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#REZ-2023-0059
BILL NO. Z-23-11-30

ZONING MAP ORDINANCE NO. Z-3-24

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. R-18 (Sec. 32 of Saint Joseph Township)**

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

SECTION 1. That the area described as follows is hereby designated a C2 (Limited Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Lot 16 and Lot 17 in the Bellair Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 17, Page 52, in the Office of the Recorder of Allen County.

and the symbols of the City of Fort Wayne Zoning Map No. R-18 (Sec. 32 of Saint Joseph 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

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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-2023-0059
Bill Number: Z-23-11-30
Council District: 2 – Russ Jehl

Introduction Date: November 28, 2023

Plan Commission
Public Hearing Date: December 11, 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 0.32 acres from R1/Single Family Residential to C2/Limited Commercial

Location: 2326 Hobson Road (Section 32 of Saint Joseph Township)

Reason for Request: To allow expansion of an existing commercial building

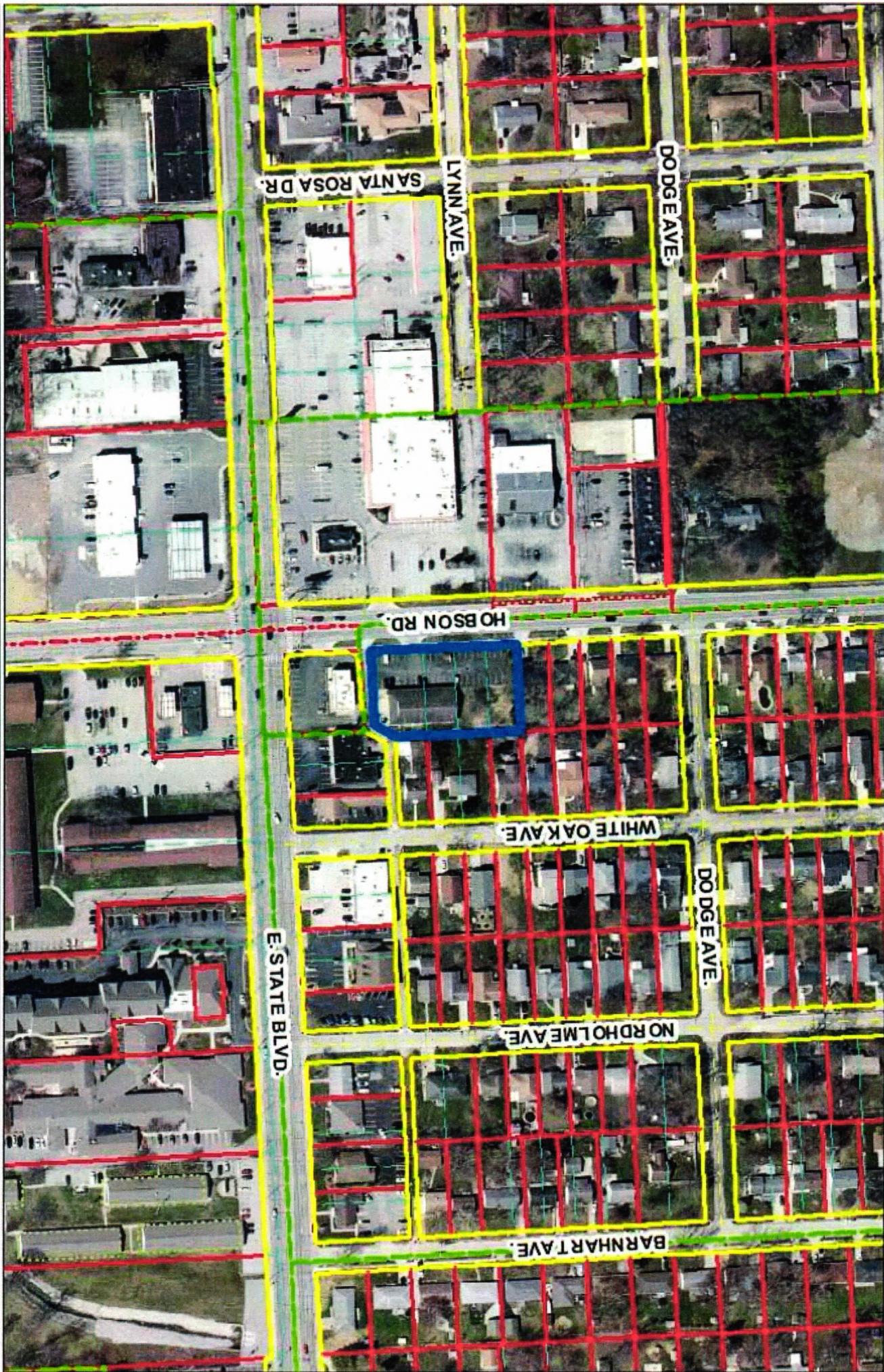
Applicant: Aquarius I, LLC

Property Owner: Aquarius I, LLC

Related Petitions: Primary Development Plan – Aquarius I, LLC

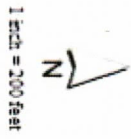
Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which will allow for expansion of an existing commercial building, along with any existing and future limited commercial uses.

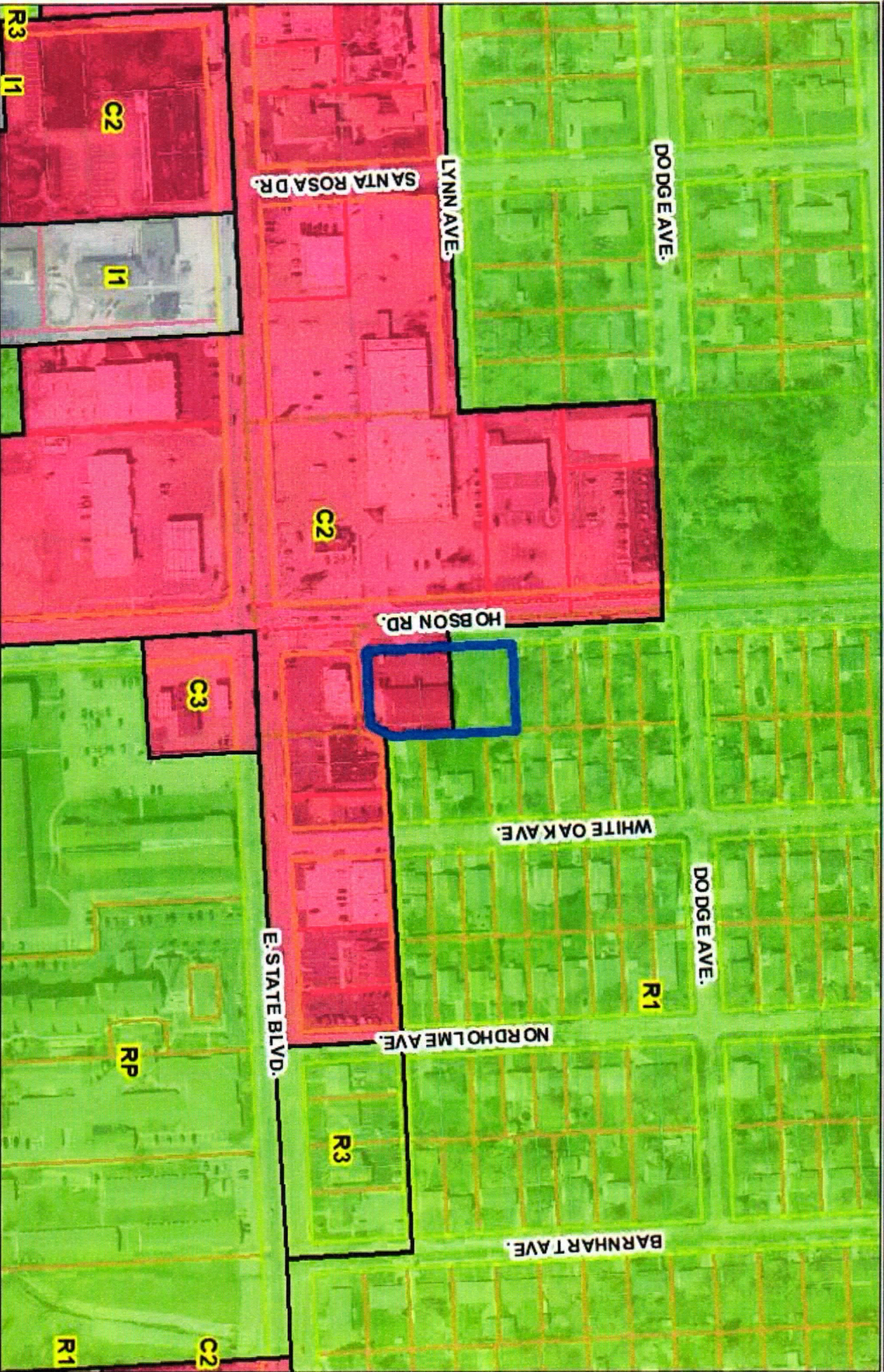
Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which does not permit expanding the existing commercial building. The site may be redeveloped with single-family residential uses.



Approved for use by the Board of Supervisors

Notes: This map is for informational purposes only. It is not intended to be used as a legal document. The information on this map is derived from public records and is subject to change without notice. The Board of Supervisors is not responsible for any errors or omissions on this map. For more information, please contact the Planning Department at (916) 438-2200.





Albany City Council, Planning Department

Map prepared by the City of Albany Planning Department. The accuracy of the information contained herein and the accuracy of the other information contained herein is not guaranteed. Any errors or omissions are the responsibility of the user.



**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Aquarius I, LLC
 Address 2811 E. State Blvd.
 City Fort Wayne State IN Zip 46805
 Telephone 260-760-8172 E-mail ben2gage@aol.com

Property Ownership
 Property Owner Aquarius I, LLC
 Address 2811 E. State Blvd.
 City Fort Wayne State IN Zip 46805
 Telephone 260-760-8172 E-mail ben2gage@aol.com

Contact Person
 Contact Person Patrick R. Hess, Beckman Lawson, LLP
 Address 201 W. Wayne St.
 City Fort Wayne State IN Zip 46802
 Telephone 260-422-0800 E-mail phess@beckmanlawson.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 2326 Hobson Road Township and Section St. Joe 32
 Present Zoning R1 Proposed Zoning C2 Acreage to be rezoned 0.32
 Purpose of rezoning (attach additional page if necessary) To accommodate an addition to an existing commercial building.
 Sewer provider City Water provider City

Filing Checklist
Applications will not be accepted unless the following filing requirements are submitted with this application.
 Filing fee \$1000.00
 Surveys showing area to be rezoned
 Legal Description of parcel to be rezoned
 Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Aquarius I, LLC
 (printed name of applicant)

J. Benya Jones
 (signature of applicant)

11-6-23
 (date)

Aquarius I, LLC
 (printed name of property owner)

J. Benya Jones
 (signature of property owner)

11-6-23
 (date)



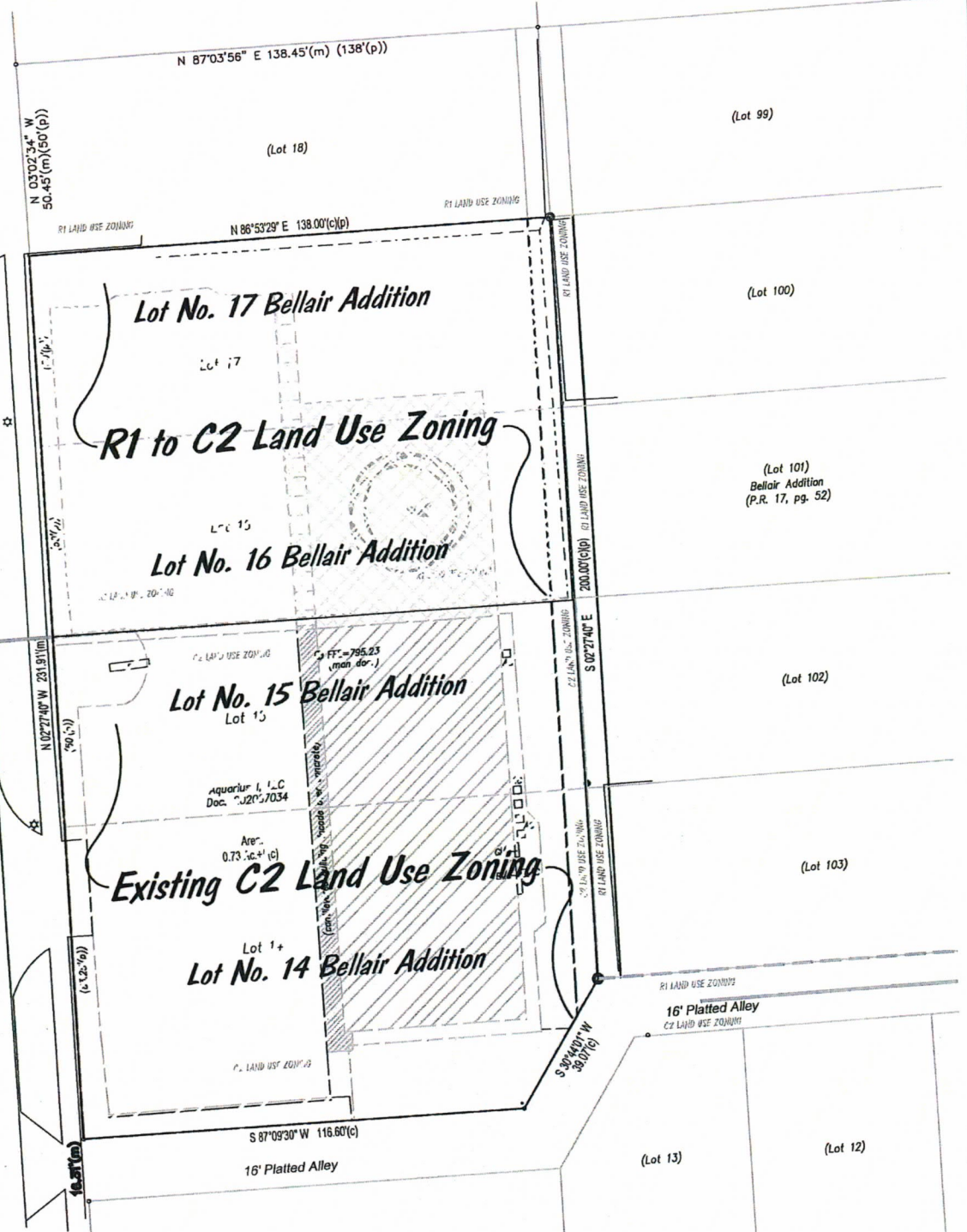
Received	Receipt No.	Hearing Date	Petition No.
11-7-23	144402	12-11-23	RE2-2023-

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



0059

Hobson Road (80' Public R/W)



Land Use Zoning Exhibit

Scale: 1" = 40'

Land Use Zoning Exhibit for:

Aquius I, LLC

2326 Hobson Road, Fort Wayne, Indiana 46805



EXPERIENCE. INNOVATION. RESULTS.

ForeSight Consulting, LLC

Professional Engineers & Surveyors
 1910 St. Joe Center Road, Suite #61
 Fort Wayne, Indiana 46825
 260.484.9900 phone
 260.484.9980 fax
 www.4site.biz

Commission Number
233701

Date
November 7th, 2023

Title
Land Use Zoning Exhibit

Sheet Number

Z1.1

Rezoning Petition REZ-2023-_____ ; R1 to C2

Applicant: Aquarius I, LLC (Ben Jacquay)

Fort Wayne Plan Commission

December 11, 2023 Public Hearing

**0.32 acres; 2326 Hobson Rd., approx. 140 feet north of its intersection with E. State Blvd.
Section 32, St. Joe Township**

Rezoning Criteria:

1. The Comprehensive Plan

The subject property is identified as “community commercial” per the Generalized Future Land Use Map (NE Quadrant), page 69 of the Comprehensive Plan, adjacent to areas identified as “traditional neighborhood.” Traditional neighborhood areas do not exclude commercial but include “clusters of neighborhood-oriented commercial uses.” Page 78. The rezoning is necessary to bring the entire property the applicant owns into one zoning category, and for the expansion of a neighborhood grocery.

The Comprehensive Plan also identifies this area as a “Priority Investment Area.” Page 54-55. Per the Plan, a Priority Investment Area “should be the focus of development initiatives and incentives to address market gaps.” Page 54. The goal is to lead to more complete neighborhoods with access to amenities, such as groceries and services. The C2 Limited Commercial district permits a wide range of retail and service uses that would be beneficial to a neighborhood. The expansion of the existing grocery prompting this rezoning is being done entirely with private funds.

2. Current conditions and the character of current structures and uses in the district

The current condition of the neighborhood features traditional residential uses with commercial uses at the corners of major intersections, such as the intersection of E. State and Hobson. The rezoning is requested to accommodate the expansion of a neighborhood grocery. This is in keeping with the character of current structures and uses in the area.

3. The most desirable use for which the land in the district is adapted

The expansion of an existing use, which is driving this rezoning request, is the most desirable use for the land. The area to be rezoned is already developed with a commercial parking lot and has been for 24 years based on historical aerial photos.

4. The conservation of property values throughout the jurisdiction

The expansion of existing uses helps prevent development pressures in new areas outside the existing urbanized core, thus conserving property values throughout the jurisdiction.

5. Responsible development and growth

The expansion of existing uses represents the best of responsible development and growth. This proposal does not call for the introduction of a new use into an established area.

**LEGAL DESCRIPTION OF
PARCELS TO BE REZONED**

Lot 16 and Lot 17 in the Bellair Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 17, Page 52, in the Office of the Recorder of Allen County.

FACT SHEET

Case #	REZ-2023-0059	Bill #	Z-23-11-30	Project Start:	November 2023
APPLICANT:	Aquarius I, LLC				
REQUEST:	To rezone approximately 0.32 acres from R1/Single Family Residential to C2/Limited Commercial to allow expansion of an existing commercial building				
LOCATION:	2326 Hobson Road (Section 32 of Saint Joseph Township)				
LAND AREA:	0.32 acres				
PRESENT ZONING:	R1/Single Family Residential				
PROPOSED ZONING:	C2/Limited Commercial				
COUNCIL DISTRICT:	2 – Russ Jehl				
SPONSOR:	Fort Wayne Plan Commission				

December 11, 2023 Public Hearing

- Three residents spoke in opposition or with concern.
- Tom Freistroffer and Ryan Neumeister were absent.

December 18, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Tom Freistroffer 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

- Paul Sauerteig and Rick Briley were absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
December 18, 2023

PROJECT SUMMARY

- The property consists of an existing grocery and parking lot.
- The existing commercial building was built in 1984.

The applicant is requesting a rezoning from R1/Single Family Residential to C2/Limited Commercial and a primary development plan to approve a building expansion with a waiver to reduce the rear yard setback. The project site is located on the east side of Hobson Road about 200 feet north of its intersection with East State Boulevard. The site itself consists of a commercial building and parking lot. The applicant is proposing to build a 2,832 square foot building addition on the north side of the building. The northern half of the property is zoned R1/Single Family Residential. The current use is a neighborhood grocery store. Surrounding zoning districts consist of R1/Single Family Residential and is adjacent to the north and east. C2/Limited Commercial is adjacent to the south and west.

The submitted site plan shows an expansion that continues the orientation of the existing building. The current structure was constructed in 1984 and does not meet current rear yard setbacks. The applicant is requesting a rear yard setback waiver to allow the expansion with a similar setback. The submitted plan includes a landscape plan with B2 landscaping buffer along the building and P1 landscaping buffer along the existing parking lot. The plan has an adequate landscape plan to the north, but does not have the required landscaping along the east side. The zoning ordinance requires a B2 building buffer which consists of 1 evergreen tree every 20 feet and a 50 percent large shrub buffer. A fence can be installed in lieu of the shrubs, but the evergreen trees would still need to be planted. The site itself currently has a wooden fence along the north and east property line, but staff cannot confirm if that is owned by the applicant or the neighboring properties. Staff in speaking with the applicant expects an updated plan at the public hearing.

The Plan Commission will determine the validity of waiver requests by considering the following three criteria:

- (a) The waiver or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the Comprehensive Plan;
- (b) The applicant has submitted adequate evidence to demonstrate that the requested waiver or modification will not have a significant impact on contiguous residential properties; and
- (c) The failure to grant the requested waiver would result in practical difficulties in the use of the property for the proposed development.

The applicant submitted answers to the waiver questionnaire following this report.

Staff is generally supportive of the waiver if the zoning ordinance required landscaping standards along the rear yard are met.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Priority Investment Area. The infill areas are well-served by infrastructure with established traditional neighborhood patterns and opportunities for investment that will lead to more complete neighborhoods with good access to amenities.
- 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 4 – Non-residential 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 Neighborhood Commercial generalized land use category.
- Similar Primary Land Uses in this category are low to moderate intensity business, service, and retail.
- Adjacent properties are categorized as Neighborhood Commercial and Traditional Neighborhood.

Overall Land Use Related Action Steps

- Staff found no Action Steps that are directly applicable to the request.

Compatibility Matrix

- This proposed use is permitted in C2/Limited Commercial which is considered compatible with Traditional Neighborhood and Neighborhood Commercial.

Other Applicable Plans: none

PUBLIC HEARING SUMMARY:

Presenter: Pat Hess, representing the property owner, presented the request as outlined above.

Public Comments:

Damita Wade (2333 White Oak): Concerns with drainage; fence.

Karen Van Every (2418 Hobson Rd): Concerns with drainage; buffering/landscaping; no spot zoning.

Jessica Carroll (2420 Hobson Rd): Concerns with drainage; trash; fence.

Closing Comments:

A detention basin is planned which should address drainage; the enclosed dumpster should help with the trash; the owner is aware of the fence problem.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

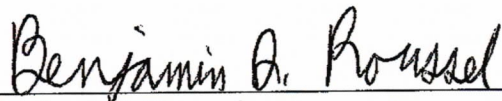
Rezoning Petition REZ-2023-0059

PROPOSAL: Rezoning Petition REZ-2023-0059
APPLICANT: Aquarius I, LLC
REQUEST: To rezone property from R1/Single Family Residential to C2/Limited Commercial to expand commercial building.
LOCATION: 2326 Hobson Road, 200 feet north of its intersection with E State Blvd (Section 32 of St. Joseph Township)
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: C2/Limited Commercial

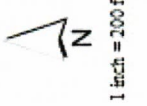
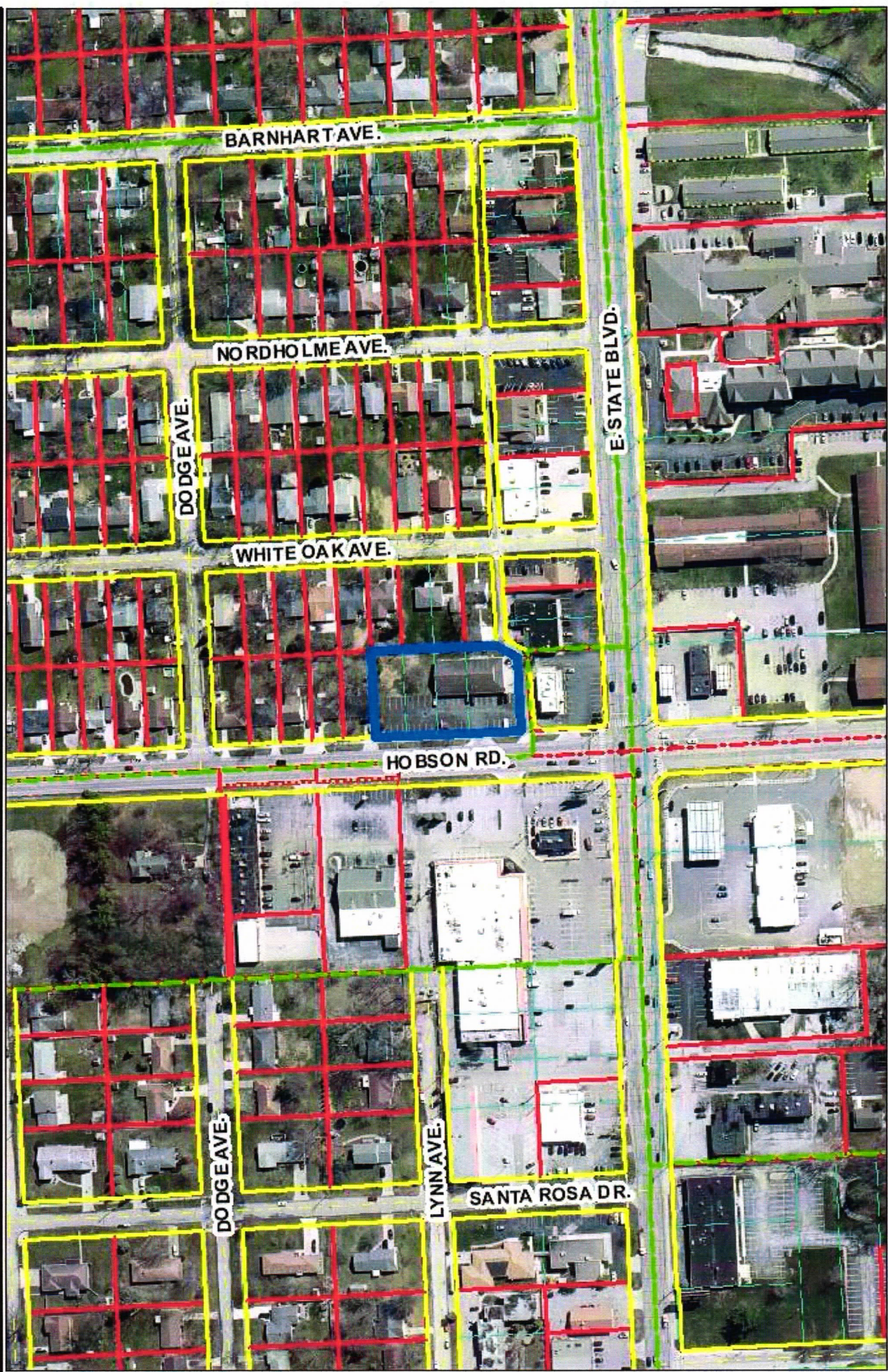
The Plan Commission recommends that Rezoning Petition REZ-2023-0059 be returned to Council, with a “Do Pass” recommendation after considering the following:

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 site is within the Priority Investment area identified in the Fort Wayne Comprehensive Plan. The rezone can also fulfill Land Use Policy 4: Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.
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 comprehensive plan encourages inclusion of retail services, especially grocery stores, within neighborhoods. The Hobson and E State intersection consists of C2/Limited Commercial zoning districts. The expansion complements the area by providing investment within the City of Fort Wayne.
3. Approval is consistent with the preservation of property values in the area. The rezone can fulfill Land Use Policy 1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas. The C2/Limited Commercial Zoning district permits limited retail uses while restricting intense commercial uses that otherwise may not be compatible with existing residential zoning to the north and east.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Infill development is an encouraged growth principle, and review from other agencies will ensure the site can handle additional development.

These findings approved by the Fort Wayne Plan Commission on December 18, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



1 inch = 200 feet

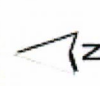
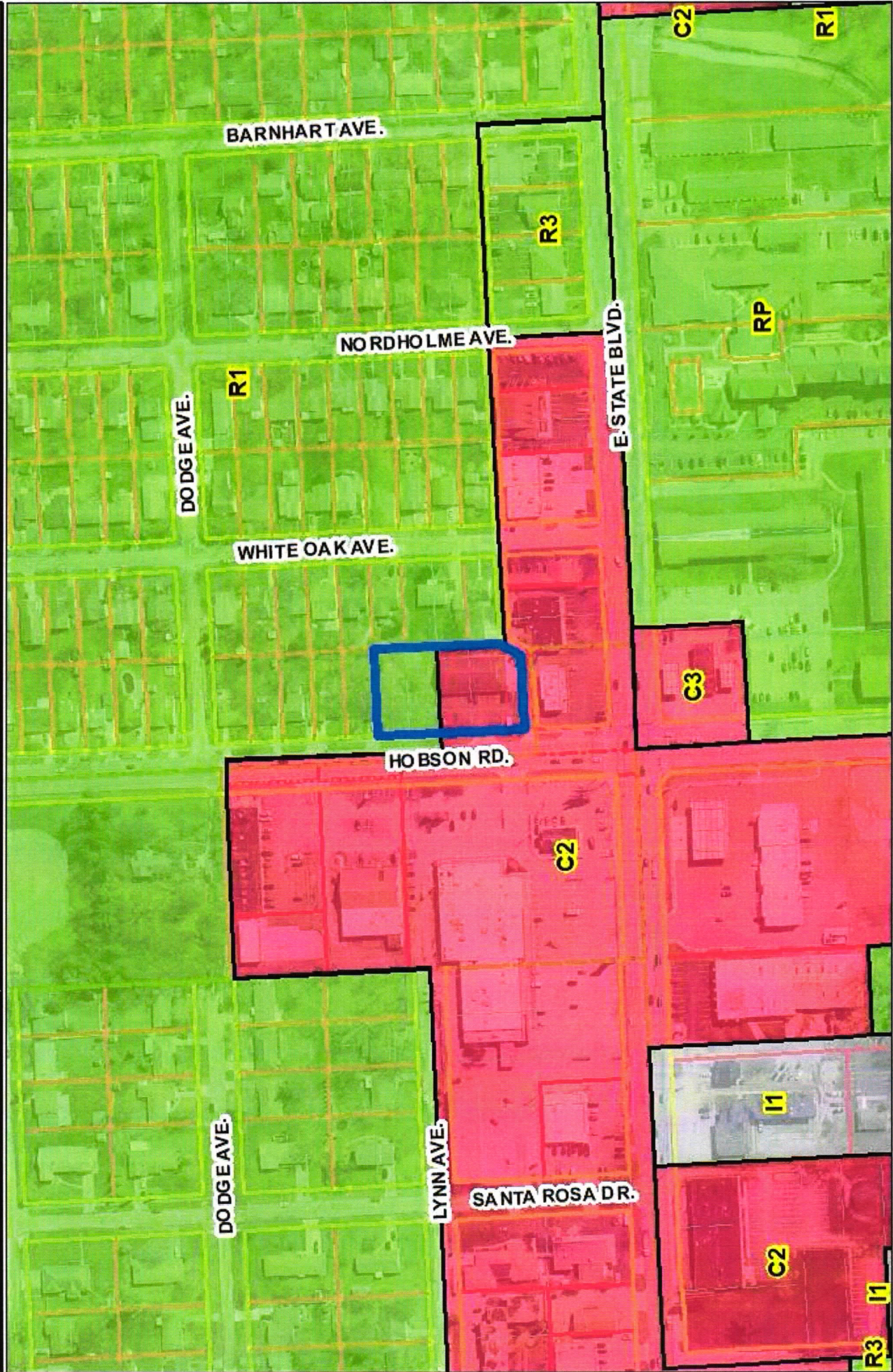


Although the accuracy of this information has been approved by the Commission, the user assumes all responsibility for the accuracy of the information contained herein and checks any and all liability resulting from any error or omission in this map.

© 2008 Board of County Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Proton and Corvax Systems, Spring 2009
 Date: 11/17/2023



REZ-2023-0059 and PDP-2023-0047 - Aquarius I



1 inch = 200 feet



Although this map is intended to be used as a reference, it is not a legal document. The accuracy of the information contained herein and the accuracy of the information resulting from any error or omission in this map is not guaranteed. © 2008 Esri. All rights reserved. North American Datum 1983. State Plane Coordinate System, Indiana East. Town and Country, Spring 2019. Date: 11-17-2023

Developer:

Aquarius I, LLC
2811 East State Boulevard
Fort Wayne, Indiana 46805

Civil Engineer



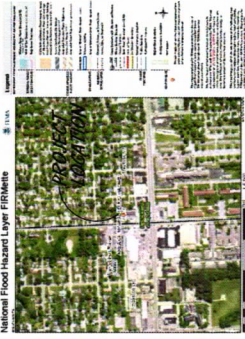
Foresight Consulting, LLC
1910 S. Joe Center Rd., Suite 61
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz info@4site.biz

Primary Development Plan For:

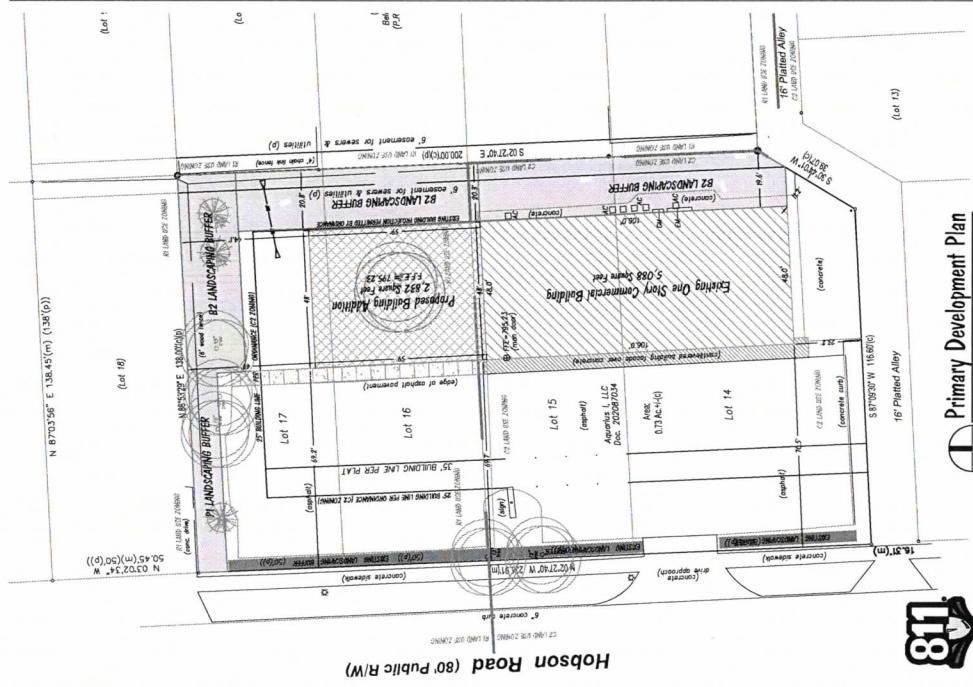
Aquarius I, LLC

2326 Hobson Road, Fort Wayne, Indiana 46805

Real Estate Description per Document Number 202087034 within the Office of the Recorder of Allen County, Indiana
2326 HOBSON ROAD, FORT WAYNE, INDIANA 46805. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT RECORD T-1, PAGE 52 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

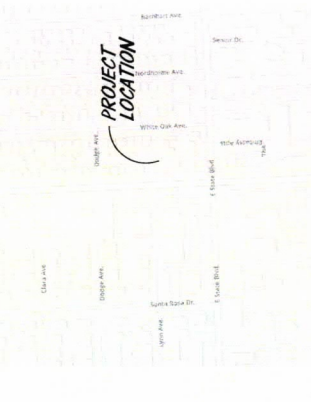


Flood Insurance Rate Map
NOT TO SCALE

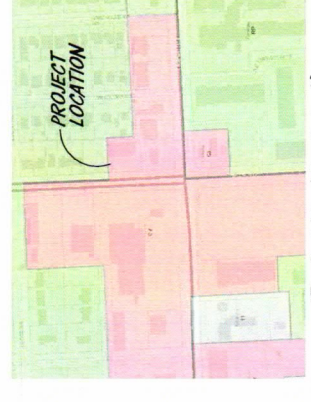


Primary Development Plan
Scale: 1" = 20'

Know what's below.
Call before you dig.



Site Location Map
NOT TO SCALE



Partial Land Use Zoning Map
NOT TO SCALE

Development Statistics	
Total Gross Lot Area	31,697.7 Square Feet
Allowable Building Lot Coverage by Zoning Ordinance	Maximum of 25% or 22,000 Square Feet
Calculated Allowable Building Lot Coverage	7,924.4 Square Feet
Existing Building Calculated Area	5,088.0 Square Feet
Proposed Building Calculated Area	2,832.0 Square Feet
Total Calculated Building Coverage	7,920.0 Square Feet
Total Calculated Building Coverage	25% of Gross Lot Area

The Proposed Development Has Satisfactory Compliance with the City of Fort Wayne Zoning Ordinance based upon a 25% Limited Commercial Land Use Density Designation.

Existing Utility Provider Information	
Water Services	City of Fort Wayne
Sewer Services	City of Fort Wayne
Electric	American Electric Power
Gas	NIPSCO

Contract Information	
City of Fort Wayne Department of Land Use Management-Health Ward	260-427-1159
City of Fort Wayne Fire Department-Jimmy Elder	260-427-1168
City of Fort Wayne New Water and Sewer Engineering-Rod Salk	260-427-1161
City of Fort Wayne Sewer Engineering Department-Lisa Ramos	260-427-5064
City of Fort Wayne Stormwater Engineering Department-Todd Jony	260-427-5064
City of Fort Wayne Water Engineering Department-Ross Salk	260-427-5064
City of Fort Wayne Traffic Engineering Department-Hip Waring	260-427-1172
American Electric Power	260-408-1863
Verizon	260-461-3325
NIPSCO	260-439-1408
Comcast	765-449-3811

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Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz

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Certification:
Professional Engineer
No. 17250-12
State of Indiana

Performed for:
Aquarius I, LLC
2326 Hobson Road, Fort Wayne, Indiana 46805

Primary Development Plan For:
Aquarius I, LLC
2326 Hobson Road, Fort Wayne, Indiana 46805

Drawing Revisions

Commission Number
233701

Date
November 7th, 2023

Title
Primary Development Plan

Sheet Number
PDI

BILL NO. Z-23-11-30

**REPORT OF COMMITTEE ON REGULATIONS
January 9, 2024**

Michelle Chambers Chair





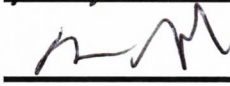
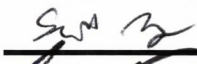
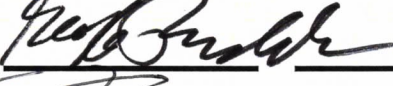

Scott Myers Co-Chair

All Council Members

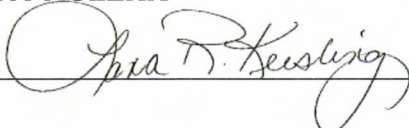
An Ordinance amending the City of Fort Wayne Zoning Map No. R-18 (Sec. 32 of Saint Joseph Township)

To rezone approximately 0.32 acres from R1/Single Family Residential to C2/Limited Commercial at 2326 Hobson Road (Section 32 of Saint Joseph Township) to allow expansion of an existing commercial building

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>
<u>BENDER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson Chambers, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<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"/>
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"/>
HARTMAN	<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"/>
MYERS	<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: January 9, 2024



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Zoning Ordinance No. Z-23-11-30 on the 9th day of January, 2024

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
 of January 2024, at the hour of 2:05 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 11th day of JANUARY 2024, at the
 hour of 2:00 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR