

1 #REZ-2019-0062

2 BILL NO. Z-19-09-11

3
4 ZONING MAP ORDINANCE NO. Z-40-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. L-03 (Sec. 11 of Wayne 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 C3 (General
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 The East Half of Lot Number 77 in Bond's 2nd Addition, according to the Plat thereof,
13 recorded in Plat Book 55, Page 309, in the Office of the Recorder of Allen County,
14 Indiana.

15 and the symbols of the City of Fort Wayne Zoning Map No. L-03 (Sec. 11 of Wayne
16 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
17 Wayne, Indiana is hereby changed accordingly.

18
19 SECTION 2. If a written commitment is a condition of the Plan Commission's
20 recommendation for the adoption of the rezoning, or if a written commitment is modified and
21 approved by the Common Council as part of the zone map amendment, that written
22 commitment is hereby approved and is hereby incorporated by reference.

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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 Pedro Marquez
 Address 1119 WINNSBORO - PASS
 City Fort Wayne State IN Zip 46845
 Telephone 2604176661 E-mail p.marquez0695@yahoo.com

Contact Person
 Contact Person Pedro Marquez
 Address 1119 WINNSBORO - PASS
 City FORT WAYNE State _____ Zip _____
 Telephone _____ E-mail _____

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 _____
 Present Zoning C2 Proposed Zoning R3 Acreage to be rezoned 2.08
 Proposed density _____ units per acre
 Township name WAYNE Township section # 11
 Purpose of rezoning (attach additional page if necessary) car dealer use

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 \$500 ~~Allen County 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 Resonings 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.

<u>Pedro Marquez</u> (printed name of applicant)	<u>Pedro Marquez</u> (signature of applicant)	<u>8/20/19</u> (date)
<u>Pedro Marquez</u> (printed name of property owner)	<u>Pedro Marquez</u> (signature of property owner)	<u>8/20/19</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>8-22-19</u>	Receipt No. <u>131682</u>	Hearing Date <u>10-7-19</u>	Petition No. <u>REZ-2019-0062</u>
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Although some necessary standards have been incorporated into the completion 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.

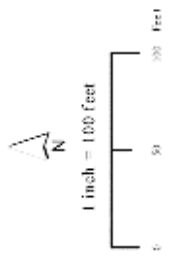
April, American Dakota, 1991
 State Plane Coordinate System, NAD 83
 Project and Control: April 18, 2019
 Date: 11-18-2019

1 inch = 100 feet



Although our services standards have never stopped in the compliance of this map, after County has a title or guarantee in the accuracy of the information contained herein and does not warrant any and all liability resulting therefrom or otherwise in this case.

2019 Board of Commissioners of the County of Miller
 North-Southwest Building, 101 W. Main
 Sikeston, Missouri 65750
 Planning Commission Meeting April 2, 2019
 Date: 3/26/2019

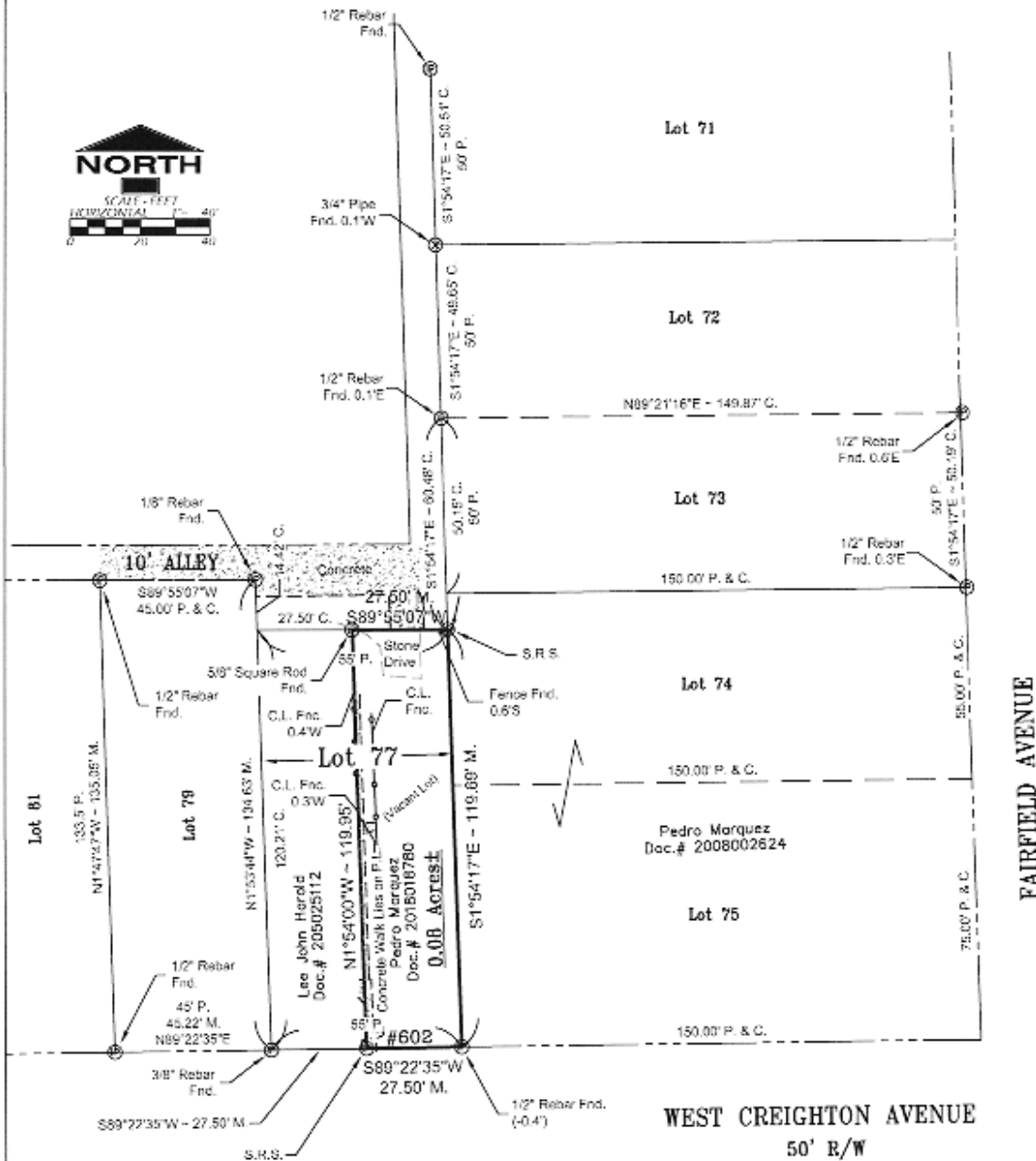


CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made and monuments perpetuated as shown, in conformity with the record thereof in the Office of the Recorder of Allen County, Indiana. No encroachments existed, except as noted.

The description of the real estate is as follows, to wit:

EAST HALF OF LOT NUMBER 77 IN BOND'S 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 55, PAGE 309 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.



LEGEND

- P. - PLAT
- D. - DEED
- C. - CALCULATED
- M. - MEASURED
- Fnd. - FOUND
- Fnc. - FENCE
- Wd. - WOOD
- C.L. - CHAINLINK
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- S.R.S. - STEEL REBAR SET w/ "OPOKU" CAP
- C.X.S. - CHISELED X SET IN CONCRETE
- M.N.S. - MAD NAIL SET w/ 2" DISK STAMPED "OPOKU" 21200012
- C.M. - CONTROLLING MONUMENT

For: Marquez
 Job No. 18080202
 Date of Fieldwork: 08/20/2018

IN WITNESS WHEREOF, I HEREBY PLACE MY HAND AND SEAL THIS 12TH DAY OF SEPTEMBER, 2018.

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 36S IAC, Article 1, Rule 12, Section 1 thru 30.



Nana A. OpoKU
 Nana A. OpoKU

Registered Land Surveyor 21200012
APEX CONSULTING & SURVEYING



LEGEND

	Concrete Rolled Curb & Gutter
	Paved Parking/Driveway
	Proposed Spot Elevation
	Drainage Direction



BY: Andrew D. Scheribel
DATE: 4/3/2019



NOTE:
THE STORM WATER RUNOFF FOR THE NEW PAVED PARKING AND DRIVEWAY AREA WILL SHED SOUTH WEST, AWAY FROM EXISTING MARQUEZ AUTO SALES BUILDING. THE RUNOFF WILL BE COLLECTED IN THE NEW CONCRETE CURB AND DIVERTED SOUTH, ACROSS THE EXISTING NORTH CURB LINE OF CREIGHTON AVE. AND WILL DRAIN INTO THE EXISTING CURB INLET.

FACT SHEET

Case #REZ-2019-0062 Bill # Z-19-09-11 Project Start: September 2019

APPLICANT:	Pedro Marquez
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial; and approve a primary development plan to add the real estate to the Marquez Auto Sales facility.
LOCATION:	The site is located on the north side of the 600 block of West Creighton Avenue, immediately west of Marquez Auto Sales (Wayne Township Section 11).
LAND AREA:	Approximately .08 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	5-Geoff Paddock
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

7 October 2019 Public Hearing

- Two residents had comments at the public hearing.
- Rachel Tobin-Smith was absent.

14 October 2019 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

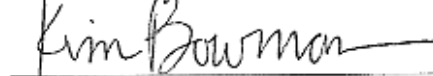
A motion was made by Patrick Zaharako and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation and Written Commitment to Common Council for their final decision.

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 is requesting a rezoning to C2/Limited Commercial to allow for a new neighborhood multi-tenant retail development. The site has remained undeveloped since the inception of the commercial development approximately 20 years ago. Today, the site is zoned R3/Multiple Family Residential. Residential uses exist to the north and west (Concord Place). Topsfield Lane was constructed to connect with Maplecrest Road nearly 20 years ago, as well. A variety of uses have developed within Maplecrest Corners at the northwest corner of Maplecrest Road and Rothman Road. The most recent proposal was heard by the Plan Commission in July of this year for Schwartz Self-Storage (C3). Other commercial uses are Hillside Pools (NC), Travis Auto (C3), Pak Mail (NC), Lassus gas station/convenience store (C3) and two financial institutions (NC).

The development parcel has remained undeveloped for nearly 20 years. A multi-tenant retail building is permitted in the proposed C2 zoning district. Multi-tenant retail buildings of this size are usually considered neighborhood retail and can be considered a low-impact use, depending on the site plan, lighting, landscaping, etc.

The development plan consists of a single story building approximately 6,600 square feet with room for about 4 to 5 neighborhood retail tenants. A single access is proposed to Topsfield Lane with a drive that provides parking and access to all four sides of the building. The required number of parking spaces is provided, and will be screened with the P1 standard where applicable. The building is proposed to meet the C2 setback standards, but at the time of notebook printing, no building elevations are available.

The plan proposes to screen the project in accordance with the Ordinance. The Ordinance requires a combination of large shrubs and evergreen trees along the west and north property lines where the site plan is adjacent to the attached single family development. The submitted landscaping plan appears to meet the intent of the requirement.

A public sidewalk is required along the site's public street frontage, unless the transportation agency agrees that a sidewalk cannot be constructed due to engineering constraints.

PUBLIC HEARING SUMMARY:

Presenter: Pedro Marquez, owner, presented the proposal to the Plan Commission, as outlined above. He explained that the former house on the property had been abandoned, then torn down by the City. He has been trying to add value to the property.

Public Comments:

John Lee – Lives immediately west of property. Does not want a fence on his property line, it is too close. Concerned about stormwater.

Arline Nation, representing PAPA, Hoagland-Masterson, and Poplar Ridge neighborhoods - They are in opposition unless a buffer is re-established along Fairfield and Creighton to keep cars from encroaching into the public sidewalk.

Rebuttal:

Stormwater will be directed to an inlet away from Mr. Lee's property. Mr. Marquez will sign an Written Commitment and re-establish a buffer in the form of an ornamental fence.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2019-0062

APPLICANT:	Pedro Marquez
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial
LOCATION:	The site is located on the north side of the 600 block of West Creighton Avenue, immediately west of Marquez Auto Sales (Wayne Township Section 11).
LAND AREA:	Approximately .08 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2019-0062, with a 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. Marquez Auto is investing in the property by developing a currently vacant lot. The use of a Written Commitment will encourage compatibility with existing uses in the area. 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. The applicant has agreed to make further improvements to the site to increase compatibility.
3. Approval is consistent with the preservation of property values in the area. Commercial uses are prevalent in the area.
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.



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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Pedro Marquez
 Address 1119 WINNSBORO - PASS
 City Fort Wayne State TN Zip 46845
 Telephone 2604176661 E-mail p.marquez0695@yahoo.com

Contact Person
 Contact Person Pedro Marquez
 Address 1119 WINNSBORO - PASS
 City FORT WAYNE State _____ Zip _____
 Telephone _____ E-mail _____

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 _____
 Present Zoning C2 Proposed Zoning S3 Acreage to be rezoned 0.08
 Proposed density _____ units per acre
 Township name WAYNE Township section # 11
 Purpose of rezoning (attach additional page if necessary) car dealer use

Sewer provider city of Fort Wayne Water provider City of Fort Wayne

Filing Requirements
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Applicable filing fee \$500 allen County 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 Resonings Only~~

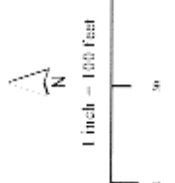
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<u>Pedro Marquez</u> (printed name of applicant)	<u>Pedro Marquez</u> (signature of applicant)	<u>8/20/19</u> (date)
<u>Pedro Marquez</u> (printed name of property owner)	<u>Pedro Marquez</u> (signature of property owner)	<u>8/20/19</u> (date)
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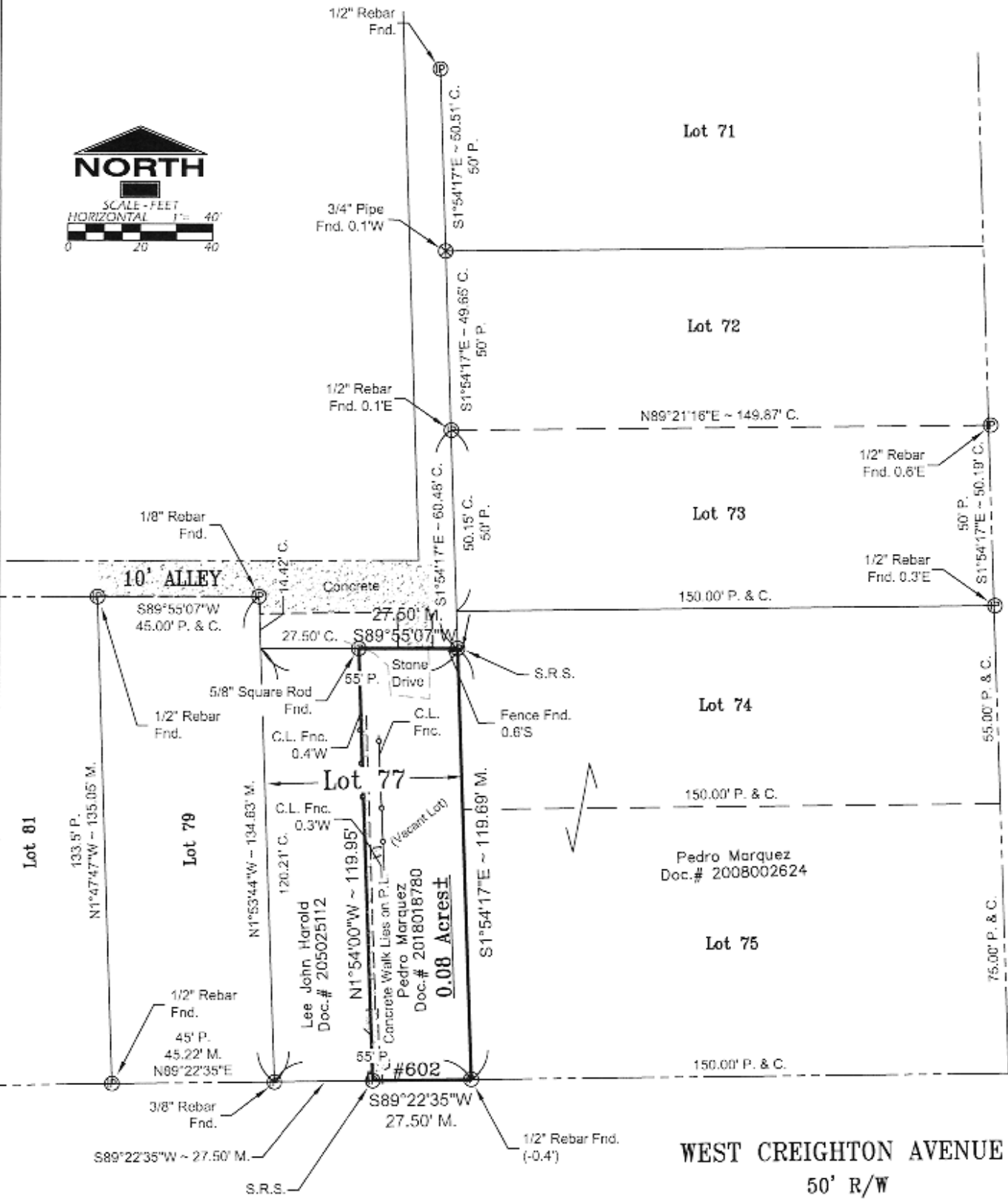
Received	Receipt No.	Hearing Date	Petition No.
8-22-19	131682	10-7-19	REZ-2019-0062



All lot dimensions are based on the
best available information of the
City of Alton. The City of Alton is not
responsible for the accuracy of the
information contained herein.
© 2019 Board of Commissioners of the City of Alton
North American System, Volume 1
Plate 12, South of System, Volume 1
Plate and Company, Spring 2019
Date 4-18-2019



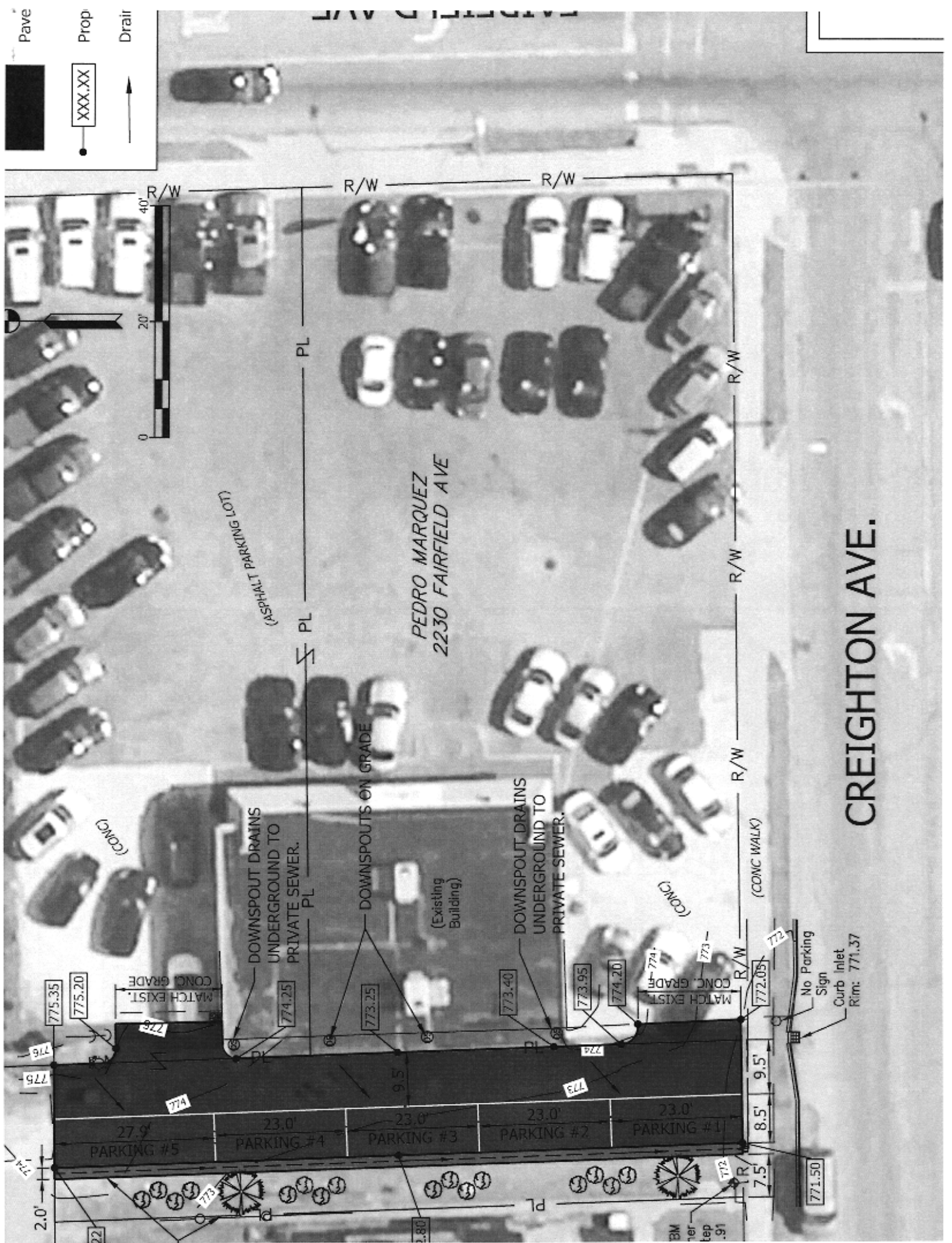
EAST HALF OF LOT NUMBER 77 IN BOND'S 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 55, PAGE 309 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.



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 - C.M. - CONTROLLING MONUMENT



Pave
 Prop
 Drain



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0062
Bill Number: Z-19-09-11
Council District: 5-Geoff Paddock

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 0.08 acres from C2/Limited Retail to C3/General Commercial
Location: 602 West Creighton
Reason for Request: To allow for the expansion of an existing car sales business
Applicant: Pedro Marquez
Property Owner: Pedro Marquez

Related Petitions: Primary Development Plan, Marquez Auto Sales

Effect of Passage: Property will be rezoned to the C3/General Commercial district to allow for the expansion of an existing car sales business.
Effect of Non-Passage: The property will remain zoned C2/Limited Retail. Outdoor car sales are not permitted in the C2 district.

BILL NO. Z-19-09-11

REPORT OF COMMITTEE ON REGULATIONS

November 12, 2019

Tom Freistroffer Chair



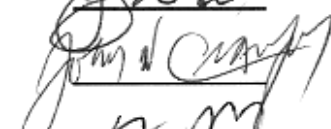
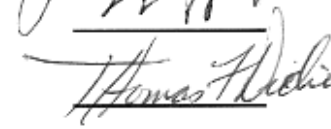
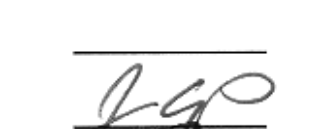

Michael Barranda Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. L-03 (Sec. 11 of Wayne Township)

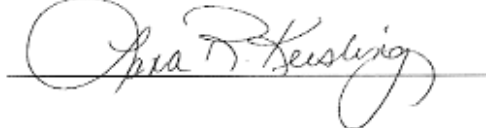
*To rezone approximately 0.08 acres from C2 to C3
Pedro Marquez – 602 W Creighton Ave*

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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____



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

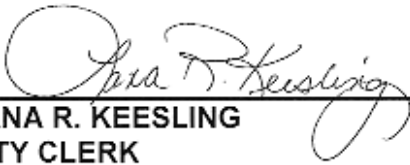
DATED: November 12, 2019



LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-19-09-11 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

