

1 #REZ-2019-0039

2 BILL NO. Z-19-06-16

3
4 ZONING MAP ORDINANCE NO. Z- 24-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. F-02 (Sec. 8 of Wayne Township)

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

9
10 SECTION 1. That the area described as follows is hereby designated a C1 (Professional
11 Office and Personal Services) District under the terms of Chapter 157 Title XV of the Code
12 of the City of Fort Wayne, Indiana:

13 Part of the Northwest Quarter of Section 11, Township 30 North, Range 11 East,
14 Allen County, Indiana, more particularly described as follows:

15 Commencing at the Northwest corner of the Northwest Quarter of Section 11,
16 Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees
17 10 minutes 28 seconds East (based on INDOT plan bearings for State Road No.14
18 project) along the North line of the Northwest Quarter of Section 11 a distance of
19 1217.8 feet; thence South 00 degrees 47 minutes 35 seconds west a distance of 59.63
20 feet to a point on the South right of way line of State Road No.14 (Illinois Road),
21 said point being the POINT OF BEGINNING; thence South 89 degrees 13 minutes
22 27 seconds East along said right of way line a distance of 111.43 feet; thence South
23 89 degrees 53 minutes 34 seconds East along said right of way line a distance of
24 242.2 feet; thence South 87 degrees 21 minutes 35 seconds East along said right of
25 way line a distance of 406.67 feet to a point on the East line of a tract of land
26 conveyed to BHI Retirement Communities, Inc. as recorded in Document
27 2017010332 in the Office of the Recorder of Allen County, Indiana; thence South 00
28 degrees 51 minutes 59 seconds West along said BHI Retirement Communities, Inc.
29 tract a distance of 289.52 feet; thence North 89 degrees 15 minutes 28 seconds West
30 a distance of 509.7 feet; thence north 00 degrees 47 minutes 35 seconds East a
distance of 60.0 feet; thence North 89 degrees 15 minutes 28 seconds West a
distance of 250.0 feet; thence North 00 degrees 47 minutes 35 seconds East a
distance of 240.37 feet to the Point of Beginning, containing 4.864 acres.

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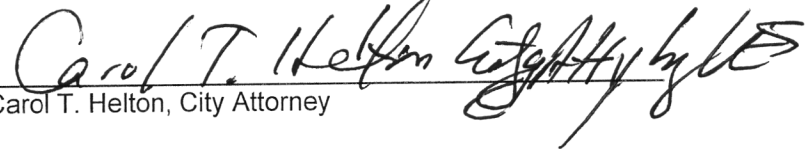
and the symbols of the City of Fort Wayne Zoning Map No. F-02 (Sec. 8 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. 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.


Council Member

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0039
Bill Number: Z-19-06-16
Council District: 4-Jason Arp

Introduction Date: June 25, 2019

Plan Commission
Public Hearing Date: July 8, 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 2.44 acres from R1/Single Family Residential to C1/Professional Office and Personal Services.

Location: 4809 Illinois Road

Reason for Request: To bring all parcels under one zoning district and to allow additional parking for a new Cali Spa.

Applicant: Nghia Nguyen

Property Owner: Nghia Nguyen

Related Petitions: Primary Development Plan, Cali Spa

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services, which will allow the new Cali Spa operation to expand the parking lot.

Effect of Non-Passage: The property will remain zoned residentially which will not allow further expansion of the parking lot.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Nghia Nguyen
 Address 16819 Coldwater Rd
 City Fort wayne State IN Zip _____
 Telephone 260-804-3304 E-mail danangoik@yahoo.com

Contact Person
 Contact Person Phillip A Troyer Inc
 Address 1510 W Ludwig Rd
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-2810 E-mail phil@patroyer.com

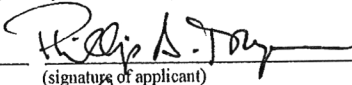
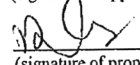
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 4809 Illinois Rd
 Present Zoning C1/R1 Proposed Zoning C1 Acreage to be rezoned 2.44 total
 Proposed density _____ units per acre
 Township name Wayne Township section # 8
 Purpose of rezoning (attach additional page if necessary) Combine existing commercial tract into one parcel
 Sewer provider FWCU Water provider FWCU

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.

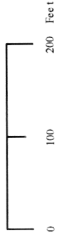
Phillip A Troyer  6-4-19
 (printed name of applicant) (signature of applicant) (date)
Nghia Nguyen  6-4-19
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>6/4/19</u>	<u>130684</u>	<u>7-8-19</u>	<u>REZ - 2019 - 0039</u>

Rezoning Petition REZ-2019-0039 - 4809 Illinois Road

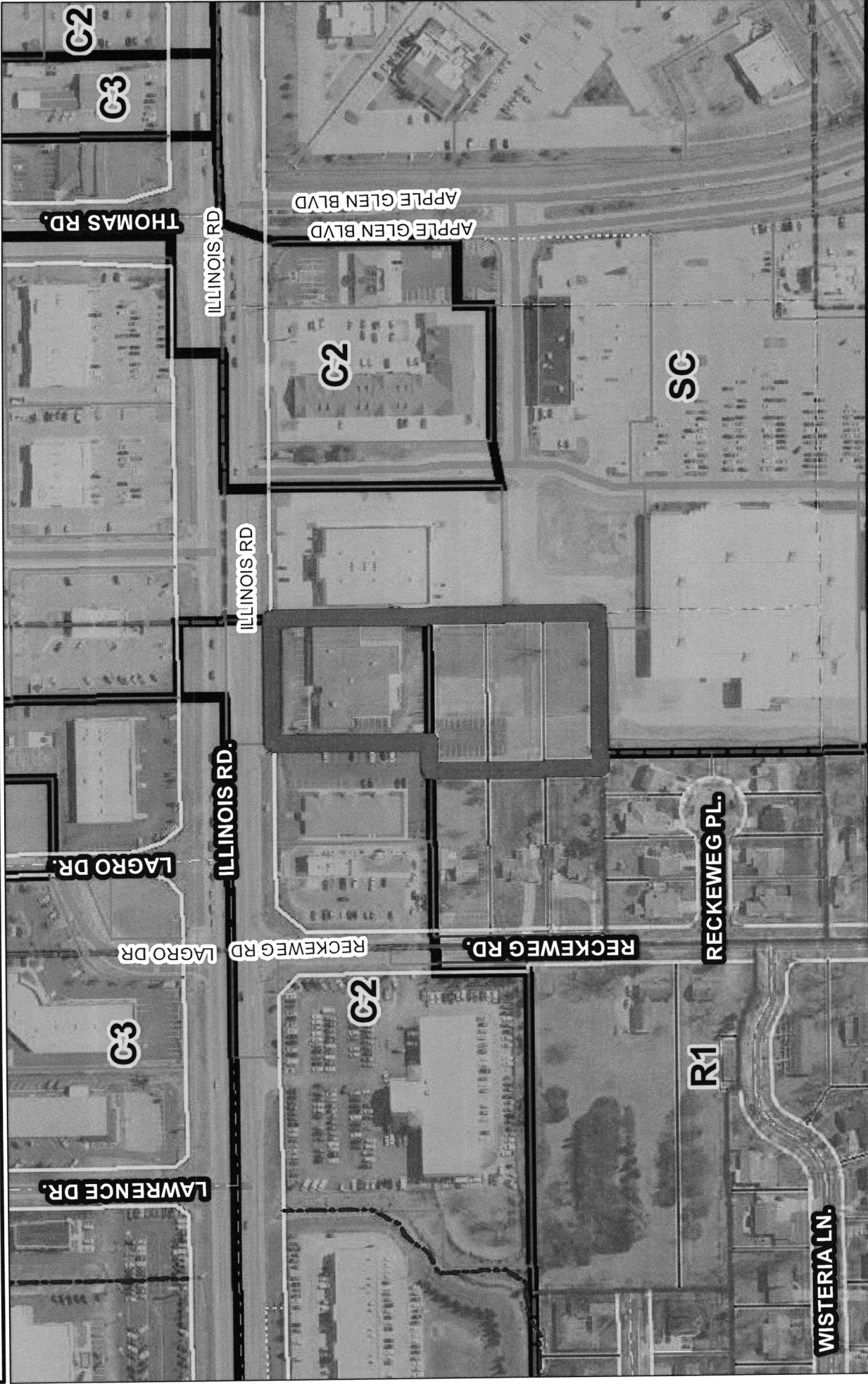


1 inch = 200 feet



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 Photo and Contours: Spring 2009
 Date: 6/17/2019

Rezoning Petition REZ-2019-0039 - 4809 Illinois Road



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FACT SHEET

Case #REZ-2019-0039 Bill # Z-19-06-16 Project Start: 25 June 2019

APPLICANT:	Nghia Nguyen
REQUEST:	To rezone property from R1/Single Family Residential to C2/Limited Commercial to permit parking on the site.
LOCATION:	The property is located south of the proposed Cali Spa site at 4809 Illinois Road (Section 8 of Wayne Township).
LAND AREA:	Approximately 2.4 acres for total site Approximately 1.4 acres for rezoning
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C2/Limited Commercial
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Site Plan Review for new Cali Spa
SPONSOR:	City of Fort Wayne Plan Commission

8 July 2019 Public Hearing

- One person spoke at the hearing in opposition.
- All members were present.

15 July 2019 – Business Meeting

Plan Commission Recommendation: DO PASS

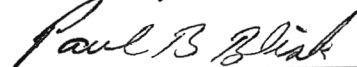
A motion was made by Paul Sauerteig and seconded by Tom Freistroffer to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Connie Haas Zuber and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
July 19, 2019

Reviewed by:



Paul B. Blisk
Deputy Land Use Director

PROJECT SUMMARY

SITE HISTORY:

- The single story commercial building on the site was constructed in 1974 and is approximately 15,000 SF. The structure is proposed to be raised to make way for a new Cali Spa facility. The site plan routing for Cali Spa has been submitted. A contingent use approval for a parking lot in the R1 zoning district was approved in 1992 by the Board of Zoning Appeals.

STAFF DISCUSSION:

The petitioner is requesting to rezone the property recently purchased by Cali Spa. A portion of the site is already zoned C2/Limited Commercial. To the south of the C2 zoned property is real estate that is zoned R1. The R1 zoned property has parking, which was installed with the previous use of the site. The parking was approved as a Contingent Use by the Board of Zoning Appeals in the early 1990s. Because of the redevelopment of the site with a new structure and improved parking, the applicant is simply requesting the entirety of the site have a consistent zoning of C2. Existing commercial and retail uses surround the Cali Spa site, with the exception of three residential parcels that access Reckeweg Road.

Cali, LLC has already submitted a site plan routing which will meet all the Zoning Ordinance standards, including the necessary screening/buffering between the parking area and the adjacent residential properties. Cross access between the Cali Spa site, and the commercial development to the south and east is being discussed.

The comprehensive plan supports this development through the following objectives:

LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

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

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

PUBLIC HEARING SUMMARY:

Presenter: Phil Troyer, representing the applicant, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

Russell Jacobs, 1327 Reckeweg Road – Objects to more parking and would like to see a site plan.

Rebuttal:

Mr. Troyer stated that the applicant would work with the property owner to add more buffering or fencing along his property line.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2019-0039

APPLICANT: Nghia Nguyen
REQUEST: To rezone property from R1/Single Family Residential to C2/Limited Commercial to permit parking on the site.
LOCATION: The property is located south of the proposed Cali Spa site at 4809 Illinois Road (Section 8 of Wayne Township).
LAND AREA: Approximately 2.4 acres for total site
Approximately 1.4 acres for rezoning
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2019-0039 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 City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The parking was previously approved by the Board of Zoning Appeals, and now will be permitted by the Zoning Ordinance. This rezoning continues the trend of responsible mixed-used development.
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. The parking lot will be screened as required by the Zoning Ordinance standards.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for continued business growth and investment on the site. A site plan routing for the property will be reviewed by all necessary City agencies. Screening and buffering will be installed along the parking area, as required by the Zoning Ordinance.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently adjacent to the site.

These findings approved by the Fort Wayne Plan Commission on July 15, 2019



Paul B. Blisk, AICP
Deputy Land Use Director

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Nghia Nguyen
 Address 16819 Coldwater Rd
 City Fort wayne State IN Zip _____
 Telephone 260-804-3304 E-mail danangoik@yahoo.com

Contact Person
 Contact Person Phillip A Troyer Inc
 Address 1510 W Ludwig Rd
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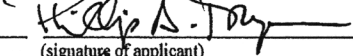
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<u>Phillip A Troyer</u> (printed name of applicant)	 (signature of applicant)	<u>6-4-19</u> (date)
<u>Nghia Nguyen</u> (printed name of property owner)	 (signature of property owner)	<u>6-4-19</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

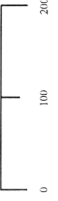
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Rezoning Petition REZ-2019-0039 - 4809 Illinois Road



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Rezoning Petition REZ-2019-0039 - 4809 Illinois Road

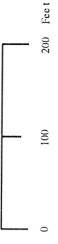


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 Date: 6/17/2019



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BILL NO. Z-19-06-16

REPORT OF COMMITTEE ON REGULATIONS
July 23, 2019

Tom Freistroffer Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. F-02 (Sec. 8 of Wayne Township)

To rezone approximately 2.44 acres from R1/Single Family Residential to C1/Professional Office and Personal Services at 4809 Illinois Road



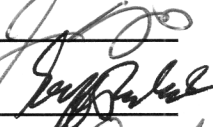
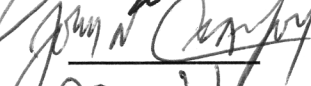


COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

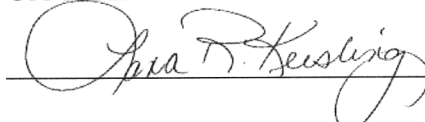
DO NOT PASS

ABSTAIN

NO REC

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LANA R. KEESLING
CITY CLERK



Public Hearing Date: N/A

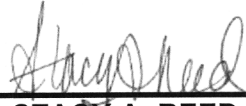
Read the first time in full and on motion by Councilman Freistroffer.

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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: July 23, 2019



STACY A. REED, DEPUTY CITY CLERK

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

Zoning Ordinance No. Z-19-06-16 on the 23rd day of July, 2019

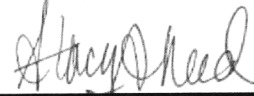


STACY A. REED
DEPUTY CITY CLERK



PRESIDING OFFICER

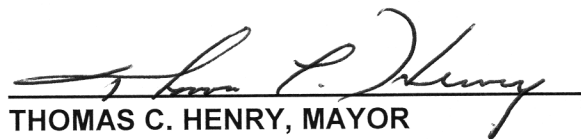
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th of July 2019, at the hour of 10:00 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 24th day of July

2019, at the hour of 2:00 o'clock Pm E.S.T.



THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
JUL 25 2019
 LANA R. KEESLING
 CITY CLERK