

SPECIAL ORDINANCE NO. 5, 2025

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====
Common Addresses of lots to be rezoned:

500, 502 & 504 Barton Ave., Terre Haute, Indiana 47803
Parcel No. 84-06-26-131-001.000-002
Parcel No. 84-06-26-131-002.000-002
Parcel No. 84-06-26-131-003.000-002

Rezone From: R-2 Planned Development

Rezone To: C-1 Planned Development

Proposed Use: Nursery School

Name of Owner: R. M. S. Rentals LLC
Address of Owner: 918 S. 23rd Street, Terre Haute, IN 47803

Phone Number of Owner c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owner: Richard J. Shagley, II

Address of Attorney: Wright, Shagley & Lowery , P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: Owner Attorney

Council Sponsor: Anthony Dinkel

=====
COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 13 2025

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 5, 2025

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "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:

Beginning at a point Twenty (20) rods East and Six Hundred Eighty-five (685) feet South of the Northwest corner of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, running thence East Ten (10) rods, thence South One Hundred (100) feet, thence West Ten (10) rods; thence North One Hundred (100) feet to the place of beginning.

Except Twenty-four (24) feet off the West side thereof for a street and except Eight (8) feet off the East side thereof for an alley.

Commonly known as: 500, 502 & 504 Barton Ave., Terre Haute, IN 47803

Parcel No. 84-06-26-131-001.000-002

Parcel No. 84-06-26-131-002.000-002

Parcel No. 84-06-26-131-003.000-002

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

- (a) That the real estate shall be used for any use permitted in a C-1 Planned Development.
- (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 and the real estate shall revert back to R-2

Planned Development.

- (c) A variance is hereby granted from Section 10-207 e. (1)(A) which states in part :

“...any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50’) width measured at right angles to the residential property line.”

- (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 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. 5, 2025, 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. 5, 2025, 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 C-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, _____
Anthony Dinkel, Councilperson

Passed in open Council this ____ day of _____, 2025.

Todd Nation, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2025.
At _____ O'clock.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2025.

Brandon Sakbun, 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, P.O. Box 9849, 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, Seth Reckner, Member of R. M. S. Rentals, LLC, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Beginning at a point Twenty (20) rods East and Six Hundred Eighty-five (685) feet South of the Northwest corner of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, running thence East Ten (10) rods, thence South One Hundred (100) feet, thence West Ten (10) rods; thence North One Hundred (100) feet to the place of beginning.

Except Twenty-four (24) feet off the West side thereof for a street and except Eight (8) feet off the East side thereof for an alley.

Commonly known as: 500, 502 & 504 Barton Ave., Terre Haute, IN 47803

Parcel No. 84-06-26-131-001.000-002

Parcel No. 84-06-26-131-002.000-002

Parcel No. 84-06-26-131-003.000-002

The Petitioners are 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-2 Planned Development.

Your Petitioner would respectfully state that the real estate was being used for a daycare. The Petitioner intends to operate a Nursery School at the current location that is opened 24 hours a day. A service that is not readily available in our community.

Your Petitioner intends to take the existing buildings that have been used for a day care to remodel and repurpose for a nursery school that will have up to thirty-two (32) spots for children during the day and overnight. Your Petitioners would request that the real estate described herein shall be zoned as a C-1 Planned Development to allow for the use as proposed by Petitioners. Your Petitioners would allege that the C-1 Planned Development

would not alter the general characteristics of this neighborhood.

Your Petitioners 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 physical characteristics of the land (the shape of Petitioners' parcel); and 3) the parcel is located near district boundary lines (the other parcels owned by Petitioners in the area are zoned commercial).

Your Petitioners 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 Petitioners 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 C-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 _____ day of _____, 2025.

PETITIONERS:

Seth Reckner, Member of R. M. S.
Rentals, LLC

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
Terre Haute, IN 47807
Phone: (812) 232-3388

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

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

SITE PLAN
SPECIAL ORDINANCE NO. 5, 2025



500, 502 and 504 Barton Ave., Terre Haute, IN 47803
Parcel No. 84-06-26-131-001.000-002
Parcel No. 84-06-26-131-002.000-002
Parcel No. 84-06-26-131-003.000-002



R-2 Planned Development
to
C-1 Planned Development
Proposed Use: Nursery School

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Seth Reckner, Member of R. M. S. Rentals, LLC, being duly sworn upon his oath, deposes and says:

1. That R. M. S. Rentals, LLC, is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Beginning at a point Twenty (20) rods East and Six Hundred Eighty-five (685) feet South of the Northwest corner of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, running thence East Ten (10) rods, thence South One Hundred (100) feet, thence West Ten (10) rods; thence North One Hundred (100) feet to the place of beginning.

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Commonly known as: 500, 502 & 504 Barton Ave., Terre Haute, IN 47803
Parcel No. 84-06-26-131-001.000-002
Parcel No. 84-06-26-131-002.000-002
Parcel No. 84-06-26-131-003.000-002

2. That a copy of the Deed, recorded in the records of the Recorder’s Office of Vigo County, Indiana, 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 R. M. S. Rentals, 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 Seth Reckner, Member of R. M. S. Rentals, LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 4 day of Feb, 2025.



Seth Reckner, Member of R. M. S. Rentals, LLC

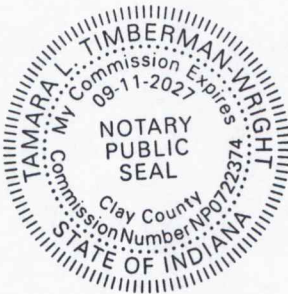
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4th day of February, 2025.

Tamara L. Timberman-Wright
Tamara L. Timberman-Wright, Notary Public

My Commission expires: 9/11/2027

My County of Residence: Clay

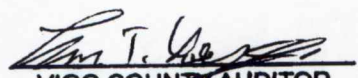


This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

ENTERED FOR TAXATION
Subject to final acceptance for transfer

FILED
JAN 03 2025

202500302 WD \$25.00
01/03/2025 09:03:12A 2 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented


VIGO COUNTY AUDITOR

WARRANTY DEED

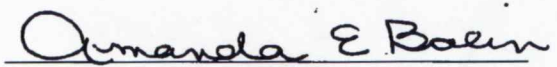
THIS INDENTURE WITNESSETH that **Amanda Bolin, a competent adult**, of Vigo County, in the State of Indiana, **Conveys and Warrants to R.M.S. Rentals, LLC, a limited liability company**, duly organized and existing under the laws of the State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, State of Indiana, to-wit:

Beginning at a point Twenty (20) rods East and Six Hundred Eighty-five (685) feet South of the Northwest corner of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, running thence East Ten (10) rods, thence South One Hundred (100) feet, thence West Ten (10) rods; thence North One Hundred (100) feet to the place of beginning.

EXCEPT Twenty-four (24) feet off the West side thereof for a street and except Eight (8) feet off the East side thereof for an alley.

Subject to all rights-of-way, easements, leases, restrictions, reservations, covenants, right of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

IN WITNESS WHEREOF, the said grantor above named has hereunto set her hand and seal, this 2nd day of January, 2025.


Amanda Bolin

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 2nd day of January, 2025, personally appeared Amanda Bolin, a competent adult, who acknowledged the execution of the foregoing Warranty Deed to be her voluntary act and deed and stated that the representations therein contained are true as is believed.

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



OFFICIAL SEAL
MEAGAN R. BUTRUM
Notary Public, State of Indiana
Vigo County
My Commission Expires
March 19, 2026
Commission No. 711609

Meagan R Butrum
_____, Notary Public

My Commission Expires:

3-19-2026

A resident of Vigo County, Indiana

Mail Tax Duplicates to: 918 S. 23rd St, Terre Haute, IN 47803

Mailing address of the real estate is: 500, 502, 504 Barton Avenue, Terre Haute, IN 47803

Tax Parcel Identification Numbers are: 84-06-26-131-001.000-002, 84-06-26-131-002.000-002 and 84-06-26-131-003.000-002

Mailing address of the Grantee is: 918 S. 23rd St, Terre Haute, IN 47803

THIS INSTRUMENT PREPARED BY: Jared A. Farnsworth, Nattkemper & Farnsworth, LLC, Attorneys 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. /s/ Jared A. Farnsworth



TERRE HAUTE, IN

PAID

FEB 05 2025

CONTROLLER

Receipt of Payment

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

Date 2/5/25
Name Richard Shagley
Reason Rezoning - \$45.00

RMS Rentals

Cash _____
Check \$45.00 Ck # 074830
Credit _____
Total \$45.00

Received By Emalin R / D. Name



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 6, 2025

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 5-25

CERTIFICATION DATE: March 5, 2025

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. 5-25. This Ordinance is a rezoning of property located at 500, 502, and 504 Barton Ave., Terre Haute, IN. Parcel number 84-06-26-131-001.000-002/002/003. The Petitioner, City of Terre Haute Department of Redevelopment, petitions the Plan Commission to rezone for the future development of a nursery school from zoning classification R-2PD to C-1PD District.

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. 5-25 at a public meeting and hearing held Wednesday, March 5, 2025. 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. 5-25 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 5-25 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

At the request of the Petitioner, Special Ordinance No. 5-25 was TABLED.



Received this 6th day of March, 2025

Handwritten signature of Norm Froderman.

Norm Froderman, APC Secretary

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 5-22
Date: March 2025

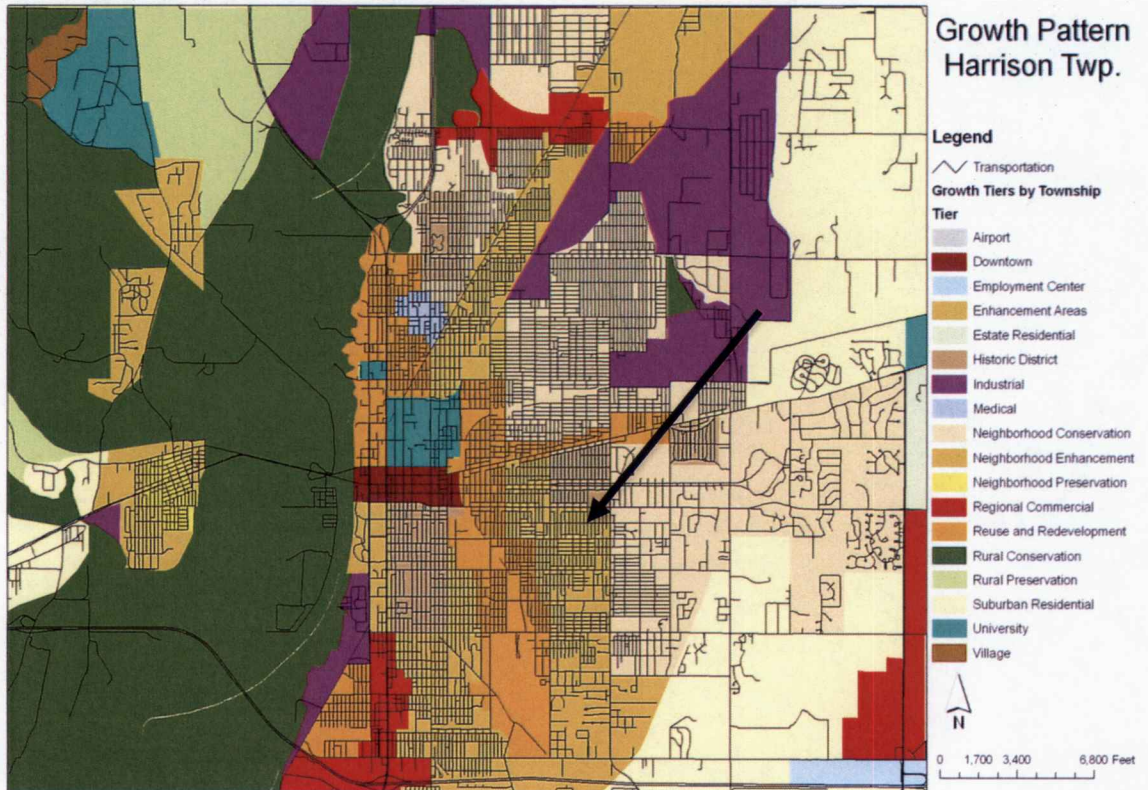
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Page 1 of 5

APPLICATION INFORMATION

Property Owner: R.M.S. Rentals LLC
Representative: Richard Shagley II
Proposed Use: Nursery School
Proposed Zoning: C-1 PD, Planned Development
Current Zoning: R-2 PD, Planned Development
Location: The properties are located on the south east corner of Oak Street and Barton Avenue.
Common Address: 500, 502 & 504 Barton Avenue, Terre Haute
Parcel#: 84-06-26-131-001.000-002/002/003

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: The area is well served by utilities.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 5-22

Doc: # 11

Date: March 2025

Page 3 of 5

Street Access: Barton Avenue

Character of Area: High-intensity residential

ZONING COMPATIBILITY

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

ZONING REGULATIONS

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.7 %
Street Setback: 55 feet from centerline;
Rear setback 11’;
Interior setback of 5’ from the interior lot line;
Office Space, Three (3) spaces per one thousand (1000) square feet of gross floor area.

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. 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 - A 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 property was rezoned to R-2 PD in 2000 (SO #72-00) for a daycare. The property is currently being used as a Child Home Business. The rezoning is to change the use to a Child Care Center, which could increase the number of children and employees for this location. Because the area is entirely residential, a Planned Development would allow the property to revert to R-2 in the event it is no longer utilized for child care.

In the Planned Development petition, a variance was requested from a required buffer to residential. A buffer to residential is not required in the C-1 District.

In their recommendation, the Lead Inspector for the City of Terre Haute, Jason Holler states, “We have requested a drop off/pick up plan, parking plan and total number of children and number of employees for this proposed Child Care Center. The current location does have some off-street parking already established and may need to be altered based on off-street parking requirements per City Code.”

Recommendation: The Department of Engineering recommends to table the petition until the they have received the information requested and time to review for the rezoning.

Staff provides a favorable recommendation with the following conditions:

1. The rezoning should not be recorded until all conditions are met as requested by the Department of Engineering.
2. Any necessary variances are requested and approved by the Board of Zoning Appeals.