

FILED

MAY 22 2017

CITY CLERK

AMENDED SPECIAL ORDINANCE NO. 26, 2017

AMENDED APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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

3951 East Margaret Avenue, Terre Haute, IN 47803

Rezoned From: O-1 Open Space District

Rezoned To: C-3 Regional Commerce District

Proposed Use: Entry-way to a Heavy Machinery Dealership

Name of Owner: Scott C. Dyer
Address of Owner: 3951 E. Margaret Drive
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: Amy Auler

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

AMENDED SPECIAL ORDINANCE NO. 26, 2017

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

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

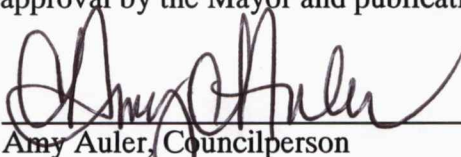
Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

Commonly known as 3951 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-006.000-005

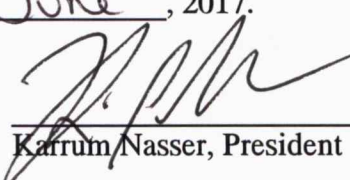
be the same is hereby established as a C-3 Regional Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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,


Amy Auler, Councilperson

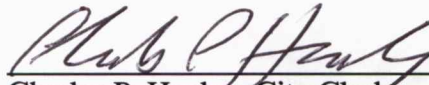
Passed in open Council this 8th day of June, 2017.


Karrum Nasser, President

ATTEST:

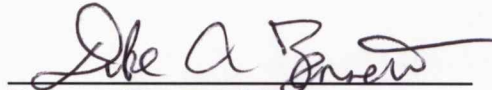

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 9th day of June, 2017.



Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 9th day of JUNE, 2017.



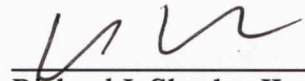
Duke A. Bennett, Mayor

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.



Richard J. Shagley II

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

AMENDED PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Scott C. Dyer respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

Commonly known as 3951 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-006.000-005

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 O-1 Open Space District.

Your Petitioner would respectfully state that the real estate is now a single-family home. The Petitioner intends to sell the real estate for the use of an entry-way to a heavy machinery dealership adjacent to this real estate.

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by Petitioner. Your Petitioner would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood.


Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area 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-3 Regional Commerce District 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.

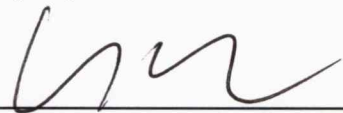
IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 22 day of May, 2017.

PETITIONER:



Scott C. Dyer
Richard Shagley, Attorney for Scott Dyer

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 

Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 3951 E. Margaret Drive, Terre Haute, IN 47803

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.

SPECIAL ORDINANCE NO. 26, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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

3951 East Margaret Avenue, Terre Haute, IN 47803

Rezone From: R-1 Single Family Residence District

Rezone To: C-3 Regional Commerce District

Proposed Use: Entry-way to a Heavy Machinery Dealership

Name of Owner: Scott C. Dyer
Address of Owner: 3951 E. Margaret Drive
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: Amy Auler

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

FILED

MAY 05 2017

CITY CLERK

SPECIAL ORDINANCE NO. 26, 2017

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

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

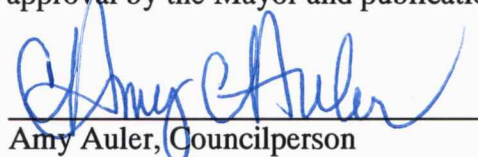
Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

Commonly known as 3951 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-006.000-005

be the same is hereby established as a C-3 Regional Commerce District, 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."

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,


Amy Auler, Councilperson

Passed in open Council this _____ day of _____, 2017.

Karrum Nasser, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2017.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2017.

Duke A. Bennett, Mayor

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.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, 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, Scott C. Dyer respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

Commonly known as 3951 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-006.000-005

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

Your Petitioner would respectfully state that the real estate is now a single-family home. The Petitioner intends to sell the real estate for the use of an entry-way to a heavy machinery dealership adjacent to this real estate.

Your Petitioner would request that the real estate described herein shall be zoned as a C-3 Regional Commerce District to allow for the use as proposed by Petitioner. Your Petitioner would allege that the C-3 Regional Commerce District would not alter the general characteristics of this neighborhood.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area 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-3 Regional Commerce District 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 _____, 2017.

PETITIONER:



Scott C. Dyer

Richard Shagley for Scott Dyer

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY: 

Richard J. Shagley II #23135-84
Attorneys for Petitioner

The owner and mailing address: 3951 E. Margaret Drive, Terre Haute, IN 47803

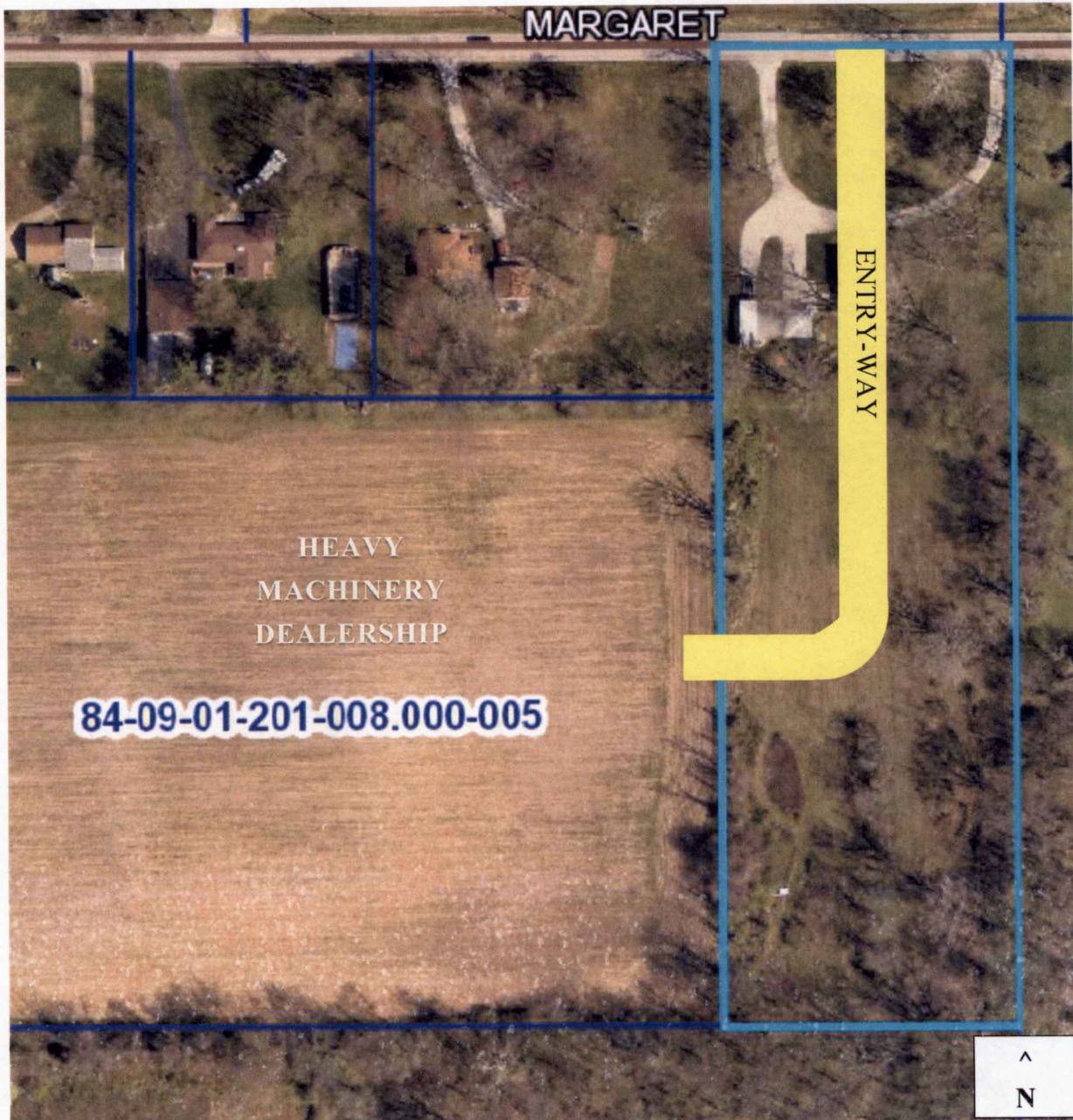
This instrument prepared by Richard J. Shagley II Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN


3951 E. Margaret Drive, Terre Haute, IN 47803

R-1 to R-3

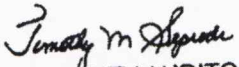
Proposed Use: Entry-way to a heavy machinery dealership adjacent to this real estate



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2010013735 WD \$18.00
10/15/2010 02:46:36P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


OCT 15 2010


VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH that Dennis R. Pabst, a competent adult, ("Grantor"), of Vigo County, in the State of Indiana, CONVEYS AND WARRANTS to Scott C. Dyer, of Vigo County, in the State of Indiana, ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.

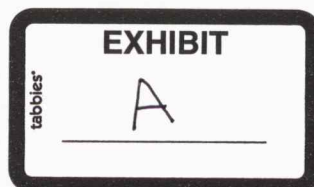
Commonly known as: 3951 East Margaret Avenue
Terre Haute, IN 47803

Parcel No. 84-09-01-201-006.000-005

Subject to real estate taxes which Grantee assumes and agrees to pay.

IN WITNESS WHEREOF, Grantor has executed this deed this 14th day of October, 2010.


Dennis R. Pabst



STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared Dennis R. Pabst, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 14th day of October, 2010.



Joyce A. Strange
Printed: Joyce A. Strange
Notary Public, residing in
Clay County, Indiana

My Commission Expires:
2-19-2015

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Rhonda Oldham
Rhonda Oldham

After recording return to: BRAMES & OLDHAM

Mail tax statements to Grantee's Address:
Scott C. Dyer
3951 East Margaret Drive
Terre Haute, IN 47803

This instrument prepared by Rhonda D. Oldham, BRAMES & OLDHAM, Attorney at Law, 191 Harding Avenue, Terre Haute, Indiana 47807. Phone: 812-238-2421; Facsimile: 812-232-2940; E-Mail: ROldham@BNOLaw.net

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Scott C. Dyer, being duly sworn upon her oaths, depose and say:

1. That Scott C. Dyer is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Five (5) acres of even width throughout off the East end of Lots 1, 2, and 3 in the Subdivision made in the partition of the West Half of the Northeast Quarter of Section 1, Township 11 North, Range 9 West, in Vigo County, Indiana, said real estate herein sold being more particularly described as follows: Commencing at a point 1293.2 feet East of an iron spike at the intersection of Fruitridge and Margaret Avenue, in Vigo County, Indiana, and extending thence South 857.6 feet, thence West 254.45 feet, North 857.6 feet, and East 254.45 feet to the place of beginning.


Commonly known as 3951 East Margaret Avenue, Terre Haute, IN 47803
Parcel No. 84-09-01-201-006.000-005

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Scott C. Dyer are 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 she 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 Scott C. Dyer.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5th day of May, 2017.



Scott C. Dyer
Richard Sheehey for Scott Dyer

(Notary Page to Follow)

Receipt

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

Date: 5/5/17

Name: Scott Dyer

Reason: <u>Rezoning - Notice of Filing</u>	<u>\$25.00</u>
<u>Rezoning - Petition</u>	<u>\$20.00</u>
	<u>\$45.00</u>

TERRE HAUTE, IN
PAID
MAY 05 2017
CONTROLLER

Cash: _____

Check: #67326 \$45.00

Credit: _____

Total: \$45.00

Received By: J. Ellsler



TERRE HAUTE
A LEVEL ABOVE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: June 8, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #26-17**

CERTIFICATION DATE: June 7, 2017

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. 26-17. This Ordinance is a rezoning of the property located at 3951 E. Margaret Dr. The Petitioner, Scott C. Dyer, petitions the Plan Commission to rezone said real estate from zoning classification 0-1 to C-3, Regional Commerce District, for an entryway to heavy machine dealership. 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. 26-17 at a public meeting and hearing held Wednesday, June 7, 2017. 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. 26-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 26-17 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. 26-17 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Landscape Plan be submitted and approved by the City; 2) A completed and updated detailed Site Plan be submitted and approved; 3) All drive cut related designs be approved by City Engineering.

Fred L. Wilson, President

Jared Bayler, Executive Director

Received this 8th day of June, 2017

APPLICATION INFORMATION

Petitioner: Scott D. Dyer

Property Owner: Same as Above

Representative: Richard J. Shagley II

Proposed Use: Entryway to heavy machine dealership

Proposed Zoning: C-3, Regional Commerce District

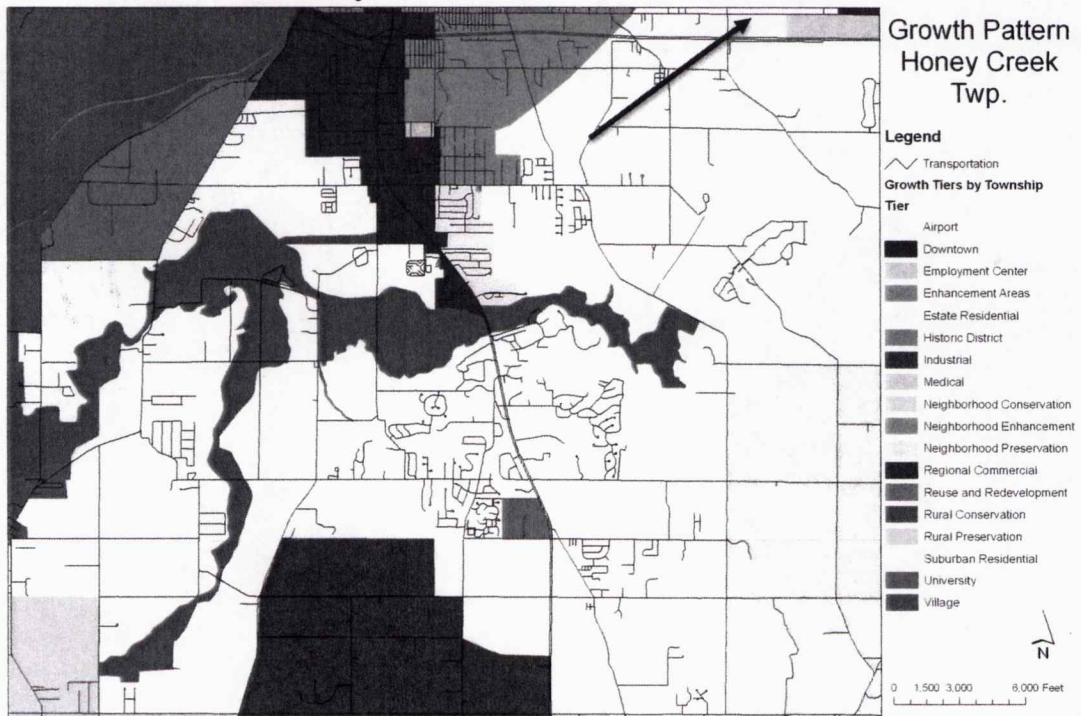
Current Zoning: O-1, Agricultural District

Location: The property is located east of the corner of the intersection of Fruitridge and E. Margaret Dr.

Common Address: 3951 E. Margaret Dr.

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Recommended Use: Suburban Residential

These are largely undeveloped areas lying within the boundaries of existing and planned urban services. Current residential densities range from building on lots of ½ acre to 2 acres in size, this should be used as a minimum density. Over time, densities should be encouraged to increase moderately to allow average densities of three to three and one-half (3 to 3.5) households per acre. In the case of all residential densities, densities are stated as an average for the entire area in a given land use categories.

Promotion of monotonous suburban tract housing is not the intent of this growth pattern, although this may be an undesirable consequence. To avoid this outcome, careful consideration of alternative site development schemes should be undertaken by planning, engineering, development and real estate professionals for each new residential tract.

Increasing residential densities within this growth pattern offers four distinct advantages over typical low-density development.

- Optimization of the relationship between public infrastructure capacity and average development densities.
- Reduction in the need for infrastructure extensions and expansions, thereby saving public capital cost.
- Provides pedestrian scale residential neighborhoods, which will blend with existing Terre Haute neighborhoods that were developed at five to seven (5 to 7) units per acre and at the same time provide enhanced opportunities for non-motorized travel.
- Minimize land consumption and limits land disturbance.

Not every new subdivision will provide developed densities approaching four (4) units per acre, yet, as cluster housing, patio homes, variations of zero-lot line housing and integrated neighborhoods of town houses, garden apartment, and single family dwelling units become more common and more fashionable, average densities will increase. Traditionally, allowable densities controlled mix and pattern of suburban residential development. Density, per se, is increasingly viewed by development professionals as only one of many variables that must be considered in making site development decisions. The infrastructure capacity relative to undeveloped areas and special environmental conditions of a specific development site, as well as, the site plan itself and its impact on surrounding property should primarily control the developed density. This should especially be the case as development moves beyond minimum residential densities. In all cases, density and the arrangement of uses on a developed site should be sensitive to surrounding development patterns, making land use transitions within the new development and utilizing natural features as transitions or buffers.

Policies for Suburban Residential areas should include:

- Houses on lots ranging from one-half to two acres depending on wastewater treatment needs.
- The extent of non-residential uses should be limited to parks, churches, and schools.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #26-17

Doc: #39

Date: June, 2017

Page 3 of 4

- Residential subdivision lots should not have frontage on county roads, rather they should be required to build local level public streets to provide access from the county road to the lots.
- Medium range plans for expanding needed infrastructure should be developed, considering projected demand and funding.

Available Services: Area is well served by utilities and urban services.

Street Access: According to the Site Plan ingress/egress is to be from Margaret Ave.

ZONING COMPATIBILITY

Sur. Zones and Uses:

North – R-1, Single Family Residential,
East – O-1, Agricultural District, R-1
South – C-3 Regional Commerce Dist. & I-70 Corridor
West – C-3 & R-1

ZONING REGULATIONS

C-3 Purpose: The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison-shopping and a complete lack of any attempt to draw pedestrian traffic.

C-3 Uses: Any use permitted in C-1, and C-2, Pet shops, Live professional entertainment and dancing, Schools, Auction rooms, Recreation

establishments, Automobile sales and service (minor and major repairs) Farm equipment sales and service.

C-3 Standards: Street setback of 50 feet from centerline; rear setback 11' from the rear property line; Interior 5' from the interior lot line, and meet the minimum parking requirement per table 4.

FINDINGS and RECOMMENDATION

In July of 2016 the APC passed on a favorable recommendation on the rezoning of Docket #56 S.O. #18-16 which rezoned a portion of ground bordered by I-70 to the south, Fruitridge on the west and Margaret on the north. The zoning, a C-3, allowed for development of the proposed heavy equipment dealership to commence. Amongst the concerns and subsequent request from the APC was ingress/egress placement be reviewed. The solution was the placement of the commercial ingress/egress along Margret. The rezoning today is in response to that request. The petitioner has agreed to purchase 5 additional acres to the east which has 250 feet of road frontage along Margaret. This should allow for ample space to maneuver commercial traffic into and off of the development. This also moves the commercial entrance further to the east and away from the previously proposed, narrower entrance and exit also along Margaret.

Similar to last time, a new site plan including the new ingress/egress point will need to be submitted and approved. The design of the road cut will need city engineering approval and a landscape plan must be approved where Residential adjoins the C-3 zoning.

Recommendation: Favorable Recommendation on the request to rezone the property to C-3, Regional Commercial with the following conditions.

1. Landscape plan be submitted and approved by the city.
2. A completed and updated detailed site plan be submitted and approved.
3. All drive cut related designs be approved by City Engineering