

FILED

JUL 10 2015

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 17 - 2015  
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

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

SECTION I. BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" 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:

See Exhibit A attached hereto and incorporated herein.

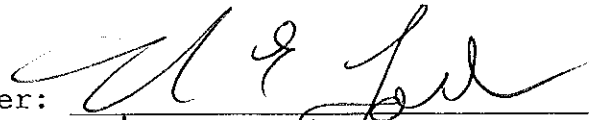
Subject to covenants, conditions, restrictions, easements, rights-of-way and other matters of record affecting title.

Commonly known as: 1000 S. 6<sup>th</sup> St.  
Terre Haute, IN 47802

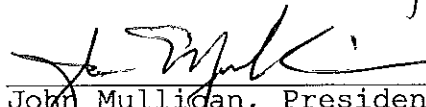
be and the same is, hereby established as a two-family type dwelling **C-1 Planned Development District**, together with all rights and privileges that may inure to said real estate and owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise. That the property shall be used to develop and use the main structure as a duplex residential property, while maintaining the business office of Sharp Flats, LLC in the secondary structure. A shared parking agreement may be used for off-street parking for this property. This change in zoning and use will not alter the general characteristics of this neighborhood and will not adversely affect the public health, safety or general welfare or be injurious to the property or improvements in the neighborhood. Further, the classification will be in the public's interest and substantial justice will be done for the neighborhood.

In the event that the Planned Development does not materialize with six (6) months of passage of this ordinance then the ordinance shall be void and a revocation ordinance shall cause the property to revert back to its former C-1 zoning classification. All rights granted or obtained from this ordinance are transferable. This Planned Development Ordinance shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval."

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:   
Norm Loudermilk

Passed in Open Council this 13<sup>th</sup> day of August, 2015.

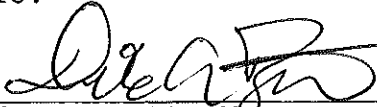
  
John Mulligan, President  
Common Council of  
City of Terre Haute, Indiana

ATTEST:  
  
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 14<sup>th</sup>  
day of August, 2015.

  
Charles P. Hanley, City Clerk

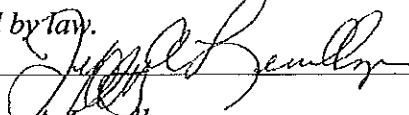
Approved by me, the Mayor of the City of Terre Haute, this 14<sup>th</sup>  
day of August, 2015.

  
\_\_\_\_\_  
Duke Bennett, Mayor,  
City of Terre Haute, Indiana

ATTEST:

  
\_\_\_\_\_  
Charles P. Hanley, 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.*

  
\_\_\_\_\_  
Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney,  
333 Ohio Street, Terre Haute, IN 47807.

EXHIBIT A  
(Legal Description)

One Hundred Ninety-seven (197) feet off the West end of Lot Numbered Four (4), being all that part of said Lot No. Four (4) lying West of the alley as now located, in James Farrington's Subdivision of the Southeast part of Outlot 64 of the original Outlots of the Town, now City, of Terre Haute, Indiana, except the following:

Beginning at the Southwest corner of the above described real estate, thence running East 197 feet, more or less, to the West line of said alley; thence North along the West line of said alley 12.64 feet; thence West to a point 12.23 feet North of the place of beginning; thence South to the place of beginning.

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  
OF VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **Sharp Flats, LLC** respectively submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

See attached Exhibit A, legal description.

Subject to covenants, conditions, restrictions, easements, rights-of-way and other matters of record affecting title.

Commonly known as: 1000 S. 6<sup>th</sup> St.  
Terre Haute, IN 47802

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" the above described real estate is now zoned as (C-1) Commercial District.

Your Petitioner would respectively state that the real property is now partially use for the business office of Sharp Flats, LLC and the main structure is currently unoccupied, but formerly used as a commercial restaurant. The land is located south of Farrington Street at the south-east corner of 6<sup>th</sup> Street and Farrington Street, which property is zoned C-1. Your petitioner intends to develop and use the main structure as a two-family type dwelling residential property, while maintaining the business office of Sharp Flats, LLC in the secondary structure. A shared parking agreement may be used for off-street parking for this property. The property is currently in a commercial district, but the structure is a historic residential building and not well suited for commercial use. Further, the property is located in an area that is largely residentially zone districts.

Your Petitioner requests that the real estate described herein shall be zoned as a (C-1) Planned Development District. Your Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood. Further, the classification will be in the public's interest and

substantial justice will be done for the neighborhood.

Your Petitioner would respectively 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 respectively 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 Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana", and declaring the above-described real estate to be part of the (C-1) Planned Development District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed on this 10<sup>th</sup> day of July, 2015.

**Sharp Flats, LLC**

By: Wendy Bennett  
Wendy Bennett

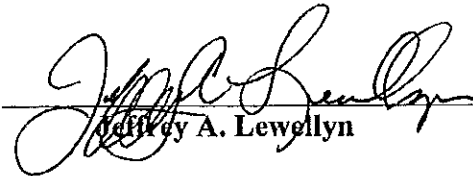
Petitioner: Sharp Flats, LLC  
1000 S. 6<sup>th</sup> St.,  
Terre Haute, IN 47802

Prepared By: Jeffrey A. Lewellyn, No. 15216-34  
ATTORNEY FOR PETITIONER  
Wilkinson Goeller Modesitt  
Wilkinson & Drummy, LLP  
333 Ohio Street  
Terre Haute, Indiana 47807  
Phone: (812) 232-4311

**AFFIDAVIT OF OWNERSHIP AND CONSENT**

COMES NOW Affiant, Jeffrey A. Lewellyn, counsel for Sharp Flats, LLC and affirms under penalty of law that Sharp Flats, LLC is the owner of record of the property located at **1000 S. 6<sup>th</sup> St., Terre Haute, IN 47807**, for which a rezoning is requested and attached hereto is a copy of the deed evidencing such ownership. Further, on behalf of Sharp Flats, LLC, I hereby consent to the rezoning as requested by Sharp Flats, LLC to rezone the property to allow for the C-1 Planned Development

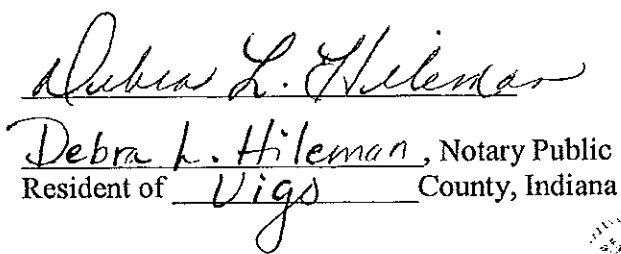
I affirm under penalty of perjury, that the foregoing representations are true.

  
Jeffrey A. Lewellyn

STATE OF INDIANA        )  
  :ss  
COUNTY OF VIGO        )

Personally appeared before me, a Notary Public in and for said County and State, **Jeffrey A. Lewellyn**, who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 10<sup>th</sup> day of July, 2015.

  
Debra L. Hileman, Notary Public  
Resident of Vigo County, Indiana

My commission expires:  
05/19/2023




**DULY ENTERED FOR TAXATION**

Subject to final acceptance for transfer

JUL 01 2011

*Timothy M. Spivey*  
VIGO COUNTY AUDITOR

2011088196 MD \$18.00  
07/01/2011 01:40:03P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented  


## WARRANTY DEED

This indenture witnesseth that

**Judith A. Stadler**  
of Vigo County in the State of Indiana

Convey(s) and Warrant(s) to

**Sharp Flats, L.L.C.**

of Vigo County in the State of Indiana

for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Vigo County in the State of Indiana, to-wit:

One Hundred Ninety-seven (197) feet off the West end of Lot Numbered Four (4), being all that part of said Lot No. Four (4) lying West of the alley as now located, in James Farrington's Subdivision of the Southeast part of Outlot 64 of the original Outlots of the Town, now City, of Terre Haute, Indiana, except the following:

Beginning at the Southwest corner of the above described real estate, thence running East 197 feet, more or less, to the West line of said alley; thence North along the West line of said alley 12.64 feet; thence West to a point 12.23 feet North of the place of beginning; thence South to the place of beginning.

More commonly known as 1000 South 6th Street, Terre Haute, Indiana 47807.

SUBJECT TO ANY CONDITIONS, RESTRICTIONS COVENANTS OR EASEMENTS OF RECORD.

Parcel No. 84-06-28-282-001.000-002

Dated this 29th day of June, 2011.

*Judith A. Stadler*  
Judith A. Stadler



2

State of Indiana, County of Vigo ) SS:

Before me, a Notary Public in and for said county and state, this 29th day of June, 2011, personally appeared Judith A. Stadler, who acknowledged the execution of the foregoing Warranty Deed to be Grantor(s) voluntary act and deed.

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

Pamela J Kappel  
Notary Public

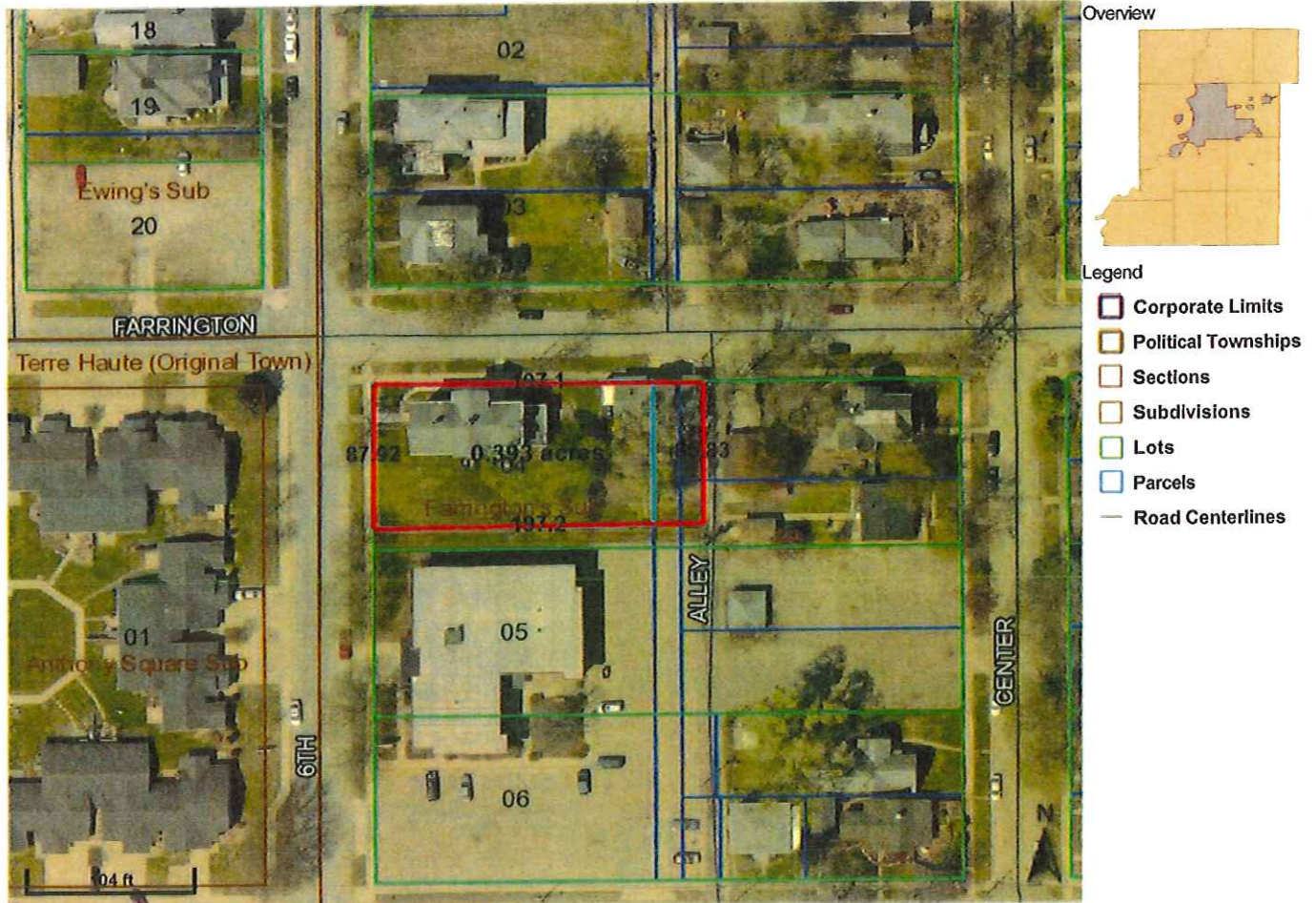
Printed: Pamela J Kappel



My Commission Expires:  
My County of Residence:

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 224 South Main Street, P. O. Box 325, Clinton, IN 47842 Telephone: (765) 832-3527 D976; HCT-2011-0306  
I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to: Sharp Flats LLC PO Box 3141 Terre Haute, IN 47803  
Return Deed to Honeycreek Vigo Title Services, Inc.



<b>Parcel ID</b>	84-06-28-282-001.000-002	<b>Alternate ID</b>	118-06-28-282-001	<b>Owner Address</b>	SHARP FLATS LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Com Other commercial structure		4519 PARK LANE CT
<b>Property Address</b>	1000 S 6TH ST	<b>Acreage</b>	n/a		TERRE HAUTE, IN 47803
	TERRE HAUTE				
<b>District</b>	002 HARRISON				
<b>Brief Tax Description</b>	FARRINGTON SUB OL 64 87.36' N SIDE W 1/				
	D-390/917 28-12-9 LOT 4				
	(Note: Not to be used on legal documents)				

Last Data Upload: 5/6/2015 2:38:59 AM



<b>Parcel ID</b>	84-06-28-282-001.000-002	<b>Alternate ID</b>	118-06-28-282-001	<b>Owner Address</b>	SHARP FLATS LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Com Other commercial structure		4519 PARK LANE CT
<b>Property Address</b>	1000 S 6TH ST TERRE HAUTE	<b>Acreage</b>	n/a		TERRE HAUTE, IN 47803
<b>District</b>	002 HARRISON				
<b>Brief Tax Description</b>	FARRINGTON SUB OL 64 87.36' N SIDE W 1/ D-390/917 28-12-9 LOT 4				
	<i>(Note: Not to be used on legal documents)</i>				

Last Data Upload: 3/31/2015 5:17:40 AM

**1000 S. 6th St.**



04/05/2014

SOUTH SIXTH ST.

2431 SQUARE FEET

567 SQUARE FEET

UNIT #1

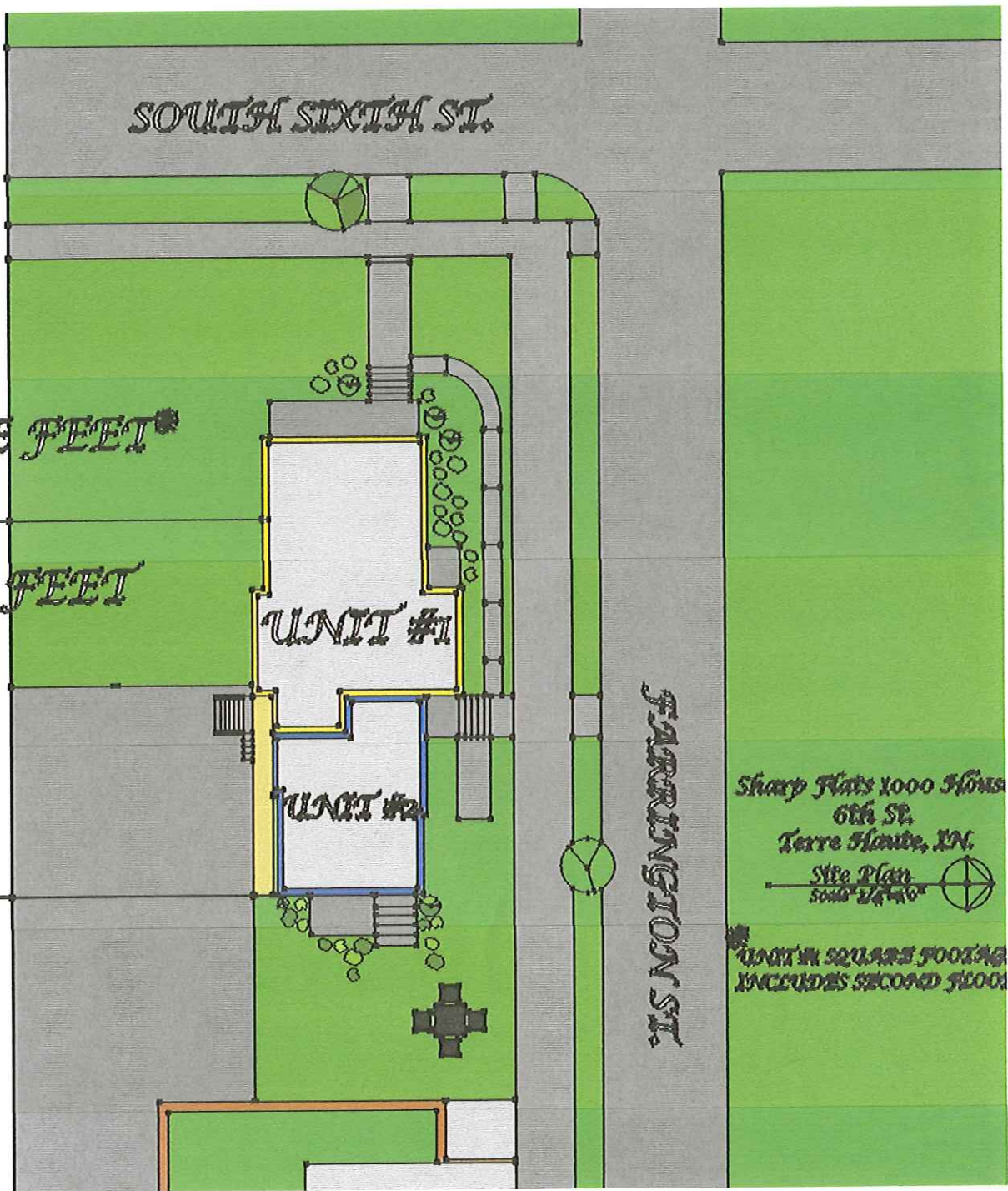
UNIT #2

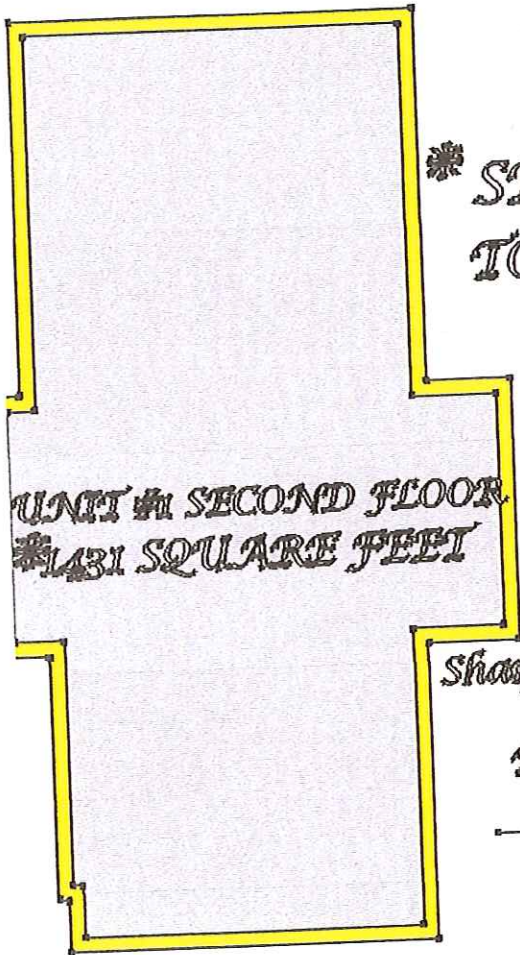
FARRINGTON ST.

Sharp Flats 1000 Flows  
6th St.  
Terre Haute, IN.

Site Plan  
Scale 1/4" = 10'

UNIT #1 SQUARE FOOTAGE  
INCLUDES SECOND FLOOR

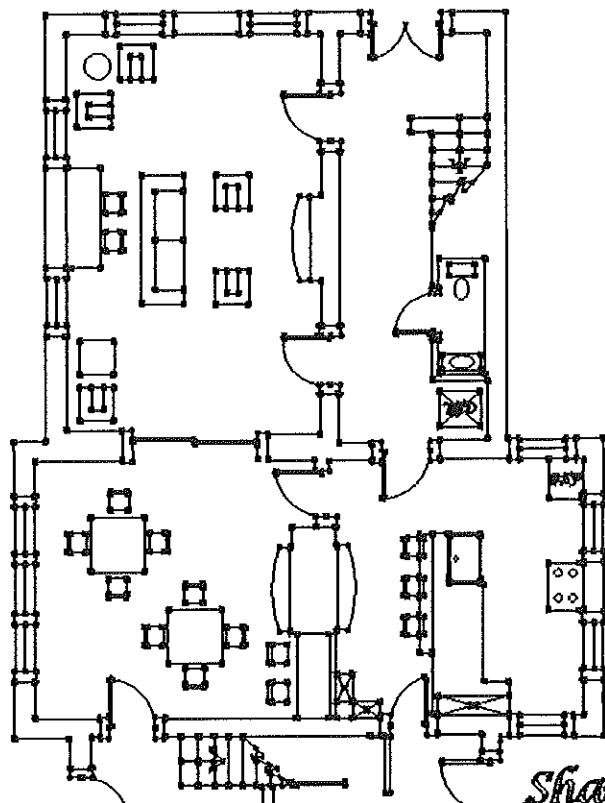




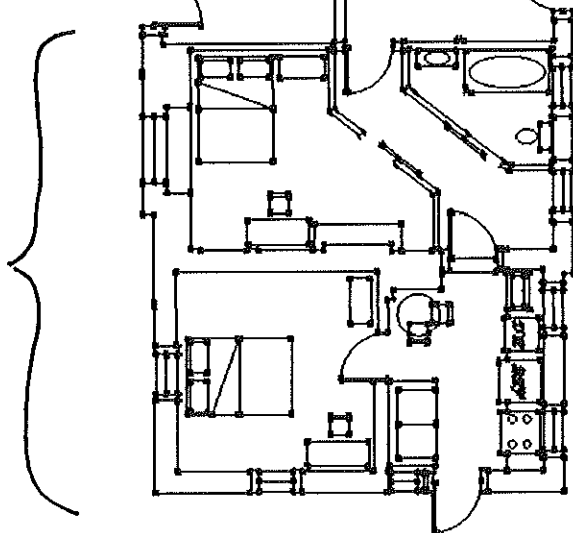
UNIT #1 SECOND FLOOR  
#1431 SQUARE FEET

\* SECOND FLOOR SQUARE FOOTAGE  
TO BE ADDED TO FIRST FLOOR UNIT  
SQUARE FOOTAGE FOR TOTAL  
SQUARE FOOTAGE.

Sharp Flats 1000 House  
6th St.  
Terre Haute, IN.  
Second Floor  
Scale: 1/4" = 10' 

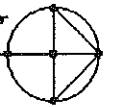


Unit #1

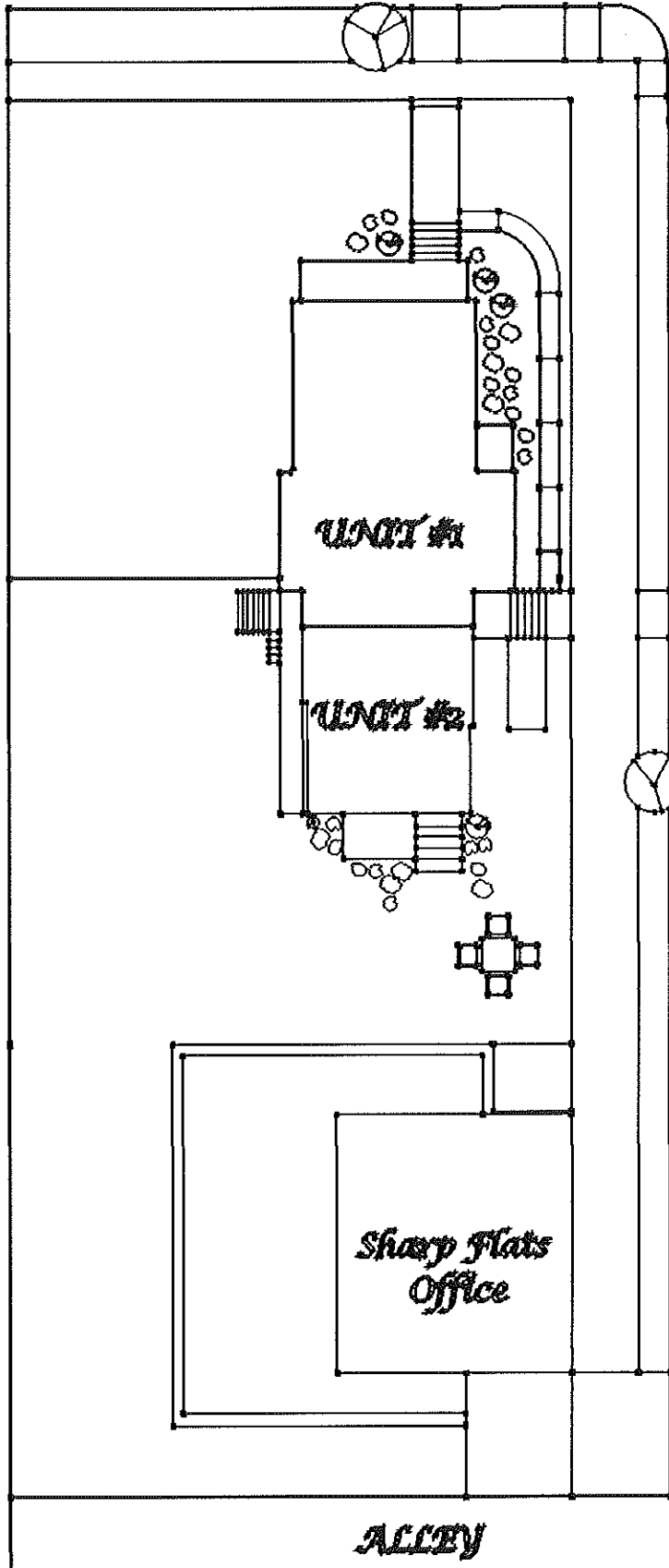


Unit #2

Sharp Flats 1000 House  
6th St.  
Terre Haute, IN.  
First Floor  
Scale: 1/4" = 1'-0"



*SIXTH ST.*

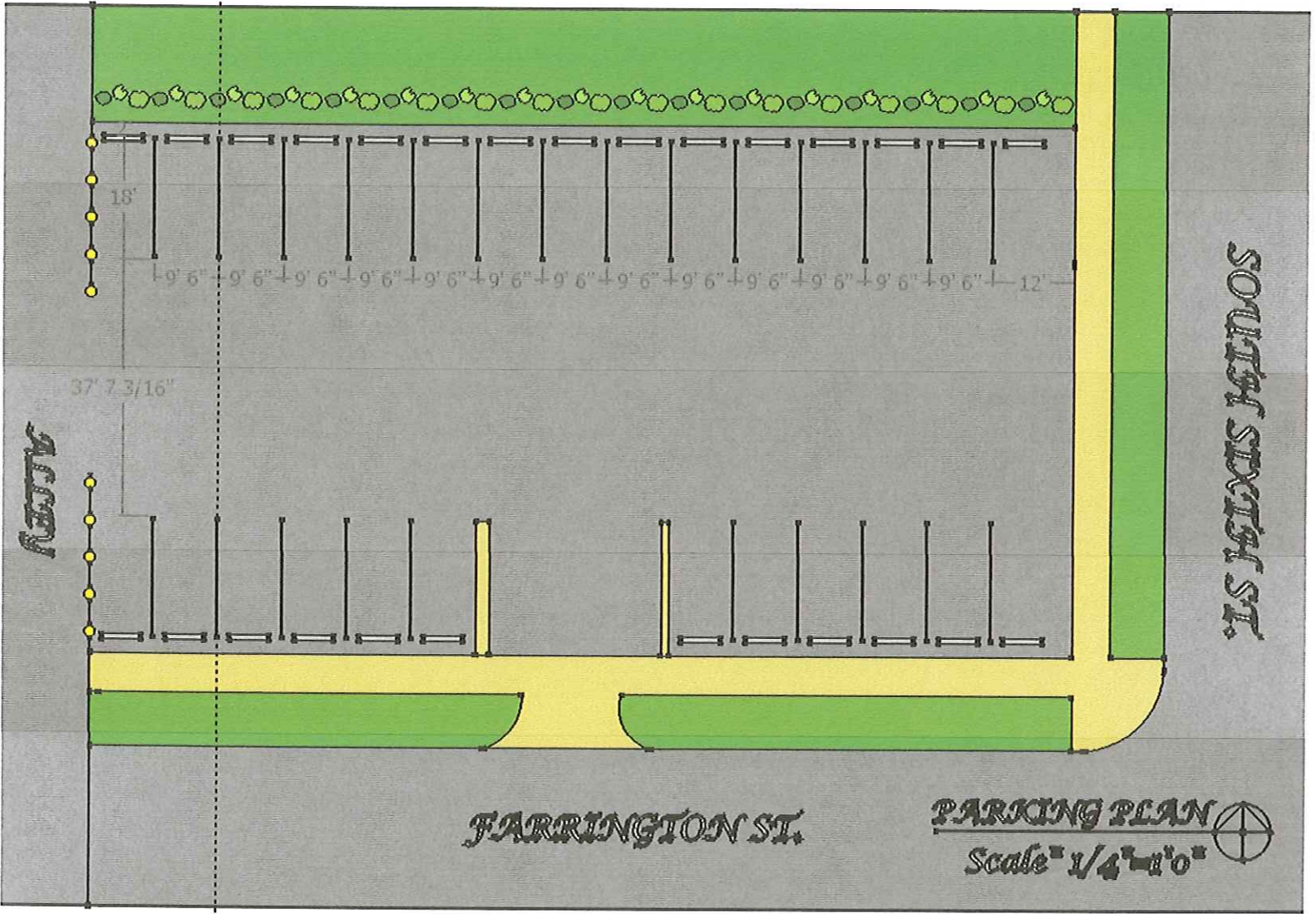


*FARRINGTON*

*Sharp Flats 1000 House  
6th St.  
Terre Haute, IN.  
Site Plan  
Scale 1/4" = 10'*







ALLEY

HELIXIS HELLOS

SOUTH SIXTH ST.

FARRINGTON ST.

PARCING PLAN  
Scale = 1/4" = 10'



**Board of Zoning Appeals  
CITY OF TERRE HAUTE, INDIANA**

APPLICATION IS HEREBY MADE TO THE BOARD OF ZONING APPEALS FOR VARIANCE(S) AS FOLLOWS:

**Building Line Setback:** N/A

**Off-Street Parking Spaces:** Applicant is requesting a shared parking agreement for the property located at 1000 S. 6<sup>th</sup> Street, which would allow a parking plan to use the existing lot and current paved parking area also owned by Applicant located on 927 S. 6<sup>th</sup> St., as must be approved by Engineering and Planning Departments as well as the City BZA.

**Other Variance(s):**

Location: 1000 S. 6<sup>th</sup> Street, Terre Haute, Indiana (Southeast corner of 6<sup>th</sup> and Farrington St.)

Sketch Attached: Please see attached Exhibit 1.

Official Description of Property (From Abstract) – Parcel # 84-06-28-282-001.000-002

Lot Number: Four (4) Block Number: \_\_\_\_\_ Subdivision: James Farrington Sub,  
Northeast Quarter Section 28 Township 12 N Range 9 W

Present Use Zoning: C-1 Neighborhood Commerce District

Owner of Property: Sharp Flats, LLC

Lot Dimensions: Width 88' Depth 197' Area 0.33 ac. Structure Size: \_\_\_\_\_

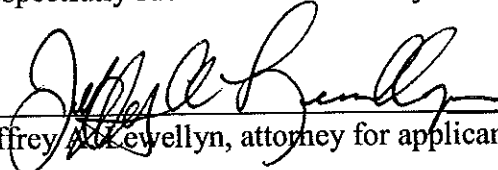
Structure Area: 3,688 sq. ft. Storage \_\_\_\_\_ Height \_\_\_\_\_

B/L Setbacks: Street 25 ft centerline Interior 5 ft Rear 11 ft Accessory 10 ft

**Petitioner Seeks Special Exception(s) for the following reason(s):**

To allow for the use as off-street parking for the historic dwelling structure located at 1000 S. 6<sup>th</sup> Street, which is seeking a rezoning to C-1 Planned Development, with R-2 type usage.

Respectfully submitted this 10<sup>th</sup> day of July, 2015

  
\_\_\_\_\_  
Jeffrey A. Lewellyn, attorney for applicant, Sharp Flats, LLC

CONTACT: (812) 232-4311  
Jeffrey A. Lewellyn

WILKINSON, GOELLER, MODESITT,  
WILKINSON & DRUMMY, LLP

Note: The property owner is responsible for determining if "Subdivision Covenants" or "Deed Restrictions" are greater than the Zoning Ordinance Regulations and that Board approval for variances on any requirement of the Zoning Regulations DOES NOT release the property owner from compliances with those covenants or restrictions.



**Receipt**

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

Date: July 10, 2015

Name: Wilkinson - ~~LLC~~ Law Firm

Reason: Rezoning Petition \$20.00

Rezoning Filing \$25.00

~~\$700~~ 1000 S 6th Street

Cash: \_\_\_\_\_

Check: \$45.00 <sup>ck#</sup> 0090831

Credit: \_\_\_\_\_

Total: \$45.00

TERRE HAUTE, IN  
PAID

JUL 10 2015

CONTROLLER

Received By: M. Dowell



# 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: August 6, 2015

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #17-15

CERTIFICATION DATE: August 5, 2015

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.17-15. This Ordinance is a rezoning of the property located at 1000 South 6<sup>th</sup> Street. The Petitioner, Sharp Flats, LLC/Wende Bennett, petitions the Plan Commission to rezone said real estate from zoning classification C-1 to C-1 Planned Development District for a two family dwelling and Sharp Flats, LLC office . 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. 17-15 at a public meeting and hearing held Wednesday, August 5, 2015. Remonstrators WERE 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. 17-15 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No.17-15 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. 17-15 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) A Special Use for off-site parking must be obtained through the City BZA; 2) Any alterations to the exterior of the building be in keeping with the esthetics of the historic Farrington Grove homes; 3) Must be determined by the Plan Commission that said proposed uses will be in the public's interest and that substantial justice will be done for that neighborhood; 4) The floor plan and parking plan be recorded with the petition; 5) Off-street parking designs follow Sec. 10-137 Off-Street Parking and Loading Requirements and be maintained as outlined in 10-137(d); 6) A new floor plan be submitted reflecting the requirements as outlined in Sec. 10-153; 7) A landscaping plan be submitted and approved for the off-site parking reflecting proper screening of headlights using guidance as outlined in 10-y(3);

Fred L. Wilson, President

Darren Maher, Executive Director

Received this 6th day of August, 2015

# STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-15  
Date: August 2015

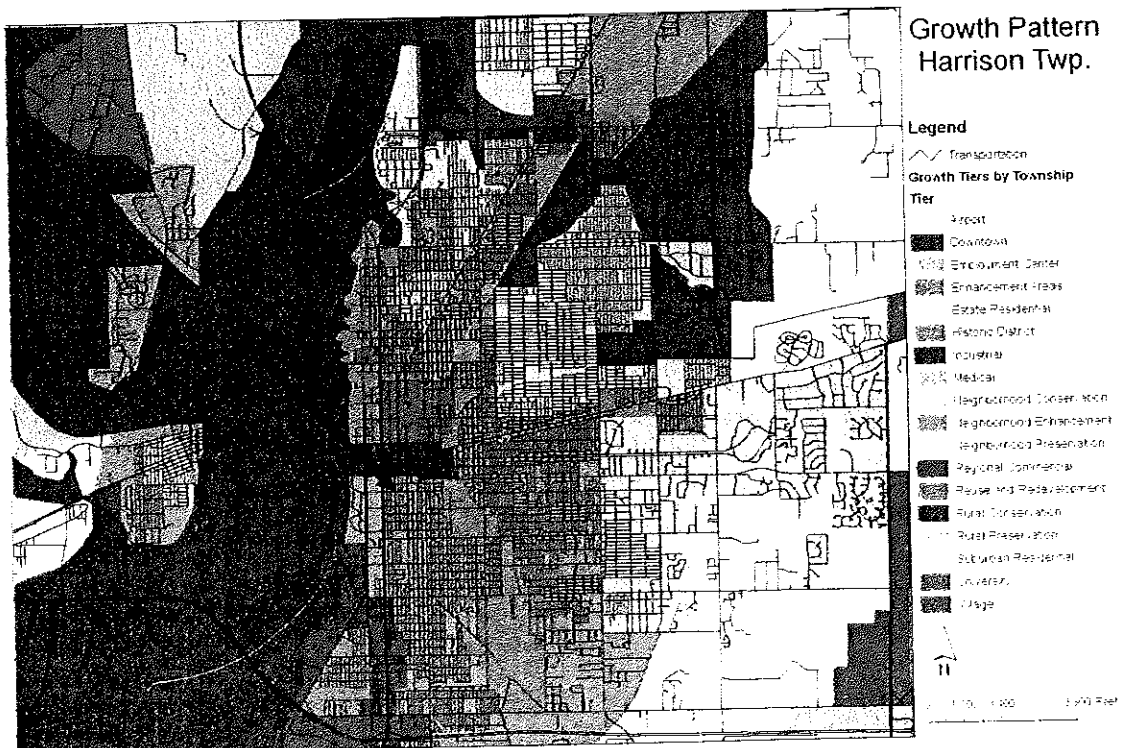
Doc: # 54  
Page 1 of 6

## APPLICATION INFORMATION

Petitioner: Sharp Flats LLC.  
Owner: Sharp Flats LLC.  
Representative: Jeffrey A. Lewellyn  
Proposed Use: Two-Family Dwelling type usage and Sharp Flats, LLC business office  
Proposed Zoning: C-1 Planned Development  
Current Zoning: C-1, Neighborhood Commerce District  
Location: The property is located the corner of 6<sup>th</sup> St. and Farrington St.  
Common Address: 1000 S. 6<sup>th</sup> St., Terre Haute, IN 47802

## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-15

Doc: # 54

Date: August 2015

Page 2 of 6

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**Guiding Policies: Historic District**

Historic Districts are locations within the community that are important because of historic events, their architectural or cultural significance, or a connection to the lives of the people who lived there that should be protected and enhanced as an amenity to region. There are two types of historic districts:

- National Register Historic Districts. The National Register is a nation-wide list of buildings or areas certified by the Secretary of Interior as important architecturally, historically or culturally. Individual buildings and those in a district are eligible for Federal and Indiana tax credits for rehabilitation and tax reductions for easement donation. Listing a building on the National Register does not trigger local review of changes to the building unless the project is federally funded.
- Local Historic Districts. Local Historic Districts can be created by local ordinance, and are regulated by a historic district design standards in that ordinance. These standards vary from district to district and are developed by the neighborhood. “Certified” local historic districts have been determined to qualify for the National Register. These districts enjoy the same tax credit benefits as National Register districts.

Specific items to be utilized in identifying historic districts include:

- Buildings and structures within the district generally must be 50 years old.
- Many demolitions or new buildings have not altered it historic appearance.
- District resources should be similar in style, massing, detailing and/or date of construction.
- The buildings in the district must retail their original architectural character.
- The area must have clear and precise defined boundaries.

Available Services: Area is well served by utilities.

Dev. Priority: Reinvestment and infill developments are a high priority.

## **ZONING COMPATIBILITY**

Sur. Zones and Uses: **North** – R-2 General Residence District  
**East** – C-1 Neighborhood Commerce District  
**South** – C-1 Neighborhood Commerce District  
**West** – C-1 PD Planned Development

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## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-15

Doc: # 54

Date: August 2015

Page 4 of 6

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(G) Not more than ten (10) employees or twenty-five (25) mechanical horsepower may be employed.

(2) The following uses are permitted in the C-1 District:

Accessory uses, Barber shops, Beauty shops, Branch banks, 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 persons in addition to one owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each. Nursery schools, non-boarding, in a single-story building. Restaurants. Service stations. Shoe and hat repair. Signs as regulated by Sec. 10-141. Soda fountains. (Ord. No. 1, 1967, § 1133.01, 7-6-67) Temporary buildings or vehicles for construction purposes, for a period not to exceed the lawful duration of such construction. Variety stores. Animal emergency clinic and/or veterinary clinic - no outside pens permitted. Convenience stores. Professional offices.

### 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.

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-15

Doc: # 54

Date: August 2015

Page 5 of 6

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(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's representative can demonstrate the necessary criteria for a hardship. The property owner intends to divide the building into two separate units for individual room rental use. It is important to note that under city code a "Family" is defined as; "An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit, excludes dormitories or religious homes. (Ord. No. 1, 1967, § 1123.38, 7-6-67),"(Sec10-60). This means that given the proposed zoning not more than ten persons could live at the location at any one time.

Also, the intent is to run a small business from an accessory structure in the rear of the lot. Parking on-site is not available and must be provided for off-site. The mixed use nature of the development necessitates the Planned Development zoning. Recent changes in state fire code may require updates to the structure prior to occupancy. All upgrades must be made prior to tenant occupancy. Reuse and reinvestment in the historic Farrington grove District is an encouraged activity.

The submitted parking plans for the two units does not show any lighting as required in 10-137(10). However in a letter (attached) provided to the petitioner from the City of Terre Haute Department of Engineering states that the parking meets development standards.

A two family dwelling as defined in Sec. 10-153 is "A detached building designed for or intended or occupied by no more than two (2) family units which are entirely separated by vertical walls or



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #17-15

Doc: # 54

Date: August 2015

Page 6 of 6

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horizontal floors, unpierced except for access to the outside or a common basement or cellar. (Ord. No. 1, 1967, § 1123.31, 7-6-67).” The petitioner’s floor plan does not currently reflect the unpierced nature of a two family dwelling. New plans will need submitted reflecting the development standards as outlined in 10-153 prior to obtaining building permits.

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

1. A special use for off-site parking must be obtained through the City B.Z.A.
2. Any alterations to the exterior of the building be in keeping with the esthetics of the historic Farrington Grove homes.
3. It must be determined by the Plan Commission that said proposed uses, will be in the public’s interest and that substantial justice will be done for that neighborhood.
4. Must be recorded within 90 days
5. The floor plan and parking plan be recorded with the petition
6. Off street parking designs follow Sec 10-137 Off-Street Parking and Loading Requirements and be maintained as outlined in 10-137(d).
7. A new floor plan be submitted reflecting the requirements as outlined in Sec. 10-153
8. A landscaping plan be submitted and approved for the off-site parking reflecting proper screening of headlights using guidance as outlined in 10-y.(3)

# TERRE HAUTE

July 8, 2015

Wendy Bennett  
Sharp Flats, LLC  
615 Farrington Street  
Terre Haute, IN 47807

City of Terre Haute  
200 Farrington Avenue, Room 200  
Terre Haute, IN 47807

Phone: 317.234.4022  
Fax: 317.234.2977

City of Terre Haute, Indiana

City Engineer

City Engineer  
Engineering & Planning

Ms. Bennett;

The Terre Haute Department of Engineering has reviewed the submitted plan for the parking lot located on the northwest corner of S. 6<sup>th</sup> Street and Farrington Street and had determined that it meets the development standards and exceeds the minimum number of spaces required for this development. This parking lot is considered off-site parking, so it does require approval from the Board of Zoning Appeals as a special use per Section 10-137 c. (3) of the Terre Haute City Code. The parking lot is within a reasonable walking distance of the development, and meets the development standards of the City of Terre Haute, so the Department of Engineering recommends approval of the special use for off-site parking.

Sincerely,



Marcus E. Maurer, P.E.  
Staff Engineer