

1 #REZ-2019-0070

2 BILL NO. Z-19-11-15

3  
4 ZONING MAP ORDINANCE NO. Z- 5-20

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. B-02 (Sec. 12 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 NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 30 NORTH,  
13 RANGE 11 EAST, ALLEN COUNTY, INDIANA AND BEING FURTHER A PART OF THE  
14 LANDS OF THE HOMESTEAD WILSON, LLC AS DESCRIBED IN DOCUMENT NUMBER  
2015060910 IN THE RECORDS OF THE RECORDER OF ALLEN COUNTY, INDIANA AND  
MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

15 TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT THE NORTHEAST  
16 CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 30 NORTH,  
17 RANGE 11 EAST, ALLEN COUNTY, INDIANA; THENCE SOUTH 88 DEGREES 43  
18 MINUTES 06 SECONDS WEST (BASIS OF BEARINGS IS INDIANA STATE PLANE  
COORDINATE SYSTEM, EAST ZONE, GRID) ALONG THE NORTH LINE OF SAID  
19 NORTHWEST QUARTER, A DISTANCE OF 1346.67 FEET (1346.3 FEET, 1346.43 FEET,  
1346.79 FEET RECORDED) TO THE NORTHEAST CORNER OF THE WEST HALF OF  
20 SAID NORTHWEST QUARTER; THENCE SOUTH 0 DEGREES 04 MINUTES 23  
SECONDS EAST ALONG THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST  
21 QUARTER, A DISTANCE OF 65.63 FEET TO THE SOUTH RIGHT OF WAY OF A PUBLIC  
ROAD KNOWN AS ILLINOIS ROAD (STATE ROAD NO. 14) AS DESCRIBED IN  
22 DOCUMENT NUMBER 207019601 IN THE RECORDS OF THE RECORDER OF ALLEN  
COUNTY, INDIANA; THENCE ALONG SAID RIGHT OF WAY, SOUTH 88 DEGREES 43  
23 MINUTES 06 SECONDS WEST, A DISTANCE OF 261.94 FEET; THENCE NORTH 88  
DEGREES 25 MINUTES 09 SECONDS WEST AND CONTINUING ALONG SAID RIGHT  
24 OF WAY, A DISTANCE OF 9.54 FEET TO THE NORTHEAST CORNER OF THE LANDS  
OF MEV ILLINOIS LLC AS DESCRIBED IN DOCUMENT NUMBER 2019013205; THENCE  
25 SOUTH 0 DEGREES 05 MINUTES 52 SECONDS EAST ALONG THE EAST LINE OF THE  
LANDS OF SAID MEV ILLINOIS LLC, A DISTANCE OF 229.08 FEET TO THE  
26 SOUTHEAST CORNER THEREOF AND THE POINT OF BEGINNING INITIALLY  
REFERRED TO; THENCE NORTH 89 DEGREES 57 MINUTES 55 SECONDS WEST  
27 ALONG THE SOUTH LINE OF THE LANDS OF SAID MEV ILLINOIS LLC, A DISTANCE  
OF 134.96 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 0  
28 DEGREES 08 MINUTES 48 SECONDS WEST ALONG THE WEST LINE OF THE LANDS  
OF SAID MEV ILLINOIS LLC, A DISTANCE OF 13.90 FEET TO THE SOUTHEAST  
CORNER OF THE LANDS OF RODGERS AS DESCRIBED IN DOCUMENT NUMBER  
2014017806; THENCE SOUTH 88 DEGREES 35 MINUTES 08 SECONDS WEST ALONG

1 THE SOUTH LINE OF THE LANDS OF SAID RODGERS, A DISTANCE OF 263.61 FEET  
2 (263.00 FEET, DEED) TO THE SOUTHWEST CORNER THEREOF, AS SITUATED ON  
3 THE EAST LINE OF THE LANDS OF 1ST SOURCE BANK AS RECORDED IN  
4 DOCUMENT NUMBER 2014035798 AND FURTHER BEING A PART OF THE INVERNESS  
5 CENTRE DEVELOPMENT AS DESCRIBED IN DEED RECORDED AS DOCUMENT  
6 NUMBER 201080763; THENCE SOUTH 0 DEGREES 05 MINUTES 05 SECONDS EAST  
7 ALONG THE LINES AFORESAID AND THE EAST LINE OF THE LANDS OF ORAL AND  
8 MAXILLOFACIAL SURGERY ASSOCIATES HOLDINGS, LLP AS RECORDED IN  
9 DOCUMENT NUMBER 2015046679, A DISTANCE OF 356.00 FEET; THENCE SOUTH 63  
10 DEGREES 08 MINUTES 13 SECONDS EAST, A DISTANCE OF 219.80 FEET; THENCE  
11 NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 212.0  
12 FEET, A DISTANCE OF 40.88 FEET, THE CHORD OF WHICH BEARS NORTH 26  
13 DEGREES 55 MINUTES 39 SECONDS EAST, 40.82 FEET; THENCE NORTH 32  
14 DEGREES 27 MINUTES 08 SECONDS EAST, A DISTANCE OF 3.82 FEET; THENCE  
15 NORTHEASTERLY ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF  
16 188.0 FEET, A DISTANCE OF 75.12 FEET, THE CHORD OF WHICH BEARS NORTH 43  
17 DEGREES 53 MINUTES 57 SECONDS EAST, 74.62 FEET TO A POINT OF REVERSE  
18 CURVE; THENCE NORTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT  
19 HAVING A RADIUS OF 512.0 FEET, A DISTANCE OF 105.52 FEET THE CHORD OF  
20 WHICH BEARS NORTH 49 DEGREES 26 MINUTES 31 SECONDS EAST, 105.33 FEET;  
21 THENCE NORTH 42 DEGREES 23 MINUTES 28 SECONDS EAST, A DISTANCE OF  
22 32.27 FEET; THENCE NORTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT  
23 HAVING A RADIUS OF 212.0 FEET, A DISTANCE OF 140.61 FEET, THE CHORD OF  
24 WHICH BEARS NORTH 19 DEGREES 03 MINUTES 18 SECONDS EAST, 138.05 FEET;  
25 THENCE NORTH 0 DEGREES 03 MINUTES 14 SECONDS EAST, A DISTANCE OF  
26 131.64 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 55 SECONDS WEST, A  
27 DISTANCE OF 17.33 FEET TO THE POINT OF BEGINNING, CONTAINING 3.47 ACRES  
28 OF LAND, MORE OR LESS.

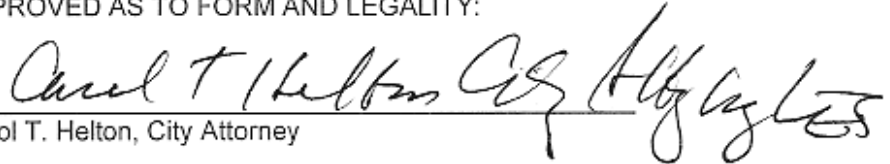
15  
16 and the symbols of the City of Fort Wayne Zoning Map No. B-02 (Sec. 12 of Aboite  
17 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
18 Wayne, Indiana is hereby changed accordingly.

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

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

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5 Council Member

6 APPROVED AS TO FORM AND LEGALITY:

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8 Carol T. Helton, City Attorney

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**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant THE HOMESTEAD WILSON, LLC  
 Address 6435 WEST JEFFERSON BOULEVARD #136  
 City FORT WAYNE State INDIANA Zip 46804  
 Telephone 941-928-9440 E-mail aprealty@live.com

**Contact Person**  
 Contact Person PETER G. MALLERS, ESQ. OF BEERS MALLERS BACKS & SALIN, LLP  
 Address 110 WEST BERRY STREET, SUITE 1100  
 City FORT WAYNE State INDIANA Zip 46802  
 Telephone 260-426-9706 E-mail pgmaller@beersmaller.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 7621 ILLINOIS ROAD, FORT WAYNE, INDIANA  
 Present Zoning AR Proposed Zoning C1, C2, RP Acreage to be rezoned APPROX 15.5 DIVIDED AS SET FORTH ON ATTACHED EXHIBIT 'A' 3.47 Ac  
 Proposed density \_\_\_\_\_ units per acre  
 Township name ABOITE Township section # 30  
 Purpose of rezoning (attach additional page if necessary) TO DEVELOP THIS 15.5 ACRE SITE FOR LOW INTENSITY COMMERCIAL AND MULTI-FAMILY PURPOSES.  
 Sewer provider CITY Water provider CITY

**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 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 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.

**THE HOMESTEAD WILSON, LLC By:** [Signature] 11/1/19  
 (printed name of applicant) Jamara Wilson (signature of applicant) (date)  
**THE HOMESTEAD WILSON, LLC By:** [Signature] 11/1/19  
 (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>Nov 5 2019</u>	Receipt No. <u>132511</u>	Hearing Date <u>12/9/19</u>	Petition No. <u>REZ-2019-0070</u>
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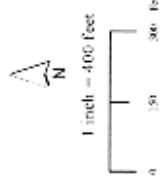


Rezoning Petitions REZ-2019-0070, 0072, 0073 and Primary Development Plan PDP-2019-0056 - Inverness Park



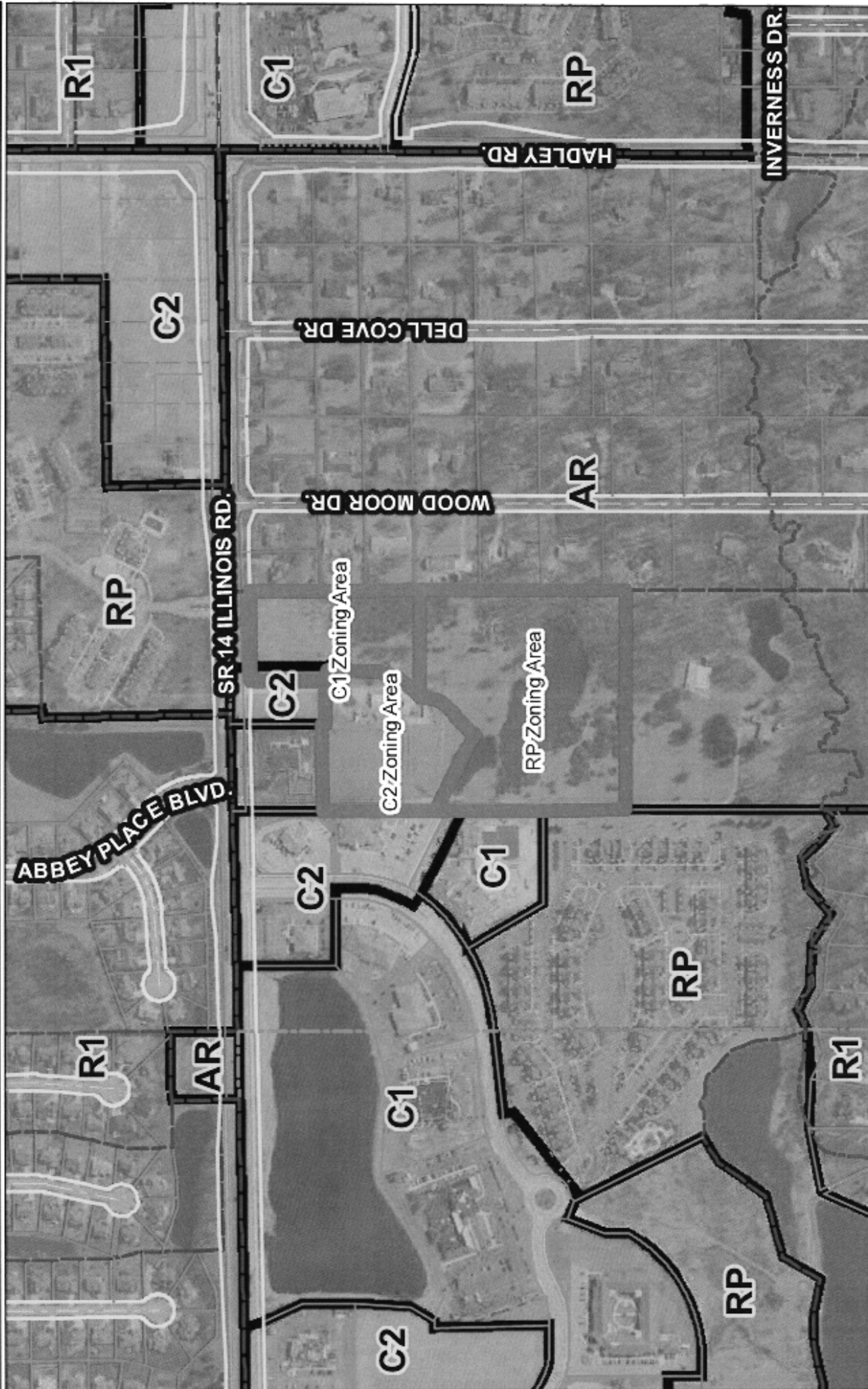
Although aerial images are used here, they are provided for the convenience of this map. The City Council does not warrant the accuracy of the information contained herein and disclaims any liability resulting from any errors or omissions in this map.

©2019 Board of Commissioners of the County of Allen  
 Southwestern Bell Tower Building  
 1000 West 10th Street, Suite 100  
 Norman, Oklahoma, Spring 2019  
 Date: 11/15/2019

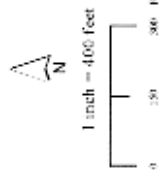




Rezoning Petitions REZ-2019-0070, 0072, 0073 and Primary Development Plan PDP-2019-0056 - Inverness Park



Although not shown, standard here  
 here completed in the completion of this study.  
 All other County, State and Federal laws, rules and regulations  
 for sources of the information contained herein  
 and I believe any and all liability resulting from  
 any errors or omissions in this map.  
 © 2019 Board of Commissioners of the County of Alameda  
 San Jose, California  
 Planning Department, April 2019  
 Date: 1/1/2019







## FACT SHEET

Case #REZ-2019-0070    Bill # Z-19-11-15    Project Start: November 2019

PROPOSAL:	Rezoning Petition REZ-2019-0070
APPLICANT:	The Homestead Wilson, LLC
REQUEST:	To rezone property from AR/Low Intensity Residential to C2/Limited Commercial for a mixed-use development.
LOCATION:	The site is located on the south side of the 7600 block of West State Road 14 (Illinois Road), east of Inverness Center and Sherwin Williams and west of Covington Dells subdivision. (Section 12 of Aboite Township)
LAND AREA:	Approximately 15.5 acres for overall development Approximately 3.4 acres for C2
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	C2/Limited Commercial
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Primary Development Plan, Inverness Park, REZ-2019-0072, and 0073
SPONSOR:	City of Fort Wayne Plan Commission

### 9 December 2019 Public Hearing

- The adjacent neighborhood board spoke in support.
- Billy Davenport was absent.

### 16 December 2019 – Business Meeting

#### Plan Commission Recommendation: DO PASS with a Written Commitment


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

#### 8-0 MOTION PASSED

- Judi Wire was absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
January 8, 2020

Reviewed by:

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

## **PROJECT SUMMARY for REZ-2019-0070, REZ-2019-0072 and REZ-2019-0073**

The petitioner, The Homestead Wilson LLC, is requesting three rezoning petitions and a primary development plan for a mixed-use development. Approximately 3.4 acres of real estate is proposed to be rezoned to C2/Limited Commercial for three outlots in the northwest corner, adjacent to Inverness Centre, Aboite Animal Hospital, and the new Sherwin Williams. Approximately 3.1 acres of land is proposed to be rezoned to C1/Professional Office and Personal Services for three outlots along the Illinois Road/State Road 14 frontage, adjacent to Covington Dells neighborhood. The remaining 9.0 acres in the southern half of the property is proposed to be zoned RP/Planned Residential. The Illinois Road corridor has experienced a transitioning of the remaining metes and bounds properties to office or commercial zoning, to support the decades of single family development along the corridor. Existing zoning on either side consists of AR/Low Intensity Residential, C1/Professional Office and Personal Services, C2/Limited Commercial, and RP/Planned Residential.

The rezoning proposals can be supportive by the following goals and policies of the Comprehensive Plan:

- LU3.** Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
- LU5.D** Encourage development proposals that provide housing, designed to allow adequate pedestrian and bicycle access, in close proximity to existing neighborhood commercial, civic, institutional and other similar uses.
- 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.

A Written Commitment has been submitted after meeting with the Covington Dells neighborhood association.

The development plan consists of commercial outlots, office outlots, and a residential community. The primary development plan does not show any specific users or buildings for the proposed commercial property, just outlots as typically shown on primary development plans for shopping centers or office developments. The design of each outlot would be under the review of the Zoning Ordinance standards. No waiver of any development standard has been requested. Primary access is from Illinois Road, from the shared drive with Sherwin Williams. This private street continues to the south through the development and ends in a cul-de-sac. Two access points are provided to Inverness Center for future connections. A private drive continues to serve the homestead to the south. Sidewalks are proposed on both sides of all streets. There is a wooded area with a pond that will remain and redesigned to serve as detention also. A trail will go around the pond and through the natural area.

The residential portion of Inverness Park does not have specific plans but the proposal allows for up to 34 units, likely in duplexes and quadplexes with a maximum height of 25 feet. The applicant wants to leave the design open to meet market demand. A Written Commitment could be useful to shape the type and intensity of the residential development, as well as screening and buffering. The plans show a six foot high fence along Covington Dells and shrubs and trees where there are no existing trees to remain. Landscaping to meet the ordinance is proposed around the perimeter of the property.

**PUBLIC HEARING SUMMARY:**

Presenter: Pete Mallers, representing the Homestead Wilson, LLC, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

Sam Rocke, Covington Dells Board President – spoke in favor of the project, mostly concerned with lighting and landscaping, and have agreed to the use restrictions in the Written Commitment.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2019-0070

PROPOSAL: Rezoning Petition REZ-2019-0070  
APPLICANT: The Homestead Wilson, LLC  
REQUEST: To rezone property from AR/Low Intensity Residential to C2/Limited Commercial for a mixed-use development.  
LOCATION: The site is located on the south side of the 7600 block of West State Road 14 (Illinois Road), east of Inverness Center and Sherwin Williams and west of Covington Dells subdivision. (Section 12 of Aboite Township)  
LAND AREA: Approximately 15.5 acres for overall development  
Approximately 3.4 acres for C2  
PRESENT ZONING: AR/Low Intensity Residential  
PROPOSED ZONING: C2/Limited Commercial

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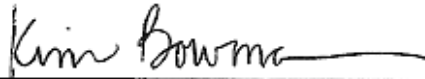
In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The Plan Commission recommends that Rezoning Petition REZ-2019-0070 be returned to Council, with a Written Commitment, 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 C2 zoning will continue the precedent of responsible commercial development along the Illinois Road corridor. This proposal will provide infill development using the existing infrastructure of the 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. 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 reinvestment into a currently vacant property. High quality development that is well screened will increase property values throughout 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 December 16, 2019.

Handwritten signature of Kimberly R. Bowman in cursive script, followed by a horizontal line.

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

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant THE HOMESTEAD WILSON, LLC  
 Address 6435 WEST JEFFERSON BOULEVARD #136  
 City FORT WAYNE State INDIANA Zip 46804  
 Telephone 941-928-9440 E-mail aprealty@llve.com

**Contact Person**  
 Contact Person PETER G. MALLERS, ESQ. OF BEERS MALLERS BACKS & SALIN, LLP  
 Address 110 WEST BERRY STREET, SUITE 1100  
 City FORT WAYNE State INDIANA Zip 46802  
 Telephone 260-426-9706 E-mail pgmallers@beersmallers.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 7621 ILLINOIS ROAD, FORT WAYNE, INDIANA  
 Present Zoning AR Proposed Zoning C1, C2, RP Acreage to be rezoned APPROX 15.5 DIVIDED AS SET FORTH ON ATTACHED EXHIBIT 'A' **3.47 Ac for C2**  
 Proposed density \_\_\_\_\_ units per acre  
 Township name ABOITE Township section # 30  
 Purpose of rezoning (attach additional page if necessary) TO DEVELOP THIS 15.5 ACRE SITE FOR LOW INTENSITY COMMERCIAL AND MULTI-FAMILY PURPOSES.  
 Sewer provider CITY Water provider CITY

**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 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 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.

THE HOMESTEAD WILSON, LLC By: [Signature] 11/1/19  
 (printed name of applicant) James J Wilson (signature of applicant) (date)  
 THE HOMESTEAD WILSON, LLC By: [Signature] 11/1/19  
 (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)

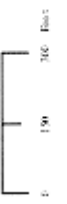
Received <u>Nov 6 2019</u>	Receipt No. <u>132511</u>	Hearing Date <u>12/9/19</u>	Petition No. <u>REZ-2019-0070</u>
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Rezoning Petitions REZ-2019-0070, 0072, 0073 and Primary Development Plan PDP-2019-0056 - Inverness Park



1 inch = 400 feet



After all time necessary shall have been employed in the preparation of this map.

Allen Cove is hereby shown as a rezoning area in accordance with the rezoning petition and all other information contained therein and is hereby shown as rezoning area.

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Date: 11/15/2019







## WRITTEN COMMITMENT

This Written Commitment ("Commitment"), dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 2019, is made by The Homestead Wilson, LLC ("Applicant" and "Owner").

### RECITALS

- A. By virtue of that certain Deed dated \_\_\_\_\_, and recorded on \_\_\_\_\_, as Document No. \_\_\_\_\_ in the Office of the Recorder of Allen County, Indiana, Owner, is the owner in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" ("Real Estate").
- B. On November 5, 2019, the Applicant applied to the City of Fort Wayne Plan Commission (the "Commission") to rezone the real estate to C1, C2 and RP and to seek approval of a primary development plan to develop the real estate pursuant to the plan filed with the primary development plan application.
- C. Pursuant to Ind. Code §36-7-4-1015 and the City of Fort Wayne Zoning Ordinance, the Commission may require an owner of real estate to make a Written Commitment concerning the use or development of the real property as part of an application for rezoning and primary development plan.

### COMMITMENT

Owner agrees and consents to the following written commitments which shall govern the Real Estate:

1. **STATEMENT OF COMMITMENTS.** In addition to the Conditions of Approval contained in the Commission's decision approving REZ-2019-0070, REZ-2019-0072, REZ-2019-0073 and PDP-2019-0056, which decisions are on record at the Commission's office, the Owner shall abide by the following commitments:
  - a. The following specific uses otherwise permitted in a C1 zoning district are hereby prohibited:

- Assisted Living Facility	- Homeless/Emergency Shelter
- Blood Bank	- Hospital
- Blood or Plasma Donor Facility	- Multi-Family Complex
- Commissioning/Lodging House	- Nursing Home
- Correctional Services Facility	- Rehabilitation Facility
- Dormitory	- Residential Facility for Homeless Individuals
- Fraternity House	- Sorority House
- Funeral Home	- Townhouse Complex
- Group Residential Facility (large)	- Treatment Center
- Group Residential Facility (small)	- Wind Energy Conversion System (micro)

b. The following specific uses otherwise permitted in a C2 zoning district are hereby prohibited:

- Animal Kennel
- Arcade
- Assisted Living Facility
- Bait Sales
- Billiard or Pool Hall
- Bingo Establishment
- Blood Bank
- Bowling Alley
- Campus Housing
- Cigarette/Tobacco/Cigar Store
- Convenience Store
- Correctional Services Facility
- Dating Service
- Dormitory
- Driving Instruction
- Firework Sales
- Fraternity House
- Funeral Home
- Group Homes (large)
- Group Homes (small)
- Homeless/Emergency Shelter
- Hospital
- Hotel
- Laundry Mat/Coin Operated Laundry
- Micro or Mini Brewery Brewpub
- Motel
- Movie and Game Sales and Rental
- Multi-Family Complex
- Package Liquor Store
- Reception/Banquet Hall
- Rehabilitation Facility
- Rescue Mission
- Residential Facility for Homeless Individuals
- Restaurant, with Drive-Thru
- Skating Rink
- Sorority House
- Swim Club
- Tattoo Establishment
- Television Station
- Tennis Club
- Theater
- Townhouse Complex
- Treatment Center
- Wind Energy Conversion System (micro)

- c. Building and site lighting and signage shall be per the requirements of the City of Fort Wayne Zoning Ordinance (the "Ordinance") and, specifically, lighting shall be 90% downward directed lighting with full cutoff features.
- d. In addition to landscaping required by the Ordinance, a 25 foot landscape buffer shall be created on the east side of the Real Estate from the north property line south to the existing wooded area in the southeast corner of the Real Estate. In addition, a 6 foot high solid wooden fence shall be installed along the east, south and southwest sides of the Real Estate that border residential properties, not including the existing wooded area in the southwest corner of the Real Estate.
- e. The residential portion of the Real Estate shall be limited to 40 units, which shall be comprised of either single family or duplex units, unless otherwise approved by the Commission.
- f. This approval shall lapse and be subject to revocation if construction has not started on the Real Estate pursuant to the approved develop plan within twenty-four (24) months of the date of approval by the Commission.
- g. The Commission hereby grants to the Fort Wayne Zoning Administrator or his/her designated staff authority upon written request to consider an extension of any Commission-approved condition, for a period not to exceed twelve (12) months.

2. **BINDING EFFECT, MODIFICATION, TERMINATION.** This Commitment shall run with the Real Estate, and shall be binding upon Owner, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The Recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated in accordance with IC §36-7-4-1015 and only by a decision of the Commission following a public hearing held by the Commission following a public hearing held by the Commission wherein notice has been given as provided by the Commission rules of procedure.
3. **RECORDING.** Owner shall, at its own expense, record this Commitment with the Allen County Recorder and shall provide two (2) copies of the recorded Commitment to the City of Fort Wayne Zoning Administrator.
4. **ENFORCEMENT.** The Commission shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation on this Commitment; and in the event such enforcement action is commenced, the Zoning Administrator of Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing Real Estate at the time of the enforcement action) and IC §36-7-4-1015, which remedies shall be cumulative not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or Commission, or any successor agency having jurisdiction over the Real Estate.
5. **AMENDMENT OR TERMINATION.** This Commitment may be amended or terminated upon application by the Owner of the Real Estate, and only with the prior written consent of all owners of the Real Estate, and following a public hearing to consider said amendment or termination. In addition, after a violation of this Commitment, and after notice has been issued to the Owner and a public hearing is held by the Commission, the Commission may revoke the Approval and terminate this Commitment.
6. **PERMITS.** No permits shall be issued under the City of Fort Wayne Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder and a recorded and executed copy of the Commitment is delivered to the Zoning Administrator and the Commission.
7. **GOVERNING LAW.** This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
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. **EFFECTIVE DATE.** This Commitment shall be effective upon the date on which this Commitment is recorded in the Office of the Recorder of Allen County, Indiana.
10. **STATUTORY AUTHORITY.** This Commitment is made pursuant to IC §36-7-4-1015.

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

THE HOMESTEAD WILSON, LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF INDIANA    )  
                              )§  
COUNTY OF ALLEN    )

Before me, the undersigned Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared THE HOMESTEAD WILSON, LLC by its Manager, \_\_\_\_\_, the above named Applicant, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: PETER G. MALLERS

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-2019-0070  
Bill Number: Z-19-11-15  
Council District: 4-Jason Arp

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Introduction Date: November 26, 2019  
  
Plan Commission  
Public Hearing Date: December 9, 2019 (not heard by Council)  
  
Next Council Action: Ordinance will return to Council after recommendation by the  
Plan Commission

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Synopsis of Ordinance: To rezone approximately 3.47 acres from AR/Low Intensity Residential  
to C2/Limited Commercial.  
  
Location: 7621 Illinois Road  
  
Reason for Request: To allow for three commercial/retail lots as part of a larger mixed-use  
development.  
  
Applicant: The Homestead Wilson, LLC  
  
Property Owner: The Homestead Wilson, LLC

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Related Petitions: Primary Development Plan, Inverness Park

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Effect of Passage: Property will be rezoned to the C2/Limited Commercial district which  
will allow a variety of commercial and retail uses.

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential and may  
develop with agricultural or single family uses.

**BILL NO. Z-19-11-15**

**REPORT OF COMMITTEE ON REGULATIONS**

**January 14, 2020**

***Tom Freistroffer Chair***

***Glynn Hines Co-Chair***

***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. B-02 (Sec. 12 of Aboite Township)

*To rezone approximately 3.47 acres from AR/Low Intensity Residential to C2/Limited Commercial at 7621 Illinois Road to allow for three commercial/retail lots as part of a larger mixed-use development*

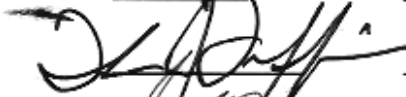

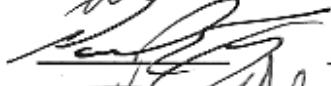
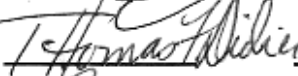
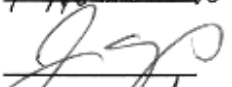
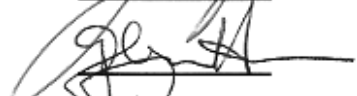
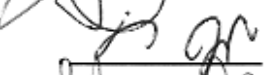

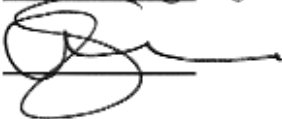
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

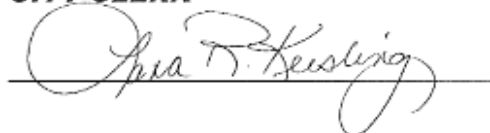
DO NOT PASS

ABSTAIN

NO REC

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



Public Hearing Date: December 9, 2019

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

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson 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"/>
CHAMBERS	<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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: January 14, 2020




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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-19-11-15 on the 14th day of January, 2020

ATTEST:




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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 15th of January 2020, at the hour of 9:20 o'clock A.M. E.S.T.




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LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15<sup>th</sup> day of JANUARY 2020, at the hour of 10:00 o'clock AM E.S.T.




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THOMAS C. HENRY, MAYOR

