

1 #REZ-2022-0047

2 BILL NO. Z-22-10-01

3
4 ZONING MAP ORDINANCE NO. Z-36-22

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. V-42 (Sec. 15 of St. Joseph 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 15, Township 31 North, Range 13 East
13 of the Second Principal Meridian in Allen County, Indiana, more particularly
14 described as follows:

15 Commencing at the Northwest corner of said Northwest Quarter, also being the
16 intersection of the centerline of Maplecrest Road with the centerline of Rothman
17 Road; thence South 89 degrees 00 minutes 48 seconds East (deed bearing), a
18 distance of 511.89 feet along the North line of said Northwest Quarter and
19 centerline of said Rothman Road to the East line of a 7.01 acre tract recorded as
20 Instrument No. 88-0000139 in the Office of the Recorder of Allen County,
21 Indiana; thence South 00 degrees 24 minutes 02 seconds East, a distance of 45.33
22 feet along said East line, and parallel with the West line of said Northwest
23 Quarter to the South right of way line of said Rothman Road as conveyed to the
24 County of Allen and recorded as Instrument No. 96-0010555 in the Office of the
25 Recorder of Allen County, Indiana, said point being the point of beginning of the
26 herein described tract; thence continuing South 00 degrees 24 minutes 02 seconds
27 East, a distance of 571.99 feet continuing along the East line of said 7.01 acre tract,
28 and parallel with the West line of said Northwest Quarter to the South line of
29 said 7.01 acre tract; thence North 84 degrees 23 minutes 16 seconds West, a
30 distance of 235.24 feet along said South line; thence North 00 degrees 24
minutes 02 seconds West, a distance of 200.00 feet parallel with the West line of
said Northwest Quarter; thence North 84 degrees 23 minutes 16 seconds West, a
distance of 219.00 feet parallel with the South line of said 7.01 acre tract to the
East right of way line of said Maplecrest Road as conveyed to the County of
Allen and recorded as Instrument No. 96-0010555 in the Office of the Recorder of
Allen County, Indiana; thence North 00 degrees 24 minutes 02 seconds West, a

1 distance of 282.17 feet along said right of way line, being parallel with and 60 feet
2 distant from the West line of said Northwest Quarter; thence North 49 degrees
3 17 minutes 12 seconds East, a distance of 50.32 feet (50.46 feet deed) continuing
4 along said right of way line; thence North 85 degrees 16 minutes 34 seconds East,
5 a distance of 100.50 feet continuing along said right of way line; thence South 89
6 degrees 00 minutes 48 seconds East, a distance of 200.00 feet continuing along
7 said right of way line; thence North 86 degrees 05 minutes 15 seconds East, a
8 distance of 113.43 feet (113.40 feet deed) continuing along said right of way line
9 to the point of beginning, said described tract said in previous deed to contain
10 4.619 acres (201,192.127 square feet), more or less, subject to easements of
11 record.

12 EXCEPTING THEREFROM: Part of the Northwest Quarter of Section 15,
13 Township 31 North, Range 13 East of the Second Principal Meridian in Allen
14 County, Indiana, more particularly described as follows:

15 Commencing at the Northwest corner of said Northwest Quarter, also being the
16 intersection of the centerline of Maplecrest Road with the centerline of Rothman
17 Road; thence South 89 degrees 00 minutes 48 seconds East (deed bearing), a
18 distance of 511.89 feet along the North line of said Northwest Quarter and centerline
19 of said Rothman Road to the East line of a 7.01 acre tract recorded as Instrument No.
20 88-0000139 in the Office of the Recorder of Allen County, Indiana; thence South 00
21 degrees 24 minutes 02 seconds East, a distance of 45.33 feet along said East line, and
22 parallel with the West line of said Northwest Quarter to the South right of way line of
23 said Rothman Road as conveyed to This page is only a part of a 2016 ALTA®
24 Commitment for Title Insurance issued by Metropolitan Title of Indiana, LLC, as
25 issuing Agent for First American Title Insurance Company. This Commitment is not
26 valid without the Notice; the Commitment to Issue Policy; the Commitment
27 Conditions; Schedule A; Schedule B, Part I- Requirements; Schedule B, Part II-
28 Exceptions. Copyright 2006-2016 American Land Title Association. All rights
29 reserved. The use of this Form (or any derivative thereof) is restricted to ALTA
30 licensees and ALTA members in good standing as of the date of use. All other uses
are prohibited. Reprinted under license from the American Land Title Association.
Form 50004718 (8-23-18) Page 11 of 11 ALTA Commitment for Title Insurance (8-
1-16) Indiana County of Allen and recorded as Instrument No. 96-0010555 in the
Office of the Recorder of Allen County, Indiana, said point being the point of
beginning of the herein described tract; thence continuing South 00 degrees 24
minutes 02 seconds East, a distance of 324.5 feet; thence South 89 degrees 45
minutes West a distance of 136.43 feet; thence North 00 degrees 15 minutes West a
distance of 316.97 feet to a point on the South right of way line of Rothman Road;
thence North 89 degrees 00 minutes 48 seconds East along said right of way line a
distance of 22.38 feet; thence North 86 degrees 05 minutes 15 seconds East along
said right of way line a distance of 113.43 feet to the point of beginning, said in

1 survey to contain 1.0 acres, more or less.

2 ALSO EXCEPTING THEREFROM: Part of the Northwest Quarter of Section 15,
3 Township 31 North, Range 13 East of the Second Principal Meridian in Allen
4 County, Indiana, more particularly described as follows:

5 Commencing at the Northwest corner of said Northwest Quarter, also being the
6 intersection of the centerline of Maplecrest Road with the centerline of Rothman
7 Road; thence South 03 degrees 09 minutes 24 seconds East (state plane bearing and
8 basis of bearings to follow) along the West line of said Northwest Quarter and within
9 the right-of-way of said Maplecrest Road, a distance of 375.85 feet to the Westerly
10 extension of the North line of an existing 1.00 acre tract described in Document
11 Number 990060166 in the Office of the Recorder of Allen County, Indiana; thence
12 South 87 degrees 09 minutes 13 seconds East along said North line, a distance of
13 60.31 feet to the East right-of-way line of said Maplecrest Road as conveyed to the
14 County of Allen and recorded as Document Number 96001055 in the Office of the
15 Recorder of Allen County, Indiana; thence continuing along said North line South 87
16 degrees 09 minutes 13 seconds East, a distance of 70.50 feet to a 5/8-inch rebar with
17 "Firm #0027" identification cap found at the POINT OF BEGINNING of the
18 herein described tract; thence North 85 degrees 27 minutes 27 seconds East, a
19 distance of 147.73 feet to a 5/8-inch rebar with "Firm #0027" identification cap
20 found; thence South 03 degrees 09 minutes 59 seconds East, a distance of 19.10 feet
21 to a 5/8-inch rebar with "Firm #0027" identification cap found at the Northwest
22 corner of said existing 1.00 acre tract; thence North 87 degrees 09 minutes 13
23 seconds West along the North line of said existing 1.00 acre tract, a distance of
24 148.50 feet to the Point of Beginning. Containing 0.03 acres (1,411 square feet),
25 more or less. Subject to easements of record.

26 and the symbols of the City of Fort Wayne Zoning Map No. V-42 (Sec. 15 of St. Joseph
27 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
28 Wayne, Indiana is hereby changed accordingly.

29 SECTION 2. If a written commitment is a condition of the Plan Commission's
30 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.

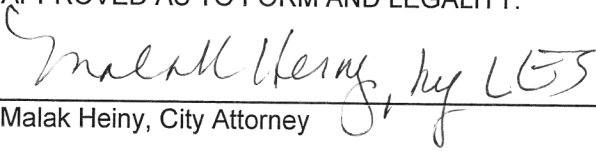
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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY:



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-2022-0047
Bill Number: Z-22-10-01
Council District: 2-Russ Jehl

Introduction Date: October 11, 2022
Plan Commission
Public Hearing Date: October 10, 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 3.6 acres from C1/Professional Office and Personal Services to C2/Limited Commercial
Location: 6400 Rothman Road
Reason for Request: To allow for the construction of a new pet boarding and vet facility.
Applicant: NVA RE, LLC
Property Owner: Friends and Family Members, LLC

Related Petitions: Primary Development Plan, Pet Suites and Vet Clinic

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which will allow for the construction of a pet boarding and vet facility.
Effect of Non-Passage: The property will remain zoned C1/Professional Office and Personal Services and may be used for office type uses.

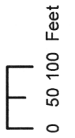


REZ-2022-0047 and PDP-2022-0029 - Pet Suites and Vet Clinic



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 9/28/2022



1 inch = 300 feet

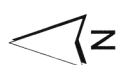
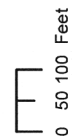


REZ-2022-0047 and PDP-2022-0029 - Pet Suites and Vet Clinic

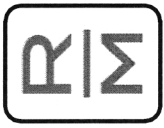


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© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
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 Date: 9/28/2022



1 inch = 300 feet



JOB LOCATION:
Fort Wayne, IN

SHEET NAME:
Site Plan

PLANS FOR:
Fort Wayne

ROZIER CONSTRUCTION

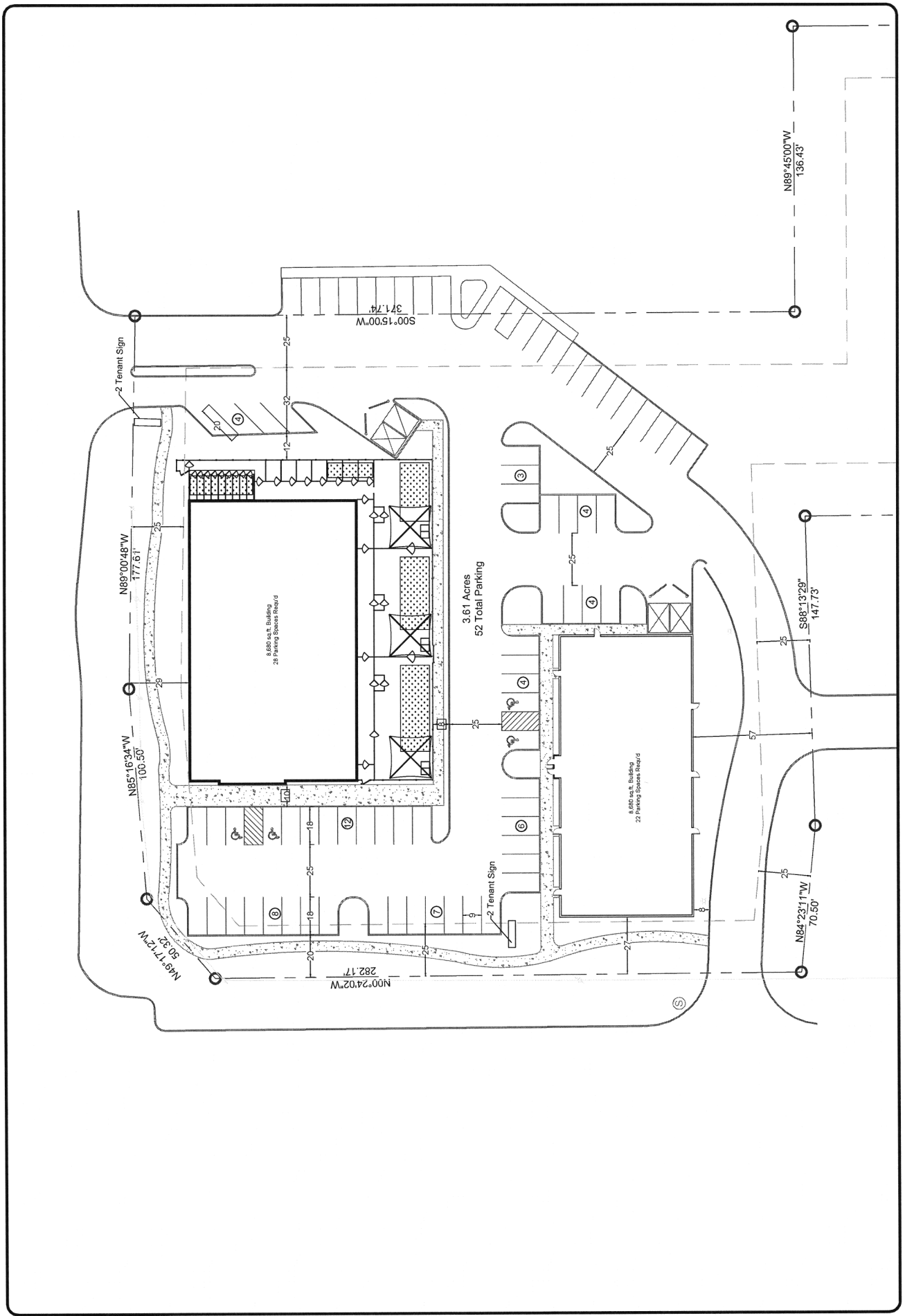
10 Lamar Blvd, Hartsville, MS 3902, Phone: (601) 296-0802

DRAWN BY:
MGG

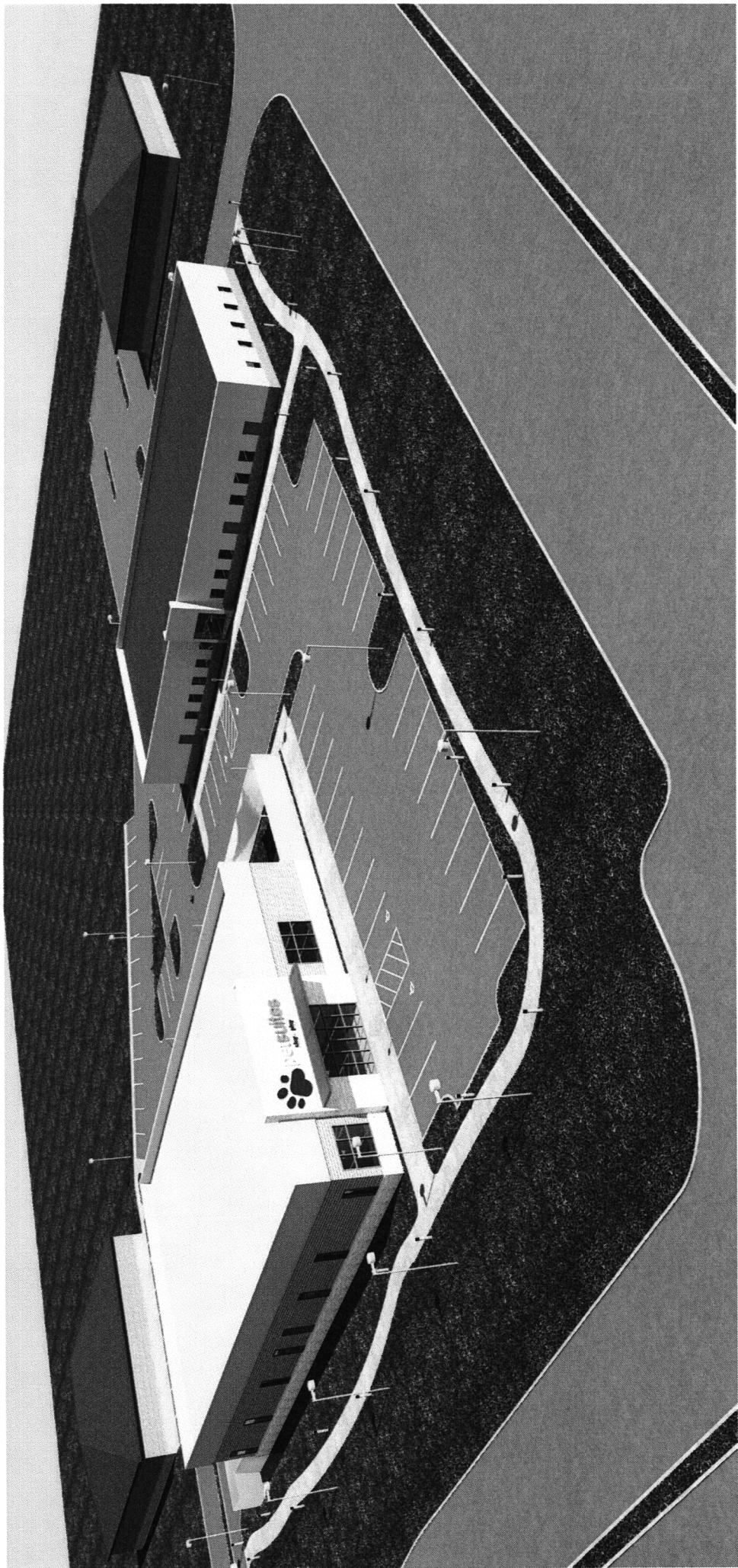
DATE:
07/13/2022

SCALE:
1:40

SHEET NAME:
C1







**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant NVA RE, LLC
 Address 29229 Canwood Street, Suite 100
 City Agoura Hills State CA Zip 91301
 Telephone _____ E-mail alison@podlaskilegal.com

Contact Person
 Contact Person Alison Podlaski
 Address 803 S. Calhoun St. Suite 110
 City Fort Wayne State IN Zip 46802
 Telephone 260-782-1712 ext:219 E-mail Alison@podlaskilegal.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 6400 Rothman Rd.
 Present Zoning C1 Proposed Zoning C2 Acreage to be rezoned ~3.6
 Proposed density _____ units per acre
 Township name St. Joseph Township section # 072
 Purpose of rezoning (attach additional page if necessary) See Exhibit "A"

 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.

See Exhibit "B" _____ (date)
 (printed name of applicant) (signature of applicant)
 See Exhibit "B" _____ (date)
 (printed name of property owner) (signature of property owner)
 See Exhibit "B" _____ (date)
 (printed name of property owner) (signature of property owner)
 See Exhibit "B" _____ (date)
 (printed name of property owner) (signature of property owner)

Received	Receipt No.	Hearing Date	Petition No.
9-2-22	141350	10-10-22	PDP-2022-0029

REZONING FACT SHEET

Petition #REZ-2022-0047 Z-22-10-01 Project Start: September 2022

APPLICANT:	NVA RE, LLC
REQUEST:	Rezone property from C1/Professional Office and Personal Services to C2/Limited Commercial and to approve a primary development plan to allow an animal clinic with an outdoor dog run.
LOCATION:	6400 Rothman Road, southeast corner of its intersection with Maplecrest Road
LAND AREA:	approximately 3.6 acres
PRESENT ZONING:	C1/ Professional Office and Personal Services
PROPOSED ZONING:	C2/Limited Commercial
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECT:	Pet Suites and Vet Clinic
SPONSOR:	City of Fort Wayne Plan Commission

10 October 2022 Plan Commission Public Hearing

- One resident spoke at the hearing with concerns.
- Tom Freistroffer, Paul Sauerteig and Ryan Neumeister were absent.

17 October 2022 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Paul Sauerteig and seconded by Judi Wire to return the ordinance to Common Council with a DO PASS recommendation for their final decision.
- **7-0 MOTION PASSED**
- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
October 26, 2022

PROJECT SUMMARY

SITE HISTORY

- The site currently has a 3,760 square foot office building. The site shares access with a property to the east and to the south.

STAFF DISCUSSION

The petitioner requests a rezoning from C1/Professional Offices and Personal Services to C2/Limited commercial to permit an animal clinic with an outdoor run. Historically, the parcel has hosted an office building that was built in 1996. If approved, the applicant would demolish the existing building and construct two new buildings totaling roughly 18,000 square feet. The site is directly adjacent to two office buildings also zoned C1/Professional Office and Personal Services. The properties on the west side of Maplecrest Road are zoned SC/Shopping Center and C3/General Commercial with various commercial uses. The property on the north side of Rothman Road is single family subdivision and within the Tanbark Community Association.

The applicant is requesting a C2/Limited Commercial zoning district. While an animal clinic and a veterinary are permitted in the current zoning district, the facility will have an animal kennel and an outdoor run for the animals. This is not something that is permitted in C1 zoning district, but there is a Special Use for outdoor use (in conjunction with a permitted primary use) in the C2 zoning district. The applicant has applied for a Special Use to the Board of Zoning Appeals which will be heard in October as well.

The rezone satisfies the following goals and objectives of 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.

The proposed site plan includes two new structures with parking throughout the site. The plan includes access from Rothman Road to the north and Maplecrest Road to the west. The structure to the north includes the outdoor feature for the animals. Landscaping was not included on the initial plan, but there appears to be ample space to install the required landscaping. Species and locations can be discussed at the site routing level. Sidewalks are being shown along the north and west. Ample parking is provided to the site, and it far exceeds the parking requirement in the zoning ordinance. The building meets all the C2 zoning district standards. Elevations were submitted along with the application including one story building including white brick and masonry.

PUBLIC HEARING SUMMARY:

Presenter: Alison Podlaski, representing the applicant, presented the project to the Plan Commission, as outlined above.

Public Hearing Comments:

Ashley Craft, Markle, Indiana – Owns property in Chadwick Subdivision, near the retention pond. Her son lives in the home and she is concerned about the possibility of noise, additional traffic, odor, the fencing, security lights, and geese around the retention pond.

Closing Comments:

Noise studies have been completed and the employees make sure there is no excessive barking. Staff are trained in animal behavior to keep dogs calm. The facilities are sanitized to remove any odors immediately. Waste is removed immediately and contained. Board of Zoning Appeals approved proposed outdoor use.

BILL NO. Z-22-10-01

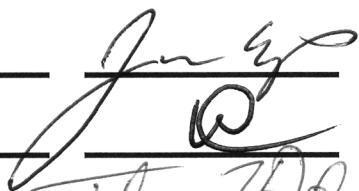

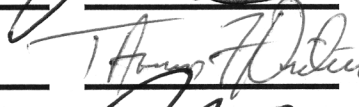

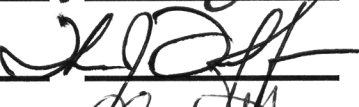
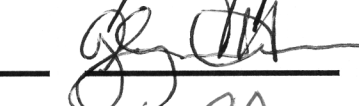
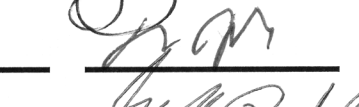


**REPORT OF COMMITTEE ON REGULATIONS
November 1, 2022**

***Paul Ensley Chair
Tom Freistroffer Co-Chair
All Council Members***

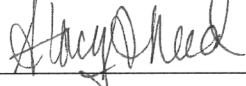
An Ordinance amending the City of Fort Wayne Zoning Map No. V-42 (Sec. 15 of St. Joseph Township)

To rezone approximately 3.6 acres from C1/Professional Office and Personal Services to C2/Limited Commercial at 6400 Rothman Road

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			

**STACY A. REED
DEPUTY CITY CLERK**



Public Hearing Date: October 10, 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 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 type="checkbox"/>	<input checked="" 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: November 8, 2022



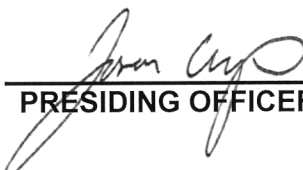
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-22-10-01 on the 8th day of November, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



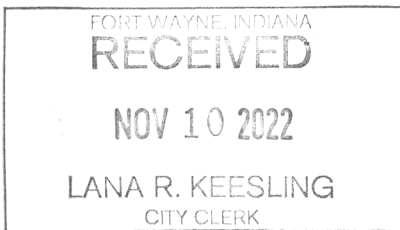
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th of November 2022, at the hour of 4:45 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of NOVEMBER 2022, at the hour of 12:30 o'clock Pm E.S.T.





 THOMAS C. HENRY, MAYOR