

1 #REZ-2023-0012

2 BILL NO. Z-23-04-13

3 ZONING MAP ORDINANCE NO. Z- 20-23

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. F-06 (Sec. 5 of Wayne 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 I1 (Limited
9 Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11
12 Part of the Fractional Southwest Quarter of Section 5, Township 30 North, Range 12 East,
13 Allen County, Indiana; together with part of the Lagro Reserve in Township 30 North, Range
14 12 East, Allen County, Indiana, more particularly described as follows, to wit:

15 Commencing at the Southwest corner of said Section 5, marked by a cast iron monument;
16 thence North 00 degrees 27 minutes 49 seconds West (bearings in this description are
17 based on the INDOT plans for Illinois Road), on and along the West line of said Fractional
18 Southwest Quarter a distance of 70.00 feet to a #5 rebar at the point of intersection of said
19 West line with the North right-of-way line of Illinois Road (former State Road #14, Proj. 387
20 Sec (4) 1963), as established in Deed Record 667, pages 603 and 604, in the Office of the
21 Recorder of Allen County, Indiana; thence North 00 degrees 27 minutes 49 seconds West,
22 continuing on and along said West line, a distance of 1003.06 feet to a #4 rebar at the
23 Northwest corner of a 10.00 acre tract of real estate described in a deed to DeHaven
24 Holdings, LLC, in Document Number 204011678 in the Office of said Recorder, this being
25 the true point of beginning; thence North 00 degrees 27 minutes 49 seconds West,
26 continuing on and along said West line, a distance of 1564.94 feet to the West Quarter
27 corner of said Section 5, marked by a County witnessed 0.5 inch diameter pipe; thence
28 South 89 degrees 49 minutes 28 seconds East, a distance of 357.97 feet to a 1 inch diameter
29 pipe at the point of intersection of said North line with the Southwesterly right-of-way line
30 of the Pennsylvania Railroad; thence South 72 degrees 13 minutes 15 seconds East, on and
along said Southwesterly right-of-way line, a distance of 146.37 feet to a #4 rebar at the
Northeast corner of a 29.125 acre base tract of real estate described in a deed to Jennifer
DeHaven Bryan in Document Number 2008039129 in the Office of said Recorder; thence
South 00 degrees 26 minutes 57 seconds East, on and along the East line of said 29.125 acre
base tract, a distance of 2513.31 feet to a #5 rebar at the Southeast corner thereof, being a
point on said North right-of-way line of Illinois Road; thence South 89 degrees 33 minutes
00 seconds West, on and along said North right-of-way line, a distance of 59.22 feet to a #4
rebar at the Southeast corner of the said 10.00 acre tract; thence North 00 degrees 30
minutes 08 seconds West, on and along the East line of said 10.00 acre tract, a distance of

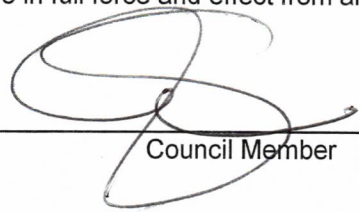
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

997.41 feet to a #5 rebar at the Northeast corner thereof; thence South 89 degrees 38 minutes 11 seconds West, on and along the North line of said 10.00 acre tract, a distance of 436.43 feet to the true point of beginning, containing 19.117 acres of land, subject to all easements of record. This description is based on a survey by Sauer Land Surveying, Inc., dated February 11, 2013, and numbered 099-137"A".

and the symbols of the City of Fort Wayne Zoning Map No. F-06 (Sec. 5 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort 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:



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-2023-0012
Bill Number: Z-23-04-13
Council District: 4-Jason Arp

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 19.12 acres from C3/General Commercial to I1/Limited Industrial
Location: 5250 Illinois Road
Reason for Request: To allow for a 3 building industrial/business park.
Applicant: Khatri LLC
Property Owner: Khatri LLC

Related Petitions: Primary Development Plan, Hummingbird Business Park

Effect of Passage: Property will be rezoned to the I1/Limited Industrial zoning district, which permits light intensity industrial uses.
Effect of Non-Passage: The property will remain zoned C3/General Commercial which permits a variety of commercial uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Khatri LLC (Rakesh Khatri)
 Address 14821 Heron Lake Xing
 City Fort Wayne State IN Zip 46814
 Telephone 260-432-7612 E-mail rakeshk10@gmail.com

Contact Person
 Contact Person Derek Simon, PE (MLS Engineering, LLC)
 Address 10060 Bent Creek Blvd
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-8571 x2 E-mail derek@mlswebsite.us

All staff correspondence will be sent only to the designated contact person.
 Derek Simon: derek@mlswebsite.us Brett Miller: brett@mlswebsite.us

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property Illinois Rd, Fort Wayne, IN 46804
 Present Zoning C3 Proposed Zoning I1 Acreage to be rezoned 19.117 AC
 Proposed density 3 units / 19.117 ac = 0.157 units per acre
 Township name Wayne Township section # 5
 Purpose of rezoning (attach additional page if necessary) _____
This petition is requesting to rezone property from C3 (General Commercial) to
I1 (Limited Industrial).
 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

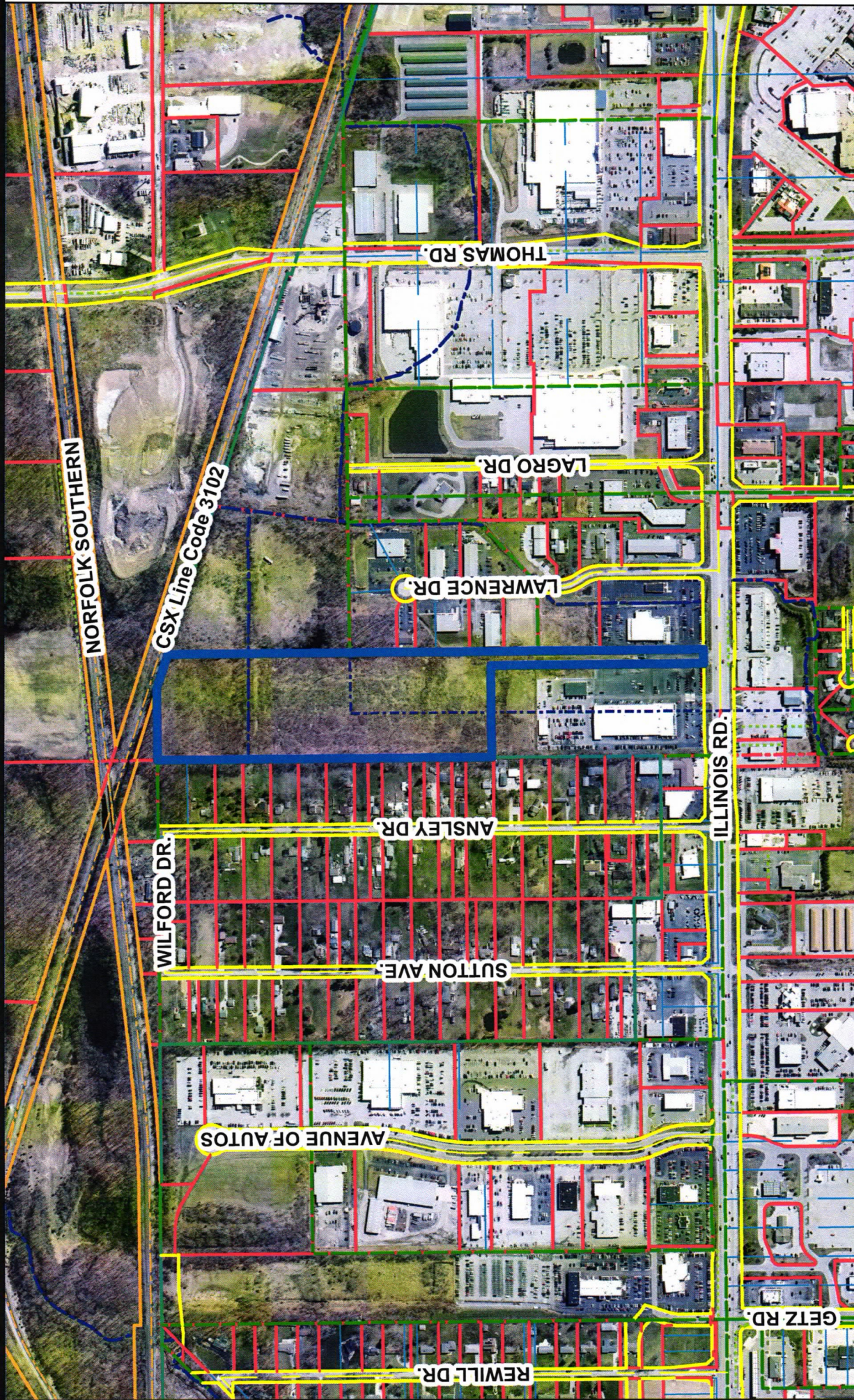
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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>RAKESH KHATRI</u> (printed name of applicant)	<u>Rakesh Khatri</u> (signature of applicant)	<u>3/28/23</u> (date)
<u>RAKESH KHATRI</u> (printed name of property owner)	<u>Rakesh Khatri</u> (signature of property owner)	<u>3/28/23</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>3-29-23</u>	Receipt No <u>142824</u>	Hearing Date <u>5-8-23</u>	Petition No <u>REF-2023-0012</u>
----------------------------	-----------------------------	-------------------------------	-------------------------------------



REZ-2023-0012 and PDP-2023-0015 - Hummingbird Business Park



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.

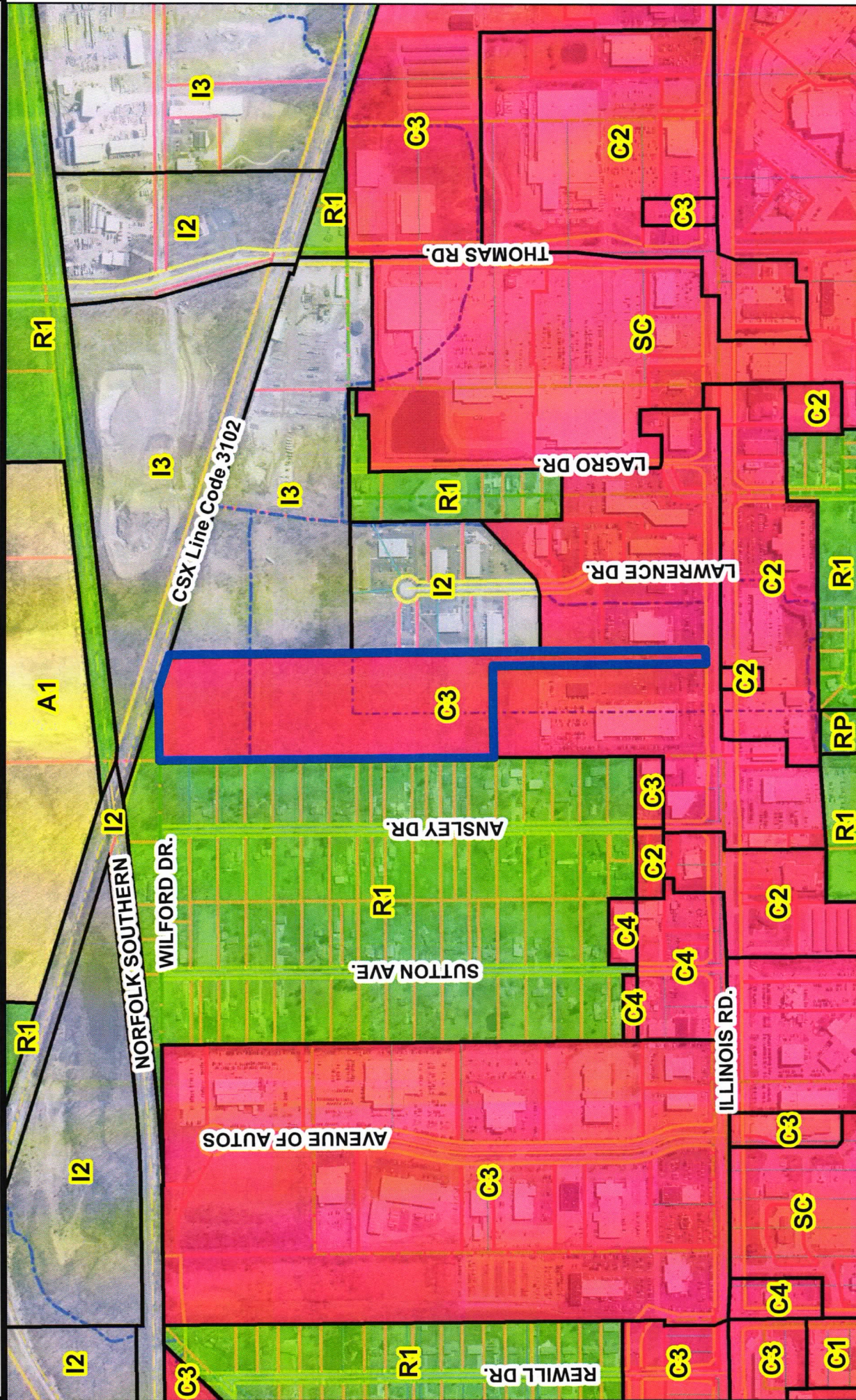
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4/12/2023



1 inch = 600 feet

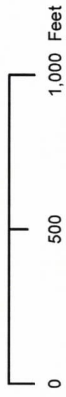


REZ-2023-0012 and PDP-2023-0015 - Hummingbird Business Park

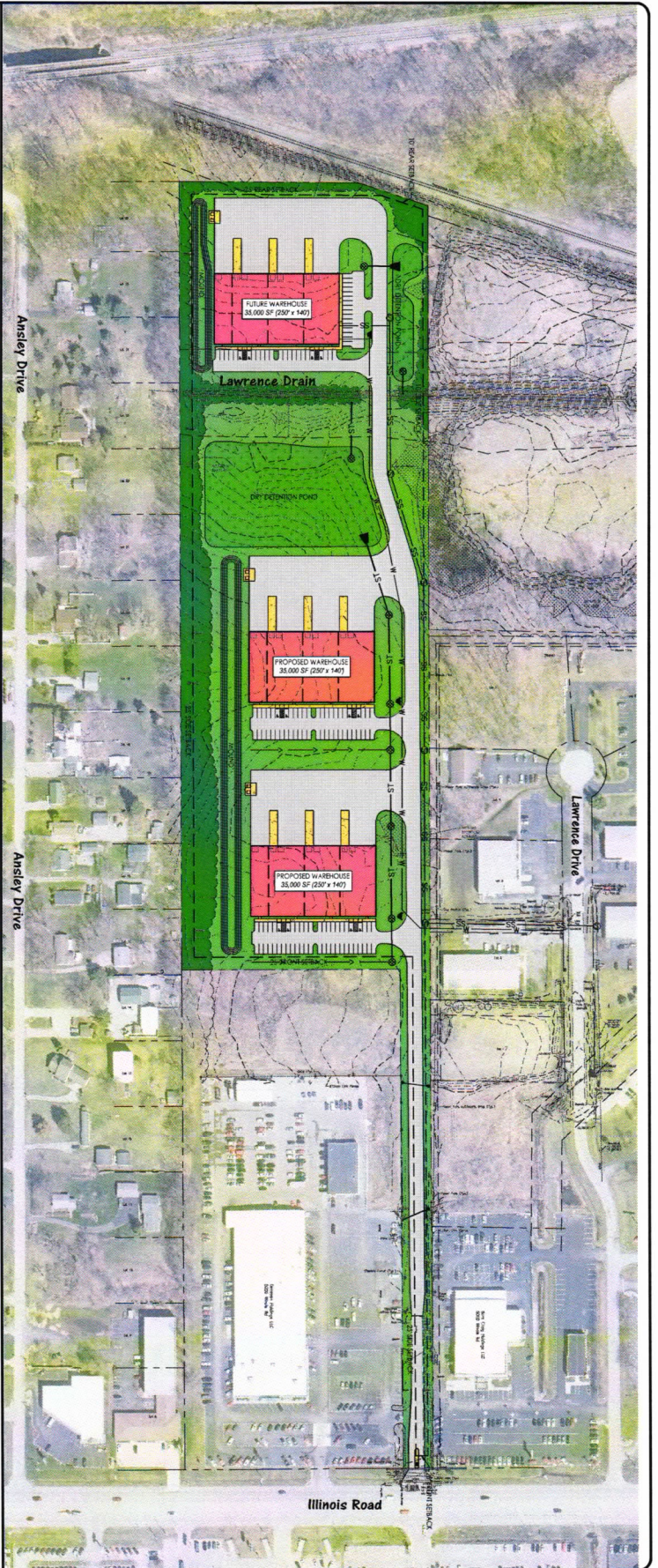


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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

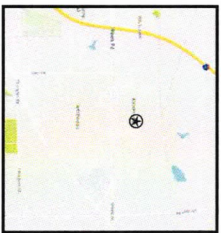
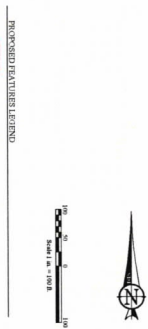


1 inch = 600 feet

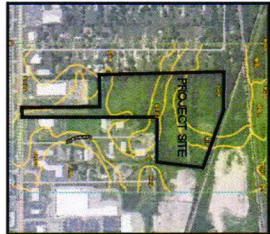


PROJECT SUMMARY

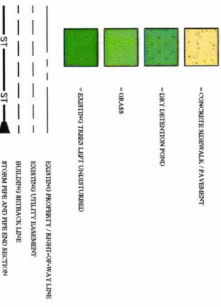
PARCEL ADDRESS	ILLINOIS ROAD, NORTH WAVE IN 46804	TOTAL LOT ACRES	19.114 ACRES
TOWNSHIP NAME	WAVE	TOTAL LOT PARCELS SURFACE	83.81 ACRES
CONTRIBUTOR SECTION	5	TOTAL LOT COVERAGE	83.81 / 19.114 AC = 4.38% LOT COVERAGE
EST. CONSTRUCTION START DATE	AUGUST 2023	PARKING REQUIREMENTS	INDUSTRIAL = 1 SPACE PER 1,000 SQ FT = 315 SPACES
EST. CONSTRUCTION END DATE	AUGUST 2025	PARKING PROVIDED	17,400 SPACES + 188 STANDING SPACES = 1,462 SPACES
CURRENT ZONING CLASSIFICATION	C2 (GENERAL COMMERCIAL)	LANDSCAPING	SEE LIST FOR SPECIFIC LANDSCAPING AND STANDING SPACES
PROPOSED ZONING CLASSIFICATION	I1 (LIMITED INDUSTRIAL)	SETBACKS	SEE LIST FOR SPECIFIC SETBACKS AND STANDING SPACES
CURRENT USE	VACANT (CRP)	SETBACKS	SEE LIST FOR SPECIFIC SETBACKS AND STANDING SPACES
PROPOSED USE	INDUSTRIAL WAREHOUSING	SCOUR	SCOURAGE SHALL BE DESIGNED TO COMPLY WITH THE ZONING ORDINANCE AND SHARED TO THE EXTENT OF THE SCOURAGE
NUMBER OF BUILDINGS	03 INDUSTRIAL WAREHOUSE BUILDINGS	GRADE COLLECTION	SWAMPY/POUNDAGES
TOTAL BUILDING FOOTPRINT	104,000 SQ. FT. = 103,000 SQ. FT.	SWAMPY/POUND SERVICE	SEE LIST FOR SPECIFIC SWAMPY/POUND SERVICE
BUILDING HEIGHT	MAXIMUM HEIGHT = 42 FEET	WATER MAIN SERVICE	SEE LIST FOR SPECIFIC WATER MAIN SERVICE
NUMBER OF BAYS	03 (1,000 SQ. FT. BAYS + 03 3,000 SQ. FT. BAYS)	SEWERAGE COLLECT	SEE LIST FOR SPECIFIC SEWERAGE COLLECT



FLOOD INSURANCE RATE MAP (FIRM)
NOT TO SCALE



ALLEN COUNTY SOIL SURVEY MAP
NOT TO SCALE



PROJECT SITE VICINITY MAP
NOT TO SCALE

PDP-1

Hummingbird Business Park
Illinois Road
Fort Wayne, Indiana 46804
Primary Development Plan
Site Plan

REVISIONS

NO.	DATE	DESCRIPTION

Prepared For:
Horn LLC
14821 Horn Lane
Fort Wayne, IN 46814
(260) 332-7612

ML Engineering
ENGINEERING YOUR TOMORROW...TODAY
Fort Wayne Office: 3000 West Creek Boulevard, Fort Wayne, IN 46815, Phone: (260) 488-8571
Marion Office: 221 Tower Drive, Marion, IN 46855, Phone: (260) 692-6166
www.mlwebite.us

FACT SHEET

Case #REZ-2023-0012	Bill # Z-23-04-13	Project Start: May 2023
APPLICANT:	Khatri LLC	
REQUEST:	To rezone property from C3/General Commercial to I1/Limited Industrial for a 3-structure industrial development	
LOCATION:	5250 Illinois Road, 350 feet west of its intersection Lawrence Drive (Section 5 of Wayne Township)	
LAND AREA:	19.12 acres	
PRESENT ZONING:	C3/General Commercial	
PROPOSED ZONING:	I1/Limited Industrial	
COUNCIL DISTRICT:	4-Jason Arp	
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 Karen Richards 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 property consists of unimproved field zoned C3/General Commercial.
- A Primary Development Plan was approved in 2017 to allow an assisted living facility, but construction never occurred.

Background:

The petitioner requests a rezoning from C3/General Commercial to I1/limited industrial to permit a 3-structure industrial development. The project site is located behind and north of the DeHaven Chevrolet dealership. The north side of Illinois Road from Ardmore to I-69 has a variety of commercial and industrial uses, as well as small pockets of suburban residential neighborhoods. This parcel is undeveloped, and zoned C3/General Commercial, which can allow higher intensity commercial development with outdoor activity, such as auto sales and repair, boat sales, equipment rental, and uses with outdoor storage and display. The I1/Limited Industrial zoning district focuses on light industrial uses performed indoors, with limited outdoor storage or display. The I1/Limited Industrial district can be considered a buffer between heavier industrial districts and business and residential districts. In cases where the proposed use is considered *potentially* compatible, the Comprehensive Plan recommends mitigation efforts such as landscaping, setbacks, and building design.

The site plan includes three 35,000 square foot structures. There is an approximate 1000-foot drive that accesses Illinois Road. The applicant intends to build two of the spec buildings with a potential to build a third further north on the site. All three proposed buildings have separate parking areas and dumpsters. The site is large enough that all three buildings are at least 100 feet from the residential neighborhood to the west. The plan appears to meet all development standards except for a proposed alternate landscape plan. The applicant intends to keep the existing tree line along the west side of the property that is adjacent to a residential subdivision. The plan also includes a proposed 5-foot-tall mound along the tree line, with evergreens planted every 20 feet. The Lawrence Drain bisects the property near the proposed dry detention pond.

Comprehensive Plan Review:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 7 – Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings.

Generalized Future Land Use Map

- The project site is located within the Regional Commercial generalized land use category.
- Similar Primary Land Uses in this category are Moderate Multiple-User Business and Service.

- Adjacent properties are categorized as Regional Commercial, Production Center, and Suburban Neighborhood

Compatibility Matrix

- This proposed use is permitted in I1/Limited Industrial which is considered compatible with Regional Commercial, Production Center and potentially compatible with Suburban Neighborhood.

Other applicable plans: none

Staff received no remonstrance against the proposal.

PUBLIC HEARING SUMMARY:

Presenter: Josh Neal, representing the developer Dr. Khatri, presented the request as outlined above. A neighborhood meeting was held with 6 attendees. They will keep as many trees along the south property line as possible, as well as install a mound with evergreen trees. They have found an unmet demand for this product.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

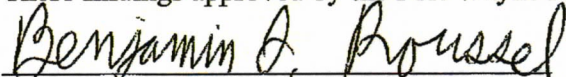
Rezoning Petition REZ-2023-0012

APPLICANT: Khatri LLC
REQUEST: To rezone property from C3/General Commercial to I1/Limited Industrial for a 3-structure industrial development with an alternative landscape plan.
LOCATION: 5250 Illinois Road, 350 feet west of its intersection Lawrence Drive (Section 5 of Wayne Township)
LAND AREA: 19.117 acres
PRESENT ZONING: C3/General Commercial
PROPOSED ZONING: I1/Limited Industrial

The Plan Commission recommends that Rezoning Petition REZ-2023-0012 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 property is being rezoned to a less intensive district that eliminates the potential of outdoor storage or automotive uses. Existing industrial zoning districts are located to the east of this parcel and creates a buffer between I3/Heavy Industrial to the east and R1/Single Family Residential to the west.
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 applicant is proposing to introduce mounding along the west side of the property adjacent to the residential zoning. The rest of the site is similar in character to commercial and industrial sites to the east and to the south.
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 in the southwest 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 industrial zoning adjacent to the east.

These findings approved by the Fort Wayne Plan Commission on May 11, 2023.



Benjamin J. Roussel

Executive Director

Secretary to the Commission

BILL NO. Z-23-04-13

**REPORT OF COMMITTEE ON REGULATIONS
June 6, 2023**

Tom Freistroffer Chair

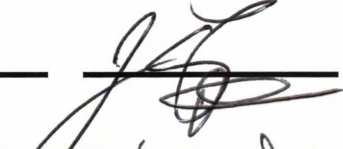
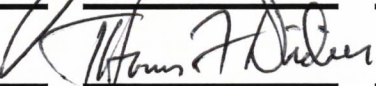

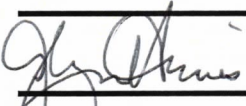
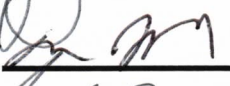
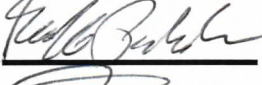

Sharon Tucker Co-Chair

All Council Members

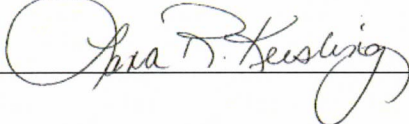
An Ordinance amending the City of Fort Wayne Zoning Map No. F-06 (Sec. 05 of Wayne Township)

To rezone approximately 19.12 acres from C3/General Commercial to 1/Limited Industrial at 5250 Illinois Road to allow for a 3 building industrial/business park

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



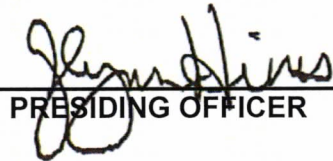
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 General Ordinance No. Z-23-04-13 on the 6th day of June, 2023

ATTEST:



 LANA R. KEESLING
 CITY CLERK



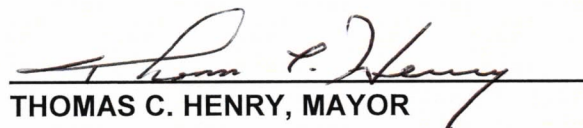
 PRESIDING OFFICER

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

