

1 #REZ-2019-0009

2 BILL NO. Z-19-02-19

3
4 ZONING MAP ORDINANCE NO. Z- 19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. A-06 (Sec. 2 of Aboite Township)

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

9 SECTION 1. That the area described as follows is hereby designated a C2 (Limited
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 Part of the Southeast Quarter of Section 3, Township 31 North, Range 11 East of the Second
13 Principal Meridian, Aboite Township in Allen County, Indiana, based on an original survey
14 by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller Land
Surveying, Inc., Survey No. 19014944, dated January 25, 2019, and being more particularly
described as follows:

15 Commencing at a Harrison Monument marking the Southwest corner of said Southeast
16 Quarter; thence North 88 degrees 51 minutes 14 seconds East (GPS grid bearing and basis of
17 bearings to follow), a distance of 643.06 feet (641.00 feet Deed) along the South line of said
18 Southeast Quarter and within the right-of-way of State Road 14; thence North 01 degrees 07
19 minutes 46 seconds West, a distance of 40.00 feet to South line of an existing 0.117 acre
20 tract of land described in Document Number 2007036732 in the Office of the Recorder of
21 Allen County, Indiana; thence North 00 degrees 24 minutes 01 seconds West, a distance of
22 19.06 feet along the West line of said 0.117 acre tract to a 5/8" steel rebar with a "Miller
23 Firm #0095" identification cap set at the POINT OF BEGINNING of the herein described
24 tract; thence continuing North 00 degrees 24 minutes 01 seconds West, a distance of 463.65
25 feet along the East line of an existing 1.016 acre tract described in Document Number
26 206042040 and along the East line of an existing tract described in Document Number
27 2016068970 in the Office of the Recorder of Allen County to a 5/8" steel rebar with an
28 Yellow Cap found on the South line of the Whispering Meadows Subdivision described in
29 Plat Cabinet C, Page 10 in said Recorders Office; thence North 87 degrees 34 minutes 37
30 seconds East, a distance of 284.36 feet along said South line to the West line of an existing
1.530 acre tract of land described in Document Number 92-063638 in the Office of the
Recorder of Allen County, Indiana, said point being referenced by a 1" steel pipe found 0.34
feet South; thence South 01 degrees 18 minutes 39 seconds West, a distance of 470.46 feet
along said West line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set
on the North line of said 0.117 acre tract; thence South 88 degrees 52 minutes 14 seconds
West, a distance of 270.16 feet (268.61 feet Deed) along said North line to the Point of
Beginning. Containing 2.970 Acres, more or less. Subject to easements of record.

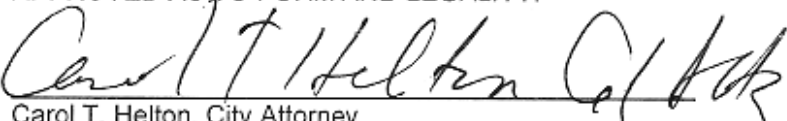

1 and the symbols of the City of Fort Wayne Zoning Map No. A-06 (Sec. 2 of Aboite
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
3 Wayne, Indiana is hereby changed accordingly.

4
5 SECTION 2. If a written commitment is a condition of the Plan Commission's
6 recommendation for the adoption of the rezoning, or if a written commitment is modified and
7 approved by the Common Council as part of the zone map amendment, that written
8 commitment is hereby approved and is hereby incorporated by reference.

9
10 SECTION 3. That this Ordinance shall be in full force and effect from and after its
11 passage and approval by the Mayor.

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13 
14 Council Member

15 APPROVED AS TO FORM AND LEGALITY:

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17 Carol T. Helton, City Attorney
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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Blaine Stuckey
 Address 2701 Broadway
 City Fort Wayne State IN Zip 46807
 Telephone (260) 704-6222 E-mail blaines@madbrew.com

Contact Person
 Contact Person Cody Ward
 Address 10060 Bent Creek Boulevard
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-8571 E-mail cody@mlswebsite.us

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 8506 Illinois Road, Fort Wayne, IN 46804
 Present Zoning AR Proposed Zoning C2 Acreage to be rezoned 2.97
 Proposed density N/A units per acre
 Township name Aboite Township section 4 2
 Purpose of rezoning (attach additional page if necessary) The applicant is rezoning the property for proposed Restaurant & Professional Office. See Primary Development Plan.
 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 plat/survey submittal requirements.

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plats must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezoning Only

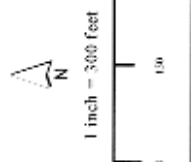
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures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

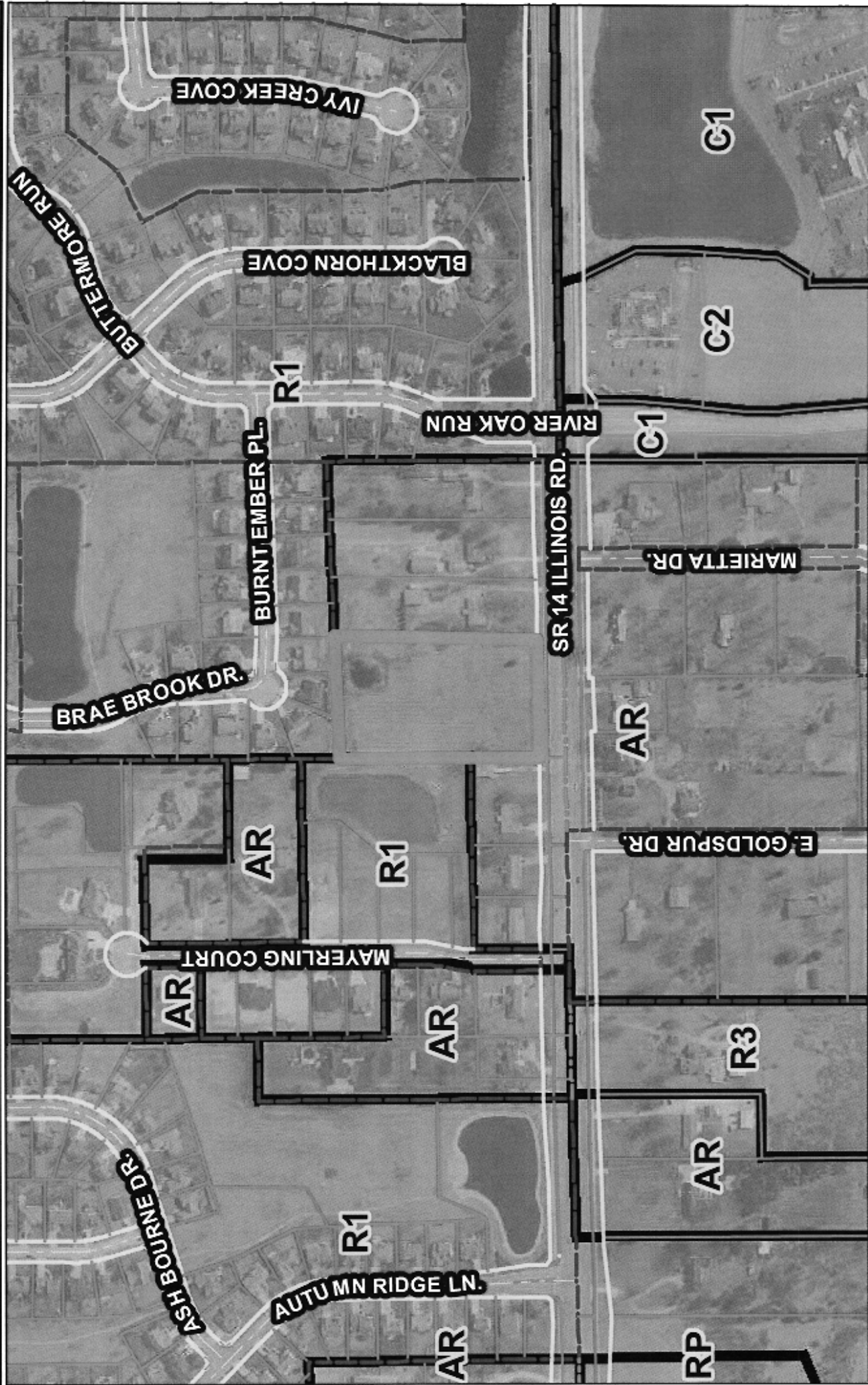
Blaine Stuckey 1/30/19
 (printed name of applicant) Dr. John Drake (date)
BBDH LLC Dr. John Drake 1/31/2019
 (printed name of property owner) managing member (signature of applicant) (date)
 (printed name of property owner) (signature of property owner) (date)
 (printed name of property owner) (signature of property owner) (date)

Received <u>2-5-2019</u>	Receipt No. <u>129399</u>	Hearing Date <u>3-11-2019</u>	Petition No. <u>REZ-2019-0009</u>
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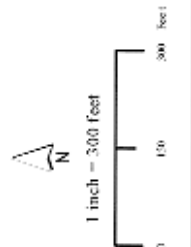
Although street accuracy standards have been employed in the preparation of this map, the City of Ellettsburg does not warrant its guarantee as to the accuracy of the information shown on this map and shall not be liable for any errors or omissions in this map.
© 2014 Board of Commissioners of the County of Allegheny, Pennsylvania, Docket 1584
Scale: North Coordinate System, Indiana East Zone and Contour: 500 Feet
Date: 2/15/2019





Although other accuracy standards have been employed in the one portion of this map, Alter County does not warrant its accuracy as to the other portions of hereinafter and its accuracy and reliability in any other or on any other portion of this map.

© 2014 Board of Commissioners of the County of Alter
 South West corner Duane 1981
 State Plane Coordinate System, Indiana East
 North and Centered Spring 2015
 Page 2/15/2019



FACT SHEET

Case #REZ-2019-0009 Bill # Z-19-02-19 Project Start: 5 February 2019

APPLICANT:	Blaine Stuckey
REQUEST:	To rezone property from AR/Low Intensity Residential to C2/Limited Commercial; and approve a primary development plan for a two building commercial development.
LOCATION:	The site is located along the north side of the 8500 block of West State Road 14/Illinois Road. The address of the subject property is 8506 West State Road 14/Illinois Road (Section 2 of Aboite Township).
LAND AREA:	Approximately 3 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	C2/Limited Commercial
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Primary Development Plan, Shigs in Pit/Indiana Physical Therapy
SPONSOR:	City of Fort Wayne Plan Commission

11 March 2019 Public Hearing

- One resident spoke at the hearing in support.
- Three residents had questions or spoke in opposition at the hearing.
- Rachel Tobin-Smith was absent.

18 March 2019 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment


A motion was made by Don Schmidt seconded by Billy Davenport to return the ordinance with a Do Pass recommendation with a Written Commitment, to Common Council for their final decision.

6-0 MOTION PASSED

- Tom Freistroffer, Paul Sauerteig, and Judi Wire were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
1 April 2019

Reviewed by:



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

PROJECT SUMMARY

The petitioner requests a rezoning from AR/Low Intensity Residential to C2/Limited Commercial for a new Shigs in Pit restaurant and a new Indiana Physical Therapy facility. Currently there is a Shigs in Pit barbecue restaurant on Fairfield Avenue and a recently constructed freestanding restaurant on Maplecrest Road. Shigs in Pit is locally-owned and is a sister company to Mad Anthony Brewing.

With the exception of the Hadley Road and Scott Road corners, the north side of the SR 14/Illinois Road corridor is zoned residential. There are been pockets of neighborhood orientated businesses and office developments that have developed on unplatted properties, primarily through Board of Zoning Appeals approvals. These metes and bounds residential lots have become undesirable for residential use as development grows and traffic along the SR 14 corridor. The south side of the corridor has experienced more commercial activity, with retail and office zoning between platted subdivisions, and BZA approvals as well. A Bandido's restaurant occupies the corner of SR 14 and Glencarin Boulevard, within the Inverness Centre development, along with a variety of office, retail and residential uses.

The subject property abuts up to three lots in Whispering Meadows and residential metes and bounds lots to the east and west. Given the size and depth of the site, there is adequate space to provide buffering between the commercial and residential zoning. With appropriate buffering, the proposal could offer neighborhood services and a local dining option in close proximity to housing, in a walkable community. The proposal could be supported by the following goals and polices of the Comprehensive Plan:

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

LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;

LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.

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 applicant offered a Written Commitment to restrict some of the more intensive C2/Limited Commercial uses and to increase buffering around the site.

The proposed site plan includes two new structures including new 7,250 square foot restaurant and a 4,500 square foot professional medical office. Parking surrounds the building, with an outdoor eating area between the rear parking and the building. There is a single access point proposed to SR 14/Illinois Road which is designed to provide adequate ingress and egress for this type of development. A detention basin is proposed on the north side of the site, which will act as a buffer between the subdivision lots to the north and the proposed development. The site plan appears to meet all zoning requirements and the applicant intends to meet all landscaping standards of the Ordinance.

PUBLIC HEARING SUMMARY:

Presenter: Rob Kruger, attorney, represented the applicants and presented the proposal to the Plan Commission, as outlined above.

Public Comments in Support:

Tom Brewer, adjacent neighbor – In favor of the use.

Public Comments in Opposition or with Questions:

Rick Frailey, president of Shorewood Association, Concerns included: not being notified, noise, traffic, speed, compatibility, and architectural control.

George Hilger, Whispering Meadows – Would like increased buffering against Whispering Meadows subdivision.

Margaret Gillespie, Mayerling Estates - Feels this is a residential area, with small children. There are commercial properties in both directions.

Rebuttal/Answers:

Blaine Stuckey, Mad Anthony Investments, committed to increasing the landscaping and he will work with the residents to be a good neighbor.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT


Rezoning Petition REZ-2019-0009

APPLICANT: Blaine Stuckey
REQUEST: To rezone property from AR/Low Intensity Residential to C2/Limited Commercial; and approve a primary development plan for a two building commercial development.
LOCATION: The site is located along the north side of the 8500 block of West State Road 14/Illinois Road. The address of the subject property is 8506 West State Road 14/Illinois Road (Section 2 of Aboite Township).
LAND AREA: Approximately 3 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2019-0009 with an approved Written Commitment be returned to Council with a "Do Pass" recommendation after considering the following:

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 site is near similar commercial development and the proposal will provide a local dining option for the surrounding neighborhoods. This proposal will provide infill development using existing infrastructure.
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 neighborhood.
3. Approval is consistent with the preservation of property values in the area. This proposal will provide redevelopment in the neighborhood with a market to serve the area residents, and provide a substantial investment into the community.
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.

These findings approved by the Fort Wayne Plan Commission on March 18, 2019.


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



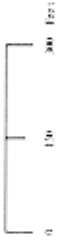
Rezoning Petition REZ-2019-0009 and Primary Development Plan PDP-2019-0008 - Shigs in Pit and Indiana Physical Therapy

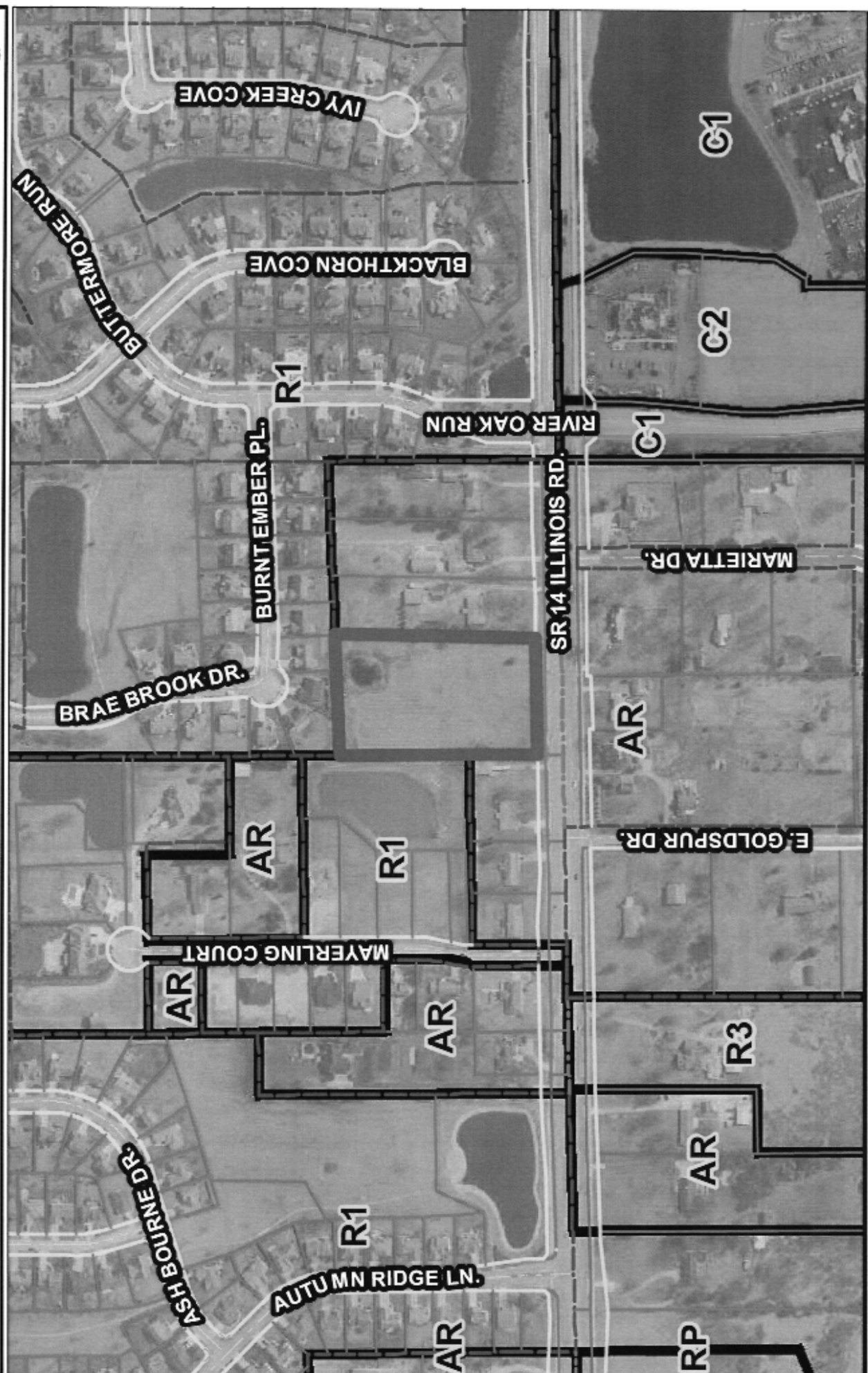


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All other information contained herein
is for informational purposes only and
does not constitute an offer of insurance.
© 2019 North American Group, Inc. All rights reserved.
North American Group, Inc. 1500
North Shore, Columbus, Indiana 47503
This is not a contract. See the actual policy for terms and conditions.
Date: 2/15/2019

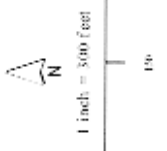


1 inch = 300 feet





Although our systems standard have been updated to the compliance of the map, the City of Adams County does not warrant the accuracy of the information on this map. The City of Adams County and all other agencies are not responsible for any errors or omissions in this map. © 2004 Board of Commissioners of the County of Adams, North American Edition, 1995. State Plane Coordinate System, Indiana East. North of Adams County, Indiana 46005. Date: 2/15/2019



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made by Mad Anthony Investments, LLC ("Mad Anthony") and DAT Illinois, LLC ("DAT") (Mad Anthony and DAT, collectively, the "Declarant"), and is made effective as of the date of the approval of the Rezoning Petition.

WITNESSETH:

WHEREAS, Mad Anthony is the owner of approximately _____ acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit "A"; and

WHEREAS, DAT is the owner of approximately _____ acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit "B"; and

WHEREAS, Declarant applied for rezoning approval with the Plan Commission, on the real estate described on attached Exhibits "A" and "B" (collectively, "Real Estate"), which Petition has been approved by the Plan Commission and City Council; and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant's offer of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office upon Plan Commission's and City Council approval of the Petition.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. The following uses shall be prohibited upon the Real Estate as permitted in the C2/Limited Retail zoning district §157.213 (C) of the City of Fort Wayne Zoning Ordinance ("Ordinance") or as Special Uses in the C2/Limited Retail zoning district §157.213 (D):

- | | |
|------|--------------------------|
| [1] | Adult care center |
| [2] | Adult care home |
| [3] | Air conditioning sales |
| [4] | Animal grooming |
| [5] | Animal hospital |
| [6] | Animal kennel |
| [7] | Animal obedience school |
| [8] | Answering service |
| [9] | Arcade |
| [10] | Assisted living facility |

- [11] Auction service
- [12] Automobile accessory store
- [13] Automobile rental (indoor)
- [14] Automobile sales (indoor)
- [15] Bait sales
- [16] Bankruptcy service
- [17] Bar or tavern
- [18] Barber/beauty school
- [19] Bicycle sales and repair shop
- [20] Billiard or pool hall
- [21] Bingo establishment
- [22] Blood bank
- [23] Blood or plasma donor facility
- [24] Boarding/lodging house
- [25] Bowling alley
- [26] Business training
- [27] Catalog showroom
- [28] Child care center
- [29] Child care home (class I or II)
- [30] Cigarette/tobacco/cigar store
- [31] Club, private
- [32] Coin shop
- [33] Collection agency
- [34] Community center
- [35] Community garden (incl. outdoor)
- [36] Consignment shop
- [37] Convenience store
- [38] Copy or duplicating service
- [39] Correctional services facility
- [40] Costume and clothing rental
- [41] Credit service
- [42] Customer service facility
- [43] Dance instruction
- [44] Data processing facility
- [45] Data storage facility

[46]	Dating service
[47]	Day care
[48]	Department store
[49]	Diaper service facility
[50]	Dinner theater
[51]	Dormitory
[52]	Driving instruction
[53]	Drug store
[54]	Dry cleaning store
[55]	Employment agency
[56]	Entertainment facility
[57]	Farmer's market (incl. outdoor)
[58]	Fireworks sales
[59]	Fitness center
[60]	Flea market
[61]	Floor covering store
[62]	Fraternity house
[63]	Funeral home
[64]	Furniture store
[65]	Furrier
[66]	Glass cutting/glazing shop
[67]	Group residential facility (large)(2)
[68]	Group residential facility (small)
[69]	Gymnastics instruction
[70]	Hardware store
[71]	Haunted house
[72]	Heating sales
[73]	Homeless/emergency shelter(2)
[74]	Hospital
[75]	Hotel
[76]	Laundromat/coin operated laundry
[77]	Library
[78]	Martial arts training
[79]	Model unit
[80]	Motel

[81]	Movie and game sales and rental
[82]	Multiple family complex
[83]	Multiple family dwelling
[84]	Museum
[85]	Neighborhood facility
[86]	Nursing home
[87]	Package liquor store
[88]	Paint store
[89]	Park or recreation area
[90]	Parking area
[91]	Parking area (off-site)
[92]	Parking structure
[93]	Pet store
[94]	Planetarium
[95]	Pottery sales
[96]	Public transportation or similar public facility
[97]	Radio station
[98]	Reception/banquet hall
[99]	Recreation facility
[100]	Religious institution/school field
[101]	Rental and/or leasing store
[102]	Rescue mission
[103]	Residential dwelling unit
[104]	Residential facility for homeless individuals
[105]	Retirement facility
[106]	School
[107]	Security service
[108]	Sign sales store
[109]	Skating rink
[110]	Social service agency
[111]	Sorority house
[112]	Sporting goods sales and rentals
[113]	Supermarket
[114]	Swim club
[115]	Swimming pool/hot tub sales

[116]	Tattoo establishment
[117]	Taxi service
[118]	Telephone sales and service
[119]	Television station
[120]	Tennis club
[121]	Theater
[122]	Tire sales
[123]	Townhouse complex
[124]	Treatment center
[125]	Variety store
[126]	Window sales
[127]	Wind energy conversion system (micro)
[128]	Yoga/pilates instruction
[129]	Zoo

2. Landscaping and Buffering. The screening and buffering of the Real Estate shall consist of the following: (i) a solid fence including shade trees every thirty (30) feet along the entire north property line and along the northern eighty (80) feet of the east and west property lines; (ii) the remainder of the east and west property lines will include a combination of broken solid fencing with evergreen trees spaced between the fencing subject to Zoning Administrator review and approval; and (iii) the front parking lot along the east, south, and west property lines will contain P2 screening.
3. Access. Declarant shall provide vehicular access over and across certain portions of the Real Estate to the owners of parcel numbers 02-11-02-453-020.000-075, 02-11-02-453-021.000-075, and 02-11-02-453-022.000-075 as those parcels exist as of the date of this Commitment, in the event that one or more of said parcels is developed for commercial purposes. Such grant of access shall be subject to the following conditions: (i) the owners of any of such parcels entering into a mutually acceptable access and maintenance agreement with Declarant and (ii) such grant of access across the Real Estate shall not be the exclusive access point for those parcels.
4. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator of City of Fort Wayne ("Zoning Administrator") until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
5. Successors and Assigns. This Commitment and the restrictions set forth above 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 Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.

4. Enforcement. Any violation of this Commitment shall be deemed a violation of the Zoning Ordinance; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the Zoning Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated in the Zoning Ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The Plan Commission enforcement rights are cumulative, not exclusive.
5. Amendment or Termination. This Commitment may be modified or terminated in accordance with the Zoning Ordinance and I.C. 36-7-4-1015, as they may be amended from time-to-time.
6. Effective Date. This Commitment shall be deemed effective upon the Commitment being duly recorded in the Office of the Recorder of Allen County, Indiana.
7. Statutory Authority. This Commitment is pursuant to I.C. 36-7-4-1015.
8. 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.
9. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

“DECLARANT”

MAD ANTHONY INVESTMENTS, LLC

BY: _____

Printed Name: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ___ day of _____ 2019, personally appeared _____, the _____ of Mad Anthony Investments, LLC and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

DAT ILLINOIS, LLC

BY: _____
Printed Name: _____
Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____ 2019, personally appeared _____, the _____ of DAT Illinois, LLC and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

Pursuant to IC 36-2-11-15(d): I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Prepared by: Robert C. Kruger, 200 East Main Street, Ste. 1000, Fort Wayne, IN 46802, Atty. No. 22738-02; tele. 260-426-1300

When recorded, return to: Department of Planning Services, 200 East Berry, Suite 150, Fort Wayne, IN 46802

EXHIBIT "A"

LEGAL DESCRIPTION MAD ANTHONY PARCEL

EXHIBIT "B"

LEGAL DESCRIPTION DAT PARCEL

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0009
Bill Number: Z-19-02-19
Council District: 4-Jason Arp

Introduction Date: February 26, 2018
Plan Commission
Public Hearing Date: March 11, 2019 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 2.97 acres of property from AR-Low Intensity Residential to C2-Limited Commercial.
Location: 8506 Illinois Road
Reason for Request: To rezone property for the development of a Shigs in Pit restaurant and an Indiana Physical Therapy medical office building.
Applicant: Blaine Stuckey
Property Owner: BBDH, LLC

Related Petitions: Primary Development Plan, Shigs in Pit and Indiana Physical Therapy

Effect of Passage: Property will be rezoned to the C2-Limited Commercial zoning district, which allow redevelopment of the site for retail and office uses.
Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential, which allows for single family residential development and limited agricultural uses.

REPORT OF COMMITTEE ON REGULATIONS

April 9, 2019

Michael Barranda Chair

Tom Freistroffer Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. A-06 (Sec. 2 of Aboite Township)

To rezone approximately 2.97 acres of property from AR-Low Intensity Residential to C2-Limited Commercial - 8506 Illinois Road



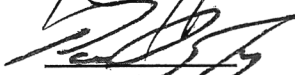


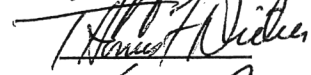
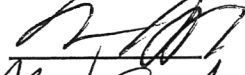

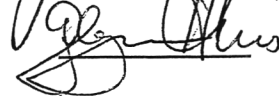
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

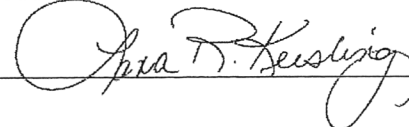
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: March 11, 2019

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 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: April 9, 2019




LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-19-02-19 on the 9th day of April, 2019



LANA R. KEESLING
CITY CLERK



JOHN N. CRAWFORD
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of April 2019, at the hour of 9:35 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 9TH day of APRIL 2019, at the hour of 10:30 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
APR 10 2019
LANA R. KEESLING
CITY CLERK