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#REZ-2016-0026

BILL NO. Z-16-06-29

ZONING MAP ORDINANCE NO. Z-15-16

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-31 (Sec. 36 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated an R1 (Single Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

The plat of Southtown Meadow, Section I, as recorded with Document Number 930017191, in the Office of the Recorder of Allen County, Indiana.

TOGETHER WITH:

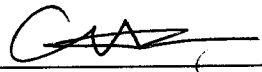
The plat of Southtown Meadow, Section II, as recorded with Document Number 970067876, in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. N-31 (Sec. 36 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.

  
Council Member

APPROVED AS TO FORM AND LEGALITY:

  
Carol T. Helton, City Attorney

## FACT SHEET

Case #REZ-2016-0026 Bill # Z-16-06-29 Project Start: 28 June 2016

APPLICANT:	Claudia Harris-Stevenson
REQUEST:	To rezone Southtown Meadow Subdivision Sections 1 and 2 from C4/Intensive Commercial to R1/Single Family Residential.
LOCATION:	Southtown Meadow lies on the east side of South Hanna Street, just to the east of Tillman Park (Section 36 of Wayne Township).
LAND AREA:	Approximately 16 acres
PRESENT ZONING:	C4/Intensive Commercial
PROPOSED ZONING:	R1/Single Family Residential
NEIGHBORHOOD	
ASSOCIATIONS:	Community Liaison, Southeast Area Partnership
COUNCIL DISTRICT:	6-Glynn Hines
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

### 11 July 2016 Public Hearing

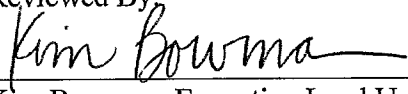
- Two residents spoke at the hearing in favor.
- No one spoke at the hearing in opposition.
- Mike Bynum and Shan Gunawardena were absent.
- Staff recommended Do Pass.

### 18 July 2016 – Business Meeting

#### Plan Commission Recommendation: Do Pass

- A motion was made by Shan Gunawardena and seconded by Judi Wire 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 is requesting a rezoning from C4/Intensive Commercial to R1/Single Family Residential. The request is to rezone Southtown Meadow Sections 1 and 2. The goal of the rezoning request is to simply make the existing use in compliance with the Zoning Ordinance's permitted uses. The property was zoned C4 when the applicant developed the subdivision but at the time, single family residential plats were a permitted use so the applicant chose not to rezone the property. Since the original platting several Zoning Ordinance changes have occurred which make single family residential uses not permitted. At least two properties have gone to the Board of Zoning Appeals to get approval for residential in the C4 for financial reasons. The applicant for this petition is a resident in the subdivision and obtained a petition of signatures from over 75 percent of the property owners in Section 1. Additionally, after the filing staff contacted the property owner of Section 2 to discuss them joining the petition. They decided as well to downzone Section 2.

As mentioned, there is no development plan associated with this request and there are no proposed changes to the site at this time. The main purpose of the rezoning is to make the existing residential use permitted with the R1/Single Family Residential zoning district. As the Plan Commission has seen recently, non-conforming situations have created financing issues for prospective buyers and sellers of property.

### **PUBLIC HEARING SUMMARY:**

#### Presenter:

Arlie Elam presented the request as outlined above in the project summary.

#### Comments in Favor:

Claudia Harris-Stevenson and Prince Page support the zoning change.

#### Comments in Opposition:

None

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2016-0026

APPLICANT: Claudia Harris-Stevenson  
REQUEST: To rezone Southtown Meadow Subdivision Sections 1 and 2 from C4/Intensive Commercial to R1/Single Family Residential.  
LOCATION: Southtown Meadow lies on the east side of South Hanna Street, just to the east of Tillman Park (Section 36 of Wayne Township).  
LAND AREA: Approximately 16 acres  
PRESENT ZONING: C4/Intensive Commercial  
PROPOSED ZONING: R1/Single Family Residential

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The Plan Commission recommends that Rezoning Petition REZ-2016-0026 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 City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is a mixture of residential and commercial zoned property. Single family residences exist in the neighborhood. The proposal is to bring the existing use into compliance with the Zoning Ordinance.
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. There are no new uses proposed on the site. The rezoning will bring the property into the proper zoning district.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for conveyance of the property to other owners, if desired.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently adjacent to 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**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2016-0026  
Bill Number: Z-16-06-29  
Council District: 6 Glynn Hines

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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

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Synopsis of Ordinance: To rezone approximately 15.41 acres of property from C4-Intensive Commercial to R1-Single Family Residential

Location: Southtown Meadow, Sections I and II

Reason for Request: To bring the existing single family subdivision under the appropriate zoning district.

Applicant: Claudia Harris-Stevenson

Property Owner: various owners, Fleming Excavating

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Related Petitions: none

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Effect of Passage: Property will be rezoned to the R1-Single Family Residential zoning district which is the appropriate zoning district for the existing subdivision.

Effect of Non-Passage: The property will remain zoned C4-Intensive Commercial, which is causing problems for home owners wanting to sell their properties or refinance, due to the fact that new residential development would not be permitted in the commercial district.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Claudia Harris-Stevenson  
 Address 7531 W. Melody Circle  
 City Fort Wayne State IN Zip 46816  
 Telephone 260-410-5112 E-mail chs@fwcitilink.com

**Contact Person**  
 Contact Person Claudia Harris-Stevenson  
 Address 7531 W. Melody Circle  
 City Fort Wayne State IN Zip 46816  
 Telephone 260-410-5112 E-mail chs@fwcitilink.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 Southtown Meadows  
 Present Zoning C4 Proposed Zoning R1 Acreage to be rezoned \_\_\_\_\_  
 Proposed density \_\_\_\_\_ units per acre  
 Township name Wayne Township section # \_\_\_\_\_  
 Purpose of rezoning (attach additional page if necessary) change of residential properties currently zoned as C4 (Commercial) to R1 (residential)  
 Sewer provider City of FW Water provider City of FW

*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.*

- Filing 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.

<u>Claudia Harris-Stevenson</u> (printed name of applicant)	<u>[Signature]</u> (signature of applicant)	<u>06/01/2016</u> (date)
<u>(see attachment)</u> (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>6/1/16</u>	Receipt No. <u>120976</u>	Hearing Date <u>7/11/2016</u>	Petition No. <u>REZ-2016-0026</u>
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**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Property Ownership**  
 Property Owner FLEMING EXCAVATING, INC.  
 Address 112 E 1000N  
 City DECATUR State IN Zip 46733  
 Telephone 260-724-2697 Fax 260-724-8012 E-mail \_\_\_\_\_

**Contact Person**  
 Contact Person CREG FLEMING  
 Address 112 E 1000N  
 City DECATUR State IN Zip 46733  
 Telephone 260-724-2697 Fax 260-724-8012 E-mail \_\_\_\_\_

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

Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction

Address of the property SOUTHTOWN MEADOWS

Present Zoning C4 Proposed Zoning R1 Acreage to be rezoned \_\_\_\_\_

Proposed density \_\_\_\_\_ units per acre

Township name \* WAYNE Township section # \_\_\_\_\_

Purpose of rezoning (attach additional page if necessary) CHANGE OF RESIDENTIAL

PROPERTIES CURRENTLY ZONED AS C4 (COMMERCIAL) TO  
R1 (RESIDENTIAL)

Sewer provider CITY OF FW Water provider CITY OF FW

**Filing Requirements**

*Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff 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

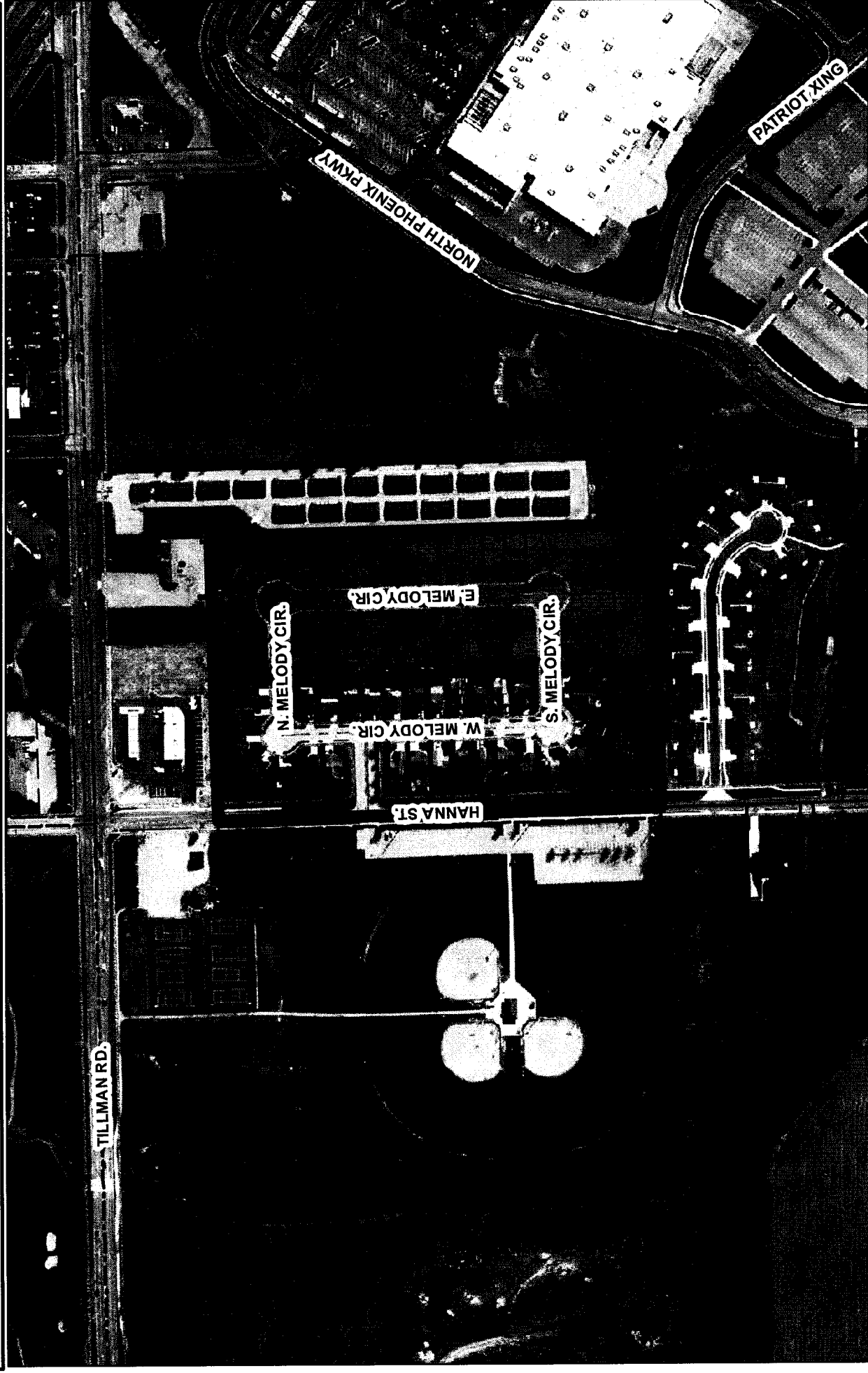
I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

_____ (printed name of applicant)	_____ (signature of applicant)	_____ (date)
<u>GREGORY A. FLEMING Pres.</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>6-17-16</u> (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.
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Rezoning Petition REZ-2016-0026



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

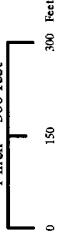
Although strict accuracy standards have been employed in the compilation of this map, the Commission of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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

Date: 6/20/2016

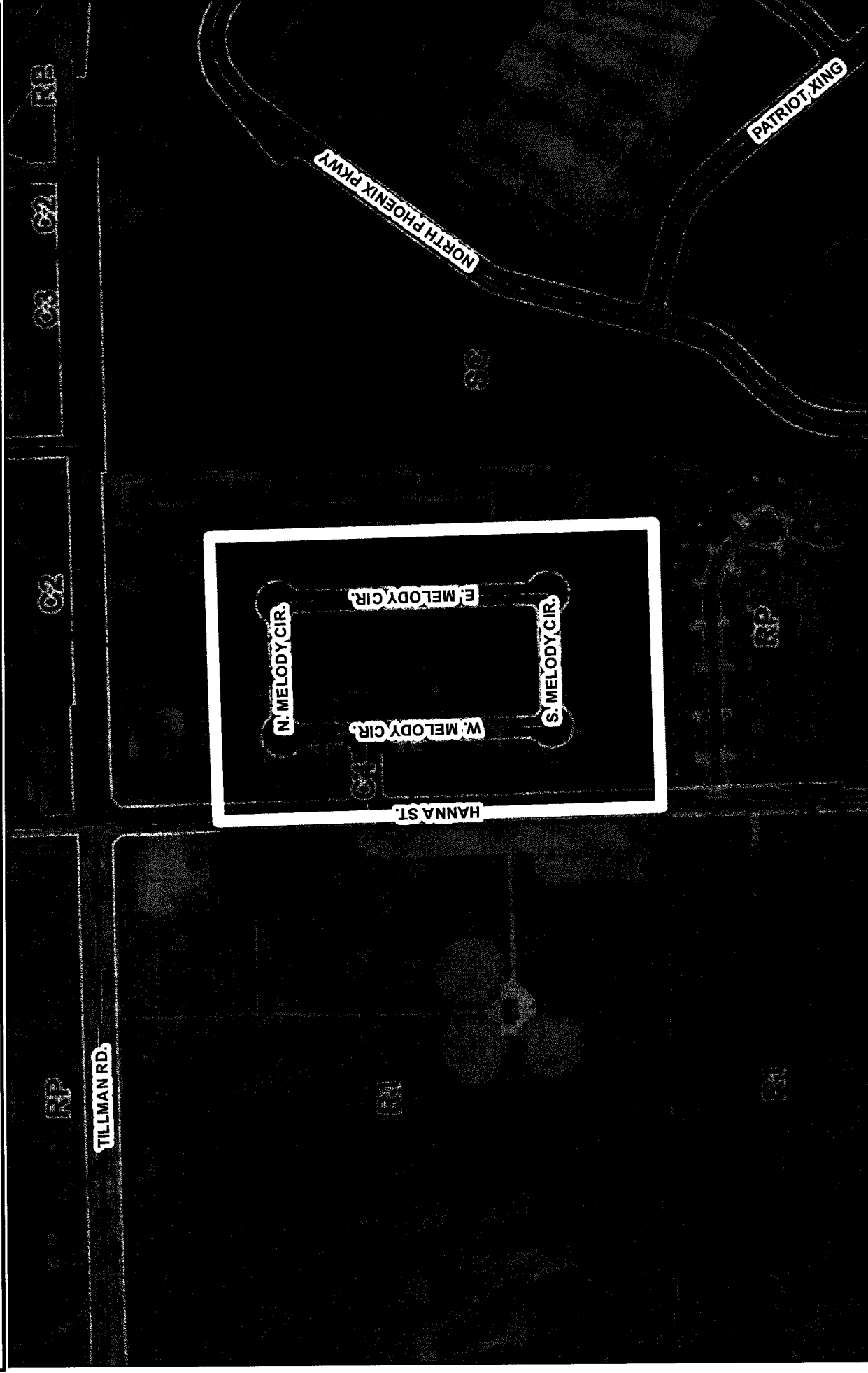


1 inch = 300 feet





Rezoning Petition REZ-2016-0026

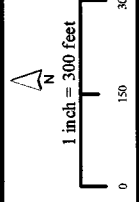


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© 2004 Board of Commissioners of the County of Allen  
North America Systems, Inc. 1983  
State Plane Address System, Indiana East  
Photos and Contours: Spring 2009

Date: 6/20/2016



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-16-06-29 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 12<sup>th</sup> day of August  
2016, at the hour of 9:00 O'clock AM. E.S.T.

  
THOMAS C. HENRY, MAYOR

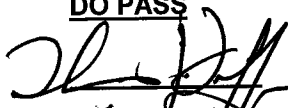
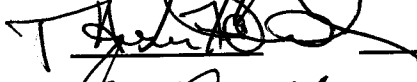

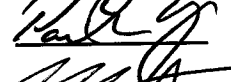

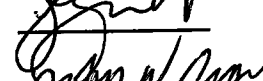
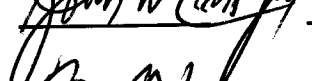
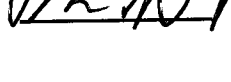
**REPORT OF COMMITTEE ON REGULATIONS**

**AUGUST 9, 2016**

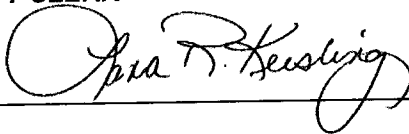
**Tom Freistroffer, Chair  
Tom Didier, Co-Chair  
All Council Members**

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. N-31 (Sec. 36 of Wayne Township)  
S. Hanna and Tillman Pk. in Southtown Meadow

**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**

  
\_\_\_\_\_