

1 #REZ-2023-0010

2 BILL NO. Z-23-04-12

3 ZONING MAP ORDINANCE NO. Z- 21-23

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. L-10 (Sec. 2 of Wayne Township)

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

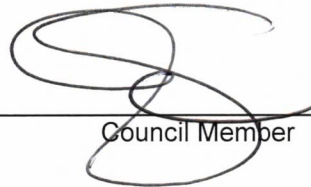
7 SECTION 1. That the area described as follows is hereby designated a UC (Urban
8 Corridor) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne,
9 Indiana:

10 The East 18 feet of the North 52 feet of Lot #3 in McCulloch's Subdivision, as Addition
11 to the City of Fort Wayne, according to the plat thereof, recorded in Deed Book W, page
12 120 in the Office of the Recorder of Allen County, Indiana.

13 and the symbols of the City of Fort Wayne Zoning Map No. L-10 (Sec. 2 of Wayne Township), as
14 established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is
15 hereby changed accordingly.

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

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

22
23
24 
Council Member

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 Malak Heiny, City Attorney

28
29
30

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0010
Bill Number: Z-23-04-12
Council District: 5-Geoff Paddock

Introduction Date: April 25, 2023

Plan Commission
Public Hearing Date: May 8, 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 0.021 acres from R2/Two Family Residential to UC/Urban Corridor

Location: 413 High Street

Reason for Request: To bring the existing commercial property into compliance with the ordinance.

Applicant: Chris Walker

Property Owner: Chris Walker

Related Petitions: none

Effect of Passage: Property will be rezoned to the UC/Urban Corridor zoning district, which is the appropriate district for the existing commercial building.

Effect of Non-Passage: The property will remain zoned R2/Two Family Residential, which does not permit commercial uses. The owner will not be permitted to remodel the building for a new commercial use.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant CHRIS WALKER
 Address 415 HIGH STREET
 City FT. WAYNE State IN Zip 46808
 Telephone 348-1287 E-mail walkerfwd@aol.com

Contact Person
 Contact Person CHRIS WALKER
 Address 415 HIGH STREET
 City FT. WAYNE State IN Zip 46808
 Telephone 348-1287 E-mail walkerfwd@aol.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 413 HIGH STREET
 Present Zoning R2 Proposed Zoning UC Acreage to be rezoned 1348 SQ FT (.021)
 Proposed density _____ units per acre
 Township name WAYNE Township section # _____
 Purpose of rezoning (attach additional page if necessary) PROPERTY IS CURRENTLY TAXES AS A C/I BUILDING (C01) AND WE WOULD LIKE ZONING TO MATCH USE
 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 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>Christopher P. Walker</u> (printed name of applicant)	<u>CHRISTOPHER P. WALKER</u> (signature of applicant)	<u>3/14/23</u> (date)
<u>CHRISTOPHER P. WALKER</u> (printed name of property owner)	<u>Christopher P. Walker</u> (signature of property owner)	<u>3/14/23</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.
<u>3/14/23</u>	<u>142718</u>	<u>05/8/23</u>	<u>RE2-2023-0010</u>



FAUST LAND SURVEYING, LLC

P.O. BOX 509
HUNTERTOWN, IN 46748
260-471-6387
CELL 260-444-8874
faustsurveying@aol.com

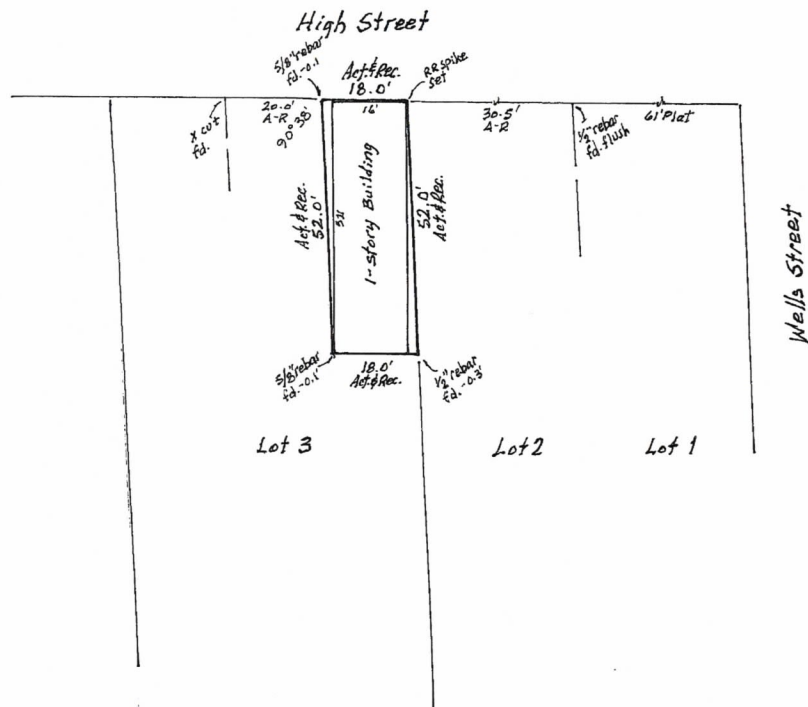
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of SUBJECT County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated. I hereby certify that the survey was wholly performed under my supervision, that I am a registered Land Surveyor in Indiana, and to the best of my knowledge and belief, this Survey was executed according to the survey requirements in 865 IAC 1-12-13, as amended.

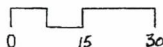
DESCRIPTION OF REAL ESTATE

The East 18 feet of the North 52 feet of Lot #3 in McCulloch's Subdivision, an Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Book W, page 120 in the Office of the Recorder of Allen County, Indiana.

Property address: 413 High Street, Fort Wayne, Indiana 46808



Scale 1" = 30'



Field work completed on October 24, 2022

SURVEY NO.: 22-10-9

SURVEYED FOR: Walker

DATE: October 26, 2022

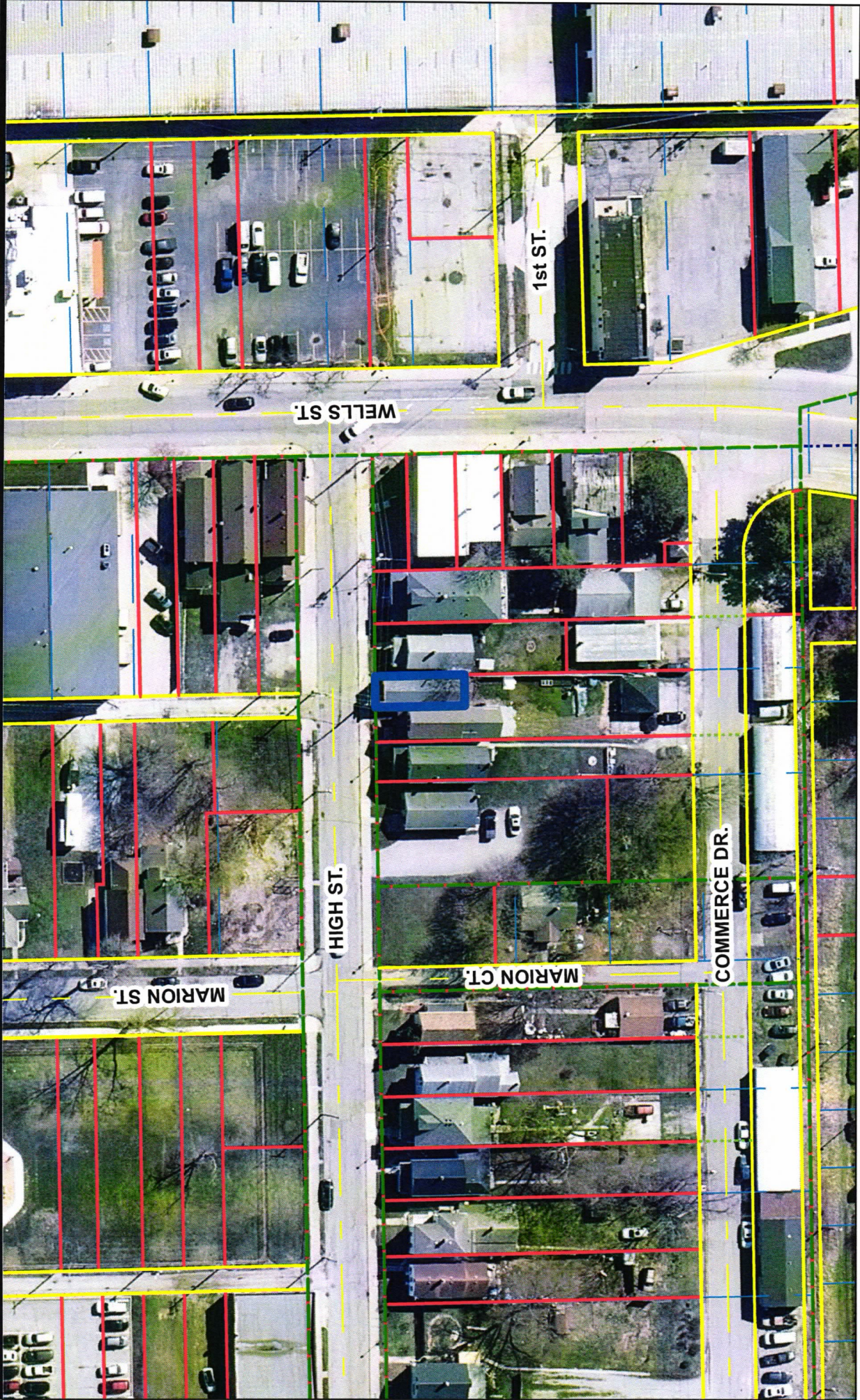
Sam L. Faust

SAM L. FAUST
REGISTERED LAND SURVEYOR NO. S0540





Rezoning Petition REZ-2023-0010 - 413 High Street



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: 4/12/2023

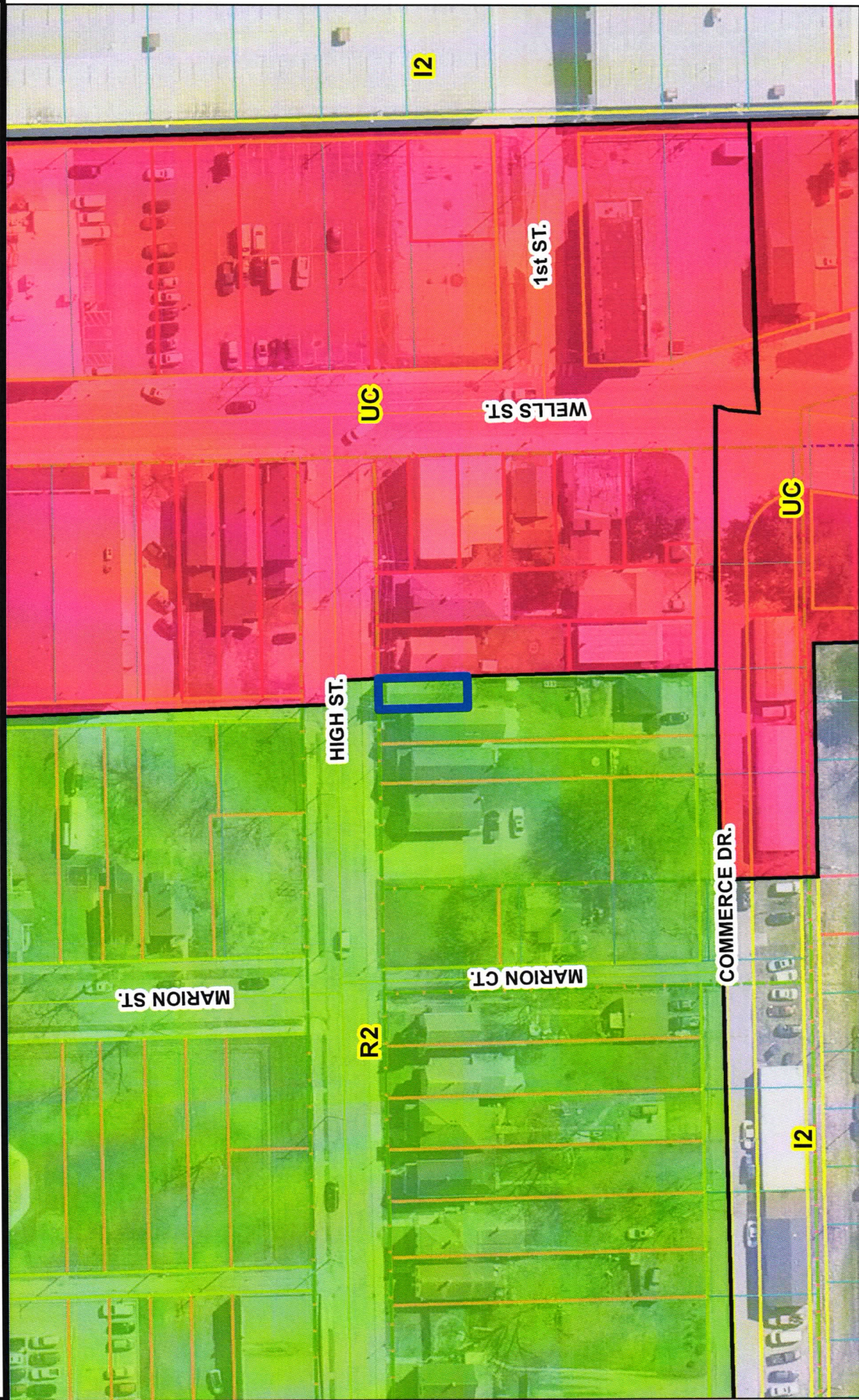


1 inch = 75 feet





Rezoning Petition REZ-2023-0010 - 413 High Street



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© 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: 4/12/2023



1 inch = 75 feet

FACT SHEET

Case #REZ-2023-0011	Bill # Z-23-04-12	Project Start: March 2023
APPLICANT:	Skyler Vendrely	
REQUEST:	To rezone property from R1/Single Family Residential to R3/Multiple Family Residential and approve a primary development plan for a two-building, 40-unit apartment development.	
LOCATION:	1411 Reed Road, at the southwest corner of Reed and Lake Avenue (Section 5 of Adams Township)	
LAND AREA:	1.84 acres	
PRESENT ZONING:	R1/Single Family Residential and RP/Planned Residential	
PROPOSED ZONING:	R3/Multiple Family Residential	
COUNCIL DISTRICT:	1 – Paul Ensley	
SPONSOR:	Fort Wayne Plan Commission	

April 10, 2023 Public Hearing

- Nine residents spoke in opposition or with concern.
- Tom Freistroffer was absent.

April 17, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

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

7-2 MOTION PASSED

- Karen Richards and Rachel Tobin-Smith voted nay

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
May 2, 2023

PROJECT SUMMARY

The property consists of a residential structure and an accessory residential structure on a 1.83 acre parcel. Historically, the majority of the site has been unimproved.

The petitioner requests a rezoning from R1/Single Family Residential to R3/Multiple Family Residential to permit a multiple family development. The property has split zoning consisting of R1/Single Family Residential to the north and RP/Planned Residential to the south which is where the existing residential structure is located. The surrounding uses consist of metes and bounds residential to the north, south and east. The properties west of the site belong to a single-family subdivision. The property on the northeast corner of Reed Road and Lake Avenue is a multiple family complex zoned RP/Planned Residential.

The applicant will need to discuss the rezoning criteria set forth in state code, but the proposal can be supported 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;

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.

The original site plan included two multiple-family structures consisting of 20 single bedroom units for a total of 40 single bedroom units. A single access point is shown to Reed Road and a proposed retention pond is located on the north portion of the property. Sidewalks are shown along Reed Road and Lake Avenue which are both required through our ordinance. B-3 landscape code is required along the west and south side of the property which consists of one tree every 30 feet and a continuous solid fence. Parking also meets the Fort Wayne Zoning Ordinance with one space per unit. The Fort Wayne Zoning Ordinance does not consider density as a development standard. Instead, the Fort Wayne Zoning Ordinance considers zoning, building setbacks, landscaping, and required parking. During the public hearing and site committee process, the applicant considered comments received about the plan, and updated it to 32 units, a reduction of 8 units. Additional greenspace was added, by including a courtyard between the two buildings. No waivers were requested for this development.

PUBLIC HEARING SUMMARY:

Presenter: Patrick Hess, representing the applicant, presented the request as outlined above. Most of the site is already zoned for multiple family residential and comprehensive plans (both former and new) encourage compact development to provide a variety of housing choices.

Public Comments:

Diana Englehart, Lake Avenue – Concerns include onsite management, crime, children's safety, strain on fire department.

Rebecca Seward, Caribe Colony – Concerned about too many apartments in the area and crime.

George Simpson, Lake Avenue – Concerned about losing mature trees. The vacant lot is an asset to their community.

Lisa Moore, Pine Valley Drive – Area is very pleasant with no sidewalks. Too much traffic on Lake and Reed.

Brad Maxwell, Caribe Blvd – Feels this will be an impact on the community.

Ron Kaiser, Reed Road – Area doesn't need more asphalt.

John Reining – Concerned about traffic and lane improvements.

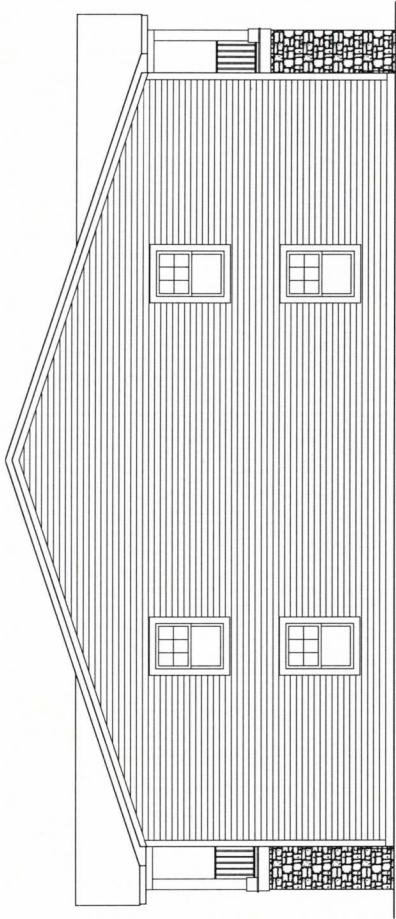
Larry Brown, Maysville Road – Concerns include traffic, number of apartment complexes, policing problems.

Kraig Bradmiller, Pine Valley Drive – Would like to see an updated plan.

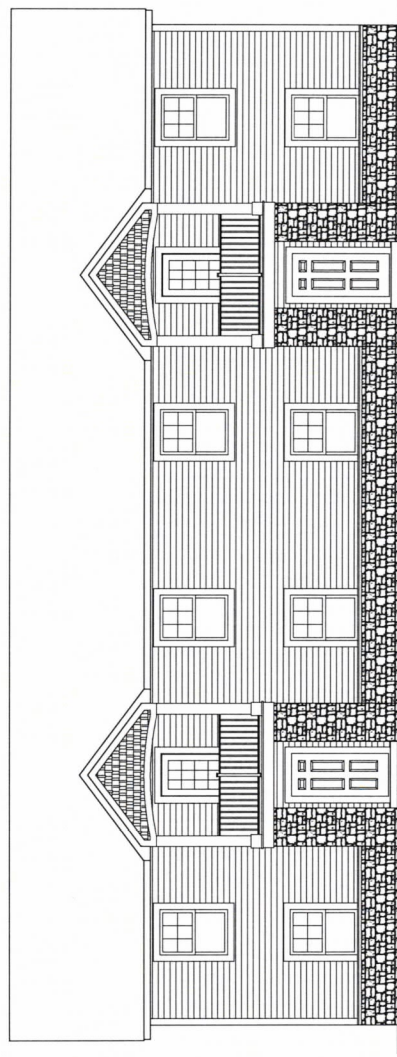
Closing Comments:

Mr. Vendrely has 10 rental units in Fort Wayne and plans to hire a manager for all the units. He intends to be a good neighbor. City Traffic Engineering has approved the primary plans.

The updated plan was submitted following the public hearing, showing 8 fewer units and expanded green space.



SIDE ELEVATION



FRONT ELEVATION

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

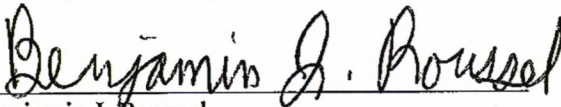
Rezoning Petition REZ-2023-0011

PROPOSAL: Rezoning Petition REZ-2023-0011– Reed Road Apartments
APPLICANT: Skyler Vendrely
REQUEST: To rezone property from R1/Single Family Residential to R3/Multiple Family Residential.
LOCATION: 1411 Reed Road, at the southwest corner of Reed and Lake Avenue (Section 5 of Adams Township)
LAND AREA: 1.84 acres
PRESENT ZONING: R1/Single Family Residential and RP/Planned Residential
PROPOSED ZONING: R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0011 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 the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. Existing multiple family uses and RP/Planned Residential zoning which permits multiple family uses are adjacent to the proposed development. This proposal is located within the Conceptual Development Map within the Comprehensive Plan.
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 area has been historically residential and several multiple family complexes have developed in close proximity to the site.
3. Approval is consistent with the preservation of property values in the area. The site has historically been underdeveloped with most of the site vacant. The surrounding area has already been developed. This proposal will allow reinvestment within the northeast quadrant of Fort Wayne.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments will ensure the required infrastructure is provided to the site. The rezoning is consistent with adjacent residential zoning.

Based upon the foregoing findings, the site committee recommends approval, on April 17, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

FACT SHEET

Case #REZ-2023-0010	Bill # Z-23-04-12	Project Start: May 2023
APPLICANT:	Chris Walker	
REQUEST:	Rezone parcel from R2/Two Family Residential to UC/Urban Corridor to use existing structure for commercial purposes.	
LOCATION:	413 High Street, 140 feet west of its intersection with Wells Street (Section 2 of Wayne Township)	
LAND AREA:	0.21 acre	
PRESENT ZONING:	R2/Two Family Residential	
PROPOSED ZONING:	UC/Urban Corridor	
COUNCIL DISTRICT:	5-Geoff Paddock	
SPONSOR:	Fort Wayne Plan Commission	

May 8, 2023 Public Hearing

- No one from the public spoke at the hearing.
- Paul Sauerteig was absent.

May 15, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

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

7-0 MOTION PASSED

- Tom Freistroffer and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
June 2, 2023

PROJECT SUMMARY

Site History:

- The commercial structure was built in 1880.
- Historically the property has been zoned residentially.

Background:

The petitioner requests a rezoning from R2/Two Family Residential to UC/Urban Corridor to permit commercial uses within the existing structure. The property is located on the south side of High Street approximately 140 feet west of its intersection with Wells Street. The surrounding area features a mix of uses and buildings that are well over 100 years old. The existing structure is built to the street, matching the historic commercial pattern, and includes large storefront windows. The applicant also owns the home next door which he recently remodeled. He noted that no end user has been determined for the commercial structure, but intends to remodel in hopes to find a tenant. The applicant is currently unable to apply for remodeling permits as the use is restricted to those that are found in the R2/Two Family Residential zoning district.

Comprehensive Plan Review:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Priority Investment Area; the following Goals and Strategies would be applicable:
LUD1 - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas
LUD1.4 - Focus development and redevelopment initiatives and incentives in the Priority Investment Area to address market gaps and build momentum among private sector property owners and developers

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUP4 - Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

Generalized Future Land Use Map

- The project site is located within the Mixed Urban Commercial Corridor generalized land use category; similar Primary Uses in this category are Low- to Moderate-Intensity Business, Service, & Retail. Adjacent properties are categorized as Mixed Residential and Mixed Urban Commercial Corridor.
- The following Action Steps would be applicable and supportive of this proposal:
ED.2.1.4 - Encourage additional investment in mixed-use and urban residential development in and around downtown Fort Wayne, along urban corridors leading to and from downtown, and in Town Centers.

Compatibility Matrix

- This proposed use would fall into UC/Urban Corridor which is considered compatible with the Mixed Residential and Mixed Urban Commercial Corridor.

Other applicable plans: Bloomingdale Spy Run Neighborhood Plan

Staff received no remonstrance against the proposal.

PUBLIC HEARING SUMMARY:

Presenter: Chris Walker, property owner and applicant presented the request as outlined above. During the process of applying for a façade grant he found out the commercial building was not properly zoned. He has had interest from artists, which would be a good fit for the small space.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

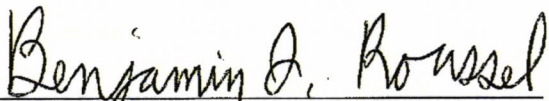
Rezoning Petition REZ-2023-0010

APPLICANT: Chris Walker
REQUEST: Rezone parcel from R2/Two Family Residential to UC/Urban Corridor to use existing structure for commercial purposes.
LOCATION: 413 High Street, 140 feet west of its intersection with Wells Street (Section 2 of Wayne Township)
LAND AREA: 0.21 acre
PRESENT ZONING: R2/Two Family Residential
PROPOSED ZONING: UC/Urban Corridor

The Plan Commission recommends that Rezoning Petition REZ-2023-0010 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 the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The UC/Urban Corridor zoning will provide the opportunity to redevelop the site while providing additional commercial options just north of downtown. The Comprehensive Plan categorizes this property as Mixed Urban Commercial Corridor.
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 property is adjacent to UC/Urban Corridor zoning directly to the east. The existing building was constructed as a commercial structure.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the area and is adjacent to UC/Urban Corridor property. The new zoning gives the property owner flexibility to develop the property commercially while also allowing residential uses within the UC/Urban Corridor zoning.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments will ensure the required infrastructure is provided to the site. The rezoning is consistent with existing UC/Urban Corridor zoning directly to the east as well as along Wells Street.

These findings approved by the Fort Wayne Plan Commission on May 15, 2023.


Benjamin J. Roussel
Executive Director
Secretary to the Commission

BILL NO. Z-23-04-12

REPORT OF COMMITTEE ON REGULATIONS

June 6, 2023

Tom Freistroffer Chair

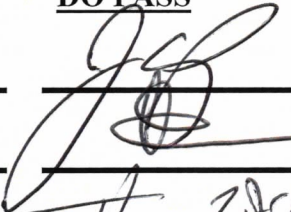
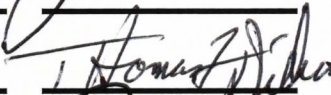

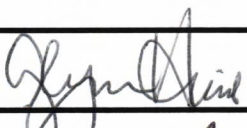
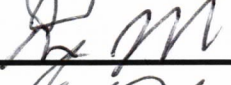


Sharon Tucker Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. L-10 (Sec. 02 of Wayne Township)

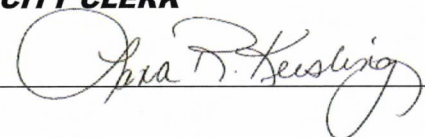
To rezone approximately 0.021 acres from R2/Two Family Residential to UC/Urban Corridor at 413 High Street to bring the existing commercial property into compliance with the ordinance

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: June 6, 2023



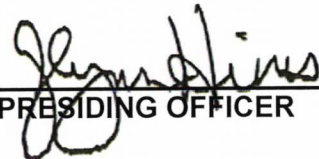
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 General Ordinance No. Z-23-04-12 on the 6th day of June, 2023

ATTEST:



 LANA R. KEESLING
 CITY CLERK



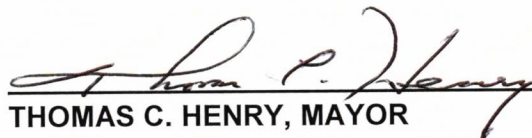
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 7th
 of June 2023, at the hour of 10:00 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 9TH day of June 2023, at the
 hour of 10:00 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

