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

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5   
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

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9 Carol T. Helton, City Attorney

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**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Berengaria Development c/o Dan Sisel, AIA  
 Address 301 N. Broadway, Suite 300  
 City Milwaukee State WI Zip 53202  
 Telephone 414-585-8877 E-mail dan.sisel@berengariadevelopment.com


**Contact Person**  
 Contact Person T-E Incorporated c/o Justin Hoffman, P.E., P.S.  
 Address 8620 Bluffton Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-489-5541 E-mail jhoffman@t-inc.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 11430 Coldwater Road  
 Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 3.25  
 Proposed density 12.3 units per acre  
 Township name Perry Township section # 34  
 Purpose of rezoning (attach additional page if necessary)  
To align the property zoning with the proposed use of "Assisted Living Facility"  
 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 and/or 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.

Dan Sisel (printed name of applicant)	 (signature of applicant)	12-14-17 (date)
MARY A. CONNER (printed name of property owner)	Mary A Conner (signature of property owner)	12/14/2017 (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.
1/2/18	125902	2/12/18	PEZ-2018-0003



*Rezoning Petition REZ-2018-0003 and Primary Development Plan PDP-2018-0003 - Brightstar Care*



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State Plane Coordinate System, Indiana East  
Photos and Contours: Spreng 2/0/9  
Date: 1/16/2018



1 inch = 300 feet  
0 150 300 Feet

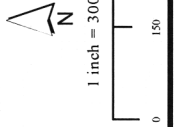


Rezoning Petition REZ-2018-0003 and Primary Development Plan PDP-2018-0003 - Brightstar Care



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 Date: 1/16/2018





## FACT SHEET

Case #	REZ-2018-0003	Bill #	Z-18-01-13	Project Start:	23 January 2018
APPLICANT:	Berengaria Development – Dan Sisel				
REQUEST:	To rezone property from AR/Low Intensity Residential to R3/Multiple Family Residential; and approve a primary development plan for a new assisted living facility.				
LOCATION:	The site lies on the east side of the 11400 block of Coldwater Road, to the south of Yellow Retirement of Coldwater Road and north of the Fire Station Number 16. The address of the subject property is 11430 Coldwater Road (Section 34 of Perry Township).				
LAND AREA:	Approximately 3.3 acres				
PRESENT ZONING:	AR/Low Intensity Residential				
PROPOSED ZONING:	R3/Multiple Family Residential				
COUNCIL DISTRICT:	2-Russ Jehl				
ASSOCIATED PROJECTS:	Primary Development Plan, Brightstar Care Assisted Living				
SPONSOR:	City of Fort Wayne Plan Commission				

### 12 February 2018 Public Hearing

- Two citizens spoke at the hearing in favor.
- Two neighbors spoke at the hearing with concerns.
- Justin Shurley was absent.

### 19 February 2018 – Business Meeting

#### Plan Commission Recommendation: DO PASS

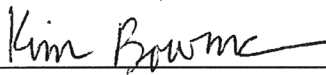
A motion was made by Paul Sauerteig and seconded by Don Schmidt to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

#### 7-0 MOTION PASSED

- Rachel Tobin-Smith and Justin Shurley were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
8 March 2018

Reviewed by:

  
\_\_\_\_\_  
Kimberly R. Bowman  
Executive Land Use Director

## PROJECT SUMMARY

The petitioner requests a rezoning from AR/Low Intensity Residential to R3/Multiple Family Residential to permit construction of a new assisted living facility. The property is an unplatted metes and bounds parcel that has historically been utilized as single family residential. This rezoning proposal will allow the redevelopment of an approximately 3.3 acre parcel. The site lies directly south of Yellow Retirement of Coldwater Road, which was rezoned R3/Multiple Family Residential in 2011. The property lies along a major north/south arterial roadway and also has a public use to the south of it, Fire Station Number 16. The site is adjacent to Pine Valley Subdivision, but has no direct public right-of-way access to it. 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;

**LU5.D** Encourage development proposals that provide housing, designed to allow adequate pedestrian and bicycle access, in close proximity to existing neighborhood commercial, civic, institutional and other similar uses.

**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 site plan includes one two-story building consisting of approximately 19,100 square feet. The application states the structure proposes to house 42 units. The site plan proposes one access to Coldwater Road, along the south property line. It will swing around the south side of the building and provide access to parking on the east side of the site. A small shed and dumpster enclosure is proposed on the north side of the property. Improvements to Coldwater Road are shown as a southbound left turn lane into the site. A public sidewalk is planned along the frontage. The applicant proposes to keep a number of existing evergreen and deciduous trees along the Coldwater Road frontage. Additional shrubs and shade trees are proposed along the north and south property lines to meet the Code B2 buffer. Along the east property line and portions of the easterly north and south property lines the developer is proposing to leave existing wooded areas as the screen. Approximately a quarter of the site is proposed to be detention, so the structure is over 125 feet from the eastern property line. Signage is proposed along the site's frontage and the Zoning Ordinance allows an 8-foot tall, 50-square foot freestanding sign.

### **PUBLIC HEARING SUMMARY:**

Presenter: Mike Krucina, MK Construction, presented the proposal to the Plan Commission, providing information as outlined above. He stated that the owners have received no interest in redevelopment of the vacant lots with single family homes. The duplex units will be professionally maintained with landscaping and snow removal. The lots are 75 feet wide and 200 feet deep, which is more than sufficient for a duplex building.

### Comments in Favor:

- Stephanie Zishka, operator of Brightstar Home Care - in favor.
- Mary Connor, current property owner - in favor.

### Questions or Comments in Opposition:

- Kurt Gutman, President of Pine Valley – concerns over traffic on Coldwater, possible flooding from pond, lighting, and buffering.

- Karen Lime, Mardego Hills – concerned about traffic from Badiac onto coldwater and there is no stoplight there. Worried about playground across the street.

Rebuttal/Additional Information:

- Shan Gunawardena, Director of Public Works, stated that Coldwater Road was studied before and after the Union Chapel interchange work and traffic has actually been reduced. Additional reductions should occur after the Dupont Road project. There is a future Coldwater Road project but it is not an “active” project.
- The traffic from an assisted living facility is considered very low. None of the clients will be driving. There will be widening for a left turn lane and decal right turn lane.
- Stormwater that currently sheds towards the neighborhood will be captured and thus improved.
- The closest lighting is 140 feet from the property line, will have full cut-off fixtures and be 10 feet lower than the ordinance allowance.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2018-0003

APPLICANT: Berengaria Development – Dan Sisel  
REQUEST: To rezone property from AR/Low Intensity Residential to R3/Multiple Family Residential for a new assisted living facility.  
LOCATION: The site lies on the east side of the 11400 block of Coldwater Road, to the south of Yellow Retirement of Coldwater Road and north of the Fire Station Number 16. The address of the subject property is 11430 Coldwater Road (Section 34 of Perry Township).  
LAND AREA: Approximately 3.3 acres  
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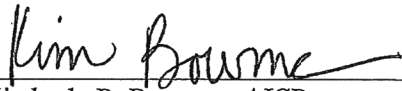
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The Plan Commission recommends that Rezoning Petition REZ-2018-0003 be returned to Council with a “Do Pass” recommendation for the following reasons:

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 R3/Multiple Family Residential zoning will continue the mix of residential densities in the Northwest quadrant of the City. This proposal will provide redevelopment using existing infrastructure. The proposal will allow for aging in place and provide a service which is in high demand.
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 and architectural review from the Plan Commission and staff will ensure a compatible development that complements the area. The structure is proposed at two stories, which is compatible with other two story development in the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment along Coldwater Road. Site design will provide for greater setbacks from the residential subdivision to the east.
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.

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These findings approved by the Fort Wayne Plan Commission on February 19, 2018.

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

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Berengaria Development c/o Dan Sisel, AIA  
 Address 301 N. Broadway, Suite 300  
 City Milwaukee State WI Zip 53202  
 Telephone 414-585-8877 E-mail dan.sisel@berengariadevelopment.com

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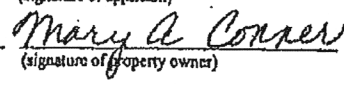
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<u>Dan Sisel</u> (printed name of applicant)	 (signature of applicant)	<u>12-14-17</u> (date)
<u>MARY A. CONNER</u> (printed name of property owner)	 (signature of property owner)	<u>12/14/2017</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
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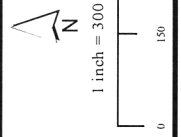
Received	Receipt No.	Hearing Date	Petition No.
<u>1/2/18</u>	<u>125902</u>	<u>2/12/18</u>	<u>PEZ-2018-0003</u>



Rezoning Petition REZ-2018-0003 and Primary Development Plan PDP-2018-0003 - Brightstar Care



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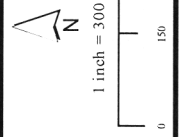


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 Date: 1/16/2018





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-2018-0003  
Bill Number:             Z-18-01-13  
Council District:         2-Russ Jehl

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Introduction Date:         January 23, 2018  
  
Plan Commission  
Public Hearing Date:       February 12, 2018 (not heard by Council)  
  
Next Council Action:      Ordinance will return to Council after recommendation by the  
Plan Commission

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Synopsis of Ordinance:     To rezone approximately 3.25 acres of property from AR-Low Intensity  
Residential to R3-Multiple Family Residential  
  
Location:                 11430 Coldwater Road  
  
Reason for Request:       To rezone property to allow for a 19,000 square foot assisted living facility.  
  
Applicant:                Berengaria Development  
  
Property Owner:          Mary A. Conner

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Related Petitions:         Primary Development Plan, BrightStar Care

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Effect of Passage:         Property will be rezoned to the R3-Multiple Family Residential district  
which will allow an assisted living facility.  
  
Effect of Non-Passage:    The site will remain zoned AR-Low Intensity Residential, which would allow  
for a single house. Redevelopment of the site will be limited.

**BILL NO. Z-18-01-13**

**REPORT OF COMMITTEE ON REGULATIONS  
March 13, 2018**

***Thomas Didier Chair***

***Paul Ensley Co-Chair***

***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. O-66 (Sec. 34 of Perry 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

*Thomas Didier*  
*John A. Campbell*

*John A. Campbell*  
*Paul Ensley*  
*John A. Campbell*  
*John A. Campbell*

*John A. Campbell*  
*John A. Campbell*

*John A. Campbell*

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**LANA R. KEESLING  
CITY CLERK**

*Lana R. Keesling*

Public Hearing Date: 02/12/18

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 Didier, 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: March 13, 2018

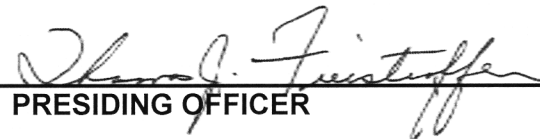
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-18-01-13 on the 13th day of March, 2018

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK


  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of March 2018, at the hour of 10:40 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14<sup>th</sup> day of MARCH

2017, at the hour of 1:30 O'clock PM . E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR