



AMENDED APPLICATION FOR REZONING PETITION -
CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 14

COMMON ADDRESS OF LOTS TO BE REZONED:

1601 North 25th Street. Terre Haute, Indiana

Current Zoning: R-1 Single Family Residence District

Requested Zoning: **R-1 Planned Development for Single Family Residence and Home Occupation**

Proposed Use: **Single Residence containing a Home Occupation -1 Person Beauty Salon**

Name of Owner: Pete Jr. Burns

Address of Owner: 4595 N. Brighton St. Terre Haute, IN 47805

Phone Number of Owner: 812-466-4001

Attorney Representing Owner (if any): None

Address of Attorney: NA (None)

Phone Number of Attorney: NA (None)

For Information Contact: Pete Jr. Burns, 812-466-4001 or Constance Cown 812-241-7012

Council Sponsor: Karrum Nasser

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

FILED

JUN 01 2016

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 14, 2016

AS AMENDED

CITY CLERK

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

BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County,
State of Indiana, as follows:

SECTION 1. 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 Number 64 in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14,
Township 12 North, Range 9 West as per Recorded in the Recorder's Office of Vigo County, Indiana

Commonly known as: 1601 N. 25th Street. Terre Haute, Indiana 47804.

Be and the same is hereby established as a R-1, Planned Development, 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 except as
specifically authorized under the terms of this Ordinance."

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 conditions set forth herein.

- (a) That the real estate shall be used as a single family dwelling with a home occupation of a
beauty salon.
- (b) The real estate shall be subject to the following:
 - a. That in the event said Planned Development becomes void, and
 - b. That the rights granted herein shall be transferable, and
 - c. That said Planned Development shall be recorded in the Vigo County Recorders
Office within ninety (90) days of approval
- (c) That the owners have met all the criteria determined by the Area Plan Commission and by the
City of Terre Haute, Indiana that a hardship does exist due to lack of parking and that a
Planned Development as set forth herein is hereby approved and will be in the public's best
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. 8, 1982 (Planned Development) being Section 10-111, and

WHEREAS, a public hearing has been held pursuant to Section 10-263 of Said Ordinance and the
owners of the real estate described have demonstrated to the Common Council evidence that a hardship
exists pursuant to Section 10-112 of said Ordinance and that the Planned Development 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 authorized and approved the use of the real estate described as 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 use 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 required by law.

Presented by Council Member, [Signature] **Karrum Nasser, Councilperson**

Passed in Open Council this 9th day of June, 2016.

[Signature]
Todd Nation-President

ATTEST [Signature]
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 9th day of June 2016.

[Signature]
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 9th day of JUNE, 2016.

[Signature]
Duke A. Bennett, Mayor

ATTEST [Signature]
Charles P. Hanley, City Clerk

This instrument prepared by:
Martha J. Burns, 4595 North Brighton Street. Terre Haute, IN 812-466-4001
Pete Jr. Burns 4595 North Brighton Street. Terre Haute, IN 812-466-4001
Constance Cown 3021 N.11th Street. Terre Haute, IN 812-241-7012
Karen Aue 3021 N.11th Street. Terre Haute, IN 812-232-8910

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

[Signature]
Martha J. Burns

[Signature]
Pete Jr. Burns

[Signature]
Constance Cown

[Signature]
Karen Aue

AMENDED 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, Pete Jr. Burns, respectfully submits this Amended Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number 64 in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14, Township 12 North, Range 9 West as per Recorded in the Recorder's Office of Vigo County, Indiana.

Commonly known as: **1601 N. 25th Street, Terre Haute, Indiana 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 **R-1 Planned Development**.

Your Petitioner would respectfully state that the real estate is now a single family house. Your Petitioner intends on selling said property to Constance Cown to be used as a place of residence and a 1 person small beauty salon. This sale is contingent on whether parking can be made available thru this plan development as there is only one (1) parking spot on the property at this time. Mrs. Cown intends on using her salon not only as a source of income but to establish an outreach for those who are in need of grooming services for employment or education purposes. This is a practice that she has done for years and being from that neighborhood growing up she hopes to give back to the community.

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.

Your Petitioner would request that the real estate described herein shall be zoned as a **R-1 Planned Development with a Single Residence containing a Home Occupation**. Your petitioner would allege that the **Neighborhood Commerce District** would not alter the general characteristics of this 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 **R-1 Single Family Residence District Planned Development** 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 31st day of May, 2016.

BY: Pete Jr Burns
Pete Jr. Burns

PETITIONER: Pete Jr. Burns, 4595 North Brighton Street, Terre Haute, IN 47805

This instrument was prepared by Martha J. Burns, 4595 North Brighton Street, Terre Haute IN 47805

AFFIDAVIT OF:

COMES NOW affiant Pete Jr. Burns

and affirms under penalty of law that affiant is the owner of record of the property located

at 1601 N.25th Street 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.

Pete Jr. Burns
[Typed name of owner(s) on deed]

SIGNATURE: Pete Jr. Burns

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for
said County and State, Vigo County, Indiana

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 1st day of June, 2016.

Notary Public:
Jacqueline Price
[Typed name] Jacqueline Price

My Commission Expires: August 20, 2018

My County Of Residence: Vigo County



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 14

COMMON ADDRESS OF LOTS TO BE REZONED:

1601 North 25th Street, Terre Haute, Indiana 47804

Current Zoning: R-1 Single Family Residence District

Requested Zoning: C-1 Neighborhood Commerce District

Proposed Use: Beauty Salon

Name of Owner: Pete Jr. Burns

Address of Owner: 4595 N. Brighton St. Terre Haute, IN 47805

Phone Number of Owner: 812-466-4001

Attorney Representing Owner (if any): none

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Pete Jr. Burns, (812) 466-4001

Council Sponsor: Karrum Nasser

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

FILED

APR 07 2016

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 14, 2016

CITY CLERK

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"Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. 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:

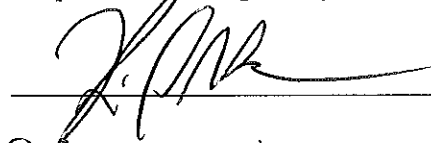
"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of
Indiana, to-wit:

Lot Number 64 in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14, Township
12 North, Range 9 West as per Recorded in the Recorder's Office of Vigo County, Indiana

Commonly known as: 1601 North 25th Street, Terre Haute, Vigo County Indiana 47804

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,
Karrum Nasser, Councilperson

Passed in Open Council this 9th day of June, 2016

Todd Nation-President

ATTEST: _____

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 9th day of June 2016

Charles P. Hanley, City Clerk

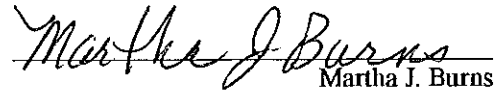
Approved by me, the Mayor, this 9th day of _____,
2016.

Duke A. Bennett, Mayor

ATTEST: _____
Charles P. Hanley, City Clerk

This instrument prepared by: Martha J. Burns, 4595 North Brighton Street Terre Haute IN 812-466-4001

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


Martha J. Burns

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, Pete Jr. Burns, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number 64 in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14, Township 12 North, Range 9 West as per Recorded in the Recorder's Office of Vigo County, Indiana

Commonly known as: 1601 North 25th Street, Terre Haute, Indiana 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 R-1 Single Family Residence District.

Your petitioner would respectfully state that the real estate is now a Single Family Residence. Your petitioner intends to use the real estate to Beauty Salon.

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 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 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.

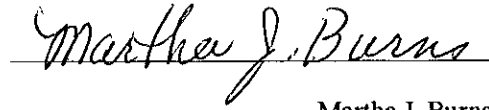
IN WITNES WHEREOF, This petition has been duly executed this 8th day of April, 2016.

BY: Pete Jr Burns
Pete Jr. Burns

PETITIONER: Pete Jr. Burns, 4595 North Brighton Street Terre Haute, IN 47805

This instrument was prepared by: Martha J. Burns, 4595 North Brighton Street Terre Haute, IN 47805
812-466-4001

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

A handwritten signature in cursive script that reads "Martha J. Burns". The signature is written in black ink and is positioned above a horizontal line.

Martha J. Burns

AFFIDAVIT OF:

COMES NOW affiant Pete Jr. Burns

and affirms under penalty of law that affiant is the owner of record of the property located

at 1601 North 25th Street 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.

Pete Jr. Burns

[Typed name of owner(s) on deed]

SIGNATURE:

Pete Jr Burns

SIGNATURE: _____

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, _____

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 7th day of April, 2006.

Notary Public:

Jacqueline Price

[Typed name]

Jacqueline Price
Vigo County, Indiana

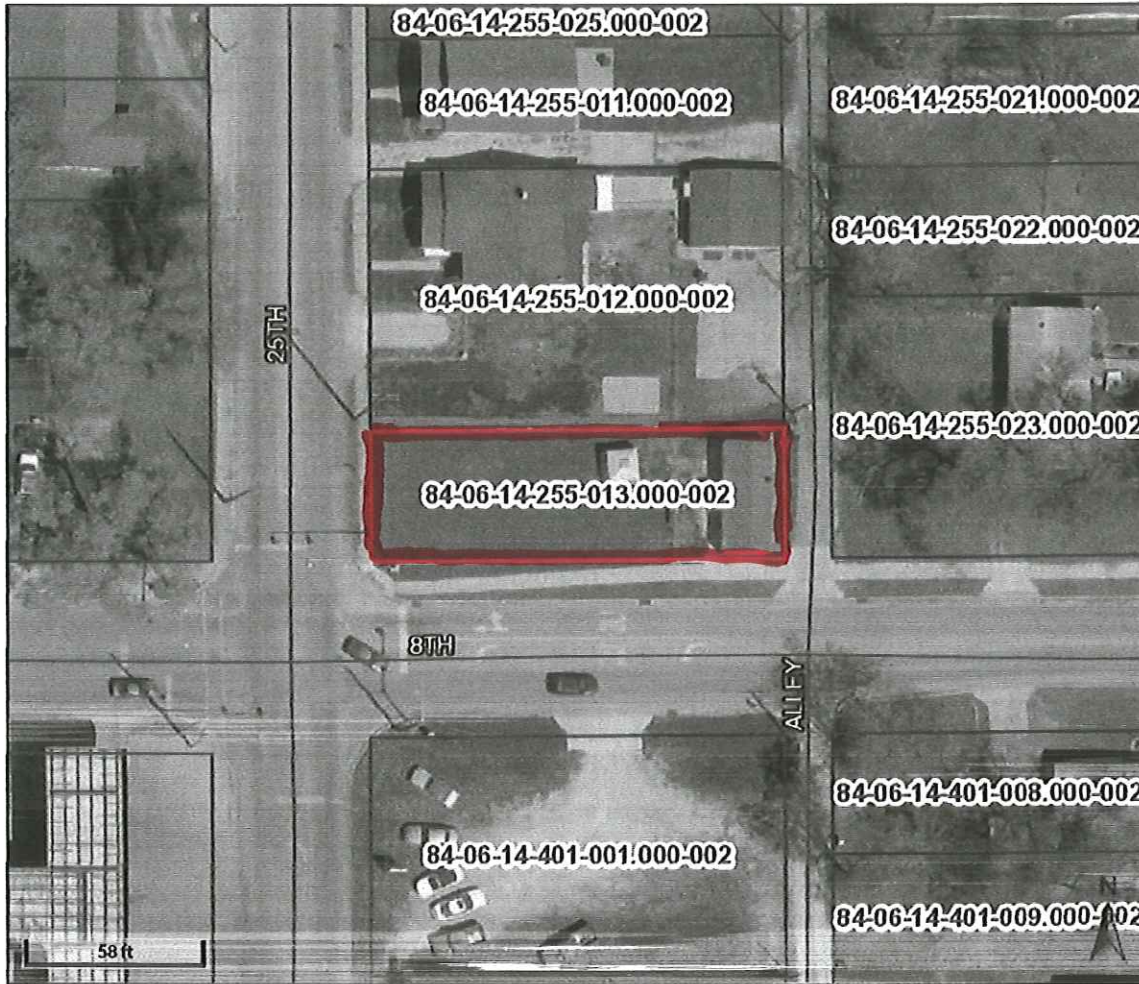
My Commission Expires:

August 20, 2018

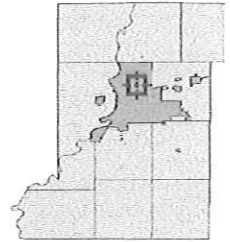
My County Of Residence:

Vigo

Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

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

Parcel ID	84-06-14-255-013.000-002	Alternate ID	118-06-14-255-013	Owner Address	BURNS PETE J
Sec/Twp/Rng	14	Class	Res 1 fam dwelling platted lot		4595 N BRIGHTON AVE
Property Address	1601 N 25TH ST	Acreage	n/a		TERRE HAUTE, IN 47805
	TERRE HAUTE				
District	002 HARRISON				
Brief Tax Description	SHERIDAN PARK (1601 N 25TH ST)				
	20018363 14-12-9 LOT 64				
	(Note: Not to be used on legal documents)				

Date created: 4/7/2016



Developed by
The Schneider Corporation

2007006712 00 \$16.00
03/04/2007 03:52:30P 1 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

MAY 04 2007

[Signature]
VIGOROUS

QUIT CLAIM DEED
THIS INDENTURE WITNESSETH:

That Ray LINDA Hollingsworth JR
1745 NORTH STOP 18
Terre Haute of VIGO County, in the State of INDIANA
RELEASE AND QUIT CLAIM to Pete P BUND

Terre Haute of VIGO County, in the State of INDIANA
for and in consideration of the sum of \$2000.00 Dollars,
the receipt whereof is hereby acknowledged, the following described Real Estate in VIGO
County in the State of Indiana, to-wit:

Lot 64 IN Sheridan Park, A subdivision in the
North East quarter of Section 14, Township 12 North Range 9 west
as per Recorded in the Recorder's Office of Vigo County, Indiana

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]

IN WITNESS WHEREOF, The said RAY & LINDA HOLLINGSWORTH JR.

in Ray Hollingsworth Jr hand and seal, this 4 day of May 20 07
Linda Hollingsworth (Seal) _____ (Seal)
_____ (Seal) _____ (Seal)

STATE OF INDIANA, Vigo A.D. 20____, personally appeared the within
named RAY & LINDA HOLLINGSWORTH JR.
Grantor in

the above conveyance, and acknowledged the execution of the same to be their voluntary
act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal. Commission expires 10/13 20 07 *[Signature]*
Notary Public

Mail to: _____
This instrument prepared by: _____

Receipt

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

Date: April 8, 2016

Name: Pete Burns Jr.

Reason: Rezoning Petition \$ 20.00

Rezoning Filing \$ 25.00

Cash: \$ 45.00

Check: ~~45~~

Credit: _____

Total: \$ 45.00

TERRE HAUTE, IN
PAID

APR 10 2016

CONTROLLER

Received By: M. Dowell/jk



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

FILED
MAY 05 2016
CITY CLERK

DATE: May 5, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #14-16

CERTIFICATION DATE: May 4, 2016

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. 14-16. This Ordinance is a rezoning of the property located at 1601 North 25th Street. The Petitioner, Pete Burns, Jr. petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-1, Neighborhood Commerce District, for a beauty salon.. 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. 14-16 at a public meeting and hearing held Wednesday, May 4, 2016. 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. 14-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.14-16 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.14-16 was TABLE.

Fred L. Wilson, President

Jared Bayler, Interim Director

Received this 5th day of May, 2016

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #14-16

Doc: # 39

Date: May 2016

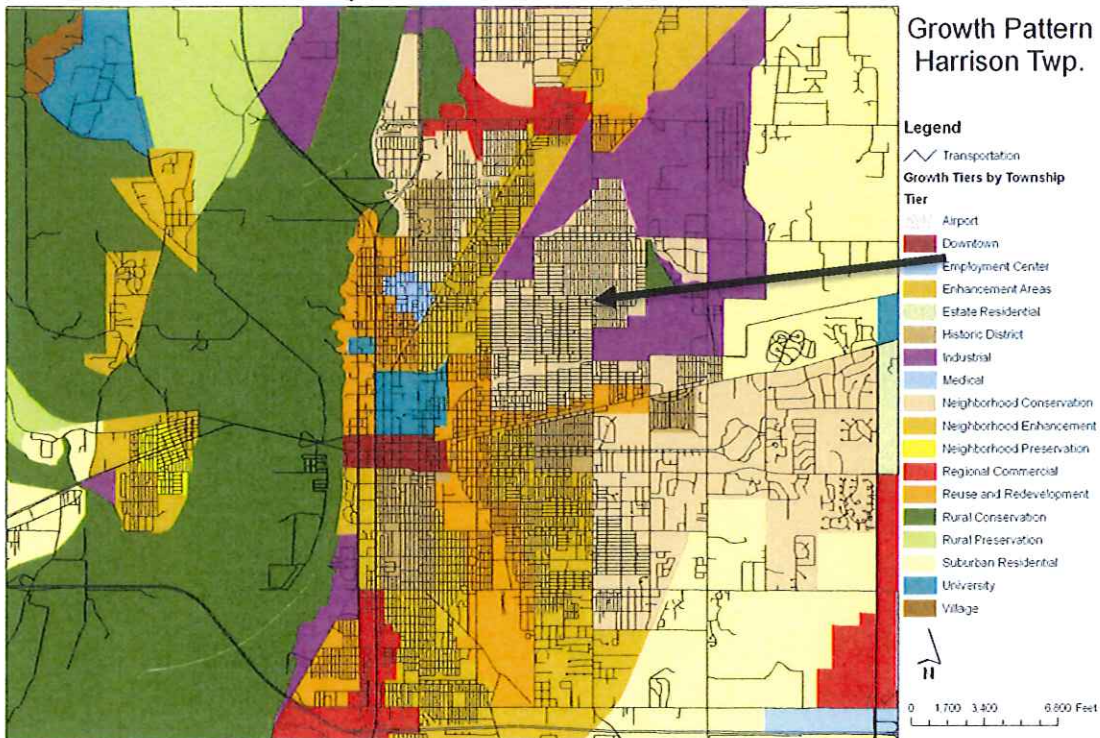
Page 1 of 5

APPLICATION INFORMATION

Petitioner: Pete Burns & Connie Cown
Property Owner: Pete Burns
Representative: Connie Cown
Proposed Use: Hair Salon
Proposed Zoning: R-1Planned Development District
Current Zoning: R-1, Single-Family Residence District
Location: The property is located on the corner of 25th St. and 8th Ave.
Common Address: 1601 N 25th Street, Terre Haute, IN 47805

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Dev. Priority: There is a Medium development priority in this area. Focus should remain on stability and reinvestment in the neighborhood.

Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- 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.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single Family Residence District

East – R-1, Single Family Residence District
South – R-1, Single Family Residence District
West – C-2, Limited Community Commerce

ZONING REGULATIONS

b. Uses, Permitted - R-1 Single-Family Residence District.

- (1) One-family detached dwellings.
- (2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.
- (3) Churches, Rectories, and Parish Houses.
- (4) Convents and Monasteries.
- (5) Gardening, including nurseries, provided that no offensive odors or dust are created.
- (6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.
- (7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. - b., 7-6-67)
- (8) Child Care.
- (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)

(A) UNLICENSED CHILD CARE.

An individual, or other entity, may provide child care in their residence for less than twenty-four (24) continuous hours to five (5) or fewer children at any time excluding relatives of the individual.

(B) LICENSED CHILD CARE.

An individual, or other entity, who is licensed by the Vigo County Department of Public Welfare and the State Department of Public Welfare may provide child care services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their own children, at any one time.

(C) Licensed or unlicensed child care centers shall not be permitted in residential districts that do not comply to Subsections (a) and (b) above.

- (10) Parks and Playgrounds, publicly owned and operated.
- (11) Schools, elementary and high, non-boarding and including playgrounds and athletic fields incidental thereto.

Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.
Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

FINDINGS and RECOMMENDATION

Staff Findings: The petitioner is seeking to rezone the single family residence to a planned development to allow for a single chair beauty salon.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #14-16

Doc: # 39

Date: May 2016

Page 5 of 5

The petitioner can demonstrate a hardship with the property based on the size of the lot and the improvements there on.

Busy thoroughfares throughout the city often have commercial establishments located either on the thoroughfare or on the corner of intersections along the thoroughfare. These community or neighborhood commercial establishments or nodes are intended to serve the local neighborhood. Reinvestment in and the establishment of these small commercial developments within the city should be encouraged.

Recommendation: Staff has a Favorable Recommendation for the R-1 PD with the following conditions

1. Recorded within 90 days
2. It must be determined that the proposed use will be in the public's interest and that substantial justice will be done for that neighborhood.



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: June 2, 2016

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #14-16

CERTIFICATION DATE: June 1, 2016

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. 14-16. This Ordinance is a rezoning of the property located at 1601 North 25th Street. The Petitioner, Pete Burns, Jr. petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-1 Planned Development District, for a beauty salon.. 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. 14-16 at a public meeting and hearing held Wednesday, June 1, 2016. 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. 14-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.14-16 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.14-16 was FAVORABLE.


Fred L. Wilson, President


Jared Bayler, Interim Director

Received this 2nd day of June, 2016

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APPLICATION INFORMATION

Petitioner: Pete Burns & Connie Cown

Property Owner: Pete Burns

Representative: Connie Cown

Proposed Use: Hair Salon

Proposed Zoning: R-1, Planned Development District

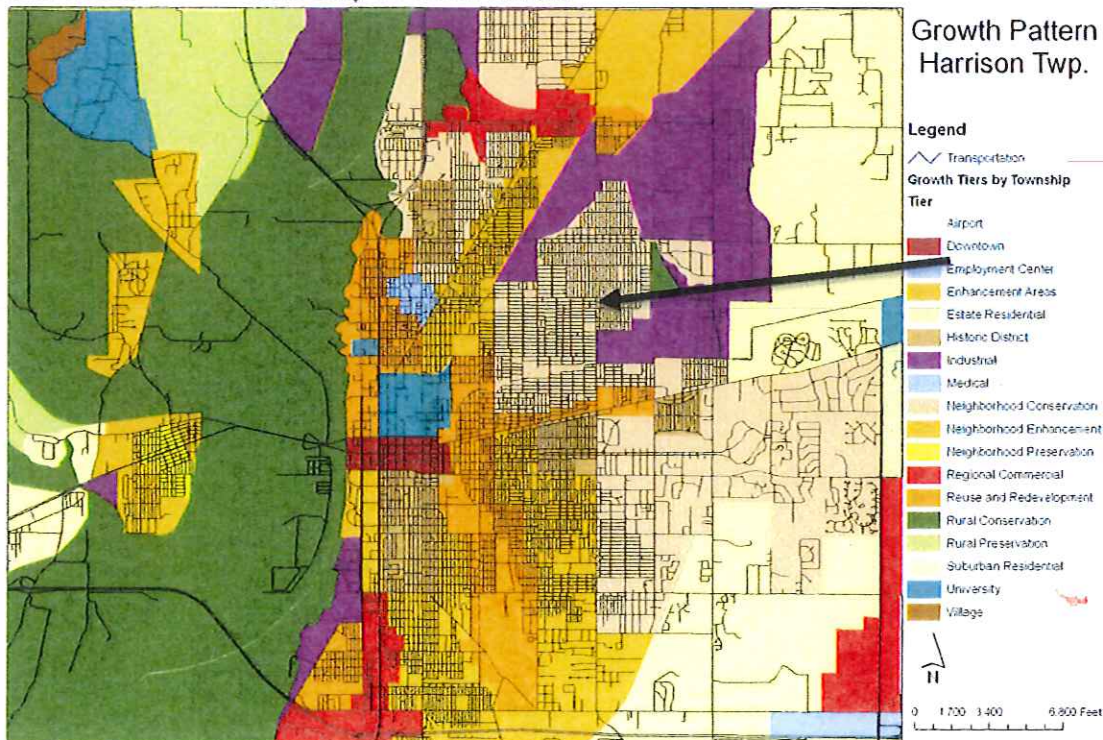
Current Zoning: R-1, Single-Family Residence District

Location: The property is located on the corner of 25th St. and 8th Ave.

Common Address: 1601 N 25th Street, Terre Haute, IN 47805

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Dev. Priority: There is a Medium development priority in this area. Focus should remain on stability and reinvestment in the neighborhood.

Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- 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.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, Single Family Residence District

East – R-1, Single Family Residence District
South – R-1, Single Family Residence District
West – C-2, Limited Community Commerce

ZONING REGULATIONS

b. Uses, Permitted - R-1 Single-Family Residence District.

- (1) One-family detached dwellings.
- (2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.
- (3) Churches, Rectories, and Parish Houses.
- (4) Convents and Monasteries.
- (5) Gardening, including nurseries, provided that no offensive odors or dust are created.
- (6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.
- (7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. - b., 7-6-67)
- (8) Child Care.
- (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)

(A) UNLICENSED CHILD CARE.

An individual, or other entity, may provide child care in their residence for less than twenty-four (24) continuous hours to five (5) or fewer children at any time excluding relatives of the individual.

(B) LICENSED CHILD CARE.

An individual, or other entity, who is licensed by the Vigo County Department of Public Welfare and the State Department of Public Welfare may provide child care services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their own children, at any one time.

(C) Licensed or unlicensed child care centers shall not be permitted in residential districts that do not comply to Subsections (a) and (b) above.

- (10) Parks and Playgrounds, publicly owned and operated.
- (11) Schools, elementary and high, non-boarding and including playgrounds and athletic fields incidental thereto.

Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.
Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

FINDINGS and RECOMMENDATION

Staff Findings: The petitioner is seeking to rezone the single family residence to a planned development to allow for a single chair beauty salon.

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The petitioner can demonstrate a hardship with the property based on the size of the lot and the improvements there on.

Busy thoroughfares throughout the city often have commercial establishments located either on the thoroughfare or on the corner of intersections along the thoroughfare. These community or neighborhood commercial establishments or nodes are intended to serve the local neighborhood. Reinvestment in and the establishment of these small commercial developments within the city should be encouraged.

Recommendation: Staff has a Favorable Recommendation for the R-1 PD with the following conditions

1. Recorded within 90 days
2. It must be determined that the proposed use will be in the public's interest and that substantial justice will be done for that neighborhood.