

1 #REZ-2016-0019

2 BILL NO. Z-16-06-25

3 ZONING MAP ORDINANCE NO. Z-13-16

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. H-42 (Sec. 16 of Washington Township)

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. That the area described as follows is hereby designated a C3 (General
9 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11 Part of the Northwest Quarter of Section 16, Township 31 North, Range 12 East,
12 Allen County, Indiana, being more particularly described as follows, to-wit:

13 Commencing at the Northwest corner of said Section 16, being marked by a Type
14 "B" Highway monument; thence North 90 degrees 00 minutes 00 seconds East (deed
15 bearing and basis of all bearings in this description), on and along the North line of
16 said Northwest Quarter, being within the right-of-way of West Cook Road, a
17 distance of 516.80 feet to a survey nail at the Northeast corner of a 2.61 acre base
18 tract of real estate described in a deed to Bellchase Investments, LLC, in Document
19 Number 2011022268 in the Office of the Recorder of Allen County, Indiana; thence
20 South 00 degrees 24 minutes 57 seconds West, on and along the East line of said
21 2.61 acre base tract, a distance of 45.00 feet to a #5 rebar at a Southeast corner of a
22 1.796 acre tract of real estate described in a deed to The Board of Commissioners of
23 the County of Allen, Indiana, in Document Number 2008011064 I the Office of said
24 Recorder, this being the true point of beginning; thence South 90 degrees 00 minutes
25 00 seconds West, on and along a South line of said 1.796 acre tract, a distance of
26 30.21 feet to a #5 rebar; thence South 00 degrees 24 minutes 34 seconds West, on
27 and along an East line of said 1.796 acre tract, a distance of 284.00 feet to a #5 rebar;
28 thence South 12 degrees 43 minutes 29 seconds East, continuing on and along said
29 East line; a distance of 154.03 feet to a #5 rebar; thence South 89 degrees 35 minutes
30 26 seconds East, continuing on and along said East line, a distance of 25.00 feet to a
#5 rebar; thence South 00 degrees 24 minutes 34 seconds West, continuing on and
along said East line, a distance of 35.47 feet to the point of intersection of said East
line with the centerline of Brown No. 2 Drain; thence Easterly, on and along said
centerline, as defined by the following courses and distances:

North 89 degrees 48 minutes 19 seconds East, a distance of 123.41 feet;
thence North 83 degrees 00 minutes 54 seconds East, a distance of 152.90
feet; thence North 88 degrees 50 minutes 23 seconds East, a distance of 36.27
feet; thence North 71 degrees 00 minutes 19 seconds East, a distance of 36.89
feet;

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thence North 87 degrees 00 minutes 58 seconds East and leaving said centerline, a distance of 70.14 feet to a #5 rebar at an East corner of an 11.8543 acre base tract of real estate described in said Bellchase Investments deed; thence North 00 degrees 32 minutes 39 seconds East, on and along an East line of said 11.8543 acre tract, a distance of 280.78 feet to a steel post at the Northeast corner thereof, also being the Southeast corner of said 2.61 acre base tract; thence North 00 degrees 24 minutes 57 seconds East, on and along the East line of said 2.61 acre base tract, a distance of 175.00 feet to the true point of beginning, containing 5.134 acres of land, subject to all easements of record. This description is based on an original survey by Sauer Land Surveying, Inc., Survey No. 110-165 "A", dated June 5, 2016.


and the symbols of the City of Fort Wayne Zoning Map No. H-42 (Sec. 16 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

FACT SHEET

Case #REZ-2016-0019	Bill # Z-16-06-25	Project Start: 28 June 2016
APPLICANT:	Bellechase Investment, LLC	
REQUEST:	To rezone property from I2/General Industrial to C3/General Commercial; and approve a primary development plan for a three building multi-tenant commercial development.	
LOCATION:	The site is located at the southeast corner of the intersection of West Cook Road and Huguenard Road (Section 16 of Washington Township).	
LAND AREA:	Approximately 5.1 acres	
PRESENT ZONING:	I2/General Industrial	
PROPOSED ZONING:	C3/General Commercial	
NEIGHBORHOOD		
ASSOCIATIONS:	Community Liaison, Northwest Area Partnership	
COUNCIL DISTRICT:	3-Tom Didier	
ASSOCIATED PROJECTS:	Primary Development Plan, Cook Service Center	
SPONSOR:	City of Fort Wayne Plan Commission	

11 July 2016 Public Hearing

- No one spoke at the hearing in favor.
- Two residents spoke at the hearing in opposition or with concerns.
- Mike Bynum and Shan Gunawardena were absent.
- Staff recommended Do Pass.

18 July 2016 – Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Judi Wire and seconded by Mike Bynum to return the ordinance to Common Council for their final decision. 8-0 MOTION PASSED
- Tom Freistroffer was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
4 August 2016

Reviewed By:



Kim Bowman, Executive Land Use Director

PROJECT SUMMARY

The project site is located on property that was speculatively zoned to I2 under Allen County jurisdiction in 1998 for future industrial development. Despite being zoned for industrial, no industrial proposals have come before the Plan Commission for development of the site. The adjacent land uses include a recently zoned R1 parcel to the east which was rezoned for the owner to build a new home. The property to the north is zoned A1 and developed with metes and bounds residential. The property to the west was rezoned to MHP/Manufacture Home Park for a new phase of Carrington Point. The only undeveloped ground is to the south which is zoned industrial. The proposed development could be supported by the Comprehensive Plan in that it will offer infill development and investment in the area. The comprehensive plan could support this development through the following objectives:

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;

LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.

LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The proposed commercial development will be located in the southeast corner of West Cook Road and Huguenard Road with one access to each street. It is clear from the site plan that there will be a convenience store with a drive-through and a canopy. The intended uses of the other two buildings has not been determined. All of the Ordinance standards are being met with the proposed development. Stormwater detention is located in the southeast corner of the development and shows discharge into the Brown Drain that runs along the south side of the property.

PUBLIC HEARING SUMMARY:

Presenter:

Architect Phil Troyer represented the applicant and presented the request as outlined above in the project summary.

Comments in Favor:

None

Comments in Opposition:

John Edward, Cook Road – Enjoys star-gazing and was hoping that this industrial property would develop as residential. He says there are many gas stations in the area and is worried about property values.

Larry Campbell, Quarry Lake Estates – Is concerned that the station will be open 24 hours. Lighting is also a concern.

In Rebuttal:

Mr. Troyer stated that new LED lighting has much less light trespass, and all will be completely downward directed. He also stated that gas stations do not generate traffic, they capture the traffic that is already on the corridor. Hours will likely be 6 a.m. to midnight.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2016-0019

APPLICANT: Bellechase Investment, LLC
REQUEST: To rezone property from I2/General Industrial to C3/General Commercial; and approve a primary development plan for a three building multi-tenant commercial development.
LOCATION: The site is located at the southeast corner of the intersection of West Cook Road and Huguenard Road (Section 16 of Washington Township).
LAND AREA: Approximately 5.1 acres
PRESENT ZONING: I2/General Industrial
PROPOSED ZONING: C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2016-0019 be returned to Council with a “Do Pass” recommendation for the following reasons:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The service center would be located within a planned Neighborhood Center, designed to provide goods and services to the surrounding neighborhoods. This proposal will provide infill development using existing infrastructure.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Site plan review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood.
3. Approval is consistent with the preservation of property values in the area. This proposal will provide local investment into the vacant property. The proposed site plan has features to limit impact on the neighboring properties.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on July 18, 2016.



Michael Bultemeier
Secretary to the Commission

**City of Fort Wayne Common Council
DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0019
Bill Number: Z-16-06-25
Council District: 3-Tom Didier

Introduction Date: June 28, 2016

Plan Commission
Public Hearing Date: July 11, 2016

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone approximately 5.13 acres of property from I2-General Industrial to
C3-General Commercial

Location: 3731 West Cook Road

Reason for Request: To develop the property with 3 commercial buildings including a gas
station/convenience store.

Applicant: Bellchase Investments, LLC

Property Owner: Bellchase Investments, LLC

Related Petitions: Primary Development Plan, Cook Service Center

Effect of Passage: Property will be rezoned to the C3-General Commercial zoning district
which allows a gas station and other automotive related uses.

Effect of Non-Passage: The property will remain zoned for industrial development, which
includes some retail and commercial uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Bellechase Investment, LLC
 Address 14033 Illinios Road, Suite A
 City Fort Wayne State IN Zip 46814
 Telephone 260-625-5550 E-mail gwest@mikethomasrealtor.com

Contact Person
 Contact Person Glenda West
 Address same
 City _____ State _____ Zip _____
 Telephone _____ E-mail _____

All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 3731 West Cook Road
 Present Zoning I2 Proposed Zoning C3 Acreage to be rezoned 5.134 acres
 Proposed density _____ units per acre
 Township name Washington Township section # 16
 Purpose of rezoning (attach additional page if necessary) To permit a mixed use retail center
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezoning Only

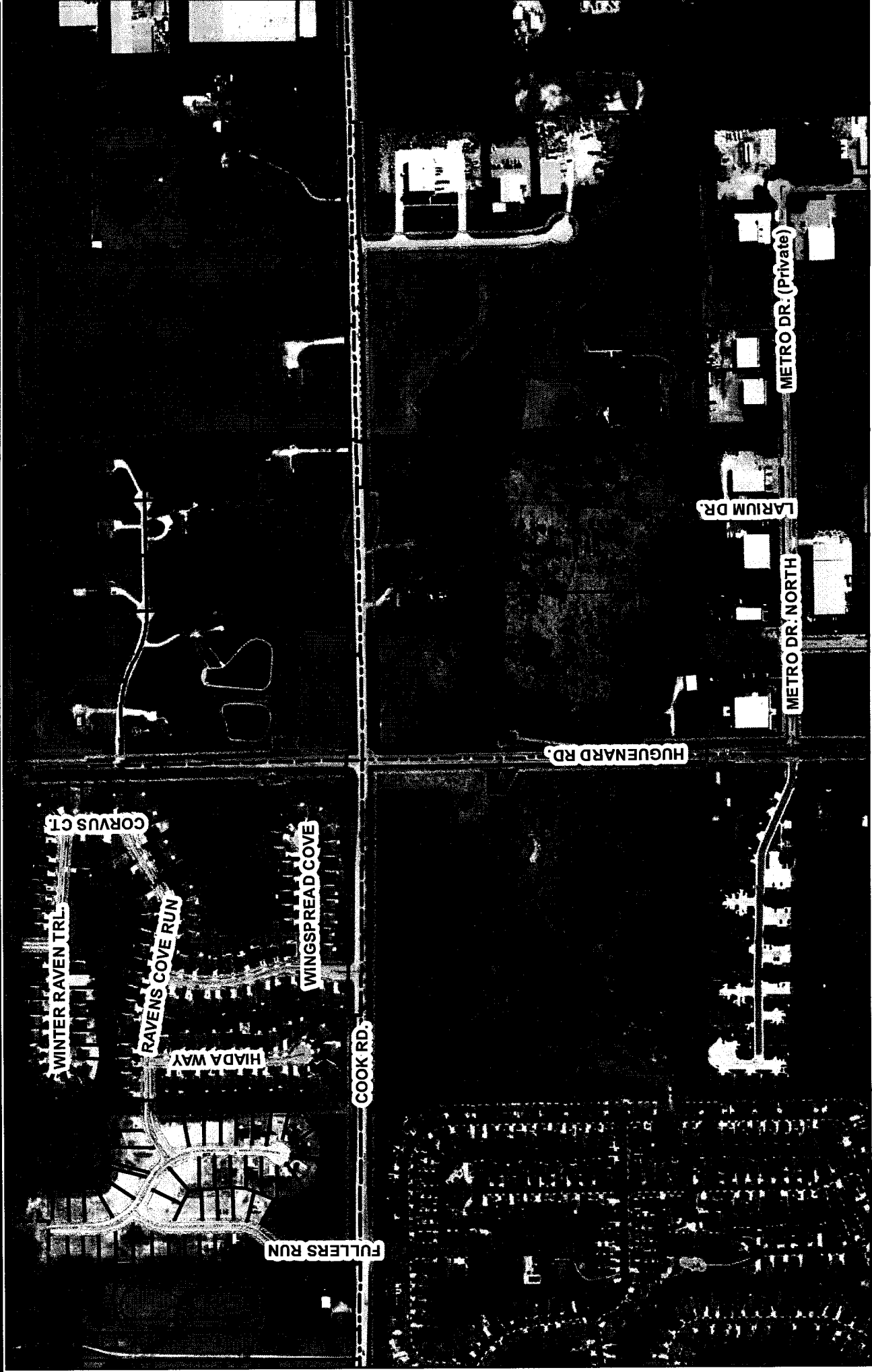
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Bellechase Investments LLC [Signature] 6/6/2016
 (printed name of applicant) (signature of applicant) (date)
Bellechase Investments LLC [Signature] 6/6/2016
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>6/7/16</u>	<u>121077</u>	<u>7/11/16</u>	<u>RCZ-2016-0019</u>



Rezoning Petition REZ-2016-0019 and Primary Development Plan - Cook Road Service Center



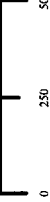
Project boundaries represented by bold colored lines are for representational purposes only.

Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009



1 inch = 500 feet



Date: 6/17/2016

500 Feet



Rezoning Petition REZ-2016-0019 and Primary Development Plan - Cook Road Service Center



Project boundaries represented by bold colored lines are for representational purposes only.

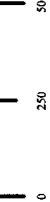
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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

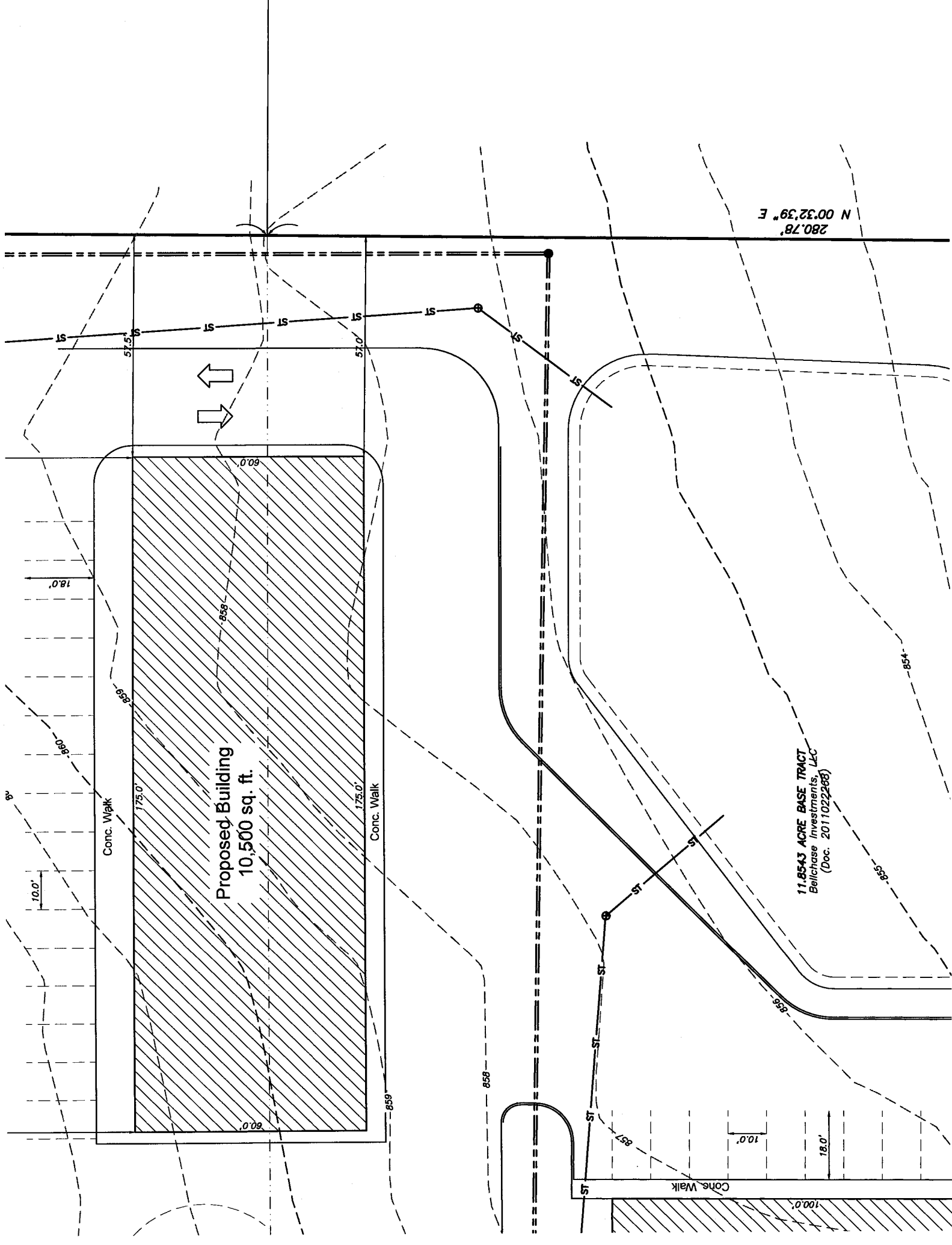
Date: 6/17/2016



1 inch = 500 feet



500 Feet



Proposed Building
10,500 sq. ft.

11.8543 ACRE BASE TRACT
Bellchase Investments, LLC
(Doc. 2011022488)

280.78' N 00.32.39' E

Conc. Walk

Conc. Walk

Conc. Walk

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18.0'

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175.0'

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Public Hearing Date: July 11, 2016.


Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:


<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 9, 2016


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
Zoning No. Z-16-06-25 on the 9th day of August, 2016

ATTEST:



LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
of August 2016, at the hour of 9:30 o'clock P.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 12TH day of August
2016, at the hour of 9:00 O'clock AM . E.S.T.


THOMAS C. HENRY, MAYOR

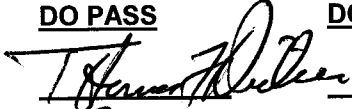
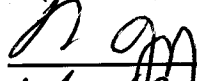
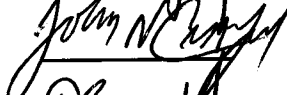


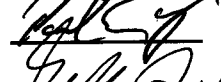

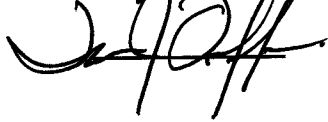
REPORT OF COMMITTEE ON REGULATIONS

AUGUST 9, 2016

Tom Freistroffer, Chair
Tom Didier, Co-Chair
All Council Members

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. H-42 (Sec. 16 of Washington Township)
southeast corner of Cook Rd and Huguenard Rd

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration
and beg leave to report back to the Common Council that said ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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LANA R. KEESLING
CITY CLERK

