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Wayne, Indiana is hereby changed accordingly.

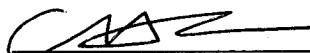
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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant F & L PROPERTY GROUP, LLC
 Address 4980 WEST 350 SOUTH
 City BERNE State INDIANA Zip 46711
 Telephone 419-203-9097 E-mail dlaukhuf@essential-solutions.net

Contact Person
 Contact Person PETER G. MALLERS OF BEERS MALLERS BACKS & SALIN, LLP
 Address 110 WEST BERRY STREET, SUITE 1100
 City FORT WAYNE State INDIANA Zip 46802
 Telephone 260-426-9706 E-mail pgmallers@beersmallers.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 305 AND 309 EAST LEITH AND PORTIONS OF 2700 SOUTH LAFAYETTE
 Present Zoning R2 and R3 Proposed Zoning C1 Acreage to be rezoned 0.8 ACRES
 Proposed density N/A units per acre
 Township name WAYNE Township section # 14
 Purpose of rezoning (attach additional page if necessary) TO ALLOW A PAVED EXPANSION OF THE EXISTING PARKING LOT TO SERVE THE EXISTING BUILDING LOCATED AT 2700 SOUTH LAFAYETTE
 Sewer provider CITY UTILITIES Water provider CITY UTILITIES

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 Rezonings 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.

F & L PROPERTY GROUP, LLC BY: Dan Lankford - President 6-22-17
 (printed name of applicant) (signature of applicant) (date)
 F & L PROPERTY GROUP, LLC BY: Dan Lankford - President 6-22-17
 (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.
6/29/17	124403	8/14/17	REZ-2017-0030

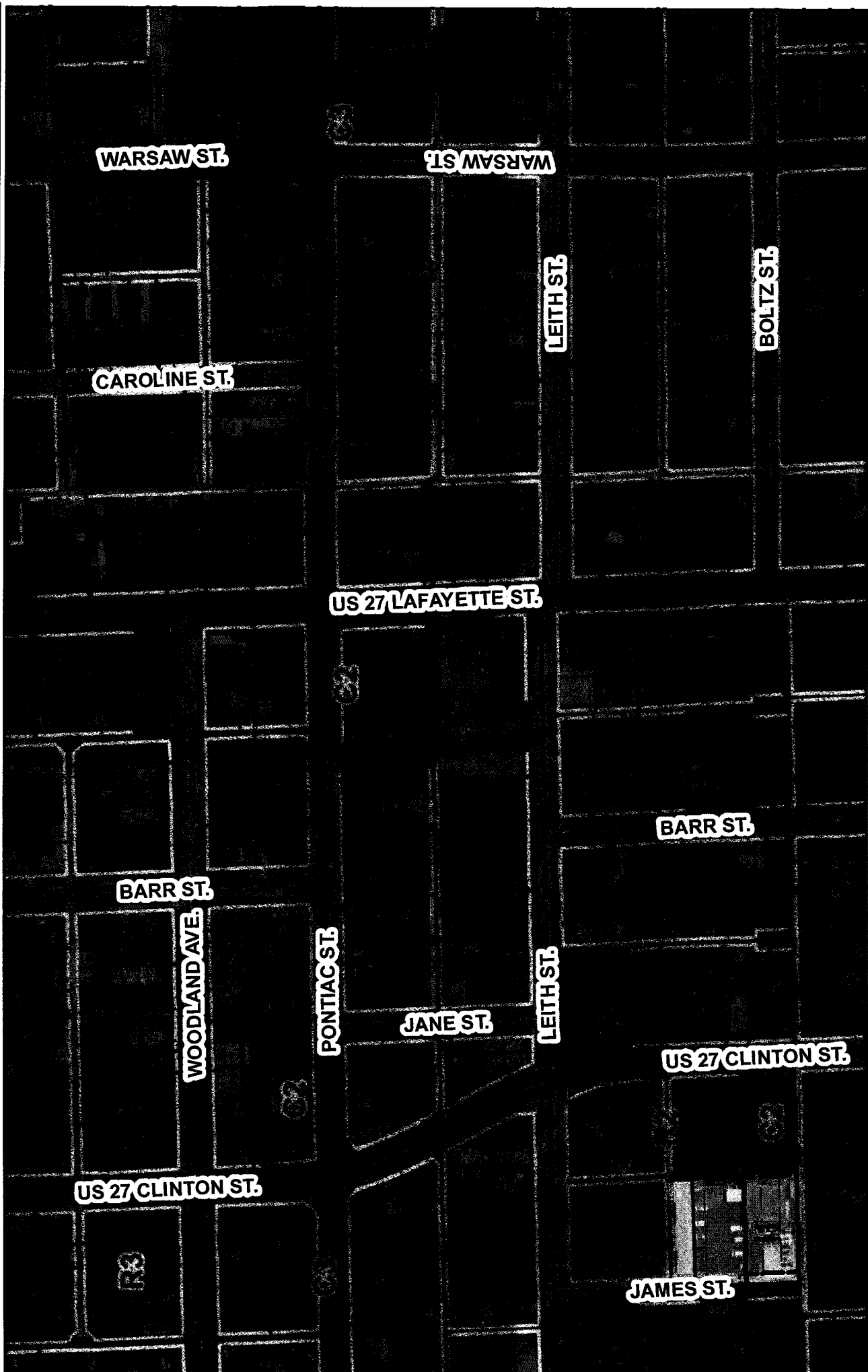


1 inch = 200 feet

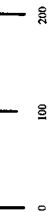


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 Photos and Contours: Spring 2009
 Date: 7/25/2017



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 Date: 7/24/2017

FACT SHEET

Case #REZ-2017-0030 Bill # Z-17-08-01 Project Start: 8 August 2017

PROPOSAL:	Rezoning Petition REZ-2017-0030
APPLICANT:	F &L Property Group, LLC
REQUEST:	To rezone property from R2/Two Family Residential and R3/Multiple Family Residential to C1/Professional Office and Personal Services to rezone the existing infrastructure associated with the office building.
LOCATION:	The rezoning site is located to the west and south of the existing office building at 2700 Lafayette Street. The site includes property on the south side of the 300 block of East Pontiac Street, on the west side of the 2700 block of Lafayette Street, and on the north side of the 300 block of East Leith Street (Section 14 of Wayne Township).
LAND AREA:	Approximately .8 acres
PRESENT ZONING:	R2/Two Family Residential and R3/Multiple Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	6-Glynn Hines
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

14 August 2017 Public Hearing

- No one spoke at the hearing in favor or opposition.
- Mike Bynum was absent.
- Staff recommended Do Pass w/Written Commitment

21 August 2017 – Business Meeting

Plan Commission Recommendation: Do Pass w/ Written Commitment

A motion was made by Tom Freistroffer and seconded by Judi Wire to return the ordinance to Common Council for their final decision.

7-0 MOTION PASSED

- Paul Sauerteig and Mike Bynum were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
8 September 2017

Reviewed by:



Kimberly R. Bowman
Executive Land Use Director

PROJECT SUMMARY

- The medical office building was constructed in 1993.
- A contingent use for the existing building was approved by the Board of Zoning Appeals in 1990.
- A conversion of an existing house into a medical office was approved by the Board in 1955 (house replaced by existing office building.)

The petitioner is requesting a rezoning from R2/Two Family and R3/Multiple Family Residential to C1/Professional Office and Personal Services to bring existing parking areas and additional vacant land in to the appropriate district for parking for the existing medical office building at Lafayette and Pontiac. The property to be rezoned is in two parcels: the first parcel is west of the building and faces Pontiac Street; the second parcel is west of the existing paved parking and faces Leith Street. Portions of the land owned by F&L Property Group, LLC are zoned C2/Limited Commercial, which allow the medical office use, but the remainder, which includes much of the parking area, is still zoned residential. Staff suggested zoning the residential land to C1/Professional Office and Personal Services rather than C2/Limited Commercial, as C1 is the least intensive district that would allow the parking by right.

There is no development plan associated with this request and there are no proposed changes to the site at this time, but expanded parking area is planned for the future. Staff has requested that the applicant provide a commitment to Plan Commission that any future parking areas be submitted through the City's Parking Lot Permit process. This will ensure that all areas used for parking will be reviewed for access, stormwater, lighting and landscaping.

PUBLIC HEARING SUMMARY:

Presenter: Pete Mallers, attorney, represented the applicant and presented the proposal to the Plan Commission as outlined above. A Written Commitment will be attached to the rezoning to ensure that a parking lot permit is requested in the event that the parking is expanded.

Comments in Favor:

None

Questions or Comments in Opposition:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2017-0030

APPLICANT: F &L Property Group, LLC
REQUEST: To rezone property from R2/Two Family Residential and R3/Multiple Family Residential to C1/Professional Office and Personal Services to rezone the existing infrastructure associated with the office building.
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LAND AREA: Approximately .8 acres
PRESENT ZONING: R2/Two Family Residential and R3/Multiple Family Residential
PROPOSED ZONING: C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2017-0030 with an approved Written Commitment 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 property is adjacent to and includes land already in use as a medical office building and parking. The proposal will bring the existing uses 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. The Written Commitment requires that any parking expansion will be reviewed by City departments and will meet the current standards of the ordinance, ensuring compatible development.
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 August 21, 2017.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant F & L PROPERTY GROUP, LLC
 Address 4980 WEST 350 SOUTH
 City BERNE State INDIANA Zip 46711
 Telephone 419-203-9097 E-mail dlaukhuf@essential-solutions.net

Contact Person
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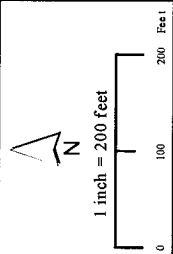
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F & L PROPERTY GROUP, LLC BY: Dan Lauff - President 6-22-17
 (printed name of applicant) (signature of applicant) (date)
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Received	Receipt No.	Hearing Date	Petition No.
6/29/17	124403	8/14/17	REZ-2017-0030



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 PHS-1724217

COPY

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made by F & L Property Group, LLC ("Owner") on this 11 day of August, 2017.

RECITALS

- A. Owner is the owner of approximately 0.8 acres of real estate located in Allen County, Indiana, legally described as set forth on Exhibit "A" attached hereto (the "Real Estate") by virtue of a certain Warranty Deed dated June 8, 2017 and recorded in the Office of the Recorder of Allen County, Indiana on June 13, 2017 as Document No. 2017029729.
- B. Owner applied to the Fort Wayne Plan Commission ("Plan Commission") to rezone the Real Estate bearing Application No. REZ-2017-0030 (the "Application").
- C. Owner has offered this Commitment, voluntarily, for the purpose of agreeing to apply for a parking lot permit from the City of Fort Wayne before constructing the proposed paved expansion of the existing parking lot located on the Real Estate.
- D. In conjunction with the Application, the Plan Commission has accepted Owner's offer of this Commitment and its recordation with the Recorder of Allen County, Indiana upon the amendment of the zoning map so as to rezone the Real Estate from R2 and R3 to C1.

COMMITMENT

Owner hereby impresses upon the Real Estate the following written commitment which shall run with the Real Estate and which shall be binding upon Owner and all future owners of all or any portion of the Real Estate.


- 1. **STATEMENT OF COMMITMENT.** The Owner shall apply for a parking lot permit from the City of Fort Wayne before constructing the proposed paved expansion of the existing parking lot located on the Real Estate. The Owner shall apply for said parking lot permit within one year of the amendment of the zoning map so as to rezone the Real Estate from R2 and R3 to C1.
- 2. **SUCCESSORS AND ASSIGNS.** This Commitment shall inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Enforcement Officer of Allen County, together with the equivalent officer of any successor department, agency or municipality ("Zoning Enforcement Officer") and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.
- 3. **ENFORCEMENT.** The Zoning Enforcement Officer and/or the Plan Commission shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach herein, and, in the event an enforcement action is commenced, the Zoning Enforcement Officer and/or the Plan Commission shall have the remedies allowed by the Allen County Zoning Ordinance (or the ordinance governing the Real Estate at the time of the

enforcement action) and IC § 36-7-4-1014, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Fort Wayne Zoning Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing herein shall be construed as giving any person the right to compel enforcement of this Commitment by the Zoning Enforcement Officer or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

4. **AMENDMENT OR TERMINATION.** This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners of the Real Estate and the Plan Commission, following a public hearing by the Plan Commission to consider any such amendment or termination. In such event, the applicant shall notify all owners of the land immediately adjacent to the Real Estate. The Plan Commission has sole discretion whether to amend or terminate this Commitment.
5. **SEVERABILITY.** Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
6. **GOVERNING LAW.** This Commitment shall be governed by the laws of the State of Indiana.
7. **EFFECTIVE DATE.** This Commitment shall be effective upon the amendment of the zoning map so as to rezone the Real Estate from R2 and R3 to C1.

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

F & L PROPERTY GROUP, LLC

By: 

Darin Laukhuf, its Member

STATE OF INDIANA)
)§
COUNTY OF ALLEN)

Before me, the undersigned a Notary Public in and for said County and State, this 11 day of August, 2017, personally appeared Darin Laukhuf, Member of F & L PROPERTY GROUP, LLC, who acknowledged the execution of the foregoing Written Commitment.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Krystal A. Masterson
Notary Public
My Commission Expires: _____
A Resident of _____ County

Instrument prepared by: Peter G. Mallers, Esq. (#9001-02), Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802

AFFIRMATION

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.

Peter G. Mallers
Printed Name: PETER G. MALLERS

EXHIBIT "A"

Tract 1- 0.741 Acres

The East 30 feet of Lot Number 20 in Colerick's Addition to Mechanicsburg, according to the plat thereof, as recorded in Deed Record 42, page 118 and in Plat Record 0, page 80, in the Office of the Recorder of Allen County, Indiana.

ALSO:

Lot Number 21 in Colerick's Addition to Mechanicsburg, according to the plat thereof, as recorded in Deed Record 42, page 118 and Plat Record 0, page 80, in the Office of the Recorder of Allen County, Indiana.

ALSO:

Lots Numbered 22, 23, and 24, except the East 12.5 feet of Lots Numbered 23 and 24 in Colerick's Addition to Mechanicsburg, according to the plat thereof, recorded in Deed Record 42, page 118 and in Plat Record 0, page 80, in the Office of the Recorder of Allen County, Indiana, together with one-half vacated alley adjoining Lots Numbered 22 and 23 on the North and one-half vacated alley adjoining Lot Number 22 on the East and one-half vacated alley adjoining Lots Numbered 23 and 24 on the West, vacated by General Ordinance No. G-49-92, except the East one-half of said vacated alley adjoining Lot 25 on the West.

TOGETHER WITH:

Tract 2 - 0.062 Acres

The East 20 feet of Lot Number 5, except the North 15 feet in the Plat of Tresselt's Addition to Mechanicsburg, according to the plat thereof, recorded in Deed Record 42, Page 200, in the Office of the Recorder of Allen County, Indiana.

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

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0030
Bill Number: Z-17-08-01
Council District: 6-Glynn Hines

Introduction Date: August 8, 2017

Plan Commission
Public Hearing Date: August 14, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.80 acres of property from R2-Two Family
Residential and R3-Multiple Family Residential to C1-Professional Office
and Personal Services

Location: 305 and 309 East Leith and portions of 2700 South Lafayette

Reason for Request: To bring the property into appropriate zoning district and allow for parking
expansion.

Applicant: F & L Property Group, LLC

Property Owner: F & L Property Group, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C1-Professional Office and Personal
Services zoning district for the purpose of expanding existing parking lots
for the Lafayette Medical Clinic.

Effect of Non-Passage: Portions of the site are zoned residential and the existing clinic is permitted by
a Board of Zoning Appeals approval. The clinic will not be permitted to
expand or improve without proper zoning or a new BZA approval.

BILL NO. Z-17-08-01

REPORT OF COMMITTEE ON REGULATIONS

September 12, 2017

Michael Barranda Chair

John Crawford Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. M-07 (Sec. 14 of Wayne Township)

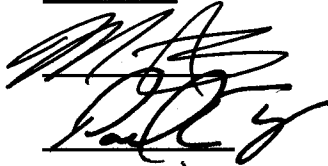
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

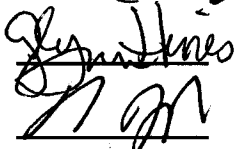
DO PASS

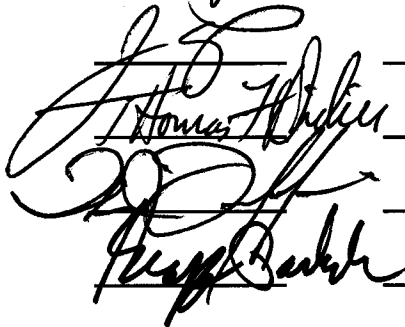
DO NOT PASS

ABSTAIN

NO REC







**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 08/14/17

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

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

Read the third time in full and on motion by Councilman Barranda, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: September 12, 2017



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Zoning Ordinance No. Z-17-08-01 on the 12th day of September, 2017

ATTEST:



 LANA R. KEESLING
 CITY CLERK



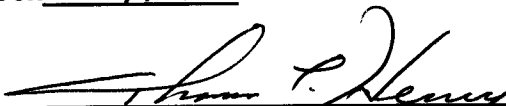
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th
 of September 2017, at the hour of 10:00 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14TH day of SEPTEMBER
 2017, at the hour of 4:00 O'clock Pm . E.S.T.



 THOMAS C. HENRY, MAYOR

1 Wayne, Indiana is hereby changed accordingly.

2
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10 _____
Council Member

11 APPROVED AS TO FORM AND LEGALITY:

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13 _____
Carol T. Helton, City Attorney

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**Department of Planning Services
Rezoning Petition Application**

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 Applicant F & L PROPERTY GROUP, LLC
 Address 4980 WEST 350 SOUTH
 City BERNE State INDIANA Zip 46711
 Telephone 419-203-9097 E-mail dlaukhuf@essential-solutions.net

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 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
6/29/17	124403	8/14/17	REZ-2017-0030

Corporate Office
 221 Tower Drive
 Monroe, IN 46772
 Phone: (260) 692-6166
 Fax: (260) 692-6242
 www.mlswebsite.us

Brett R. Miller, P.S. No.LS20300059
 Robert J. Marucci, P.S. No.LS20400028

Miller Land Surveying, Inc.

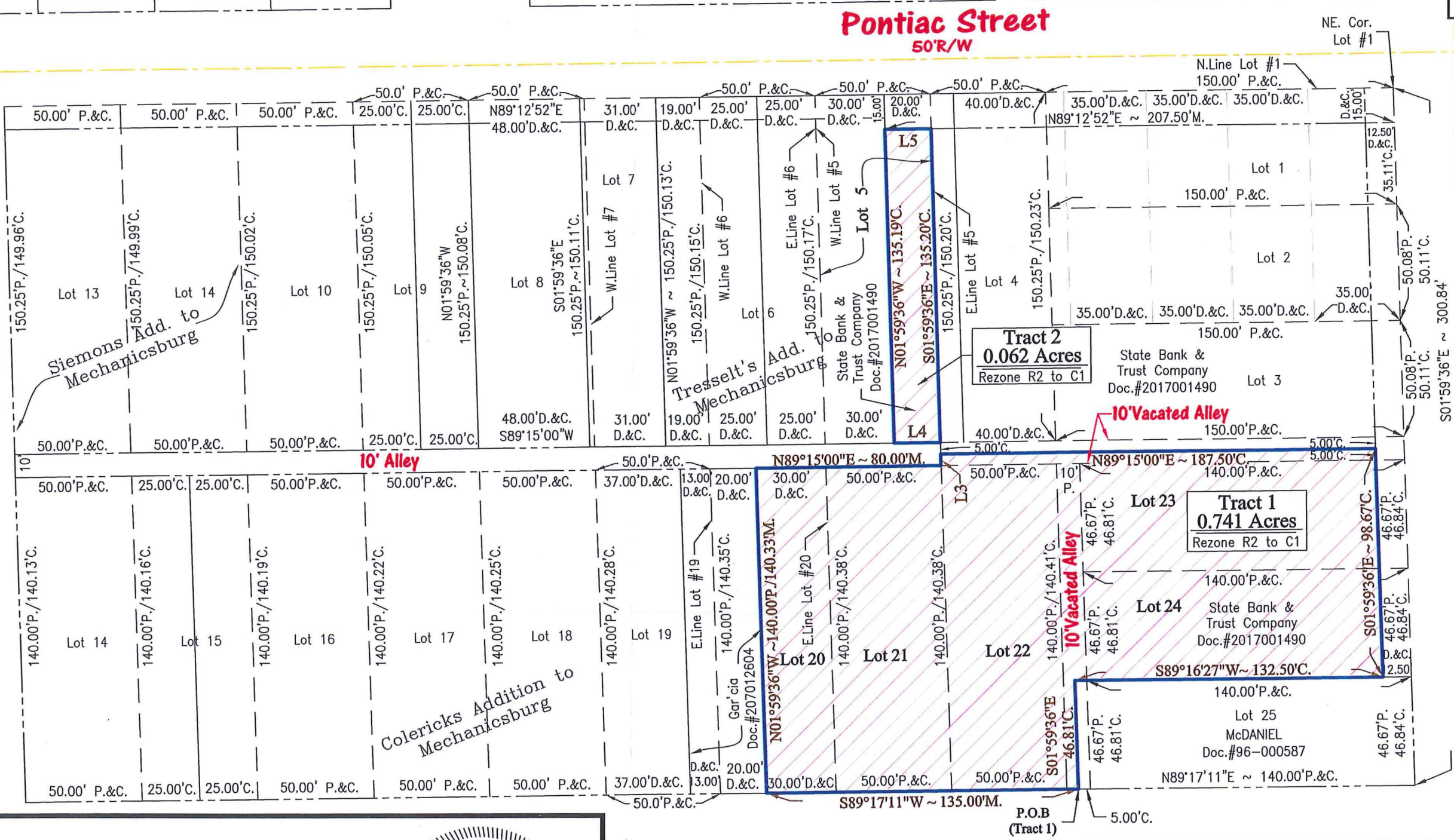
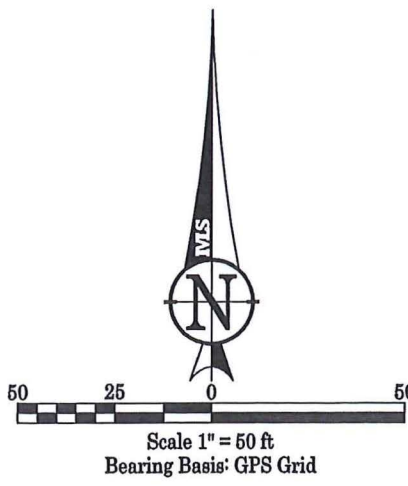
REZONING SKETCH

Precision and Professionalism is where we draw the line.



Fort Wayne Office
 217 Airport North Office Park
 Fort Wayne, IN 46825
 Phone: (260) 489-8571
 Fax: (260) 489-8570

Line #	Length	Direction
L5	20.00'	S89°12'52"W
L4	20.00'	N89°15'00"E
L3	5.00'	S01°59'36"E



Lafayette Avenue 55'R/W
(Former Plank Rd.)

Survey No. 17033898
 County: Allen Subdivision: Tresselts Add. to Mechanicsburg & Colericks Add. to Mechanisburg
 For: State Bank and Trust Company
 Fieldwork Completed: March 10, 2017
 IN WITNESS WHEREOF, I hereunto place my hand and seal this 29th day of June, 2017.
 Revised:

Brett R. Miller
 Brett R. Miller, P.S. NO. 20300059



(Drawing Name: 17033898_rezoning.dwg)

LEGAL DESCRIPTIONS

See Attached.

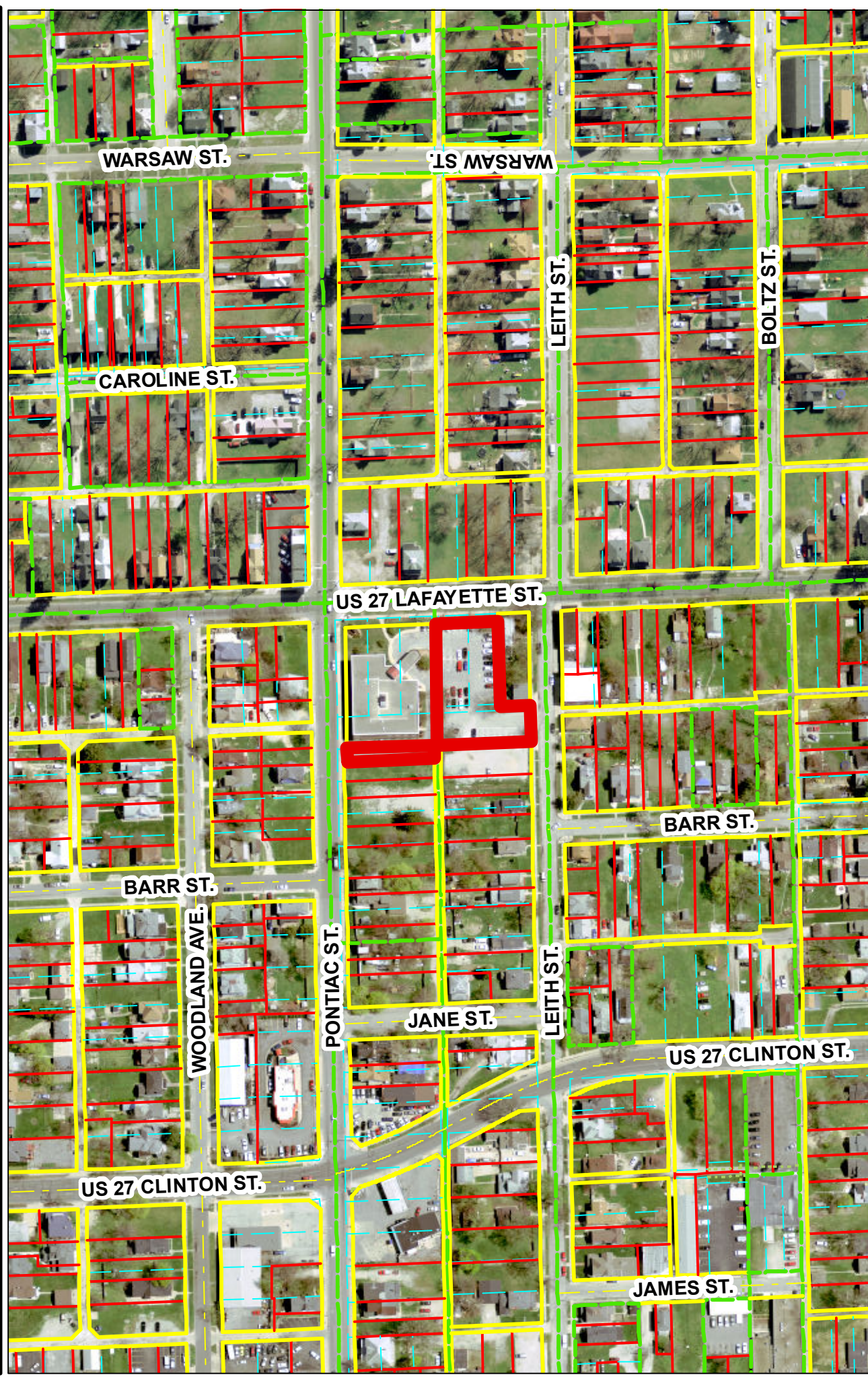
Legend

- POB - Point of Beginning
- M. - Measured
- R. - Record
- C. - Calculated
- D. - Deed
- Right of Way (R/W)
- Building Setback Line
- Center Line



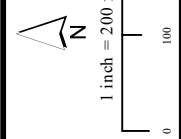


Rezoning Petition REZ-2017-0030



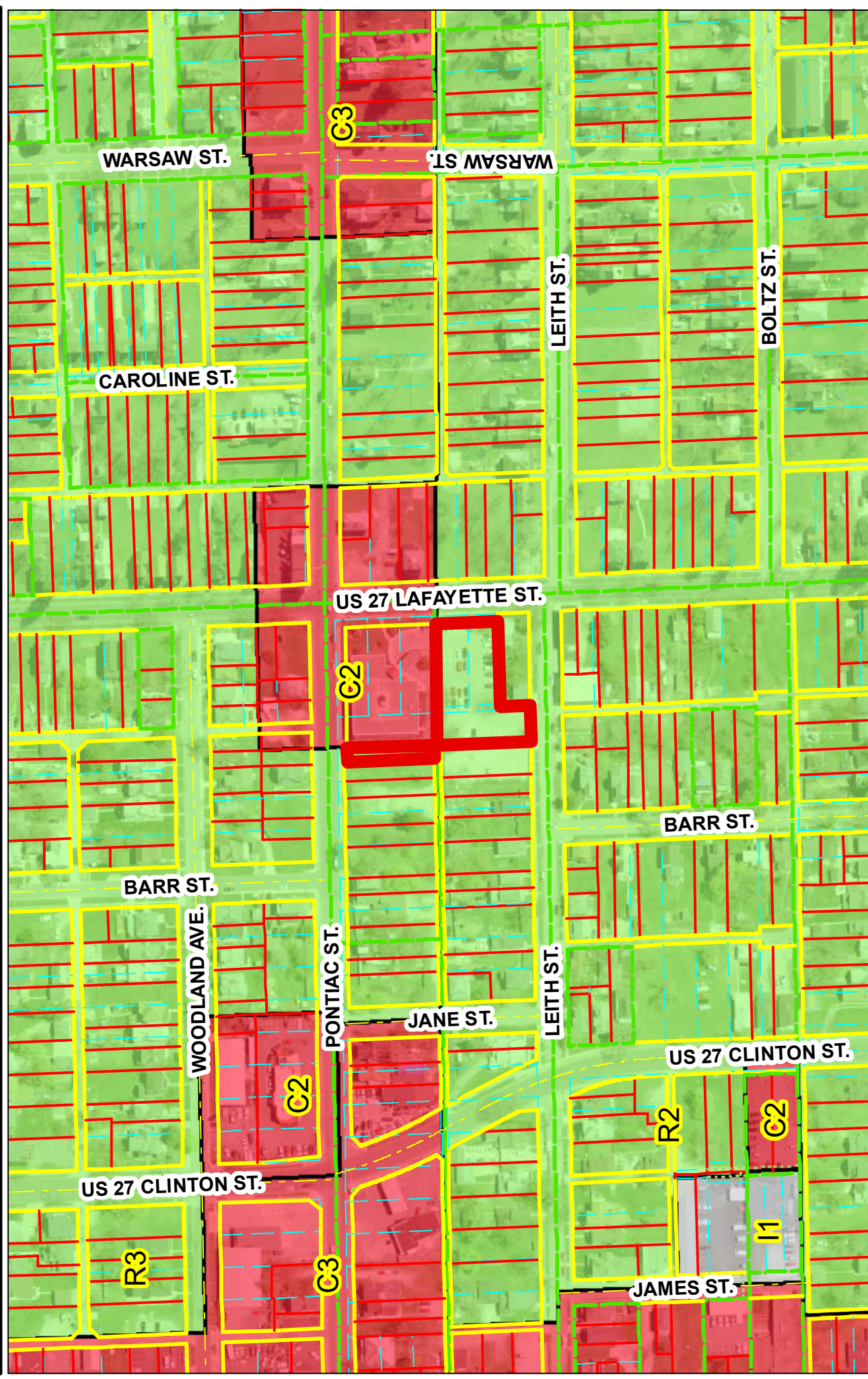
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 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
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Rezoning Petition REZ-2017-0030



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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0030
Bill Number: Z-17-08-01
Council District: 6-Glynn Hines

Introduction Date: August 8, 2017

Plan Commission
Public Hearing Date: August 14, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.80 acres of property from R2-Two Family
Residential and R3-Multiple Family Residential to C1-Professional Office
and Personal Services

Location: 305 and 309 East Leith and portions of 2700 South Lafayette

Reason for Request: To bring the property into appropriate zoning district and allow for parking
expansion.

Applicant: F & L Property Group, LLC

Property Owner: F & L Property Group, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C1-Professional Office and Personal
Services zoning district for the purpose of expanding existing parking lots
for the Lafayette Medical Clinic.

Effect of Non-Passage: Portions of the site are zoned residential and the existing clinic is permitted by
a Board of Zoning Appeals approval. The clinic will not be permitted to
expand or improve without proper zoning or a new BZA approval.