



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**

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.

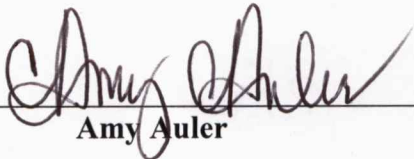
SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No.10, 1999 being Division III Planned Development; and

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.

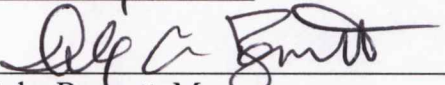

Curtis DeBaun IV-President

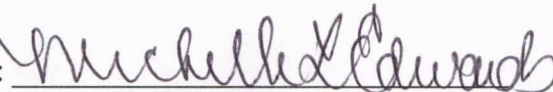
ATTEST: 
Michelle L. Edwards, City Clerk

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
Sarah J. Scank

This document prepared by:

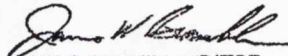
David P. Friedrich, 15164-84
Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy
333 Ohio Street
Terre Haute, IN 47807

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

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:

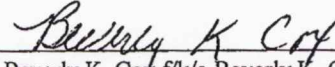
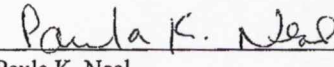
Lot Number Seven (7) in Petzold's Subdivision of the South East Quarter (1/4) of the North
✓ East Quarter (1/4) of the South East Quarter (1/4) of Section Thirty-three (33), Township
Twelve (12) North, Range Nine (9) West, excepting Three Hundred and Nineteen and One
tenth (319 1/10) feet off the South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

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

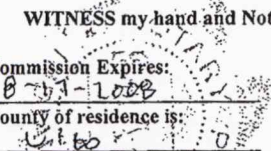
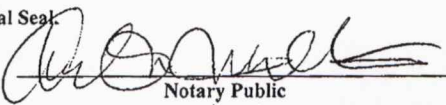
Subject to taxes prorated to the date hereof.

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.

 (SEAL)
Beverly K. Cox f/k/a Beverly K. Cain
 (SEAL)
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: 0-01-2008
My County of residence is: Vigo


Notary Public
CARL N. MILLER III
Typewritten or printed name of notary

STATE OF Indiana, Vigo COUNTY, SS:


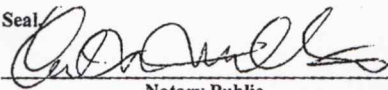
Before me, the undersigned, a Notary Public in and for said county and state, this 19th day of
September, 2002, personally appeared Paula K. Neal and acknowledged the execution of the annexed Deed
to be her voluntary act and deed.

2

WITNESS my hand and Notarial Seal

My Commission Expires: 8-17-2008

My County of residence is: Vigo

Notary Public

CRISTINA 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

UAUSER\DAY\REALESTA\HENDRICH\LTIC\Caton Scank\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.

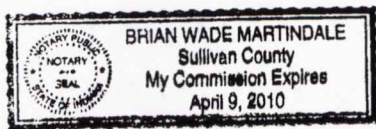
In Witness Whereof, BRAD A. ANDERSON and KARA G. ANDERSON have hereunto set their hands and seals this 19 day of OCTOBER, 2006.

Brad A. Anderson
BRAD A. ANDERSON

Kara G. Anderson
KARA G. ANDERSON

STATE OF INDIANA)
) SS:
COUNTY OF Vigo)

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 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 Terre Haute IN 47802

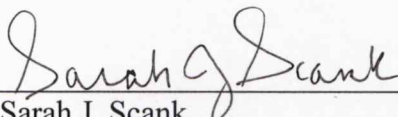
I, the undersigned, in accordance with I.C. 36-2-7.5, do hereby affirm under the penalties of perjury that: 1) I have reviewed the document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers; and 2) I have redacted, to the extent permitted by law,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

Brian 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

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

COUNTY OF RESIDENCE:
Vermillion



NOTARY PUBLIC

(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

Cash: _____

Check: #98596 \$45.00

Credit: _____

Total: \$45.00

TERRE HAUTE, IN
PAID
JUN 06 2018
CONTROLLER

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
71-35/749

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]

⑈0098596⑈ ⑆074900356⑆ 140612 4⑈



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: July 12, 2018

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #13-18**

CERTIFICATION DATE: July 11, 2018

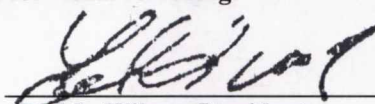
TO: The Honorable Common Council of the City of Terre Haute

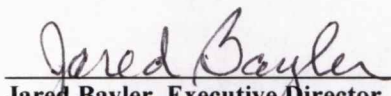
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No.13-18. This Ordinance is a rezoning of the property located at 2631, 2649 South 7th Street.. The Petitioner , Sarah Scank, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-1 Planned Development District, for a parking lot. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 13-18 at a public meeting and hearing held Wednesday, July 11, 2018.. 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. 13-18 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 13-18 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.13-18 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Must submit a Landscape Plan for visual screening.


Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 11th day of July, 2018

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #13-18

Doc: # 44

Date: July 2018

Page 1 of 5

APPLICATION INFORMATION

Owner: Sarah J. Scank.

Representative: David P. Friedrich

Proposed Use: Demolish the home located at 2649 S. 7th and build a parking lot to serve the beauty salon as well as the veterinary clinic.

Proposed Zoning: R-1PD, Single Family Residence District Planned Development

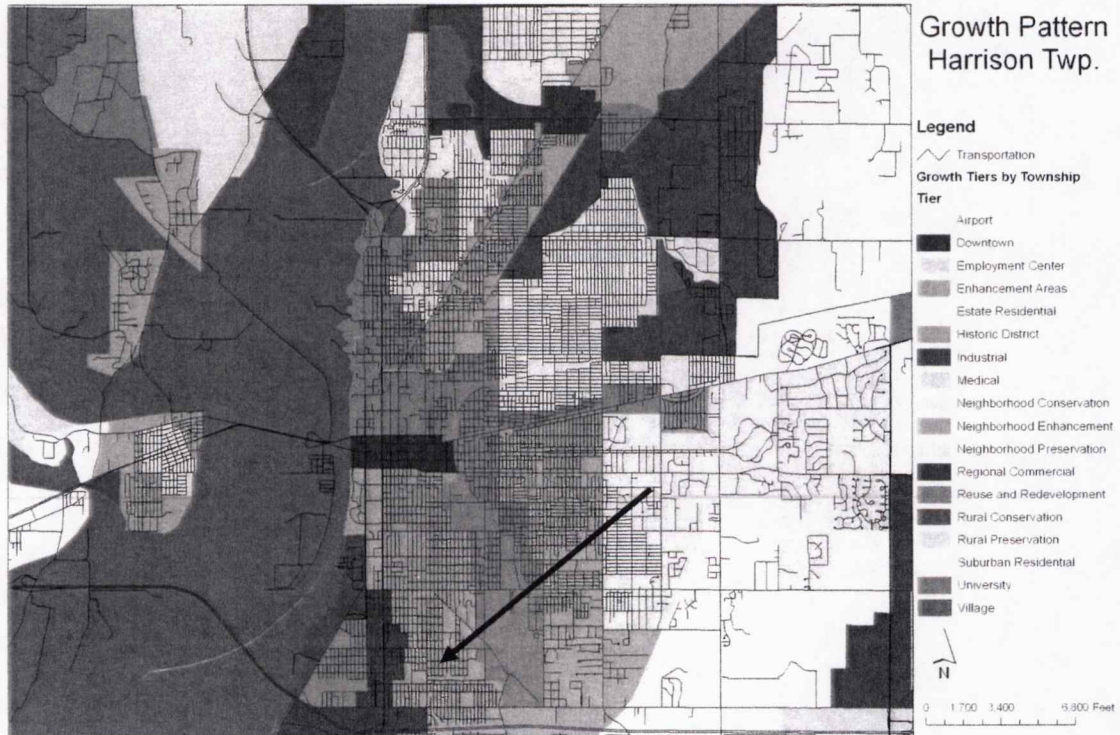
Current Zoning: R-1, Single Family Residence

Location: The property is located on the north west corner of the intersection of 7th and Turner streets.

Common Address: 2631 and 2649 S. 7th Street, Terre Haute, IN 7802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Enhancement.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1
East – C-2, R-1
South – C-2
West – R-1

Character of Area: The petitioned property is located in a range of residential and commercial land uses.

Contig. Uses & Zones: The area is a mix of zoning categories.

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

FINDINGS and RECOMMENDATION

Staff Findings: The petitioned property is currently a single family home, in the case of 2649 S 7th St. and a single family home with an in home business in the case of 2631 S. 7th St.

The petitioner is requesting a Planned Development to allow the removal of the structure at 2649 S. 7th St. which will provide

additional parking for the businesses located at 2701 and 2631 S. 7th St.

Variances from Table 1 Schedule of minimum Thoroughfare Plan Requirements and Table 4 of Schedule of Minimum Off-Street Parking Requirements have been requested.

The petitioner should be able to demonstrate a hardship. The Planned Development is needed for the mixed use nature of the development. A Variance for off-site parking must be approved through the City BZA.

Visual screening of the parking area will be required where adjacent to residential. The parking area will also need to be hard surfaced. City Engineering may require a storm water draining plan.

Reuse and redevelopment in the City of Terre Haute is an encouraged activity.

Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Must be recorded in 90 days
2. A hardship must be demonstrated
3. It must be determined, that if approved, the P.D. will be in the public's interest and that substantial justice will be done for that neighborhood.
4. Landscape Plan for visual screening must be approved by City Engineering
5. Storm water drainage plan submitted and approved if required by City Engineering.