

SPECIAL ORDINANCE NO. 36, 2020

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:

830 South 6th Street, Terre Haute, IN 47807
Parcel No. 84-06-28-280-002.000-002

Rezoned From: R-2 Two Family Residence District

Rezoned To: R-2 Planned Development

Proposed Use: Short Term Inpatient Treatment Center

Name of Owner: Chosen Terre Haute, LLC
Address of Owner: 11988 Fishers Crossings Drive Unit 1
Fishers, Indiana 46038

Phone Number of Owner c/o (812) 232-3388

Attorney Representing Owner: Richard J. Shagley, II

Address of Attorney: Wright, Shagley & Lowery , P.C.
500 Ohio Street, Terre Haute, IN 47807

For Information Contact: Owner Attorney

Council Sponsor: Neil Garrison

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

AMENDED SPECIAL ORDINANCE NO. 36, 2020

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as The Comprehensive Zoning Ordinance for Terre Haute of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots 13 and 14 in Joseph G. Wilson's Subdivision of a part of Out Lot 64 of the original Out Lots of the Town, now City, of Terre Haute, in Plat Book 1, Page 89, in Vigo County, Indiana.

Parcel No. 84-06-28-280-002.000-002

Commonly known as: 830 South 6th Street, Terre Haute, IN 47807.

be and the same is, hereby established as a R-2 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-2 Two Family Residence District 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-2 Two Family Residence District and women only secured 28 day program short- term inpatient treatment center. Petitioner will **not** be using this real estate for any type of walk-in clinic therefore minimizing the foot traffic at this location.
- (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) A variance is hereby granted from Section 10-113 a (2) which states in

part:

(1) "off street parking requirements", there shall be no requirements beyond the existing off street parking places

(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, Amended Special Ordinance No. 36, 2020, 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 Amended Special Ordinance No. 36, 2020, 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-2 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

Neil Garrison, Councilperson

Passed in open Council this 4TH day of FEBRUARY, ~~2020~~ ²⁰²¹

O. Earl Elliott

O. Earl Elliott, President

ATTEST: _____

Michelle Edwards

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 5TH day of FEBRUARY, 2021.

Michelle Edwards

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 5TH day of FEBRUARY, 2021.

Duke A. Bennett

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards

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
DEC 04 2020
CITY CLERK

SPECIAL ORDINANCE NO. 36, 2020

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

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Parcel No. 84-06-28-280-002.000-002

Commonly known as: 830 South 6th Street, Terre Haute, IN 47807.

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That the real estate described shall be a Planned Development in a R-2 Two Family Residence District 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-2 Two Family Residence District and short term inpatient treatment center.
- (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) A variance is hereby granted from Section 10-113 a (1) and 10-113 a (2) which states in part:

a (1) "Set back requirements", there shall be a zero setbacks required for the property and

a (2) "off street parking requirements", there shall be no requirements beyond the exiting off street parking places

(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

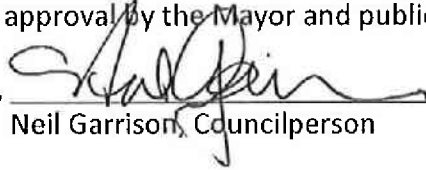
WHEREAS, Special Ordinance No. 36, 2020, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Special Ordinance No. 36, 2020, 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-2 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 _____, 2020.

, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

Michelle Edwards, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2021.

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.



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, Chosen Terre Haute, LLC, by Michael Feder, attorney for Chosen Terre Haute, LLC, 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 13 and 14 in Joseph G. Wilson's Subdivision of a part of Out Lot 64 of the original Out Lots of the Town, now City, of Terre Haute, in Plat Book 1, Page 89, in Vigo County, Indiana.

Parcel No. 84-06-28-280-002.000-002

Commonly known as: 830 South 6th Street, Terre Haute, IN 47807.

The Petitioner is 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 Two Family Residence District.

Your Petitioner would respectfully state that the real estate is now current a vacant nursing home. The Petitioner intends to use the real estate for a short term inpatient treatment center.

Your Petitioner would request that the real estate described herein shall be zoned as a R-2 Planned Development to allow for the use as proposed by Petitioner. Your Petitioner would allege that the R-2 Planned Development would not alter the general characteristics of this neighborhood.

Your Petitioner 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 Petitioner's parcel); 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-2 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 4th day of December, 2020.

PETITIONER:

CHOSEN TERRE HAUTE, LLC



Michael Feder, Attorney for Petitioner

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: Chosen Terre Haute, LLC 11988 Fishers Crossings Drive
Unit 1, Fishers, Indiana 46038.

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. 36, 2020
SITE PLAN

830 S. 6th Street
Terre Haute, Indiana 47807

Current Zoning: R-2 Two Family
Residence District
Proposed Zoning: R-2 Planned Development
Proposed Use: Short Term Inpatient
Treatment Center



STATE OF _____)
) SS:
COUNTY OF _____)

AFFIDAVIT

Comes now, Michael Feder, Attorney for Chosen Terre Haute, LLC, being duly sworn upon his oath, deposes and says:

1. That Chosen Terre Haute, LLC 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 13 and 14 in Joseph G. Wilson's Subdivision of a part of Out Lot 64 of the original Out Lots of the Town, now City, of Terre Haute, in Plat Book 1, Page 89, in Vigo County, Indiana.

Parcel No. 84-06-28-280-002.000-002

Commonly known as: 830 South 6th Street, Terre Haute, IN 47807.

2. That copies of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Chosen Terre Haute, LLC 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 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 Chosen Terre Haute, LLC

4. Further, Affiant saith not.

Dated at _____, _____ this 4th day of December, 2020.

Chosen Terre Haute, LLC

Michael Feder, Attorney for Chosen Terre Haute, LLC

(Notary Page to Follow)

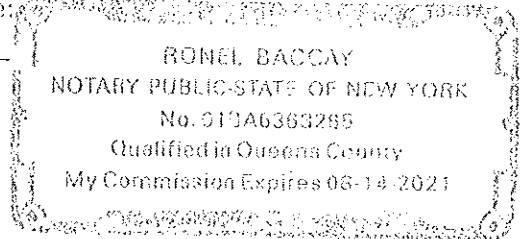
STATE OF New York
COUNTY OF Queens) SS:

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 4th day of December, 2020.

R. Baccay
Ronel Baccay, Notary Public

My Commission expires:
08/14/21

My County of Residence:
Queens



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

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2019003700 WD \$25.00
04/15/2019 10:04:49A 4 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented



APR 15 2019

James W. Brantley
VIGO COUNTY AUDITOR

114
949 329-7

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that Chosen PropCo THIN, LLC, a dissolved Indiana limited liability company ("**Grantor**"), for the purposes of winding up the company, CONVEYS and WARRANTS to Chosen Terre Haute, LLC, a Delaware limited liability company ("**Grantee**"), for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the following described real estate in Vigo County, Indiana, described on Exhibit A attached hereto and incorporated herein (the "**Real Estate**").

This conveyance of the Real Estate is subject to: (1) the lien for real estate taxes and assessments not yet due and payable; (2) liens, claims, encumbrances, rights-of-way, easements, restrictions, limitations, and covenants of record; and (3) matters that would be disclosed by an accurate survey and physical inspection of the Real Estate.

The undersigned person executing this General Warranty Deed on behalf of Grantor represents and certifies to Grantee that he or she is a duly authorized representative of Grantor and has been fully empowered to execute and deliver this General Warranty Deed; that Grantor has full limited liability company capacity to convey the Real Estate; and that all necessary limited liability company action for the making of such conveyance has been taken and done.

[Signature page follows.]

Send tax statements to, return after recording to, and Grantee's mailing address is:

c/o MAJH Holding Company, LLC
11988 Fishers Crossing Drive, Unit 100
Fishers, IN 46038
Attn: Moshe Orlinsky

This instrument was prepared by:

Elizabeth Jensen, Esq.
Sher, LLP
5750 Old Orchard Road, Suite 420
Skokie, IL 60077

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. Elizabeth Jensen

EXHIBIT A

Legal Description

Real property in the City of Terre Haute, County of Vigo, State of Indiana, described as follows:

Lots 13 and 14 in Joseph G. Wilson's Subdivision of a part of Out Lot 64 of the Original Out Lots of the Town, now City, of Terre Haute, in Plat Book 1, Page 89, in Vigo County, Indiana.

Commonly known as: 830 South 6th Street, Terre Haute, Indiana

Permanent Index Nos.: 84-06-28-280-002.000-002 / 118-06-28-280-002



Receipt

TERRE HAUTE, INC
PAID

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

Date: 12-21-2020

Name: Choccolate Haute LLC

Reason: Merchandise

Choccolate Haute LLC

CHK# 711666

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

Received By: [Signature]



TERRE HAUTE
STRENGTH 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: January 7, 2021

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 36-20

CERTIFICATION DATE: January 6, 2021

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. 36-20. This Ordinance is a rezoning of the property located at 830 S 6th Street. The Petitioner, Chosen Terre Haute LLC, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to R-2PD, Two-Family Residence Planned Development District.

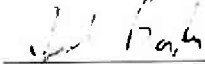
The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 36-20 at a public meeting and hearing held Wednesday, January 6, 2021. 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. 31-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 31-20 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. 36-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Must be recorded in 90 days 2) The existence of a hardship must be demonstrated 3) Sheds in the East setback must be removed 4) Submittal and approval of a new site plan to City Engineering.




Fred L. Wilson, President


Jared Bayler, Executive Director

Received this 7th day of January, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-20
Date: January 2021

Doc: # 64
Page 1 of 4

APPLICATION INFORMATION

Petitioner: Chosen Terre Haute, LLC

Property Owner: Same-As-Above

Representative: Richard Shagley II

Proposed Use: Short Term Inpatient Treatment Center

Proposed Zoning: R-2, Planned Development District

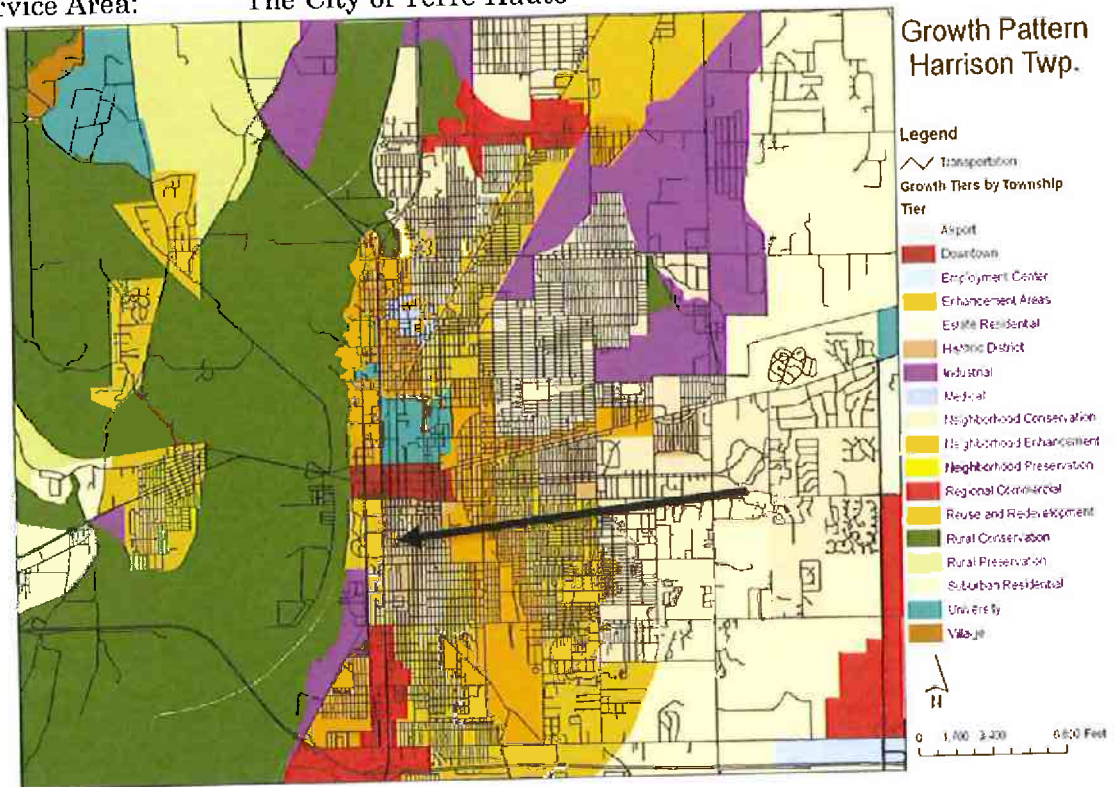
Current Zoning: R-2, Two-Family Residence District

Location: The property located on the corner of Park Street and S. 6th Street.

Common Address: 830 S.6th Street, Terre Haute, IN 47802

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-20

Doc: # 64

Date: January 2021

Page 2 of 4

Historic Districts

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 retain their original architectural character.
- The area must have clear and precise defined boundaries.

ZONING COMPATIBILITY

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

ZONING REGULATIONS

R-2 Two Family Residence District

Uses, Permitted - R-2 Two-Family Residence District.

- (1) Any use permitted in the R-1 District.
- (2) Dwellings - one and two family attached or detached.

Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.
Example - Commercial structure in a residential neighborhood that is not suitable for residential use.
- (3) Hardship due to adjacent, scattered incompatible uses.
Example - Scattered commercial uses in a residential neighborhood.
- (4) Hardship due to the general deterioration of the neighborhood.
Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.
- (5) Parcel located near district boundary lines.
Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #36-20

Doc: # 64

Date: January 2021

Page 4 of 4

FINDINGS and RECOMMENDATION

Staff Findings: In order to receive the PD zoning a hardship as listed above must be present. There is currently no designation in the Terre Haute City Code for an inpatient treatment center.

This rezoning would allow the reuse of the former Terre Haute Nursing Home. This could be a good reuse of the building as it is currently sitting vacant and boarded up. However, it is in the Farrington Grove Historic District. Accordingly, attention will need afforded to the historic nature of the building and/or area.

The petitioner is requesting a variance for no additional parking requirements. The petitioner states they will remove the sheds within the setback along the East property line. There are currently 13 parking spaces. The petitioner states that there would be approximately 20 employees and 35 patients. The petition was amended to add they would not have walk-in patients.

The use of the PD classification could be considered a protection for the neighborhood. Should the use be abandoned it would revert to the R-2 zoning. However, it would not be able to utilized as a nursing home unless it was rezoned to R-3 because the property would lose its legal nonconforming status.

Recommendation: Staff has a Favorable Recommendation for the R-2PD with the following condition:

1. The rezoning must be recorded within 90 days.
2. That the existence of a hardship be demonstrated.
3. Sheds in East setback must be removed.
4. Submittal and approval of a new site plan to City Engineering.

28-Day Residential Treatment

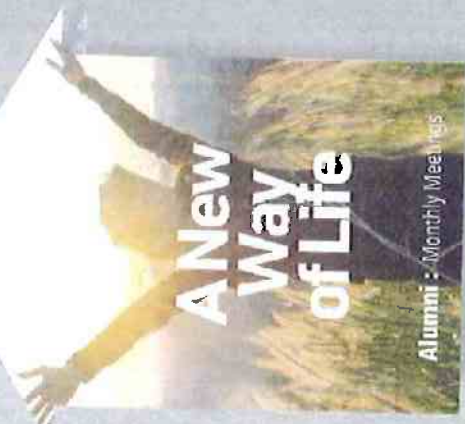
"Take the Time to Work On You"



CITY CLERK

"It feels like family, like home. I felt safe. I appreciated the hug when I walked in the door."

Hickory Treatment Graduate



Suggested for Family/Friends

Codependent No More by Melaine Seattle

"Families and friends need to make sure they aren't taking on their loved ones' recovery."

www.al-anon.org
FAQs, Find a Meeting



(800) 604-2117 • hickorytreatmentcenters.com

FILED
JAN 7 2021