

1 #REZ-2016-0025

2 BILL NO. Z-16-06-28

3 ZONING MAP ORDINANCE NO. Z-14-16

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. I-31 (Sec. 33 of Wayne 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 I1 (Limited
9 Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11 Part of the Southeast quarter of the Northeast quarter of Section 33, Township 30
12 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

13 Beginning at a point on the West right-of-way line of Indiana State Road #1 (also
14 known as the Bluffton Road), said point being situated a distance of 508.58 feet
15 North and 30 feet West of the Southeast corner of the Southeast quarter of the
16 Northeast quarter of Section 33, Township 30 North, Range 12 East; thence South
17 along the West right-of-way line of said Indiana State Road #1 a distance of 112 feet;
18 thence West along a line parallel with the South right-of-way line of Alma Avenue a
19 public thoroughfare in the aforementioned Section, Township, and Range a distance
20 of 275.77 feet to a point 60 feet East of the East line of Lot #1 Hindman's Addition
21 to the City of Fort Wayne, Indiana; thence North along a line parallel with and 60
22 feet East of the said East line a distance of 112 feet to a point on the South right-of-
23 way line of Alma Avenue aforementioned; thence East along the South right-of-way
24 line of said Alma Avenue a distance of 275.6 feet to the point of beginning
25 containing 0.71 acres and subject to an easement over and across the South 10 feet
26 and the West 10 feet thereof for roadway purposes plus the right to use for driveway
27 purposes the North 10 feet of the property abutting plus the above described tract on
28 the South and the East 10 feet of the property abutting the above described tract on
29 the West.


30 and the symbols of the City of Fort Wayne Zoning Map No. I-31 (Sec. 33 of Wayne
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.

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Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

FACT SHEET

Case #REZ-2016-0025 Bill # Z-16-06-28 Project Start: 28 June 2016

APPLICANT:	Kenefic Properties, LLC
REQUEST:	To rezone property from C4/Intensive Commercial to I1/Limited Industrial, to allow furniture manufacturing on the site.
LOCATION:	The site lies southwest of the intersection of Bluffton Road and Alma Avenue. The address of the subject property is 7702 Bluffton Road (Section 33 of Wayne Township).
LAND AREA:	Approximately 0.71 acres
PRESENT ZONING:	C4/Intensive Commercial
PROPOSED ZONING:	I1/Limited Industrial
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Southwest Area Partnership, Southwest Waynedale Neighborhood Association
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

11 July 2016 Public Hearing


- One business owner spoke at the hearing in favor.
- No one 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 Mike Bultemeier and seconded by Shan Gunawardena 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 petitioner and property owner, Kenefic Properties, LLC wishes to rezone the existing building at 7702 Bluffton Road to I1/Limited Industrial, from C4/Intensive Commercial. The proposal is to utilize a portion of the building as furniture manufacturing. The property lies at the southwest corner of the intersection of Bluffton Road and Alma Avenue. The Bluffton Road corridor has developed over the years into a mixture of industrial, commercial, and residential uses. In the immediate area, there is a mixture of zoning classifications and uses. Immediately to the west and south is industrial zoning (I1 and I2). The Bluffton Road corridor includes a wide variety of commercial uses, due to the fact the zoning in this area is C4/Intensive Commercial, which allows the widest range of commercial uses. This particular rezoning petition would actually limit some of the more intensive commercial uses, and allows the proposed use the applicant wishes to have at the site. The I1 district's uses are typically oriented inside of the building. There is no plan at this time for additional building expansion, so no primary development plan is required. The proposal can be supported by the following goals and policies of the Comprehensive Plan:

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

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.

PUBLIC HEARING SUMMARY:

Presenter:

Attorney Rob Kruger represented the applicant and presented the request as outlined above in the project summary. The new business will employ a total of 9 persons. There is no planned building expansion or outdoor storage.

Comments in Favor:

Bob Eddy stated that when Feuser Heating and Air occupied the site, they had 40 to 50 trucks in and out a day, so that the few trucks in use for the new business should pose no traffic problem. He is in support of the new owner and rezoning.

Comments in Opposition:

None.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2016-0025

APPLICANT: Kenefic Properties, LLC
REQUEST: To rezone property from C4/Intensive Commercial to I1/Limited Industrial, to allow furniture manufacturing on the site.
LOCATION: The site lies southwest of the intersection of Bluffton Road and Alma Avenue. The address of the subject property is 7702 Bluffton Road (Section 33 of Wayne Township).
LAND AREA: Approximately 0.71 acres
PRESENT ZONING: C4/Intensive Commercial
PROPOSED ZONING: I1/Limited Industrial

The Plan Commission recommends that Rezoning Petition REZ-2016-0025 be returned to Council with a "Do Pass" recommendation for the following reasons:

1. Approval of the rezoning request will not establish an undesirable precedent in the area. This property is in close proximity to industrial zoning districts in an area has developed with a variety of mixed 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. No additional building improvements are proposed at this time. All furniture production uses will occur inside the structure, with no outdoor storage.
3. Approval is intended to conserve property values in the area through compatible development. Many of the properties along the Bluffton Road corridor are already industrial. Any site improvements offered by the applicant in the future may increase the aesthetic appeal of the site.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Sewer, water, stormwater management, and adequate access are in place. The proposed development does not require new structures or infrastructure.

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-2016-0025
Bill Number: Z-16-06-28
Council District: 4-Jason Arp

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 0.71 acres of property from C4-Intensive
Commercial to I1-Limited Industrial

Location: 7702 Bluffton Road

Reason for Request: To use the existing structure for a furniture building business.

Applicant: Kenefic Properties, LLC

Property Owner: Robert B. Eddy

Related Petitions: none

Effect of Passage: Property will be rezoned to the I1-Limited Industrial zoning district which
allows low intensity indoor industrial uses, such as manufacturing and
fabrication.

Effect of Non-Passage: The property will remain zoned C4-Intensive Commercial, which allows a
wide variety of retail and commercial services, including all automotive
uses and adult uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Kenefic Properties, LLC
 Address 12323 Sanctuary Trail
 City Fort Wayne State IN Zip 46814
 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 7702 Bluffton Road
 Present Zoning C4 Proposed Zoning I1 Acreage to be rezoned 0.71
 Proposed density _____ units per acre
 Township name Wayne Township section # 33
 Purpose of rezoning (attach additional page if necessary) To allow operation of furniture manufacturer.
 Sewer provider Fort Wayne Water provider 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.

Kenefic Properties, LLC Robert B. Eddy
 (printed name of applicant) (signature of applicant) 6/6/16
 (date)
 (printed name of property owner) (signature of property owner) 6/4/16
 (date)
 (printed name of property owner) (signature of property owner) _____
 (date)
 (printed name of property owner) (signature of property owner) _____
 (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>June 7, 16</u>	<u>121066</u>	<u>7/13/16</u>	<u>CEZ-2016-0028</u>

Rezoning Petition REZ-2016-0025 (7702 Bluffton 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 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, Zone 16 East
Photos and Contours: Spring 2009

Date: 6/17/2016



1 inch = 300 feet

0 150 300 Feet



Rezoning Petition REZ-2016-0025 (7702 Bluffton Road)



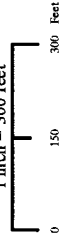
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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
Site Plane Coordinate System, Indiana East
Photo and Contour, Spring 2009

Date: 6/17/2016



1 inch = 300 feet



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

CERTIFICATE OF SURVEY

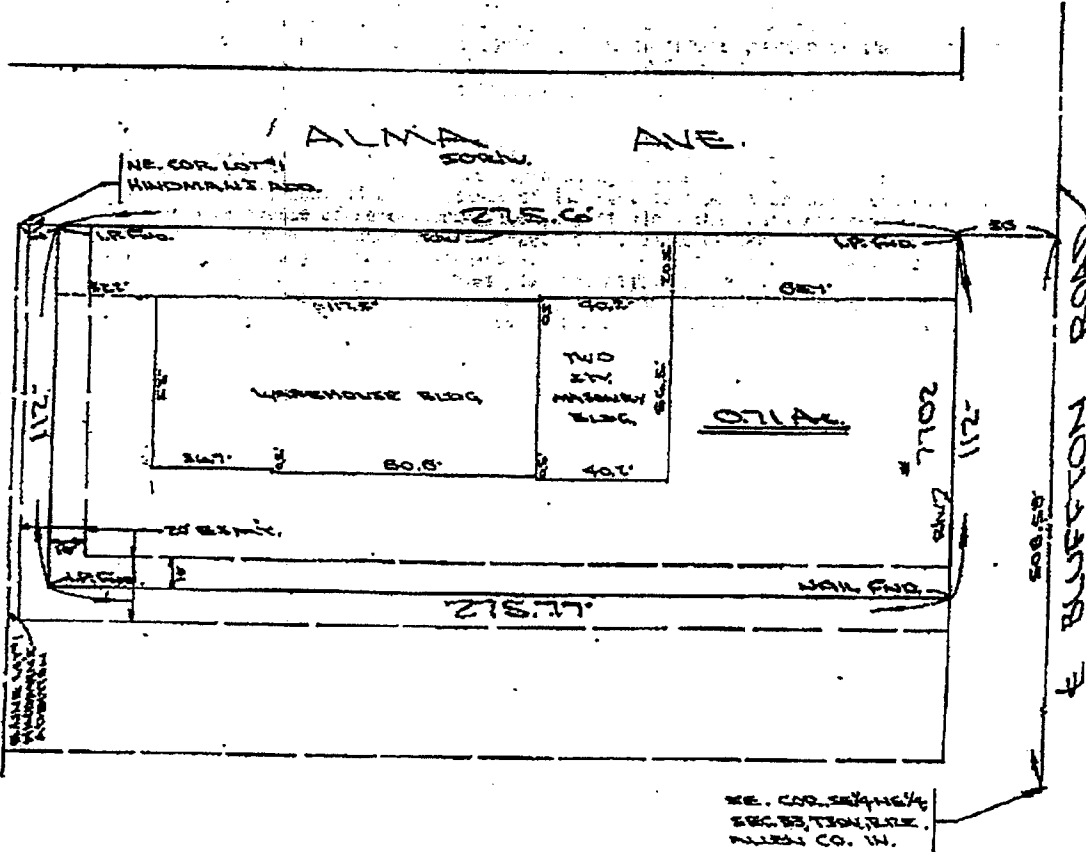
OFFICE OF:

DONOVAN ENGINEERING
JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. 80183 INDIANA
GREGORY L. ROBERTS P.L.S. No. 80349 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a survey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, Allen County, Indiana. No encroachments exist, except as noted below.

The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**

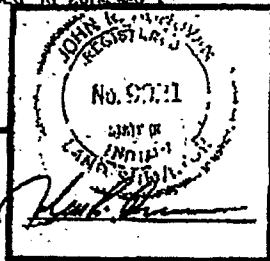


NOTE: According to the Flood Insurance Rate Map (FIRM), number 180003 00208, dated April 3, 1985, the herein described real estate is located in Zone X₁ and is not in a flood hazard area.

RE-CERTIFIED 4-1-89

JOB FOR LEBRATO BRDS.
FEUSER-EDDY

7-7-86
REV. 4-1-89



CHT. 4-002
P.O. FILE

CERTIFICATE OF SURVEY

OFFICE OF.

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. 50193 INDIANA
GREGORY L. ROBERTS P.L.S. No. 50548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, Allen County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit:

Part of the Southeast quarter of the Northeast quarter of Section 33, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the West right-of-way line of Indiana State Road #1 (also known as the Bluffton Road), said point being situated a distance of 508.58 feet North and 30 feet West of the Southeast corner of the Southeast quarter of the Northeast quarter of Section 33, Township 30 North, Range 12 East; thence South along the West right-of-way line of said Indiana State Road #1 a distance of 112 feet; thence West along a line parallel with the South right-of-way line of Alma Avenue a public thoroughfare in the aforementioned Section, Township, and Range a distance of 275.77 feet to a point 60 feet East of the East line of Lot #1 Hindman's Addition to the City of Fort Wayne, Indiana; thence North along a line parallel with and 60 feet East of the said East line a distance of 112 feet to a point on the South right-of-way line of Alma Avenue aforementioned; thence East along the South right-of-way line of said Alma Avenue a distance of 275.6 feet to the point of beginning containing 0.71 acres and subject to an easement over and across the South 10 feet and the West 10 feet thereof for roadway purposes plus the right to use for driveway purposes the North 10 feet of the property abutting the above described tract on the South and the East 10 feet of the property abutting the above described tract on the West.

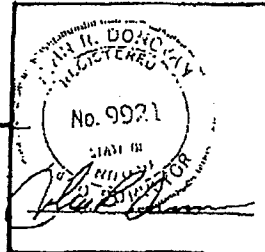
S.R. ON FILE
LWT. 920F2

RE-CERTIFIED 9-1-89

John R. Donovan

JOB FOR: LEBRATO 220.
FEUSER-EDDY

7-7-86
REV. 9-1-89



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-16-06-28 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

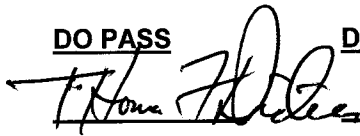
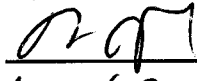

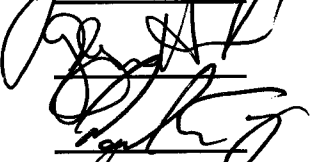
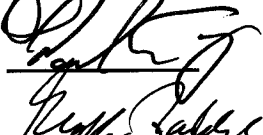
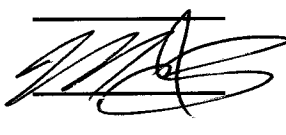

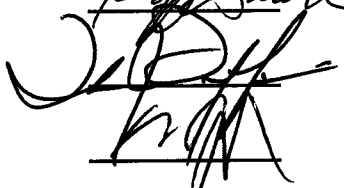
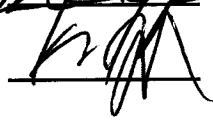
REPORT OF COMMITTEE ON REGULATIONS

AUGUST 9, 2016

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

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-31 (Sec. 33 of Wayne Township)
7702 Bluffton 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

