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#REZ-2019-0023

BILL NO. Z-19-05-20

ZONING MAP ORDINANCE NO. Z- 17-19

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. S-14 (Sec. 32 of St. Joseph 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 a C1 (Professional Office and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Lot Number 47, 48, and 49 in Delta Heights Addition to the City of Fort Wayne, Indiana according to the recorded plat thereof, excepting therefrom the North 10 feet of said Lots Numbered 47 and 48 for the right-of-way as recorded in Deed Record No. 718, page 318.

and the symbols of the City of Fort Wayne Zoning Map No. S-14 (Sec. 32 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

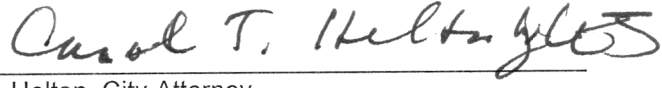
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated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

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

  
Carol T. Helton, City Attorney

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Dr. Jonathan Hale  
 Address 4116 E State Blvd  
 City Fort Wayne State Indiana Zip 46815  
 Telephone 317-400-7202 E-mail drhale@haledentistry.com

**Contact Person**  
 Contact Person Cassie Hale  
 Address 4116 E State Blvd  
 City Fort Wayne State IN Zip 46815  
 Telephone 3174007202 E-mail Cassie@Haledentistry.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 4116 E State Blvd  
 Present Zoning R3 Proposed Zoning C1 Acreage to be rezoned 0.624 Acres  
 Proposed density \_\_\_\_\_ units per acre  
 Township name St Joseph Township Township section # 32  
 Purpose of rezoning (attach additional page if necessary) To get up to code with the property's intended use of medical (dental) and professional services. And also to install a sign that would be an appropriate size for marketing two businesses at one location which the R3 zoning doesn't allow us to do.  
 Sewer provider Fort Wayne Sewer Utilities Water provider Fort Wayne Water Utilities

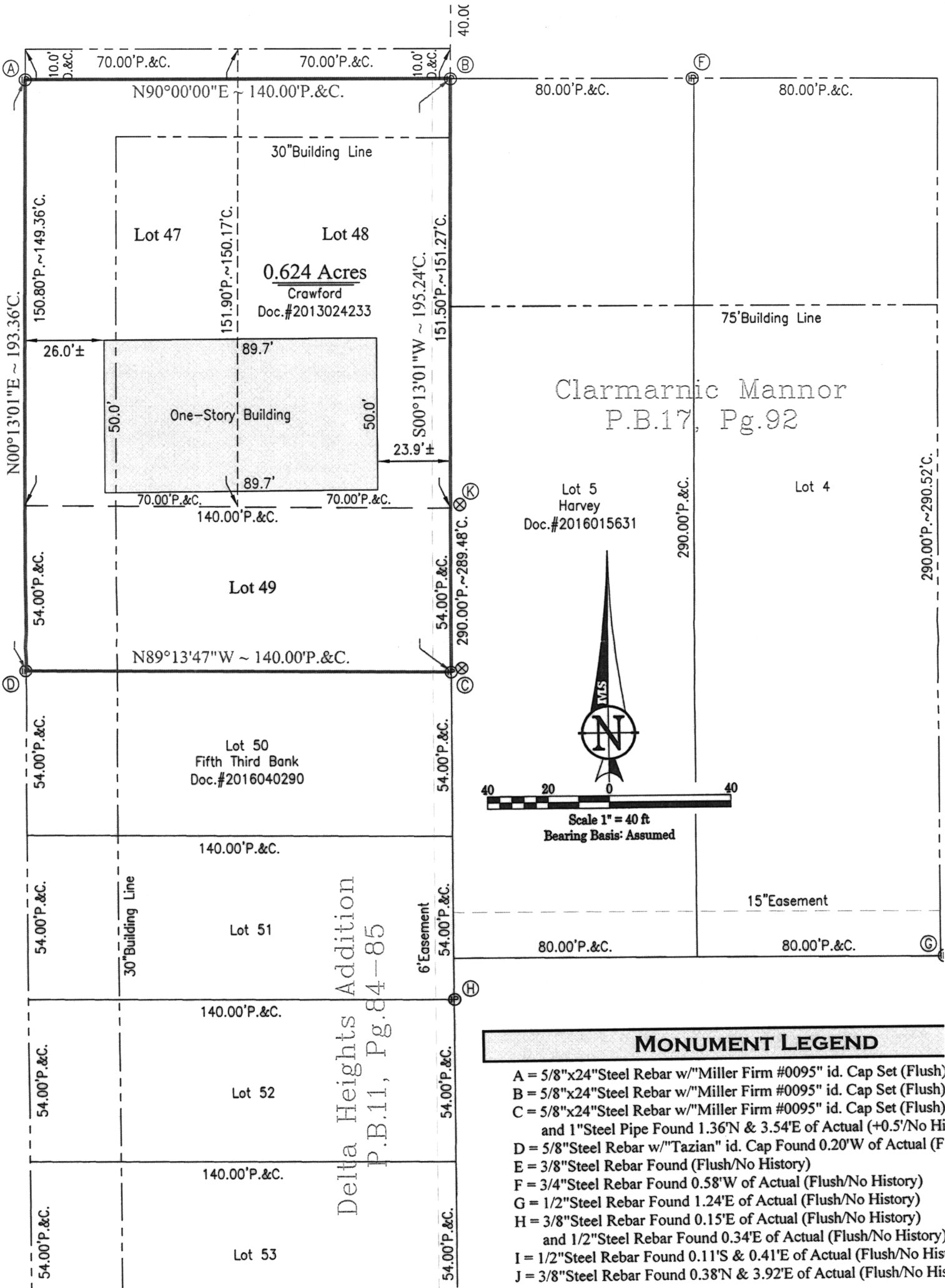
**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- 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.

_____	_____	_____
(printed name of applicant)	(signature of applicant)	(date)
_____	_____	_____
(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>5-7-2019</u>	Receipt No. <u>130342</u>	Hearing Date <u>6-10-19</u>	Petition No. <u>REZ-2019-0033</u>
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Delta Heights Addition  
P.B.11, Pg.84-85

**MONUMENT LEGEND**

- A = 5/8"x24"Steel Rebar w/"Miller Firm #0095" id. Cap Set (Flush)
- B = 5/8"x24"Steel Rebar w/"Miller Firm #0095" id. Cap Set (Flush)
- C = 5/8"x24"Steel Rebar w/"Miller Firm #0095" id. Cap Set (Flush)  
and 1"Steel Pipe Found 1.36'N & 3.54'E of Actual (+0.5'/No Hi
- D = 5/8"Steel Rebar w/"Tazian" id. Cap Found 0.20'W of Actual (F
- E = 3/8"Steel Rebar Found (Flush/No History)
- F = 3/4"Steel Rebar Found 0.58'W of Actual (Flush/No History)
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and 1/2"Steel Rebar Found 0.34'E of Actual (Flush/No History)
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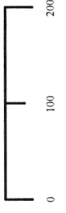
1 inch = 200 feet



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.  
©2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 3/17/2019



1 inch = 200 feet



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 Photos and Contours, Spring 2009  
 Date 5/17/2019

## FACT SHEET

Case #REZ-2019-0023      Bill # Z-19-05-20      Project Start: 28 May 2019

APPLICANT:	Dr. Jonathan Hale
REQUEST:	To rezone property from R3/Multiple Family Residential to C1/Professional Office and Personal Services to bring the existing office building in conformance with the Zoning Ordinance.
LOCATION:	The site is located at the southeast corner of Inwood Drive and East State Blvd. The address of the subject property is 4116 East State Blvd. (Section 32 of St. Joseph Township).
LAND AREA:	Approximately 0.63 acres
PRESENT ZONING:	R3/Multiple Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	1-Paul Ensley
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

### 10 June 2019 Public Hearing

- No one spoke at the hearing in favor or opposition.
- Justin Shurley was absent.

### 17 June 2019 – Business Meeting

#### Plan Commission Recommendation: DO PASS

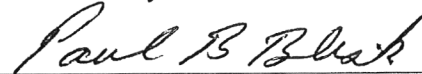
A motion was made by Judi Wire and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

#### 6-0 MOTION PASSED

- Tom Freistroffer, Paul Sauerteig, and Justin Shurley were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
July 2, 2019

Reviewed by:



Paul B. Blisk  
Deputy Land Use Director

## PROJECT SUMMARY

### SITE HISTORY:

- The office use on the site was approved in 1968 by the Board of Zoning Appeals via special use approval.
- In 1986 a development standards variance was approved by the Board of Zoning Appeals for signage at the site.

The petitioner is requesting to rezone the property to C1/Professional Office and Personal Services from R3/Multiple Family Residential. The property has been utilized for decades as an office building. A special use approval was granted by the Board of Zoning Appeals in 1968, and the property has continued to be used as an office. The rezoning proposal would allow for the property to be used for professional office and personal services type uses, without the need for each proposed use to go to the Board of Zoning Appeals for approval.

As mentioned, there is no development plan associated with this request and there are no structures proposed for this site at this time. Properties to the west and south are already used for commercial uses, and East State Boulevard, a major east-west arterial street, separates the site from the residential neighborhoods to the north. There is an adjacent single family residential home to the east. Today, there is no screening or buffering between the office building's driveline and the home. If issues are brought to the public hearing regarding this area, the Plan Commission may discuss with the applicant installation of landscape materials to potentially soften the non-residential impacts. The rezoning would allow for development standards and signage as allowed by the Zoning Ordinance. Today, there are two freestanding signs along the East State Boulevard frontage.

### PUBLIC HEARING SUMMARY:

Presenter: Cassie Hale, Hale Dentistry, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

None



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Date: 3/17/2019



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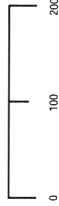




Rezoning Petition REZ-2019-0023 - 4116 E State Blvd



1 inch = 200 feet



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© 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Zone 14 East  
 Photo: 5/17/2009  
 Date: 5/17/2019

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Dr. Jonathan Hale  
 Address 4116 E State Blvd  
 City Fort Wayne State Indiana Zip 46815  
 Telephone 317-400-7202 E-mail drhale@haledentistry.com

**Contact Person**  
 Contact Person Cassie Hale  
 Address 4116 E State Blvd  
 City Fort Wayne State IN Zip 46815  
 Telephone 3174007202 E-mail Cassie@Haledentistry.com

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 Sewer provider Fort Wayne Sewer Utilities Water provider Fort Wayne Water Utilities

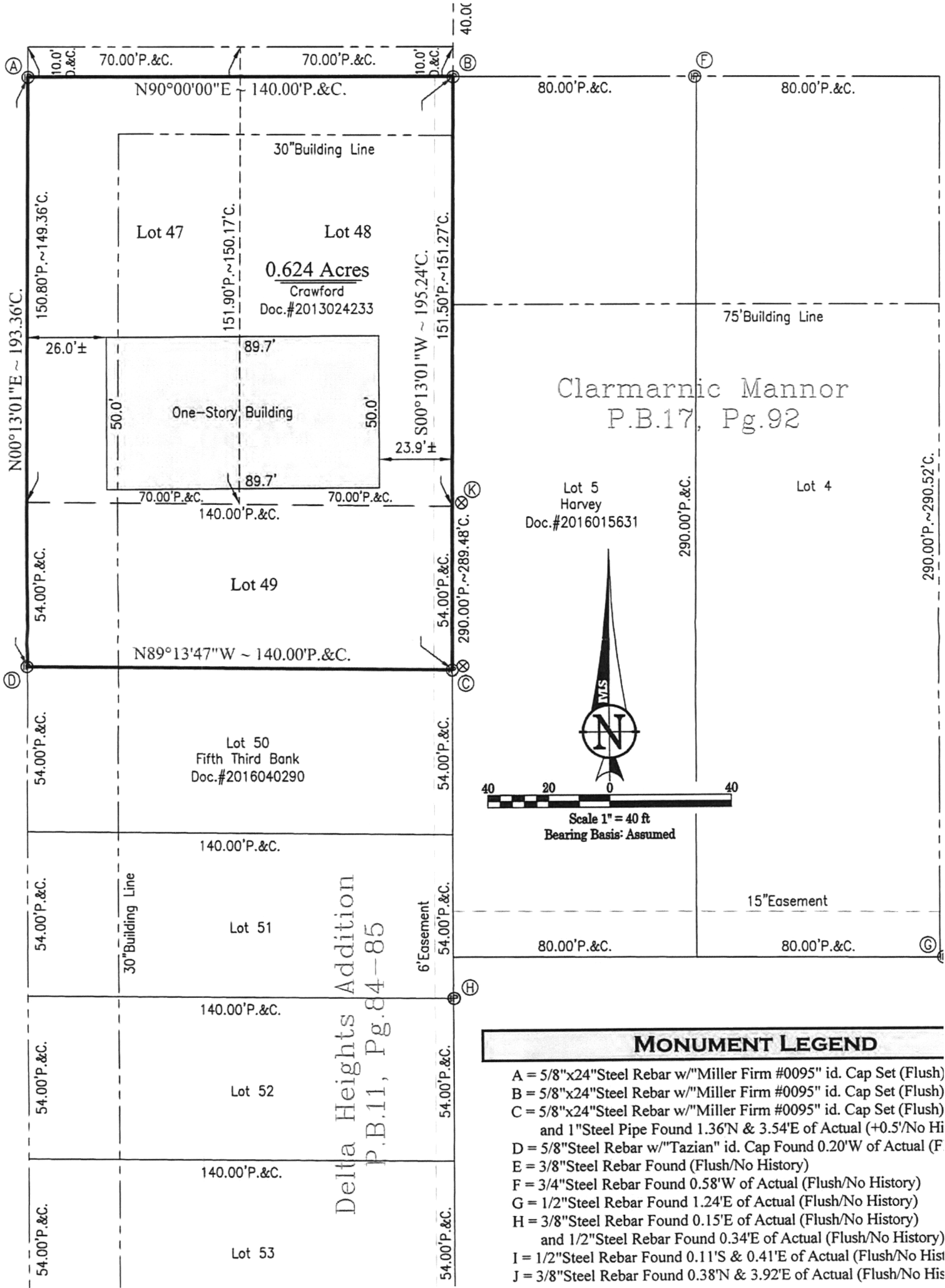
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(printed name of applicant)	(signature of applicant)	(date)
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(printed name of property owner)	(signature of property owner)	(date)
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(printed name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

Received <b>5-7-2019</b>	Receipt No. <b>130342</b>	Hearing Date <b>6-10-19</b>	Petition No. <b>REZ-2019-0073</b>
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Clarmarnic Mannor  
P.B.17, Pg.92

Lot 5  
Harvey  
Doc.#2016015631



40 20 0 40  
Scale 1" = 40 ft  
Bearing Basis: Assumed

**MONUMENT LEGEND**

- A = 5/8"x24"Steel Rebar w/"Miller Firm #0095" id. Cap Set (Flush)
- B = 5/8"x24"Steel Rebar w/"Miller Firm #0095" id. Cap Set (Flush)
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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-2019-0023  
Bill Number: Z-19-05-20  
Council District: 1-Paul Ensley

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Introduction Date: May 28, 2019

Plan Commission  
Public Hearing Date: June 10, 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 0.6 acres from R3/Multiple Family Residential  
to C1/Professional Office and Personal Services.

Location: 4116 East State Boulevard

Reason for Request: To bring the existing use as a dentist office into compliance with the  
zoning ordinance.

Applicant: Dr. Jonathan Hale

Property Owner: Dr. Jonathan Hale

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Related Petitions: none

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Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal  
Services district which will allow the existing dental office to in  
compliance with the ordinance.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family Residential. The  
property owner may face difficulty with financing, expanding, or seeking  
new signage as permitted in an office district.

**BILL NO. Z-19-05-20**

**REPORT OF COMMITTEE ON REGULATIONS**

**July 9, 2019**

***Tom Freistroffer Chair***



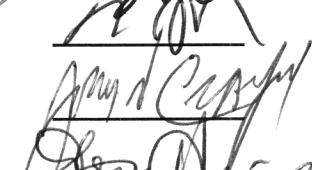
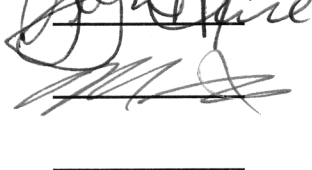
***Michael Barranda Co-Chair***

***All Council Members***

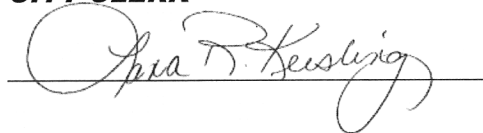
An Ordinance amending the City of Fort Wayne Zoning Map No. S-14 (Sec. 32 of St. Joseph Township)

*To rezone approximately 0.6 acres from R3/Multiple Family Residential to C1/Professional Office and Personal Services - 4116 East State Boulevard*

**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>
	_____	_____	_____
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	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: July 9, 2019

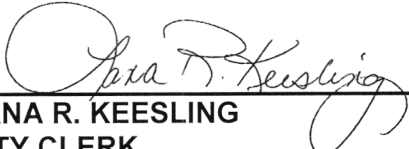



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LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-19-05-20 on the 9th day of July, 2019




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LANA R. KEESLING  
CITY CLERK




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PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of July 2019, at the hour of 9:45 o'clock A.M. E.S.T.

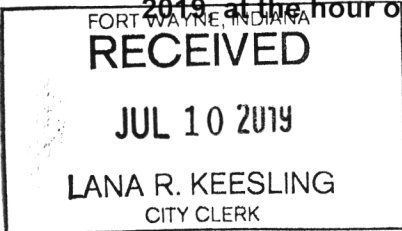
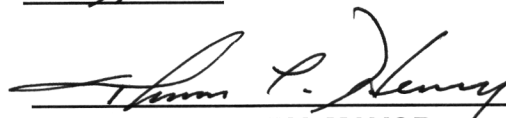



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LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10<sup>TH</sup> day of JULY

2019 at the hour of 11:00 o'clock Am E.S.T.


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THOMAS C. HENRY, MAYOR