

1 #REZ-2019-0058

2 BILL NO. Z-19-09-08

3
4 ZONING MAP ORDINANCE NO. Z-43-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. J-38 (Sec. 15 of Washington 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 an I2
10 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 **Record Description – Doc.#2015001372**

13 PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 15,
14 TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE
PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

15 COMMENCING AT THE CENTER OF SAID SECTION 15; THENCE SOUTH 89
16 DEGREES 10 MINUTES WEST (BEARINGS IN THIS DESCRIPTION ARE BASED ON
17 THE INDIANA DEPARTMENT OF HIGHWAYS BEARINGS FOR STATE ROAD NO.
18 3) ON AND ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, BEING
19 WITHIN THE RIGHT-OF-WAY OF LUDWIG ROAD, A DISTANCE OF 1324.90 FEET
20 TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID SOUTHWEST
21 QUARTER; THENCE SOUTH 02 DEGREES 35 MINUTES 38 SECONDS EAST,
22 CONTINUING ON AND ALONG SAID WEST LINE, A DISTANCE OF 263.46 FEET
23 TO A 5/8 INCH ROD FOUND; THENCE NORTH 88 DEGREES 25 MINUTES 30
24 SECONDS EAST, A DISTANCE OF 321.29 FEET TO A 5/8 INCH ROD FOUND;
25 THENCE NORTH 05 DEGREES 30 MINUTES 01 SECONDS WEST, A DISTANCE OF
26 256.79 FEET TO A 5/8 INCH ROD ON THE SOUTHERLY RIGHT-OF-WAY LINE OF
27 KELSEY COURT; THENCE NORTHWESTERLY, ON AND ALONG SAID RIGHT-OF-
28 WAY LINE AS DEFINED BY A REGULAR CUL-DE-SAC CURVE TO THE RIGHT,
29 NOT TANGENT TO THE LAST COURSE, HAVING A RADIUS OF 60.0 FEET, AN
30 ARC DISTANCE OF 85.32 FEET, BEING SUBTENDED BY A LONG CHORD HAVING
A LENGTH OF 78.31 FEET AND A BEARING OF NORTH 54 DEGREES 45 MINUTES
49 SECONDS WEST TO A 5/8 INCH ROD SET; THENCE SOUTH 75 DEGREES 58
MINUTES 24 SECONDS WEST, A DISTANCE OF 67.72 FEET TO A 5/8 INCH ROD
FOUND; THENCE SOUTH 74 DEGREES 45 MINUTES 33 SECONDS WEST, A
DISTANCE OF 100.00 FEET TO A 5/8 INCH ROD SET; THENCE SOUTH 87
DEGREES 24 MINUTES 22 SECONDS WEST, A DISTANCE OF 82.43 FEET TO THE
TRUE POINT OF BEGINNING, CONTAINING 1.988 ACRES OF LAND.

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and the symbols of the City of Fort Wayne Zoning Map No. J-38 (Sec. 15 Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

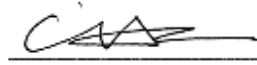
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Witwer Construction, Inc.
 Address 3636 Adams Center Rd
 City Fort Wayne State IN Zip 46806
 Telephone (260) 420-4113 E-mail kwitwer@witwerconstruction.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 End of Kelsey Court, Fort Wayne, IN 46818
 Present Zoning R1 & I2 Proposed Zoning I2 Acreage to be rezoned 0.64
 Proposed density 1 units per acre
 Township name Washington Township section # 15
 Purpose of rezoning (attach additional page if necessary) Rezone R1 portion of property to I2 for a new Warehouse and Office.
 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 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.

Kyle Witwer _____ 9/30/2019
 (printed name of applicant) (signature of applicant) (date)

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

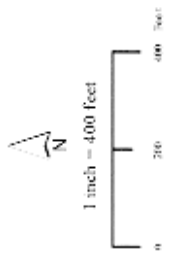
 (printed name of property owner) (signature of property owner) (date)

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

Received 9/2/19	Receipt No. 131776	Hearing Date 10/7/19	Petition No. REZ-2019-0058
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Although great accuracy symbols have been provided in the construction of this map, the City does not warrant or guarantee the accuracy of the information contained herein and shall not be liable for any errors or omissions in this map.
© 2019 Board of Commissioners of the City of Aurora
Aurora, Colorado
Plan Commission File No. 19-0046
Project No. 19-0046
Date: 04/11/2019



FACT SHEET

Case #REZ-2019-0058 Bill # Z-19-09-08 Project Start: September 2019	
APPLICANT:	Witwer Construction
REQUEST:	To rezone a portion of property from R1/Single Family Residential to I2/General Industrial; and approve a primary development plan for a facility for Plumbers Supply, including a waiver for landscaping.
LOCATION:	The site is located along the 2000 block of Kelsey Court (Washington Township Section 15).
LAND AREA:	Approximately 2 acres
PRESENT ZONING:	R1/Single Family Residential and I2/General Industrial
PROPOSED ZONING:	I2/General Industrial
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECTS:	Plumber's Supply
SPONSOR:	City of Fort Wayne Plan Commission

7 October 2019 Public Hearing

- No one from the public spoke at the hearing with concerns.
- Rachel Tobin-Smith was absent.

14 October 2019 – Business Meeting

Plan Commission Recommendation: DO PASS


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

8-0 MOTION PASSED

- Tom Freistroffer was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
November 5, 2019

Reviewed by:



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

PROJECT SUMMARY

The petitioner requests a rezoning to I2/General Industrial for a new building for Plumbers Supply Co. The property is located west of Cross Creek Blvd on Kelsey Court on property located in a planned industrial and commercial development. This is the last industrial property to develop west of Cross Creek Blvd.

The current zoning is split into two classifications. The property is predominately zoned I2 but there remains a meandering strip of R1 zoning along the western perimeter of the property. The R1 portion of the site originally was zoned A-2 when this property was originally rezoned. The A-2 zoning was an old County designation for Floodplain. Through annexation and Ordinance changes the A-2 zoning became R1/Single Family Residential. It appears that the area on the west side of this parcel is not impacted by Floodway or Floodway Fringe designations as indicated by Floodplain Management review

Staff is supportive of the zoning change. This parcel has been expected to develop with an industrial land use since the original zoning and development plan was approved. The zoning request is compatible with the existing zoning in the area.

The proposed site plan includes one new 25,200 square foot industrial building and associated employee parking and dock area. All parking, dock areas and drive lanes will be paved. Stormwater detention is being handled off-site in the regional detention system for the Cross Creek development.

The applicant is requesting a waiver to not install screening and buffering on this development site. Additionally the applicant is requesting a setback waiver from 25 feet to 10 feet on the north and south sides of the development site where the property is adjacent to residential zoning. There is a significant wooded area on the property at the western property line and beyond so the applicant is requesting to use existing trees to meet the screening and buffering requirement to the west. The property to the west is a manufactured home park which is approximately 400 feet from this property and is separated by a heavily wooded area and should not be impacted by not providing additional screening.

The applicant states that the areas north and south of the site are large dry regional detention basins which would not be impacted by the reduced setback and it is not necessary to screen detention basins. Additionally the residential zoning as previously discussed is only there because of the original A-2 zoning and are being used for the industrial park so this will have not current or future impact on potential residential properties. If these properties were zoned appropriately there would not be a requirement for screening to north and south. As a result of the current conditions there will be no adverse impacts.

PUBLIC HEARING SUMMARY:

Presenter: Rob Kruger, representing the applicant, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2019-0058

APPLICANT: Witwer Construction
REQUEST: To rezone a portion of property from R1/Single Family Residential to I2/General Industrial for a facility for Plumbers Supply.
LOCATION: The site is located along the 2000 block of Kelsey Court (Washington Township Section 15).
LAND AREA: Approximately 2 acres
PRESENT ZONING: R1/Single Family Residential and I2/General Industrial
PROPOSED ZONING: I2/General Industrial

The Plan Commission recommends that Rezoning Petition REZ-2019-0058 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 I2/General Industrial zoning will continue the precedent of industrial development in this area. This proposal will allow development on an approved outlot in an existing industrial park using existing infrastructure. The Comprehensive Plan supports this rezoning through the following objectives:
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.
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.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow an existing outlot to develop for an existing community business that needs to expand.
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 October 14, 2019.

A handwritten signature in cursive script that reads "Kim Bowman". The signature is written in black ink and is positioned above a horizontal line.

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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Witwer Construction, Inc.
 Address 3636 Adams Center Rd
 City Fort Wayne State IN Zip 46806
 Telephone (260) 420-4113 E-mail kwitwer@witwerconstruction.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


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Kyle Witwer  9/30/2019
 (printed name of applicant) (signature of applicant) (date)

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

Received	Receipt No.	Hearing Date	Petition No.
9/20/19	131776	10/7/19	REZ-2019-0058



Although exact boundary standards have not been established, the proposed site is shown in white. The City of Washington does not guarantee the accuracy of the information contained herein and does not warrant or hold itself responsible for any errors or omissions in this map. For more information, contact the City of Washington, Planning Department, 3000 7th Ave SW, Suite 200, Tacoma, WA 98406. Date: 05/02/2019

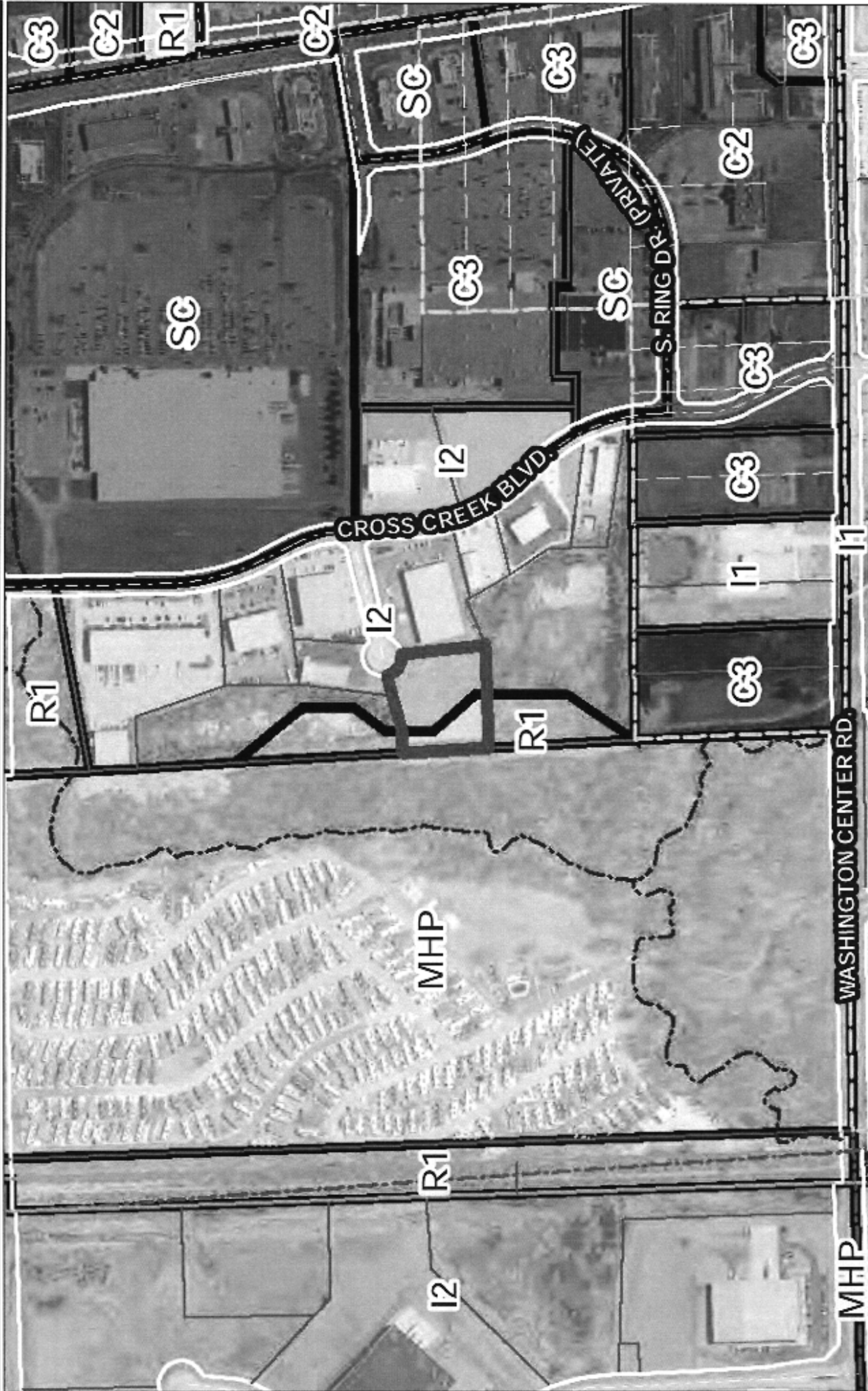


1 inch = 400 feet



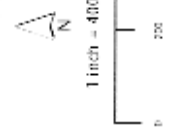


Rezoning Petition REZ-2019-0058 and Primary Development Plan PDP-2019-0046 - Plumbers Supply



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City of Albany
 Planning Department
 100 West 10th Street, Albany, NY 12202
 Phone: 518.262.3400
 Fax: 518.262.3401
 Date: 8/1/2019



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0058
Bill Number: Z-19-09-08
Council District: 3-Tom Didier

Introduction Date: September 24, 2019
Plan Commission
Public Hearing Date: October 7, 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 0.64 acres from R1/Single Family Residential to I2/General Industrial.
Location: South of 2020 Kelsey Court
Reason for Request: To allow for a new warehouse and office.
Applicant: Witwer Construction, Inc.
Property Owner: Witwer Construction, Inc.

Related Petitions: Primary Development Plan, Plumber's Supply

Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district. A portion of the lot in the industrial park is still zoned residential. The rezoning will allow for the construction of a new plumbing supply warehouse and office.
Effect of Non-Passage: This portion of the property will remain zoned R1/Single Family Residential, which will inhibit construction of the remaining industrial property.

BILL NO. Z-19-09-08

REPORT OF COMMITTEE ON REGULATIONS

November 12, 2019

Tom Freistroffer Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. J-38 (Sec. 15 of Washington Township)

*To rezone approximately 0.64 acres from R1 to I2
Witwer Construction - south of 2020 Kelsey Court*



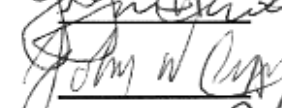


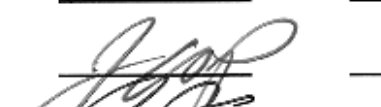
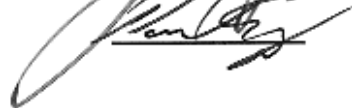
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

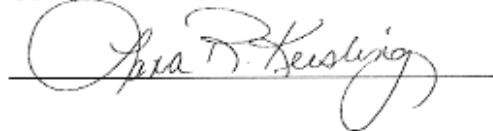
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: October 7, 2019

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

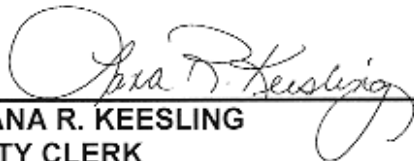
DATED: November 12, 2019



LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-19-09-08 on the 12th day of November, 2019



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of November 2019, at the hour of 2:45 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 19TH day of November 2019, at the hour of 5:30 o'clock Pm E.S.T.



THOMAS C. HENRY, MAYOR

