

1 #REZ-2021-0020

2 BILL NO. Z-21-05-09

3
4 ZONING MAP ORDINANCE NO. Z-15-21

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. M-34 (Sec. 23 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 I1 (Limited
10 Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 Part of Parcel II of the lands conveyed to Cass Housing in Document # 2020064875, being
13 located in the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen
14 County, Indiana, this new description having been prepared by Michael C. Vodde, Indiana
15 Professional Surveyor #20100011, based on Anderson Surveying, Inc. Survey #20-06-102,
16 dated June 24, 2020, more particularly described as follows:
17 Commencing at the point of intersection of the North line of the Northeast Quarter of said
18 Section 23 and the East right of way line of the former Lake Shore & Michigan Southern
19 Railroad (also the former Penn Central Railroad), said point located 16.97 feet North 88
20 degrees 23 minutes 15 seconds East (bearings in this description are based on WGS-84
21 longitude and latitude by GPS observation) of a PK nail at the Northwest corner of said
22 Northeast Quarter; thence South 01 degrees 49 minutes 26 seconds East, on said East right
23 of way line, 1092.22 feet to a point on the West line of Parcel II in Document # 2020064875,
24 said point being the **True Point of Beginning** for the lands herein described; thence North
25 88 degrees 23 minutes 15 seconds East, a distance of 334.50 feet, to a mag nail with
26 identification ring stamped "ANDERSON FIRM #29A", monumenting the Northwest corner of
27 the lands conveyed to Rodriguez in Document #2018032999; thence South 01 degrees 49
28 minutes 26 seconds East, on the West line of said lands and its extension a distance of
29 211.90 feet, to a point on the South line of the Lands of Cass Housing; thence South 88
30 degrees 23 minutes 15 seconds West, on said South line, a distance of 334.50 feet, to a 5/8-
inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A", at the
Southwest corner of the aforesaid Cass Housing; thence North 01 degrees 49 minutes 26
seconds West, on the West line of said parcel, a distance of 211.90 feet, to the point of
beginning. Containing 1.627 acres, more or less, subject to all legal rights-of-way, subject to
all Regulated Drain Easements for any Regulated Drains or Tiles being on or within 75 feet
of the above-described parcel, subject to all other easements, covenants, restrictions and
rights affecting the above-described parcel.
Note: this description was created from previous survey information for use in a rezoning
petition.

and the symbols of the City of Fort Wayne Zoning Map No. M-34 (Sec. 23 of Washington
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort

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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

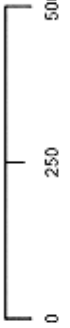
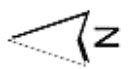
APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney



REZ-2021-0020 and PDP-2021-0016 CASS Housing



1 inch = 300 feet

Legend

-  Rezoning to I1
-  Cass Full Development

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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 5/18/2021

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REZ-2021-0020 and PDP-2021-0016 CASS Housing

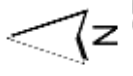
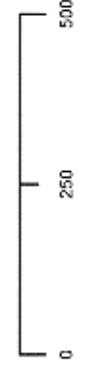


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North American Dream 1983
State Plane Coordinate System, Indiana East
Photos and Contours Spring 2006
Date: 5/18/2021

Legend

-  Rezoning to I1
-  Cass Full Development



1 inch = 275 feet

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant CASS Housing, Inc.
 Address 111 W. Berry St. Suite 211
 City Fort Wayne State IN Zip 46802
 Telephone 260-376-2262 E-mail david@casshousing.org

Contact Person
 Contact Person David Buuck
 Address 111 W. Berry St. Suite 211
 City Fort Wayne State IN Zip 46802
 Telephone 260-376-2262 E-mail david@casshousing.org

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 Homewood Dr.
 Present Zoning RP Proposed Zoning I-1 Acreage to be rezoned 1.63
 Proposed density _____ units per acre
 Township name Washington Township section # 80
 Purpose of rezoning (attach additional page if necessary) Please see attached

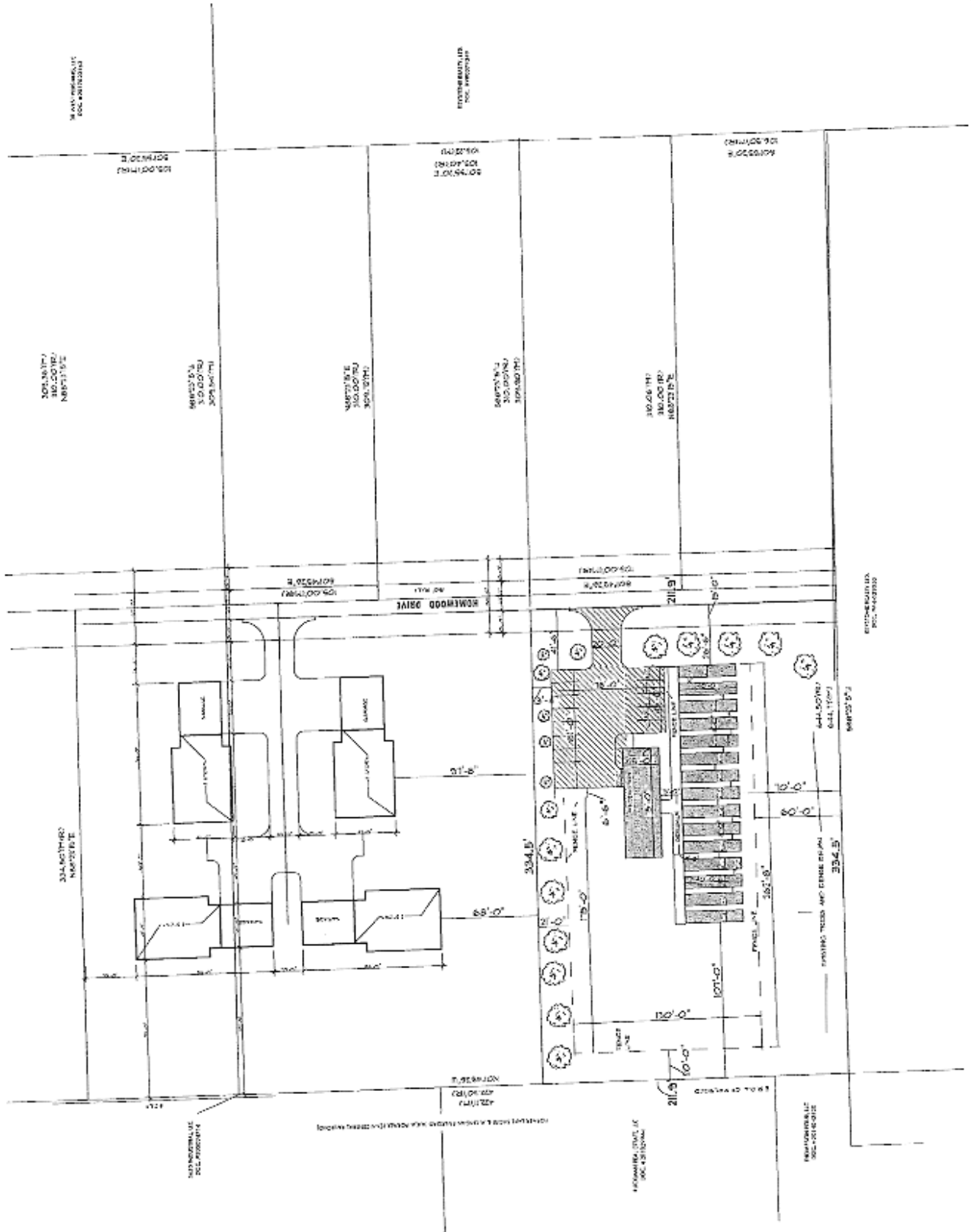
 Sewer provider City Water provider City

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.

CASS Housing, Inc.  5/4/2021
 (printed name of applicant) (signature of applicant) (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.
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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0020
Bill Number: Z-21-05-09
Council District: 1 – Paul Ensley

Introduction Date: May 25, 2021

Plan Commission
Public Hearing Date: June 7, 2021 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone 1.63 acres from RP/Planned Residential to I1/Limited Industrial

Location: South end of Homewood Drive

Reason for Request: To allow for indoor, hydroponic growing containers to be used by the residents of the CASS Housing development (for adults with developmental disabilities) also to be located on Homewood Drive. The project will provide employment, and food for the residents. There will be no retail sales on-site.

Applicant: CASS Housing, Inc.

Property Owner: CASS Housing, Inc.

Related Petitions: Primary Development Plan, CASS Housing Homewood

Effect of Passage: Property will be rezoned to the I1/Limited Industrial zoning district, which will allow the placement and use of hydroponic farming containers to be used by the residents of the CASS Housing development.

Effect of Non-Passage: The property will remain zoned for residential uses and may redevelop as such.

FACT SHEET

Case #REZ-2021-0020	Bill # Z-21-05-09	Project Start: May 2021
APPLICANT:	CASS Housing, Inc.	
REQUEST:	To rezone property from RP/Planned Residential to I1/Industrial for four residential units and a hydroponics growing facility.	
LOCATION:	The site is located along the west side of the 5500 to 5700 blocks of Homewood Drive, approximately 750 feet south of the intersection of West Washington Center Road and Homewood Drive (Section 23 of Washington Township).	
LAND AREA:	Approximately 6.3 acres total; 1.627 acres in consideration for rezone	
PRESENT ZONING:	RP/Planned Residential	
PROPOSED ZONING:	I1/Limited Industrial	
COUNCIL DISTRICT:	1-Paul Ensley	
ASSOCIATED PROJECT:	none	
SPONSOR:	City of Fort Wayne Plan Commission	

June 14, 2021 Public Hearing

- One property owner spoke at the hearing with concerns.
- Ryan Neumeister and Justin Shurley were absent.

June 21, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

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

7-0 MOTION PASSED

- Ryan Neumeister and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
July 2, 2021

PROJECT SUMMARY

SITE HISTORY

- Site has historically been vacant and unplatted.
- A Primary Development Plan was submitted and approved for an eight-unit residential development for CASS Housing, Inc. (PDP-2020-0017). This amended petition will consider amending the southern portion from residential to a light industrial use for CASS Housing's workforce.

STAFF DISCUSSION

The proposed rezone encompasses about 1.627 of the 6.3-acre area in question for development. The location of the rezone is in the southwest corner of the development site, where I2 zoning borders both to the south and west. The proposed rezone will accommodate a proposed use of a new hydroponics growing facility.

Access to the proposed rezone, albeit bordering Industrial Zoning on two sides, is only available through Planned Residential zoning. However, the intended zoning will provide better transition between the proposed residential development to the north and west and the more intensive zoning industrial districts to the south and west.

The applicant plans on using the proposed rezone to accommodate a fifteen-unit hydroponics facility, which is only permitted in industrial zoning districts. Although industrial and residential zoning districts within one development site is not a commonly requested petition, the intended use is not anticipated to be a nuisance and is within the most suitable part of the development site.

The proposed rezone meets the following criteria from the Comprehensive Plan:

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

LU6 - Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

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

H6 - Promote mixed uses along with proximity of uses.

The petitioner requests an amended Primary Development Plan from PDP-2020-0017. The original Primary Development Plan included eight units in two courts for CASS Housing's core members. No rezoning was heard with this request, as the site was appropriately zoned RP/Planned Residential. The new proposal reduces the number of units from eight to four. The applicant salvaged the plans to include one court of four units to the north, and the south portion of the site includes fifteen hydroponic units for CASS Housing's core members. According to the applicant, the proximity of the hydroponic units is important, as many of their core members do not use automobiles.

Today, north of the development site includes metes and bounds housing arranged like a platted neighborhood (Homewood Drive), to the east of the site are a mixture of undeveloped and constructed homes from the 1950's and 1960's (beyond those is vacant land zoned I2/ General Industrial), to the south is the Keystone Industrial Park, and to the west is the backside of industrial buildings along Industrial Road.

Letters were sent to the neighbors by the applicant and they received no response. The hydroponic units can grow 100 heads of lettuce in one container. There will be no on-site sales, and no deliveries in larger than a box truck.

The development standards for both the RP and I1 zoning district standards are met with this proposal. This includes setbacks, parking, signage, lighting and landscaping.

PUBLIC HEARING SUMMARY:

Presenter: David Buuck, Director of CASS Housing, presented the proposal as outlined above.

Public Comments:

none



REZ-2021-0020 and PDP-2021-0016 CASS Housing

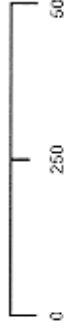


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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2025
Date: 5/18/2024

Legend

-  Rezoning to I1
-  Cass Full Development



1 inch = 300 feet



REZ-2021-0020 and PDP-2021-0016 CASS Housing

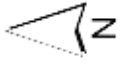
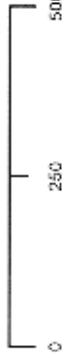


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 City Fort Wayne State IN Zip 46802
 Telephone 260-376-2262 E-mail david@casshousing.org

Contact Person
 Contact Person David Buuck
 Address 111 W. Berry St. Suite 211
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CASS Housing, Inc.  5/4/2021
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Received	Receipt No.	Hearing Date	Petition No.
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BILL NO. Z-21-05-09

REPORT OF COMMITTEE ON REGULATIONS

July 6, 2021

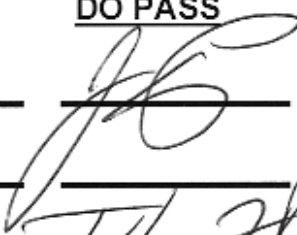
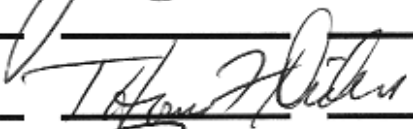


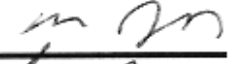

Geoff Paddock Chair

Tom Freistroffer Co-Chair

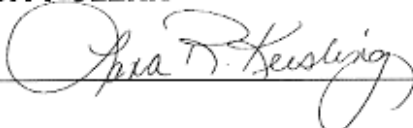
All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. M-34 (Sec. 23 of Washington Township) - *To rezone 1.63 acres from RP/Planned Residential to I1/Limited Industrial at the south end of Homewood Drive, to allow for indoor, hydroponic growing containers to be used by the residents of CASS Housing development (for adults with developmental disabilities)*

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: June 7, 2021

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 Paddock, 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: July 13, 2021




LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-21-05-09 on the 13th day of July, 2021

ATTEST:



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of July 2021, at the hour of 10:30 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14TH day of JULY 2021, at the hour of 1:00 o'clock Pm E.S.T.



THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 JUL 15 2021
 LANA R. KEESLING
 CITY CLERK