEST: _____


Michelle Edwards, City Clerk

This instrument prepared by, and 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: _____

400 Ohio Street, Terre Haute, IN 47807, 812-234-5463.


Jeffery A. Lind

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, **Scott's Custom Colors, Inc.**, by its President, **Scott McDaniel**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots numbered Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24) in Dresser Place, a subdivision of a part of the Northeast Quarter of Section 11 in Township 12 North, Range 9 West as per recorded plat of the same recorded in Plat Record 13, page 39 of the Recorder's Office of Vigo County, Indiana.

Commonly known as: 3141 and 3181 N. 25th, Terre Haute, IN 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 **C-2 Community Commerce District**.

Your petitioner would respectfully state that the real estate is now **indoor storage and otherwise vacant**. Your petitioner intends to use the real estate for Motor Vehicle Storage. The undersigned's body repair shop is West of the subject real estate and is in need of additional space for vehicles awaiting repair and awaiting customer pick up. The use is not intended to be a salvage yard.

Your petitioner would request that the real estate described herein shall be zoned as a **M-1 Light Industry District**. Your petitioner would allege that the **M-1 Light Industry 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 **M-1 Light Industry 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 WITNES WHEREOF, This petition has been duly executed this _____ day of _____, 2019.

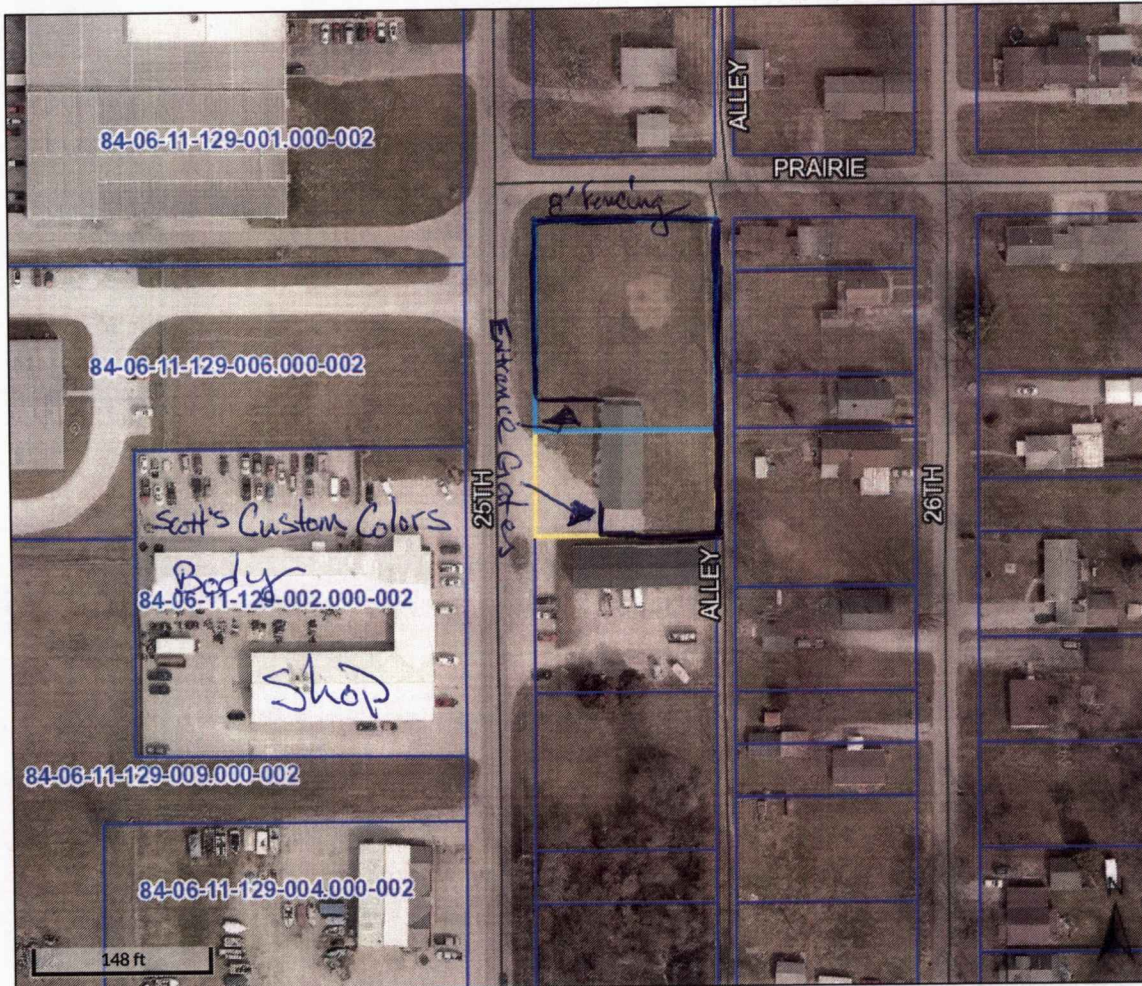
Scott's Custom Colors, Inc.

BY: 

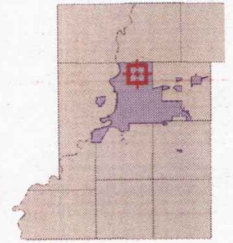
Scott McDaniel, President

PETITIONER: Scott's Custom Colors, Inc., 3140 N 25th Street, Terre Haute IN 47804

This instrument was prepared by Jeffry A. Lind, 400 Ohio Street, Terre Haute, IN 47807, 812-234-5463.



Overview



Legend

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

Parcel ID 84-06-11-205-001.000-002
Sec/Twp/Rng 11
Property Address 3181 N 25TH ST
TERRE HAUTE
Neighborhood 118504 - HARRISON
District 002 HARRISON
Brief Tax Description DRESSER PLACE

Alternate ID 118-06-11-205-001
Class Res Vacant platted lot
Acreage n/a

Owner Address SCOTT'S CUSTOM COLORS INC
3140 N 25TH ST
TERRE HAUTE, IN 47804

D- 421/187 11-12-9 LOTS 19-22

(Note: Not to be used on legal documents)

Date created: 1/21/2019

Last Data Uploaded: 1/20/2019 6:16:20 PM

Developed by  Schneider
GEOSPATIAL

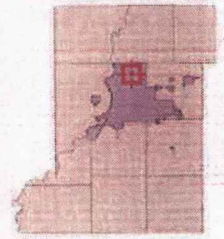


Beacon™

Vigo County, IN / City of Terre Haute



Overview



Legend

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

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR
- M-2PD
- M-O

**AFFIDAVIT OF SCOTT MCDANIEL, PRESIDENT, SCOTT'S CUSTOM COLORS,
INC.**

COMES NOW affiant Scott's Custom Colors, Inc., by its President, Scott McDaniel
and affirms under penalty of law that affiant is the owner of record of the property located
at **3141 and 3181 N. 25th, 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.

Scott's Custom Colors, Inc.

BY: _____

Scott McDaniel, President

STATE OF INDIANA)
COUNTY OF VIGO) SS:

Personally appeared before me, a Notary Public in and for
said County and State, Scott McDaniel, as President of Scott's Custom Colors, Inc.
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 22nd day of January, 2019.

Notary Public:

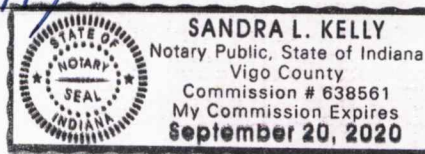
Sandra L. Kelly

Sandra L. Kelly

Printed name

My Commission Expires: 9/20/2020

My County Of Residence: Vigo



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

OCT 09 2012

2012015264 WD \$16.00
10/09/2012 09:48:58A 1 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Timothy M. Lippard
VIGO COUNTY AUDITOR

WARRANTY DEED

This Indenture Witnesseth that Thomas A. Osborn and Irma R. Osborn, husband and wife, of Vigo County, State of Indiana, Convey and Warrant to Scott's Custom Colors, Inc., an Indiana for-profit corporation, of Vigo County, State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, State of Indiana, to-wit:

Lots numbered Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24) in Dresser Place, a subdivision of a part of the Northeast Quarter of Section 11 in Township 12 North, Range 9 West as per recorded plat of the same recorded in Plat Record 13, page 39 of the Recorder's Office of Vigo County, Indiana.

Subject to any and all easements, rights-of-way and other observable or recorded covenants, restrictions, conditions and limitations.

IN WITNESS WHEREOF, The said grantors above named have hereunto set their hands and seals, this 3rd day of Oct, 2012.

Thomas A. Osborn
Thomas A. Osborn

Irma R. Osborn
Irma R. Osborn

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 3rd day of Oct, 2012, personally appeared Thomas A. Osborn and Irma R. Osborn, husband and wife, who acknowledged the execution of the foregoing Warranty Deed to be their voluntary act and deed and stated that the representations therein contained are true as they verily believe.

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



My Commission Expires:

11-15-16

Mellony K. Mejia
Mellony K. Mejia, Notary Public
A resident of Vigo County, Indiana

Mail Tax Duplicates to: _____

Mailing address of the real estate is 3141 and 3181 N. 25th Street, Terre Haute, Indiana 47804

Mailing address of the Grantee is 3140 N 25th St, Terre Haute, IN 47804

This instrument prepared by: C. Don Nattkemper, Attorney at Law, 2901 Ohio Boulevard, Suite 160, Terre Haute, Indiana 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.

[Signature]

Receipt

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

Date: 1/24/19
Name: Scott's Custom Colors
Reason: Rezoning - Notice of Filing \$ 25⁰⁰
Rezoning - Petition \$ 20⁰⁰
\$ 45⁰⁰

Cash: _____
Check: 45⁰⁰ — kind law firm
Credit: _____
Total: 45⁰⁰

Received By: S. Ellis / JTB

CR 4451



TERRE HAUTE
A LEVEL ABOVE

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: March 7, 2019

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 4-19,

CERTIFICATION DATE: March 6, 2019

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

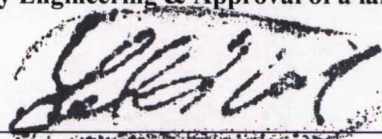
Dear Members,

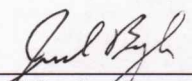
The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 4-19. This Ordinance is a rezoning of the property located at 3141 and 3181 N. 25th St. The Petitioner, Scott's Custom Colors Inc. petitions the Plan Commission to rezone said real estate from zoning classification C-2 to M-1, Light Industrial District for motor vehicle storage. 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. 4-19 at a public meeting and hearing held Wednesday, March 6, 2019. 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. 4-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 4-19 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. 4-19 was FAVORABLE WITH THE FOLLOWING CONDITION: Approval of a detailed site plan by City Engineering & Approval of a landscape and buffering plan by City Engineering




Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 7th day of March, 2019