

1 #REZ-2016-0023

2 BILL NO. Z-16-06-26

3 ZONING MAP ORDINANCE NO. Z-12-16

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. M-58 (Sec. 2 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 an R1 (Single
9 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 The parcel identified as "land owned by Isadore C. Badiac and Cecil D. Badiac
12 containing 6.24 acres" as shown on the Plat of Limberlost Acres Addition, Section
13 B, according to the plat thereof, as recorded in Plat Record 25, at pages 98-99 of the
14 records in the Office of the Recorder of Allen County, Indiana, more particularly
15 described as follows:

16 Commencing at a point on the North line of the northeast fractional quarter of
17 Section 2, Township 31 North, Range 12 East, also being the centerline of the
18 Dupont Road, which said point is 954.62 feet West of the Northeast corner of the
19 said fractional Northeast quarter; thence South 25 feet to an iron; thence
20 Southwesterly 39.64 (central angle of 90 degrees 51 minutes 30 seconds) along a
21 curve concave to the Southeast, having a radius of 25 feet, to an iron and to the point
22 of tangency (the Long Chord of said curve bears South 45 degrees 25 minutes 45
23 seconds West, length of 35.62 feet); thence South 106.24 feet to an iron; thence
24 South 05 degrees 12 minutes 00 seconds West, 220.90 feet to an iron; thence South
25 113.04 feet to an iron; thence Southeasterly, 46.67 feet (central angle at 89 degrees
26 08 minutes 30 seconds) along a curve concave to the Northeast, having a radius of 30
27 feet, to an iron and to the point of tangency (the Long Chord of said curve bears
28 South 44 degrees 34 minutes 15 seconds East, length of 42.11 feet); thence South 89
29 degrees 08 minutes 30 seconds East, 520.45 feet to an iron on the West line of
30 Limberlost Acres Addition, Section A; thence North along the West line of said
Limberlost Acres Addition, Section A, a distance of 520 feet to a point in the north
line of the Northeast quarter of said Section 2, Township 31 North, Range 12 East,
which is 450.00 feet West of the Northeast corner of the said fractional Northeast
quarter; thence South 89 degrees 08 minutes 30 seconds West along said North line
of the said fractional Northeast quarter, a distance of 504.62 feet to the point of
beginning.

EXCEPT:

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Part of the North half of the Northeast Quarter of Section 2, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

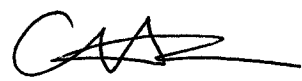
Beginning at a point on the North line of said Section 2, said point being 450.0 feet West of the Northeast corner of the Northeast Quarter of Section 2; thence South 01 degree 22 minutes 56 seconds East, a distance of 48.55 feet; thence South 89 degrees 14 minutes 30 seconds West, a distance of 485.27 feet; thence South 56 degrees 23 minutes 34 seconds West, a distance of 46.09 feet; thence North 07 degrees 47 minutes 38 seconds West, a distance of 51.10 feet; thence North 89 degrees 28 minutes 34 seconds East, a distance of 25.38 feet; thence North 01 degree 22 minutes 56 seconds West, a distance of 25.0 feet; thence North 89 degrees 28 minutes 34 seconds East, a distance of 504.62 feet to the point of beginning, containing 0.60 acres of land, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. M-58 (Sec. 2 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-2016-0023 Bill # Z-16-06-26 Project Start: 28 June 2016

APPLICANT:	Maple Seed Farms, Inc.
REQUEST:	To rezone property from AR/Low Intensity Residential to R1/Single Family Residential.
LOCATION:	The site lies on the south side of West Dupont Road, on the east side of Nottawa Trail, and on the north side of Rome Drive. The address of the subject property is 101 West Dupont Road (Section 2 of Washington Township).
LAND AREA:	Approximately 5.9 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	R1/Single Family Residential
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Limberlost Acres, LaCabreah Community Association, Eagle Lake, Northwest Area Partnership
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

11 July 2016 Public Hearing

- No one spoke at the hearing in favor.
- Three neighbors 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 Justin Shirley 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 applicant seeks R1/Single Family Residential zoning in order to petition the Board of Zoning Appeals for a Special Use. Maple Seed Farms, Inc. intends to provide day services to teenagers and young adults with autism and other special needs. Because of the therapeutic nature of the services, it was determined that the proposed use would fall under the professional office or personal service use category. In the R1-Single Family Residential zoning district, professional office and personal services are both listed under available Special Uses that the Board can consider. There are defined as "transitional uses", intended to serve as a low-intensity intermediate use between existing residential land uses (especially single family) and higher-intensity nonresidential uses, as an area changes from residential use to nonresidential use. A transitional use shall only be permitted to be considered as a Special Use on lots which adjoin an arterial roadway.

This petition is for a rezoning only. No new development on the property is proposed at this time. Should the Special Use not be approved by the Board, there should be no adverse affect on the surrounding properties, as the RI zoning is prevalent in the area and currently surrounds the site today. The proposed zoning would also permit the existing structure as a single family homestead. The Special Use can permit the specific needs of the petitioner, and provide more protection to the neighboring properties, as opposed to rezoning to C1- Professional Office and Personal Services, which could allow more intensive uses, such and drive-through banking and other office uses that cause more traffic.

The proposed zoning district can be supported by the Comprehensive Plan in that it will allow this property to be utilized in a unique way that does not change the character of the area. The proposal will provide services to the specialized group of clients. The comprehensive plan supports this development through the following objectives:

- LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;
- LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
- LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

PUBLIC HEARING SUMMARY:

Presenter:

Attorney Rob Kruger represented the applicant and presented the request as outlined above in the project summary.

Comments in Favor:

None

Comments in Concern:

Scott Naultner, President of Limberlost Neighborhood - Stating concerns he heard from neighbors: traffic, new structures on the property.

Scott Thomas – previous owner was not a good neighbor. They began using neighborhood streets for access to the school.

David Dewald – Is not opposed, just has questions about why a rezoning is necessary.

In Rebuttal:

Traffic should not be as intensive as when the site was used for a school because there are no "start" or "end" times like a regular school. There are also not as many clients. The rezoning is needed because this is not a

school. It is seen as more of a medical, or therapeutic use, which requires the R1 zoning to seek the transitional use approval from the BZA.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

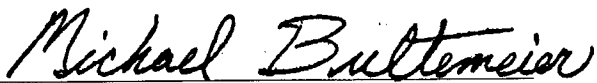
Rezoning Petition REZ-2016-0023

APPLICANT: Maple Seed Farms, Inc.
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LOCATION: The site lies on the south side of West Dupont Road, on the east side of Nottawa Trail, and on the north side of Rome Drive. The address of the subject property is 101 West Dupont Road (Section 2 of Washington Township).
LAND AREA: Approximately 5.9 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2016-0023 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 proposed zoning district is consistent with surrounding land uses.
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. A Special Use approval by the Board of Zoning Appeals to achieve the desired use will provide protection to the neighboring properties.
3. Approval is consistent with the preservation of property values in the area. This proposal allows for the existing structures to be redeveloped and provide specialized services to the community.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

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-2016-0023
Bill Number: Z-16-06-26
Council District: 2-Russ Jehl

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 5.84 acres of property from AR-Low Intensity
Residential to R1-Single Family Residential

Location: 101 W. Dupont

Reason for Request: To use the property to provide day services for teens with autism and
other special needs.

Applicant: Maple Seed Farms

Property Owner: Walter G. Fuller, LLC

Related Petitions: Special Use Request, Board of Zoning Appeals

Effect of Passage: Property will be rezoned to the R1-Single Family Residential zoning
district which allows typical single family type development. It also
allows the applicant to apply for a Special Use for a professional office as
a transitional use.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential, which will
not allow for a Special Use approval for a professional office. The
property may continue to be used for single family housing and low
intensity agriculture.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Maple Seed Farms, Inc.
 Address Attn: C. Kacsor, 101 W. Dupont Road
 City Fort Wayne State IN Zip 46825
 Telephone _____ E-mail _____

Contact Person
 Contact Person Robert C. Kruger, Esq.
 Address 200 E. Main Street, Suite 1000
 City Fort Wayne State IN Zip 46802
 Telephone (260) 426-1300 E-mail rkruger@burtblee.com

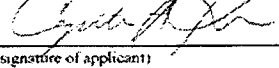
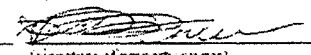
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 101 W. Dupont Road
 Present Zoning _____ Proposed Zoning R1 Acreage to be rezoned 5.844
 Proposed density N/A units per acre
 Township name Washington Township section # 2
 Purpose of rezoning (attach additional page if necessary) To allow for special use for professional offices
 Sewer provider _____ Water provider _____

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/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

<u>Maple Seed Farms, Inc.</u> (printed name of applicant)	 (signature of applicant)	<u>6-6-16</u> (date)
<u>Walter G. Fuller, LLC</u> (printed name of property owner)	 (signature of property owner)	<u>6-6-16</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>6/6/16</u>	Receipt No. <u>21037</u>	Hearing Date <u>7/11/16</u>	Petition No. <u>REZ-2016-0023</u>
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Rezoning Petition REZ-2016-0023 (101 West Dupont Road)



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 does not accept any liability resulting from any error or omission in this map.

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

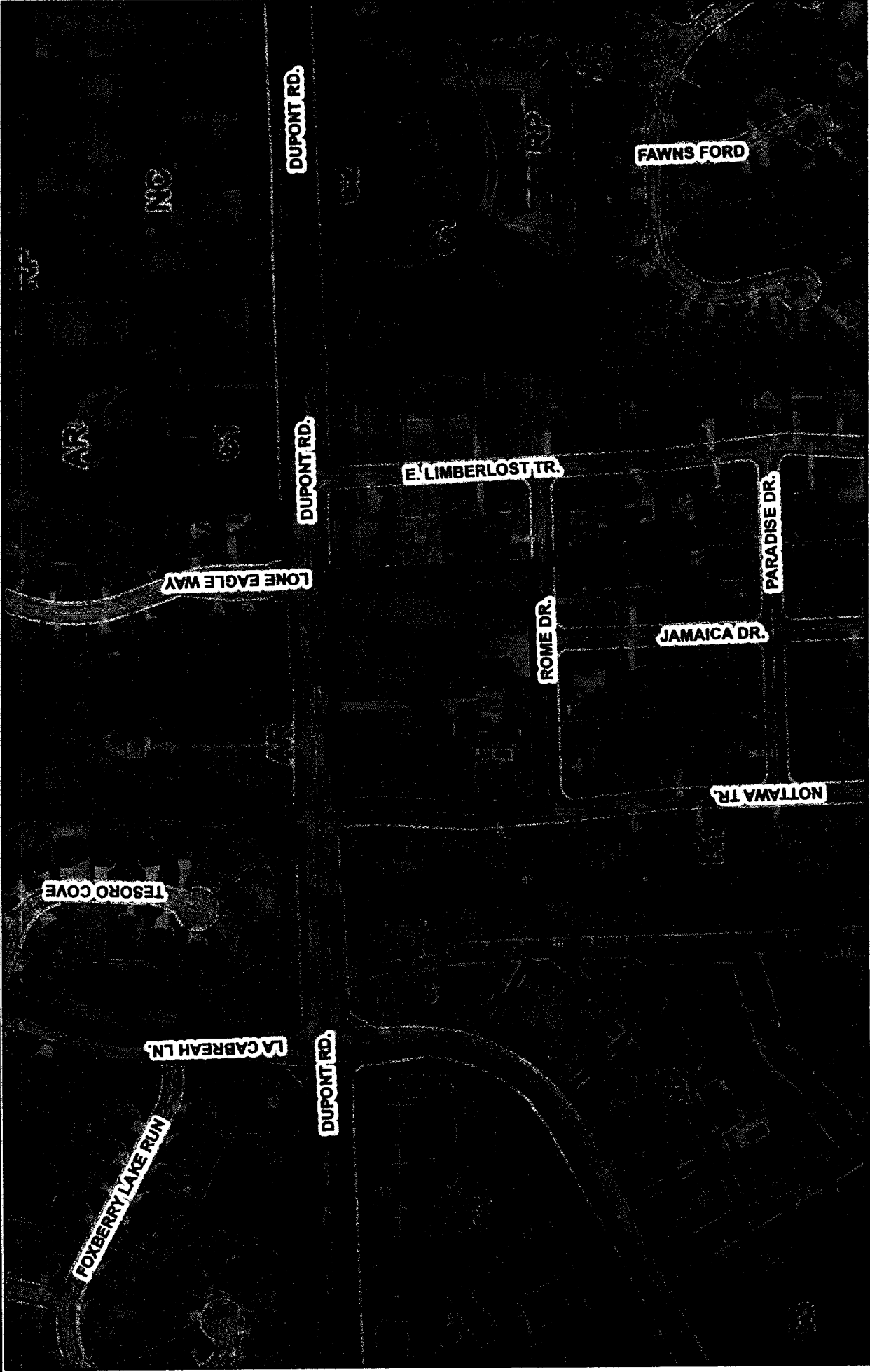
Date: 6/17/2016



1 inch = 300 feet



Rezoning Petition REZ-2016-0023 (101 West Dupont Road)

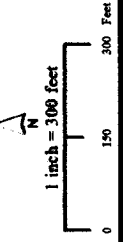


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Although other accuracy standards have been employed in the compilation of this map, the accuracy of the information contained herein and delineations are and all liability resulting from any error or omission in this map.

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

Date: 6/17/2016



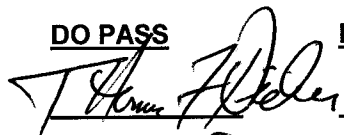

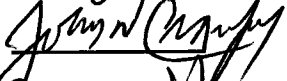
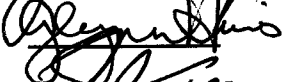

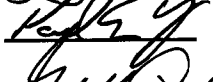


REPORT OF COMMITTEE ON REGULATIONS

AUGUST 9, 2016

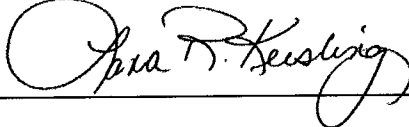
Tom Freistroffer, Chair
Tom Didier, Co-Chair
All Council Members

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-58 (Sec. 2 of Washington Township)
101 W. Dupont 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>
			
			
			
			
			
			
			

LANA R. KEESLING
CITY CLERK



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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-16-06-26 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