

1 #REZ-2023-0001

2 BILL NO. Z-23-02-34

3 ZONING MAP ORDINANCE NO. Z- 10-23

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. S-23 (Sec. 29 of Adams 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 RI (Single
9 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 *From Deed Document #2021 084758*

12 Part of Block "A" in Southwick Village, an Addition to the City of Fort Wayne, Allen
13 County, Indiana as recorded in Plat Record 27, Pages 14 and 15 in the Office of the
Recorder of Allen County, Indiana, and more particularly described as follows:

14 Beginning at the Northeast corner of Block "A" in said Southwick Village as marked
15 by a five-eighths inch diameter steel pin found; Thence South 11 degrees 32
16 minutes 58 seconds East (bearing based on North line of Block "A" as due East by
17 Plat) along the East line of said Block "A", a distance of 534.23 feet (measured)
18 539.5 feet (plat) to a five-eighths inch diameter steel pin found the Tazian
19 identification cap; Thence South 83 degrees 18 minutes 14 seconds West, a
20 distance of 149.79 feet to a five-eighths inch diameter steel pin set with D&A Firm
No. 0026 identification cap; Thence North 11 degrees 32 minutes 58 seconds West,
a distance of 551.79 feet to a five-eighths inch diameter steel pin set with D&A Firm
No. 0026 identification cap; thence East along said North line, a distance of 150.00
feet to the Point of Beginning, containing 1.83 acres of land, more or less.

21 and the symbols of the City of Fort Wayne Zoning Map No. S-23 (Sec. 29 of Adams
22 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
23 Wayne, Indiana is hereby changed accordingly.

24
25 SECTION 2. If a written commitment is a condition of the Plan Commission's
26 recommendation for the adoption of the rezoning, or if a written commitment is modified and
27 approved by the Common Council as part of the zone map amendment, that written
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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-2023-0001
Bill Number: Z-23-02-34
Council District: 6-Sharon Tucker

Introduction Date: February 28, 2023
Plan Commission
Public Hearing Date: March 13, 2023 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

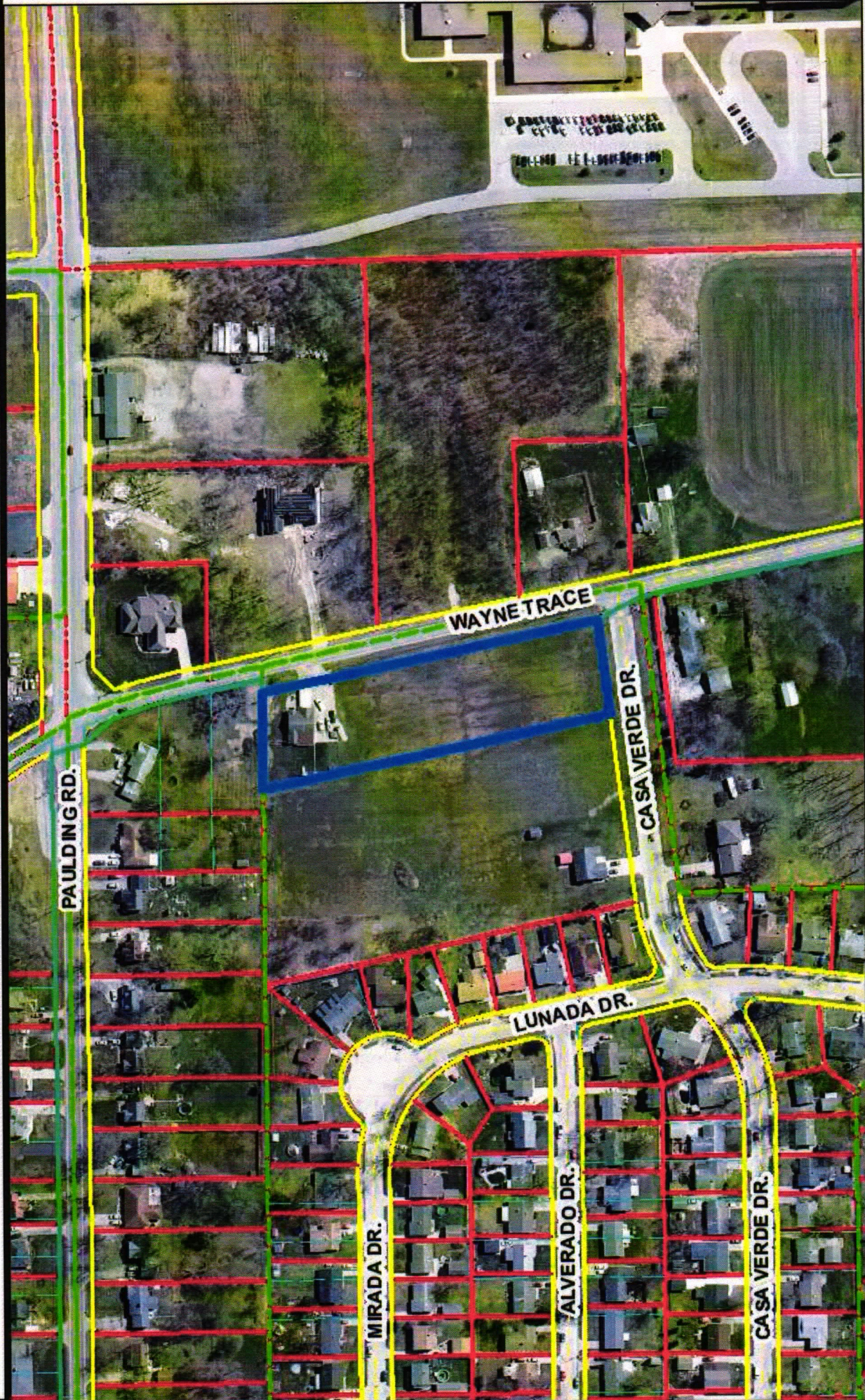
Synopsis of Ordinance: To rezone approximately 1.83 acres from C2/Limited Commercial to R1/Single Family Residential
Location: 5902 Wayne Trace
Reason for Request: To bring the existing residential property into compliance with the ordinance.
Applicant: Zakawan Din
Property Owner: Zakawan Din

Related Petitions: none

Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which is the appropriate district for the existing house.
Effect of Non-Passage: The property will remain zoned C2/Limited Commercial. The existing house is a nonconforming use. The remainder of the property can be developed commercially.



Rezoning Petition REZ-2023-0001 - 5902 Wayne Trace



Although every 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.

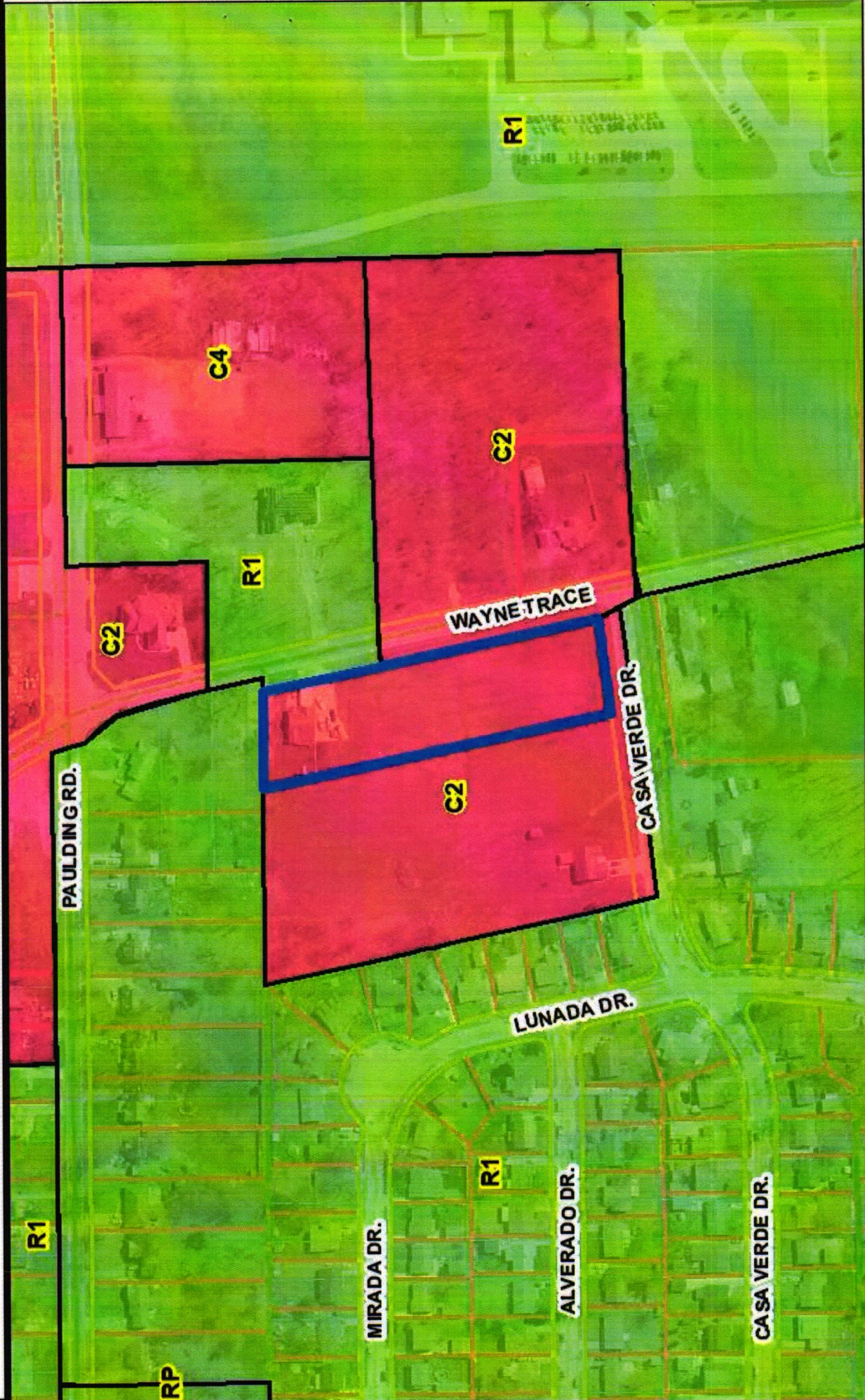
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 2/22/2023

0 150 300 Feet

1 inch = 200 feet



Rezoning Petition REZ-2023-0001 - 5902 Wayne Trace



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© 2004 Board of Commissioners of the County of Allen
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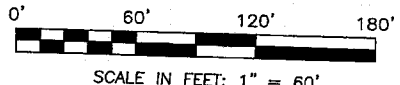
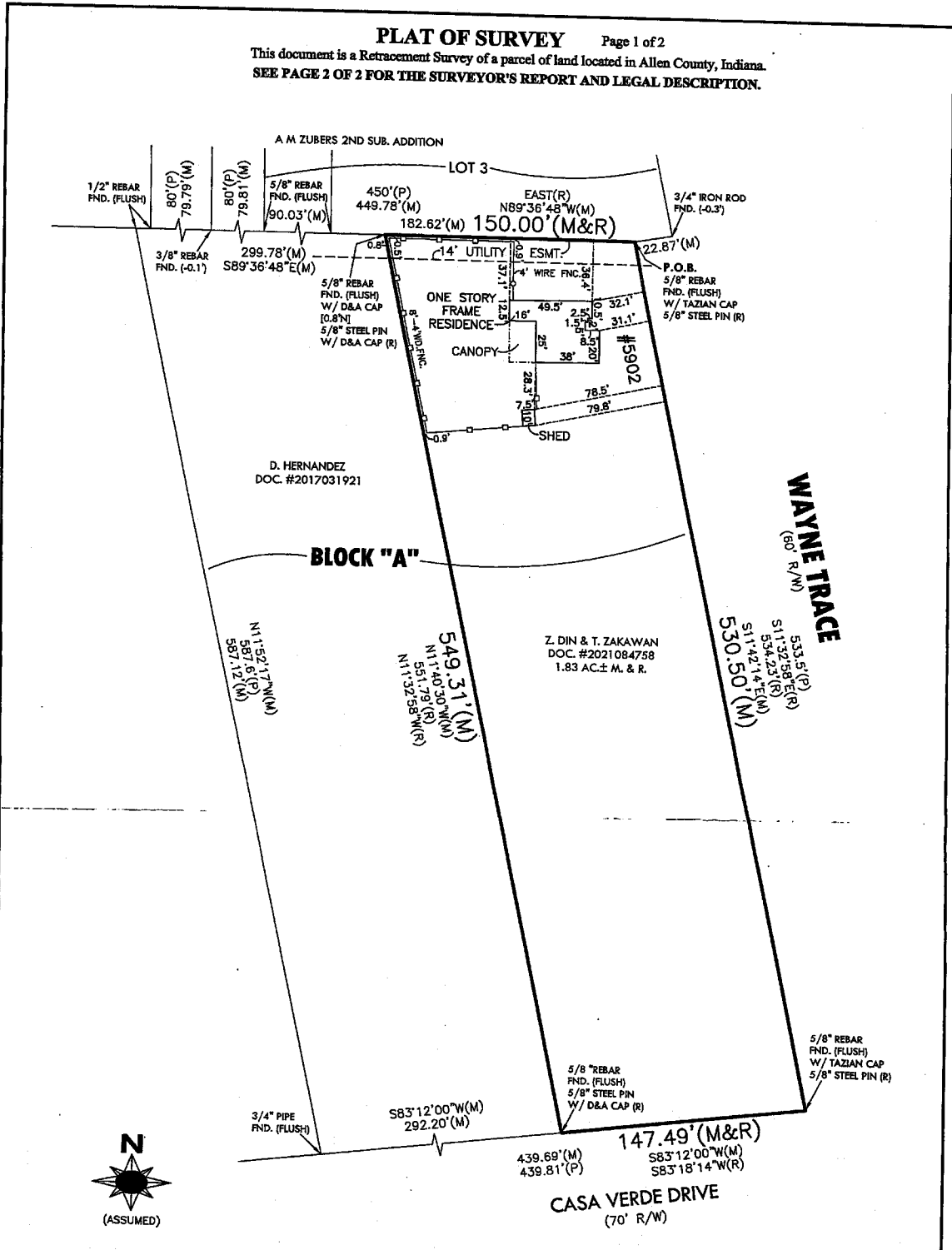


1 inch = 200 feet

PLAT OF SURVEY

Page 1 of 2

This document is a Retracement Survey of a parcel of land located in Allen County, Indiana.
SEE PAGE 2 OF 2 FOR THE SURVEYOR'S REPORT AND LEGAL DESCRIPTION.



I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.
 Fieldwork completed on the 26th day of OCTOBER, 20 22.
 Certified this 2nd day of NOVEMBER, 20 22.
 Prepared exclusively for: ZAKAWAN DIN & TUJAHEDA ZAKAWAN /
 Survey Number: 22-10-105

MICHAEL C. VODDE
 REGISTERED
 LS 20100011
 STATE OF INDIANA
 SURVEYOR

 MICHAEL C. VODDE, LS 20100011

ANDERSON SURVEYING, INC.
 EST. 1978
 Registered Professional Engineers and Land Surveyors
 Indiana Land Surveying Firm Identification Number: 29A
 1324 Henry Avenue Fort Wayne, IN 46808
 Phone: (260) 483-1724
 Fax: (260) 482-6855
 Toll Free: (888) 483-1724
 1947 E. Schug Road Columbia City, IN 46725
 Phone: (260) 691-3425
 Fax: (260) 482-6855

FACT SHEET

Case #	REZ-2023-0001	Bill #	Z-23-02-34	Project Start:	February 2023
PROPOSAL:	Rezoning Petition REZ-2023-0001 – 5902 Wayne Trace				
APPLICANT:	Zakawan Din				
REQUEST:	Rezone to R1/Single Family Residential to permit an existing single-family residence.				
LOCATION:	5902 Wayne Trace, northwest corner of its intersection with Casa Verde Drive (Section 29 of Adams Township)				
LAND AREA:	1.83 acres				
PRESENT ZONING:	C2/Limited Commercial				
PROPOSED ZONING:	R1/Single Family Residential				
COUNCIL DISTRICT:	6 – Sharon Tucker				
SPONSOR:	Fort Wayne Plan Commission				

March 13, 2023 Public Hearing

- No one spoke in opposition.
- Paul Sauerteig was absent.

March 20, 2022 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Rick Briley and seconded by Judi Wire to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

- Rachel Tobin-Smith was absent

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
April 5, 2023

PROJECT SUMMARY

- The site was platted in 1962 as commercial outlots for Southwick Village, which never came to fruition.
- A single-family residence was constructed on the site in 2006.

The petitioner is requesting that the site of their house change from C2/Limited Commercial to R1/Single Family Residential. The site is just south of the intersection with East Paulding Road and across from the former Harding Middle and High Schools. Southwick Village subdivision is to the west. The home fronts Wayne Trace which is an urban collector street with about 4600 motorists a day (similar to Saint Mary's Avenue in the northwest quadrant). The zoning appears to be for a commercial center to cater residences in Southwick Village, which is immediately west of the home site. The covenants permit nonresidential uses on the site, but the covenants do not prohibit homes. Since its platting, the area was annexed into the City of Fort Wayne in 1987. When the home was built in 2006, the zoning ordinance permitted residential uses in commercial zoning districts, and when the current zoning ordinance was adopted in 2014, the site became nonconforming. The zoning ordinance permits expansion of current use so long as it meets today's zoning ordinance standards. Since about 75% of the site is undeveloped, and since the lot has about 530 feet along Wayne Trace, the applicant intends to split the lot and build for family members. If new home sites are created, they should be properly zoned prior to construction. N A similar rezoning request took place on the east side of Wayne Trace for single family development in 2018 (Allen County jurisdiction).

Staff notes that this rezoning only affects about half the original commercial village portion of Southwick. If approved the remainder of the site will remain C2/Limited Commercial, which will be sandwiched between two residential zoning district and will obtain access off the local street (Casa Verde Drive). In other words, the remaining commercial zoning will be awkwardly located. To remediate, staff suggested the applicant contact the adjoining property owner to rezone the entire site to R1 but attempts to reach the other property owner were unsuccessful. Staff would welcome the rezone if the entire "Block A" area was rezoned from C2 to R1 with proper agency review in the subdivision process. However, looking at this site, this is a proper quick fix for a property owner to get their home to a conforming status with today's zoning ordinance.

PUBLIC HEARING SUMMARY:

Presenter: The property owner Zakawan Din presented the request as outlined above.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

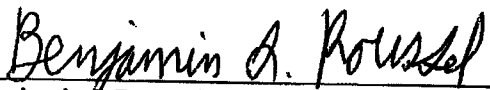
Rezoning Petition REZ-2023-0001

REQUEST: Rezone to R1/Single Family Residential to permit an existing single-family residence.
LOCATION: 5902 Wayne Trace, northwest corner of its interaction with Casa Verde Drive (Section 29 of Adams Township)
LAND AREA: 1.83 acres
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0001 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 existing zoning has not been adequate for at least 15 years. The rezone should maintain the pattern of residential development in this area of the Southeast quadrant.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The proposed rezone will help the single-family residence go from a nonconforming status to conforming to today's zoning ordinance. If the applicant should divide and split, it should accompany surrounding R1 zoning around Southwick Village and along Wayne Trace.
3. Approval is consistent with the preservation of property values in the area. This proposal allows for the property to be maintained, expanded and/or improved, allowing for investment when desired or necessary.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Once properly zoned, all home sites will be reviewed for zoning ordinance standards, and the site will only be split once per year. The applicant can also opt into the platting process, which will allow all agencies to review impact mitigation practices for the site but can permit multiple splits in one year.

These findings approved by the Fort Wayne Plan Commission on March 20, 2023.


Benjamin J. Roussel
Executive Director
Secretary to the Commission

BILL NO. Z-23-02-34

**REPORT OF COMMITTEE ON REGULATIONS
April 11, 2023**

Tom Freistroffer Chair

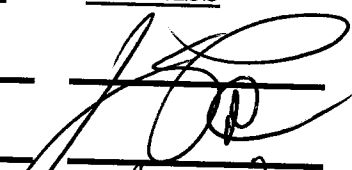

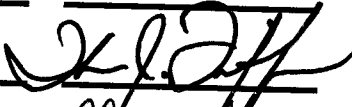
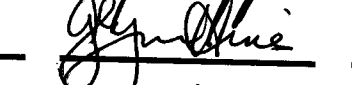
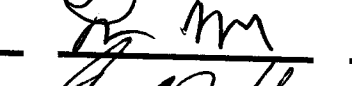

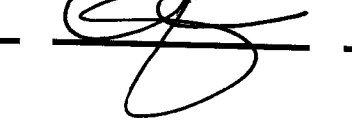
Sharon Tucker Co-Chair

All Council Members

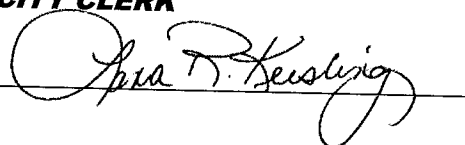
An Ordinance amending the City of Fort Wayne Zoning Map No. S-23 (Sec. 29 of Adams Township)

To rezone approximately 1.83 acres from C2/Limited Commercial to R1/Single Family Residential at 5902 Wayne Trace

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: N/A

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 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: April 11, 2023



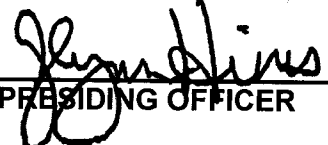
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 General Ordinance No. Z-23-02-34 on the 11th day of April, 2023

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of April 2023, at the hour of 11:05 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13TH day of APRIL 2023, at the hour of 11:00 o'clock AM E.S.T.

FORT WAYNE, INDIANA
RECEIVED
 APR 13 2023
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR