

1 #REZ-2022-0033

2 BILL NO. Z-22-07-08

3 ZONING MAP ORDINANCE NO. Z-24-22

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. H-22 (Sec. 28 of Washington Township)

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

8 SECTION 1. That the area described as follows is hereby designated an I2
9 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 Record Description - Doc.#2020062100

12 Parcel III:

13 Part of the Southwest Quarter of the Southwest Quarter of Section 28, Township 31
14 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-
15 wit:

16 Commencing on the West line of said Quarter Section at a point situated 920.0 feet
17 North of the Southwest corner of said Section; thence continuing North on the line
18 aforesaid, a distance of 401.0 feet to the Northwest corner of the Southwest Quarter
19 of the Southwest Quarter of Section 28; thence east by a deflection right of 89
20 degrees 40 minutes on the North line of the Southwest Quarter of the Southwest
21 Quarter of Section 28, a distance of 593.0 feet (deed record 365, page 383) (592.3
22 feet actual) to an iron pin found; thence Southwesterly by a deflection right of 93
23 degrees 00 minutes, a distance of 442.9 feet to an iron pipe found; thence
24 Northwesterly by a deflection right of 97 degrees 29 minutes, a distance of 252.7 feet
25 to a pipe set in an open ditch channel; thence West by a deflection left of 11 degrees
26 13 minutes, a distance of 321.7 feet (deed record 372, page 431) (322,8 feet actual)
27 to the point of beginning, containing 5.45 acres, more or less. Subject to a public
28 road upon and over the West 50 feet thereof.

29 and the symbols of the City of Fort Wayne Zoning Map No. H-22 (Sec. 28 of Washington
30 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

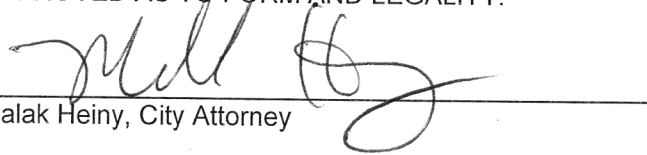
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SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment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


Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0033
Bill Number: Z-22-07-08
Council District: 3-Tom Didier

Introduction Date: July 12, 2022
Plan Commission
Public Hearing Date: July 11, 2022 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 5.45 acres from R1/Single Family Residential to I2/General Industrial.
Location: 3414 Hillegas Road, south of Independence Drive
Reason for Request: To match the zoning of this property with the remainder of the Zurcher Tire property for a new Zurcher Tire warehouse.
Applicant: Zurcher Tire, Inc.
Property Owner: Zurcher Tire, Inc.

Related Petitions: Primary Development Plan, Zurcher Tire

Effect of Passage: Property will be rezoned to the I2/Professional Office and Personal Services district, which will allow the stormwater management system to be fully on industrial ground, instead of residential ground.
Effect of Non-Passage: The property will remain zoned partially R1, and the stormwater management system will need to be redesigned to fit on the ground currently zoned I2.

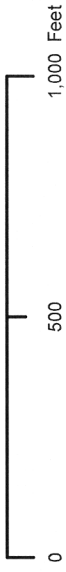


Rezoning Petition REZ-2022-0033 and Primary Development Plan PDP-2022-0020 - Zurcher Tire



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Date: 6/28/2022

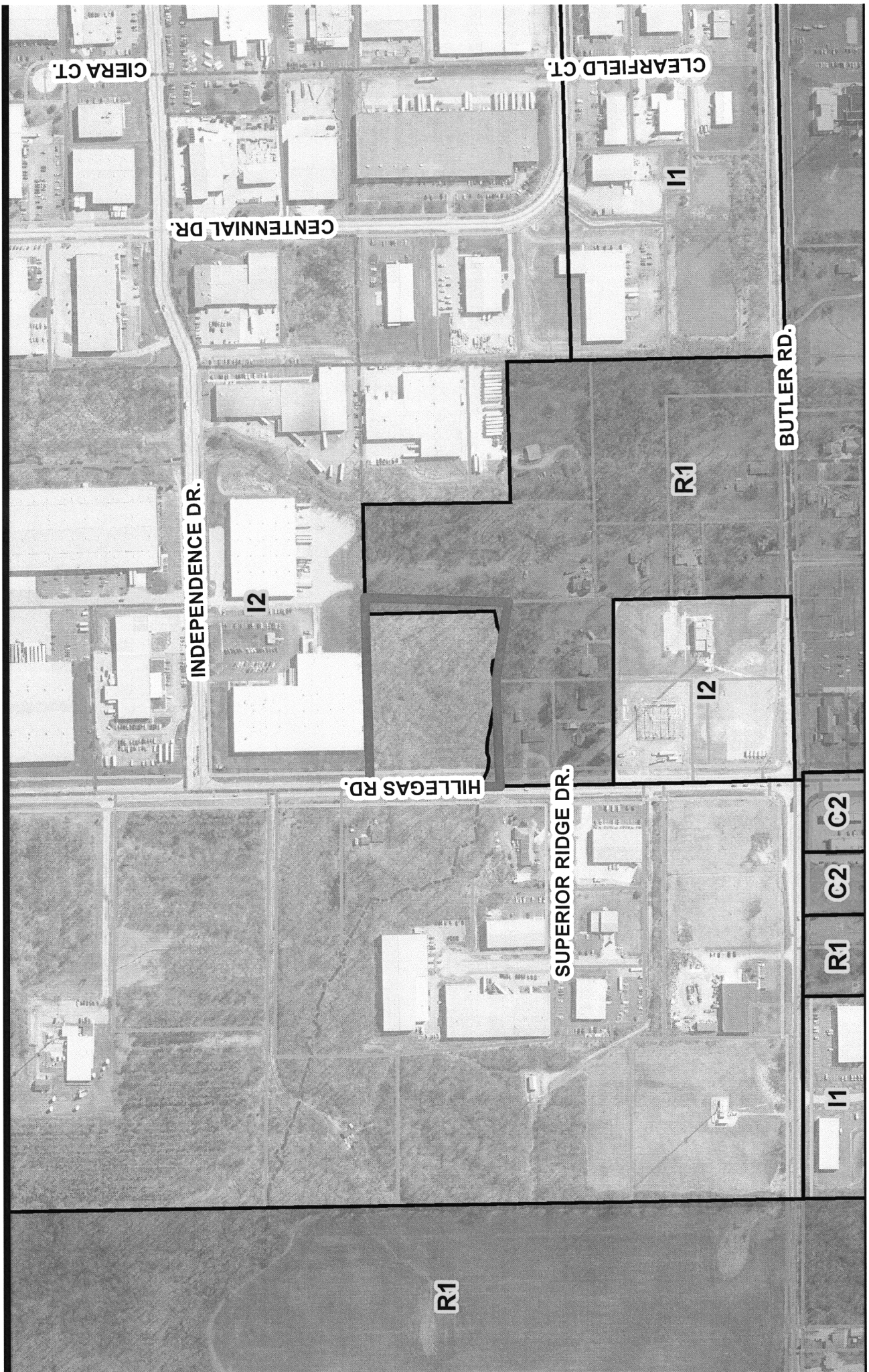


1 inch = 400 feet



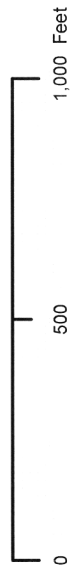


Rezoning Petition REZ-2022-0033 and Primary Development Plan PDP-2022-0020 - Zurcher Tire



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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Zurcher Tire, Inc. (Carson Cornelius)
 Address 101 N Polk St
 City Monroe State IN Zip 46772
 Telephone (618) 637-4472 E-mail carson@zurichertire.com

Contact Person
 Contact Person Cody Ward (MLS Engineering, LLC)
 Address 10060 Bent Creek Boulevard
 City Fort Wayne State IN Zip 46825
 Telephone (260) 489-8571 x4 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 3414 Hillegas Road, Fort Wayne, IN 46808
 Present Zoning I2 & R1 Proposed Zoning I2 Acreage to be rezoned 0.71
 Proposed density 1 units per acre
 Township name Washington Township section # 28
 Purpose of rezoning (attach additional page if necessary) Rezone R1 portion of property to I2 for a new warehouse.
 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.

<u>Zurcher Tire, Inc. (Carson Cornelius)</u> (printed name of applicant)	<u><i>Carson W. Cornelius</i></u> (signature of applicant)	<u>6/7/22</u> (date)
<u>Zurcher Tire, Inc. (Carson Cornelius)</u> (printed name of property owner)	<u><i>Carson W. Cornelius</i></u> (signature of property owner)	<u>6/7/22</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received	Receipt No.	Hearing Date	Petition No.
6/7/22	140489	7-11-22	REZ-2022-0033

REZONING FACT SHEET

Petition #REZ-2022-0033 Z-22-07-08 Project Start: June 2022

APPLICANT:	Zurcher Tire
REQUEST:	Rezone property from R1/Single Family Residential to I2/General Industrial; to approve a primary development plan for a new warehouse.
LOCATION:	3414 Hillegas Road, 500 feet south of its intersection with Independence Drive (Section 28 of Washington Township)
LAND AREA:	5.45 acres
PRESENT ZONING:	I2/General Commercial and R1/Single Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECT:	Primary Development Plan, Zurcher Tire
SPONSOR:	City of Fort Wayne Plan Commission

11 July 2022 Plan Commission Public Hearing

- No one from the public spoke at the hearing.
- Paul Sauerteig and Ryan Neumeister were absent.

18 July 2022 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Paul Sauerteig and seconded by Don Schmidt to return the ordinance to Common Council with a DO PASS recommendation for their final decision.
- Ryan Neumeister was absent.
- **8-0 MOTION PASSED**

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
August 3, 2022

PROJECT SUMMARY

The petitioner requests a rezoning to zone the entire site to I2 for a facility for Zurcher Tire. The site has historically been undeveloped. Section 8 of Centennial Office Park to the north was platted in 1987. The site to the west of developed industrially between 1986 and 1995. The Hillegas Corridor has transitioned from low intensity residential to industrial over the past 40 years. While the site has been undeveloped, most of the site is appropriately zoned for a warehouse for Zurcher Tire. Only about the southern 30 feet and the eastern 50 feet are zoned R1. With appropriate buffering and layout, the proposal could allow for the general development of the site.

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.

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.

Most of the development is contained within the area currently zoned I2 (only storm detention is proposed where the development is zoned R1). The primary warehouse is 57,300 square feet and contains a parking lot, outdoor bays for loading and unloading, and a parking area that shows about 25 spaces. The development begins about 50 feet from the regulated drain, which will be reviewed by the Allen County Surveyor's Office. Access is obtained to the far north of the site, away from the residential areas. Storm detention is proposed on the far northeast corner of the site, and floodplain compensation is provided on the southwest corner. The applicant is requesting an alternate landscape plan which proposes to maintain existing vegetation and keep landscaping out of proposed easements. The existing woods, ranging between 22-90 feet, could serve as better screening and buffering between uses. The applicant will meet the ordinance required P-1 landscaping code for the parking lot.

PUBLIC HEARING SUMMARY:

Presenter: Sol Lowenstien presented the project to the Plan Commission, as outlined above. Mr. Lowenstien stated that this will be solely wholesale distribution of tires with no retail sales.

Public Hearing Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

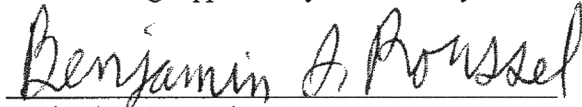
Rezoning Petition REZ-2022-0033

APPLICANT: Zurcher Tire
REQUEST: Rezone property from R1/Single Family Residential and I2/General Industrial to I2/General Industrial
LOCATION: 3414 Hillegas Road, 500 feet south of its intersection with Independence Drive (Section 28 of Washington Township)
LAND AREA: 5.45 acres
PRESENT ZONING: I2/General Industrial and R1/Single Family Residential
PROPOSED ZONING: I2/General Industrial

The Plan Commission recommends that Rezoning Petition REZ-2022-0033, be returned to Council with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area has been developing as industrial sites since the 1980’s. Most of the site is currently zoned I2.
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. Since most of the zoning was I2, the highest and best use is something industrial. Because floodplain and a regulated drain are present, approval will be needed to mitigate any impacts to sensitive areas.
3. Approval is consistent with the preservation of property values in the area. Areas to the west, north, and east are developing and maintaining industrially. The residential area south of the development site is separated by vegetation and a regulated drain, so any proposed development will most likely be separated by a natural geographic border.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review from agencies can ensure minimal impact on existing conditions.

These findings approved by the Fort Wayne Plan Commission on June 20, 2022.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



Rezoning Petition REZ-2022-0033 and Primary Development Plan PDP-2022-0020 - Zurcher Tire



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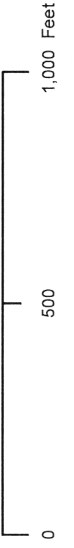


Rezoning Petition REZ-2022-0033 and Primary Development Plan PDP-2022-0020 - Zurcher Tire



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BILL NO. Z-22-07-08

REPORT OF COMMITTEE ON REGULATIONS

August 9, 2022

Paul Ensley Chair

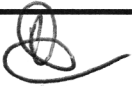
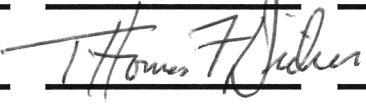

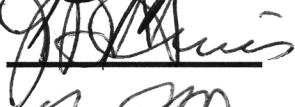
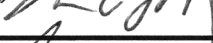


Tom Freistroffer Co-Chair

All Council Members

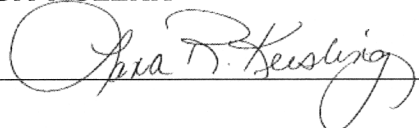
An Ordinance amending the City of Fort Wayne Zoning Map No. H-22 (Sec. 28 of Washington Township)

To rezone approximately 5.45 acres from R1/Single Family Residential to I2/General Industrial at 3414 Hillegas Rd, south of Independence Drive

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: July 11, 2022

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

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

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

DATED: August 9, 2022



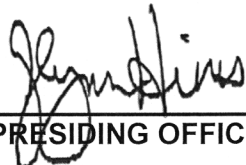
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-22-07-08 on the 9th day of August, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

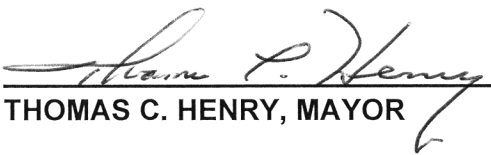
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of August 2022, at the hour of 2:05 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15TH day of AUGUST 2022, at the hour of 5:00 o'clock PM E.S.T.

FORT WAYNE, INDIANA
RECEIVED
 AUG 16 2022
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR