

SPECIAL ORDINANCE NO. 33, 2018

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

2102 and 2118 Chestnut Street, Terre Haute, IN 47807

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Rezone From: R-1 Single-Family Residential District

Rezone To: R-1 Planned Development

Proposed Use: Automobile sales

Name of Owners: Tyler Dix and Wabash Motors, Inc.  
Address of Owners: 2110 Wabash Avenue  
Terre Haute, IN 47807

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: Neil Garrison

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

OCT 11 2018

CITY CLERK

**AMENDED SPECIAL ORDINANCE NO. 33, 2018**

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

SECTION 1. BE IT ORDANED 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:

Lots Number Nine (9) and Ten (10), in Blow 2, in Mack & Grimes' Subdivision of Lot 2 of Linton and Madrigal's Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West, as shown on the plat of Mack & Grime's Subdivision dated August 11, 1868 and recorded August 19, 1868, in Plat Record 1, Page 71.

Commonly known as: 2102 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-012.000-002.

AND

Lot Number Eleven (11), in Block Number 2, in Mack and Grimes Subdivision of Lot No. 2 in Linton and Madrigals Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West.

Commonly known as: 2118 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-024.000-002.

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

- (a) That the real estate shall be used for automobile sales.
- (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.

- (c) All such rights granted herein shall be fully transferable.
- (d) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of the approval by the Council.
- (e) If the Planned Development fails to meet the approved development plan at any stage, the Plan Commission or City Council shall initiate proceedings to repeal the Planned Development, and to rezone the property to the district classification it held immediately prior to being zoned Planned Development.

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. 33, 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. 33, 2018, 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 R-1 Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed 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

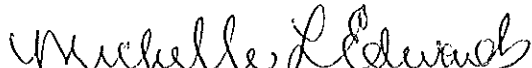
Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,   
Neil Garrison, Councilperson

Passed in open Council this 11 day of October, 2018.

  
Curtis DeBaun, President

ATTEST:

  
Michelle Edwards, City Clerk


Presented by me, to the Mayor of the City of Terre Haute, this 12 day of October, 2018.

  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 12<sup>th</sup> day of OCTOBER, 2018.

  
Duke A. Bennett, 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.

/s/ Richard J. Shagley II  
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.

FILED

SEP 21 2018

CITY CLERK

SPECIAL ORDINANCE NO. 33, 2018

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

SECTION 1. BE IT ORDINATED 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:

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Commonly known as: 2102 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-012.000-002.

AND

Lot Number Eleven (11), in Block Number 2, in Mack and Grimes Subdivision of Lot No. 2 in Linton and Madrigals Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West.

Commonly known as: 2118 Chestnut Street, Terre Haute, IN 47807.  
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be and the same is, hereby established as a 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 a 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 condition set forth herein.

- (a) That the real estate shall be used for any use permitted in a R-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.

- (c) All such rights granted herein shall be fully transferable.
- (d) 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.

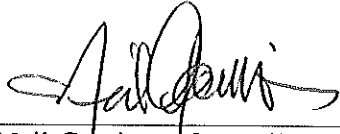
SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Special Ordinance No. 33, 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. 33, 2018, 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 R-1 Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed 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,   
Neil Garrison, Councilperson

Passed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Curtis DeBaun, President

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Duke A. Bennett, Mayo.

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.

/s/ Richard J. Shagley II  
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, Tyler Dix, individually and as President of Wabash Motors, Inc., an Indiana Corporation, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Number Nine (9) and Ten (10), in Blow 2, in Mack & Grimes' Subdivision of Lot 2 of Linton and Madrigal's Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West, as shown on the plat of Mack & Grime's Subdivision dated August 11, 1868 and recorded August 19, 1868, in Plat Record 1, Page 71.

Commonly known as: 2102 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-012.000-002.

AND

Lot Number Eleven (11), in Block Number 2, in Mack and Grimes Subdivision of Lot No. 2 in Linton and Madrigals Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West.

Commonly known as: 2118 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-024.000-002.

Your Petitioners are informed and believe 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 Petitioners intend to use this real estate for an extension of the Wabash Motors automobile sales business. Your Petitioner would request that the real estate described herein shall be zoned as an R-1 Planned Development.

Your Petitioner would request that the real estate described herein shall be zoned as an R-1 Planned Development to allow for the use as proposed by Petitioner. Your Petitioner would allege that the R-1 Planned Development would not alter the general characteristics of this neighborhood.



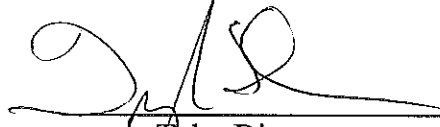
Your Petitioner would allege that there is a hardship due to: 1) neighborhood blight; 2) the physical characteristics of the land (incapability of surrounding property usage); and 3) the parcel is located near district boundary lines (the other parcels owned by Petitioner in the area are zoned commercial).

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 R-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 Petitioners have caused this Petition to Rezone Real Property to be executed, this 20<sup>th</sup> day of September, 2018.

**PETITIONERS:**

  
\_\_\_\_\_  
Tyler Dix

WABASH MOTORS, INC.

By:   
\_\_\_\_\_  
Tyler Dix, President

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

BY: /s/ Richard J. Shagley II  
Richard J. Shagley #23135-84  
Attorneys for Petitioners

The owner and mailing address: 2110 Wabash Avenue, Terre Haute, IN 47807

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.

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

**AFFIDAVIT**

Comes now, Tyler Dix, individually and as President of Wabash Motors, Inc., an Indiana Corporation, being duly sworn upon his oath, deposes and says:

1. That Wabash Motors, Inc. 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:

Lots Number Nine (9) and Ten (10), in Blow 2, in Mack & Grimes' Subdivision of Lot 2 of Linton and Madrigal's Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West, as shown on the plat of Mack & Grime's Subdivision dated August 11, 1868 and recorded August 19, 1868, in Plat Record 1, Page 71.

Commonly known as: 2102 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-012.000-002.

2. That a copy of the Warranty Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Wabash Motors, Inc., is attached hereto and made a part hereof and marked as Exhibit A.

3. That Tyler Dix is the fee simple owner and record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number Eleven (11), in Block Number 2, in Mack and Grimes Subdivision of Lot No. 2 in Linton and Madrigals Subdivision of a part of the West half of Section 23, Township 12 North, Range 9 West.

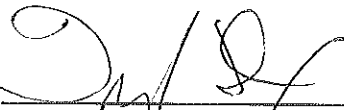
Commonly known as: 2118 Chestnut Street, Terre Haute, IN 47807.  
Parcel ID: 84-06-23-161-024.000-002.

4. That a copy of the Trustees' Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Tyler Dix, is attached hereto and made a part hereof and marked as Exhibit B.

5. That Affiant makes this Affidavit for the sole purpose of affirming that Wabash Motors, Inc. and Tyler Dix are the owners 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 Tyler Dix and Wabash Motors, Inc.

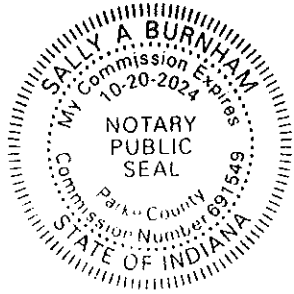
6. Further, Affiants saith not.


Dated at Terre Haute, Indiana this 20<sup>th</sup> day of September, 2018.

By:   
Tyler Dix, individually and  
as President of Wabash Motors, Inc.

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF VIGO        )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 20<sup>th</sup> day of September, 2018.



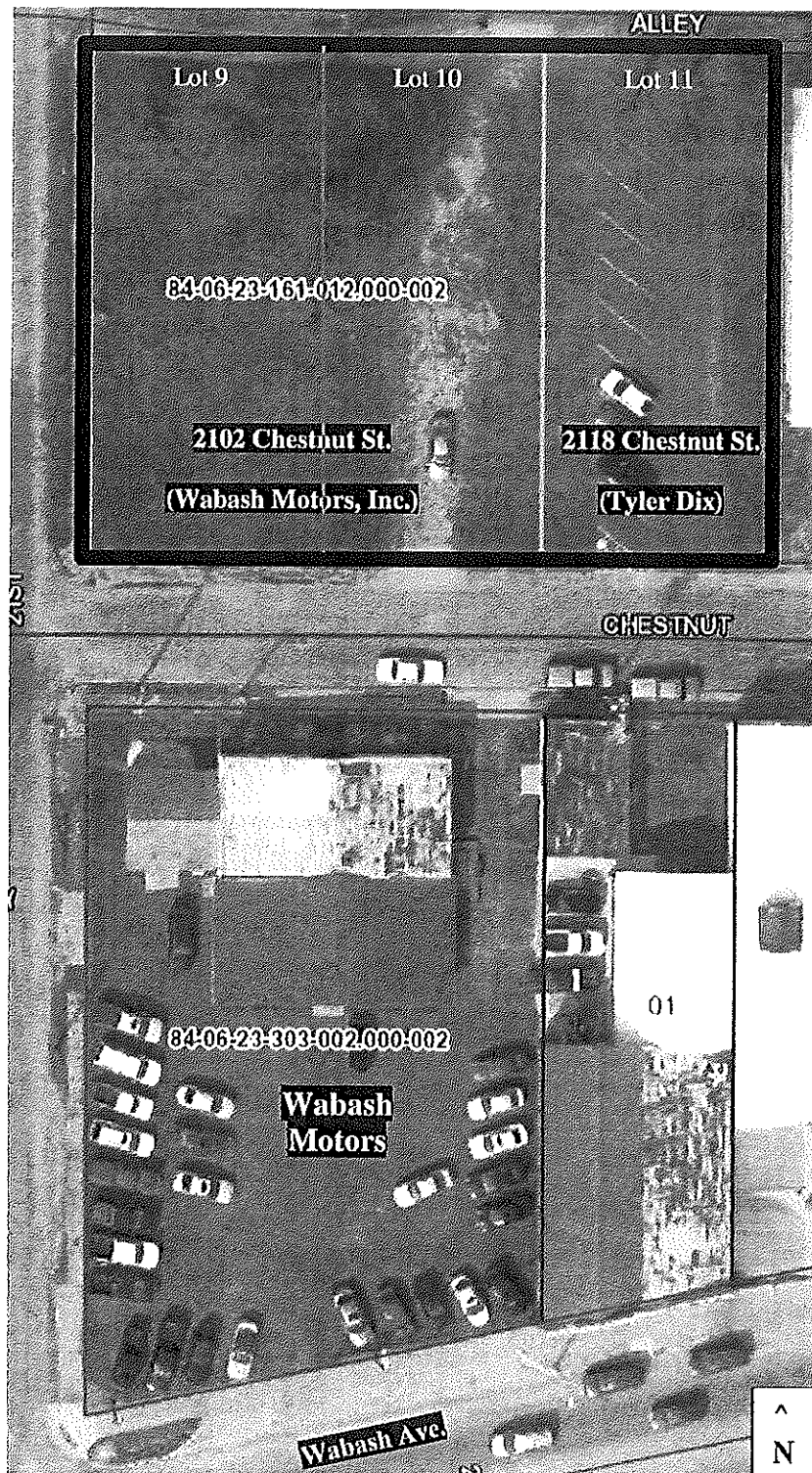
  
Sally A Burnham, Notary Public  
My Commission expires: 10/20/24  
My County of Residence: Parke

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. 33, 2018  
Tyler Dix, individually and as President of Wabash Motors, Inc.  
2102 & 2118 Chestnut Street, Terre Haute, IN 47807

Currently zoned: R-1  
Proposed zoning: R-1 PD  
Proposed use: Automobile sales



**Receipt**

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

Date: 9/21/18

Name: Tyle Dix

Reason: Rezoning

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

Check: # 68263 45.00

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

Total: 45.00

Received By: L Elbs/gi

TERRE HAUTE  
CONTROLLER



**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: October 4, 2018

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #12-18, S.O. #33-18 AMENDED**

CERTIFICATION DATE: October 3, 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.12/33-18. This Ordinance is a rezoning of the property located at 2102 and 2118 Chestnut Street. The Petitioner, Tyler Dix/Wabash Motors, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-1 Planned Development District, for auto sales. 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. 12/33-18 at a public meeting and hearing held Wednesday, October 3, 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. 12/33-18 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12/33-18 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.12/33-18 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Proper Site Plan; 2) Approved Landscaping Plan

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 4th day of October, 2018

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-18  
Date: September 2018

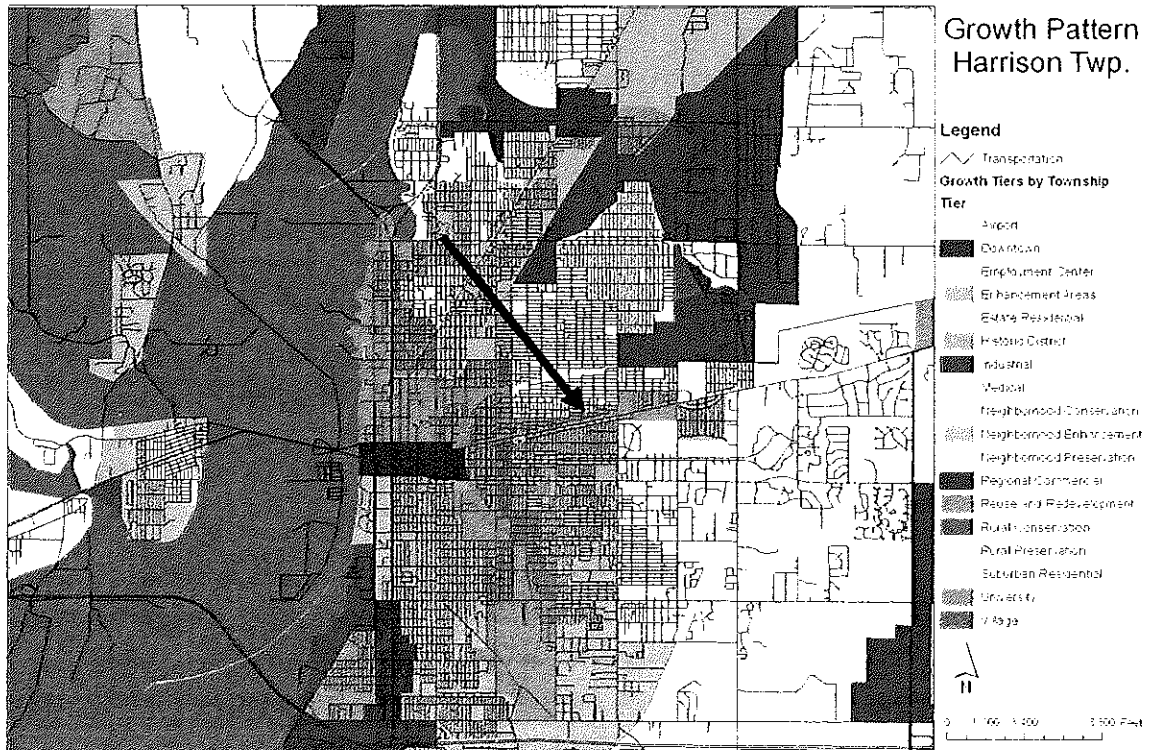
Doc: # 60  
Page 1 of 4

**APPLICATION INFORMATION**

Petitioner: Tyler Dix & Wabash Motors, Inc.  
Property Owner: Same-As-Above  
Representative: Richard J. Shagley  
Proposed Use: Automotive Sale  
Proposed Zoning: C-6, Strip Business District (R-1PD Amended)  
Current Zoning: R-1 Single-Family Residence District  
Location: The property is located on N. 21<sup>st</sup> Street & Chestnut Street.  
Common Addresses: 2102 & 2118 Chestnut Street, Terre Haute, IN 47802

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute



#### Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

#### ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1  
**East** – R-1  
**South** – C-6, C-3  
**West** – R-1

Character of Area: Neighborhood commercial area that consist of businesses servicing the transient needs and the needs of the local neighborhoods.

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#### ZONING REGULATIONS

##### C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.



Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

## **FINDINGS and RECOMMENDATION**

**Staff Findings:** Concerns always arise when commercial potentially intrudes into an established residential neighborhood. Typically, those concerns deal with light, noise, trash and storm water runoff as they may negatively impact the surrounding residences.

The petitioner is requesting to rezone the residential property behind their existing commercial establishment to allow for expansion. No site plan was submitted with the petition but it is believed that the expansion will be for additional parking of inventory. However, with no site plan to accompany the rezoning, that is an assumption.

The expansion of the car lot will bring with it a few of the listed concerns including; light infiltration into the surround neighborhood, and to a lesser extent noise and additional water runoff.

In the end this is a proposition of value. Which is of greater value to the City of Terre Haute. Protecting the established residential neighborhood or supporting the expansion of the commercial corridor along Wabash Ave. The comprehensive plan offers that the area be included in a reuse and redevelopment program but does not indicate what the use should be. Staff could easily make an argument for both and thus would offer a compromise in the form of a Planned Development.

It is important to remember that in the event of the failure or relocation of the existing business, a C-6 zoning (which allows auto sales in the city) will remain. This will open up the newly rezoned lot to any use, as listed, under the C-6 commercial zoning. One way to prevent the lingering zoning would be to allow for a Planned Development. The Planned Development

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-18

Doc: # 60

Date: September 2018

Page 4 of 4

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zoning class would allow the existing business to expand but would revert to a residential zoning in case of failure or abandonment. The petitioner could easily demonstrate the hardship necessary to grant the Planned Development. It is staff's opinion that the Planned Development is the best path forward for all interested parties at this location.

No matter the zoning class the petitioner will be required to comply with (§10-207(3)) which requires all surface parking lots have a five foot (5') minimum width landscaping area between the vehicular use area and any street right-of-way, adorned with visual screening (other than berms) between thirty inches (30") to forty-two inches (42") height, plus one (1) tree per twenty (25) linear feet.

Recommendation: Staff after some contemplation would offer no recommendation for the C-6 zoning but would prefer, support and recommend an R-1 PD accompanied with a proper site plan and approved landscaping plan.