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#REZ 2024 0021

BILL NO. Z-24-05-11

ZONING MAP ORDINANCE NO. Z- 18-24

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-07 (Sec. 15 of Wayne 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 R1/Single
Family Residential District under the terms of Chapter 157 Title XV of the Code of the City of
Fort Wayne, Indiana:

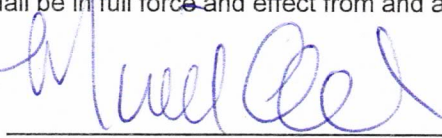
LEGAL DESCRIPTION:

Lot 2 of Veseys B.W. & S.W., Sub., Amended

and the symbols of the City of Fort Wayne Zoning Map No. K-07 (Sec. 15 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-2024-0021
Bill Number: Z-24-05-11
Council District: 5 – Geoff Paddock

Introduction Date: May 28, 2024

Plan Commission
Public Hearing Date: June 10, 2024 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone 0.09 acres from C2/Limited Commercial to R1/Single Family
Residential

Location: 3426 Broadway (Section 15 of Wayne Township)

Reason for Request: To permit a single-family residential dwelling.

Applicant: Tony Ervin

Property Owner: 3426 Broadway LLC

Related Petitions: None

Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning
district, which will allow for a single-family residential dwelling.

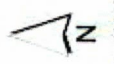
Effect of Non-Passage: The property will remain zoned C2/Limited Commercial which does
not permit a single-family residential dwelling. The site will continue
with existing uses, and may be redeveloped with areas for moderate
intensity business, community, office, personal service, and limited
retail uses, along with certain residential facilities uses.

Rezoning Petition REZ-2024-0021 - 3426 Broadway



Although this accuracy standard has been employed in the completion of this map, Alton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any errors or omissions in this map.

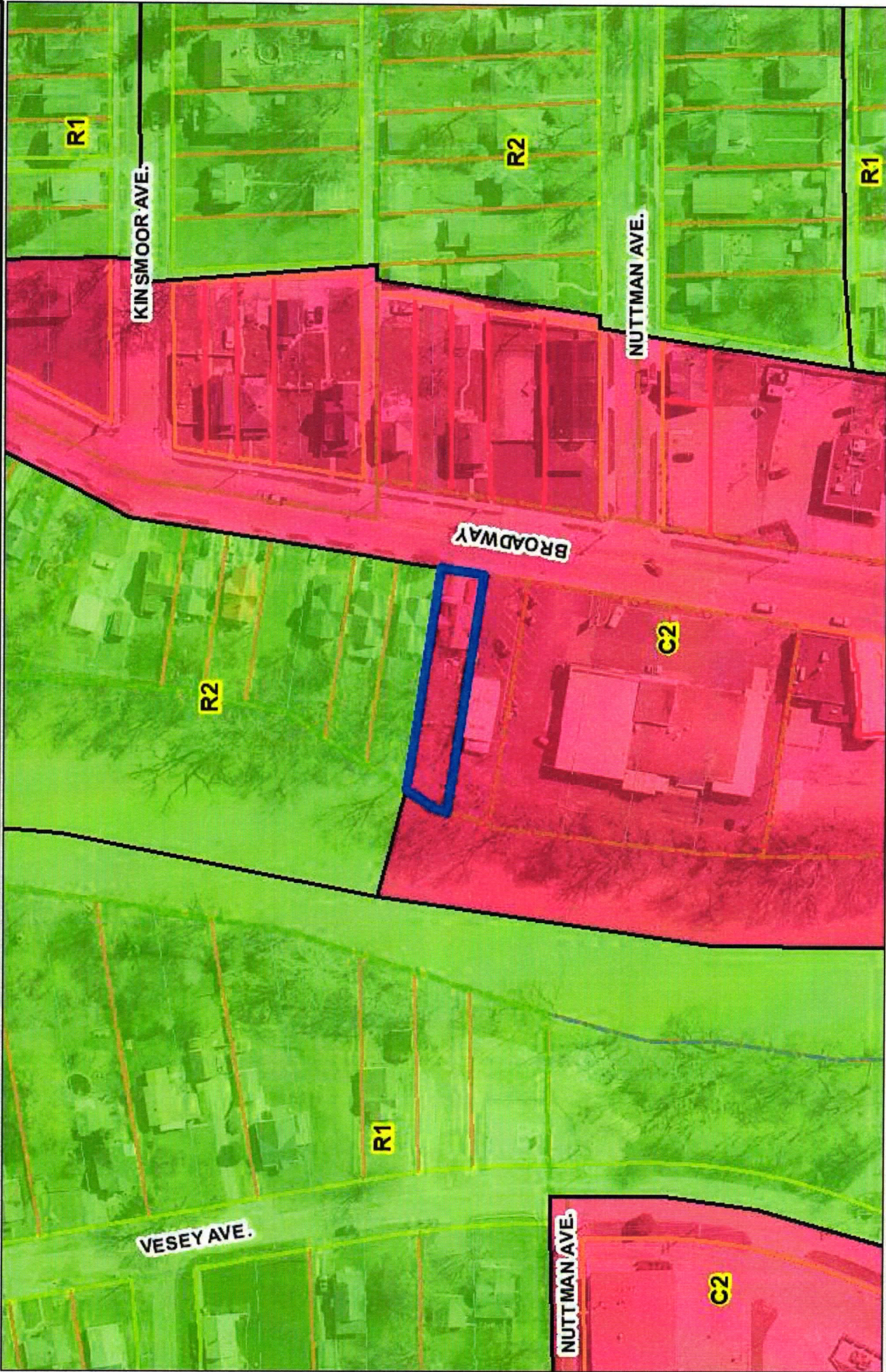
© 2004 Board of Geographic Names of the County of Alton
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Drawing Date: 04/15/2024



1 inch = 100 feet

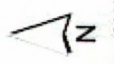
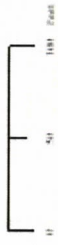


Rezoning Petition REZ-2024-0021 - 3426 Broadway



Although street names, landmarks, have been employed in the compilation of this map, Alcorn 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 Alcorn
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Projection
 Printed in Spring 2009
 Date: 3/15/2024



1 inch = 100 feet

Legal Description – REZ-2024-0021

Lot 2 of Veseys B.W. & S.W., Sub., Amended

Department of Planning Services
Rezoning Petition Application

tonster72@hotmail.com

Applicant
Applicant Tony ERVIN
Address 805 W. Wayne STR
City Fort Wayne State IN Zip 46802
Telephone 260-494-4376 E-mail tonster72@hotmail.com

Property Ownership
Property Owner Leo Vodde / 3426 Broadway LLC
Address 3426 Broadway
City Fort Wayne State IN Zip 46807
Telephone 727-385-3868 E-mail lvod1057@aol.com

Contact Person
Contact Person Leo Vodde
Address Same as Property Owner
City _____ State _____ Zip _____
Telephone 727-385-3868 E-mail lvod1057@aol.com

Also:
london.bvesching@exp Realty.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 3426 Broadway Township and Section Wayne / 0015
Present Zoning C2 Proposed Zoning Residential / RT - MWS Acreage to be rezoned .09
Purpose of rezoning (attach additional page if necessary) Currently on the market need to put back to RT to be able to sell and transfer to new owner
Sewer provider City Utilities Water provider city utilities

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

Leo Vodde (printed name of applicant) Leo Vodde (signature of applicant) 04/23/24 4/23/24 (date)

(printed name of property owner) (signature of property owner) (date)



Received	Receipt No.	Hearing Date	Petition No.
4/23/24	1415284	6-10-24	REZ-2024-0021

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



3426 Broadway
Fort Wayne, Ind 46807
LOT 2 (Vesseys Add.)

Rezoning to R1.

Questions.

1. The comprehensive plan is to resale as a R1 home for the new homeowners.
2. Current conditions are single family home, has been a rental for years. As you can tell by looking at the pictures, this is and has been residential. No parking lots of any kind to support any type of commercial property for this home.
3. Desirable use is to keep as a family dwelling home, as it has been used for family dwelling as a rental for years and a new family wants to make it home.
4. Conservation of property values, well, the current offer on the home was accepted and appraised for a amount higher than the current list price. The lender was good with the home and value until discovered it was zoned commercial instead of residential.
5. Responsible development and growth. Well, the potential home is ready for the next homeowner, and they are ready to make it their own.

I hope this helps satisfy all parties.

Thanks you

FACT SHEET

Case #REZ-2024-0021 Bill # Z-24-05-11 Project Start: May 2024

PROPOSAL: Rezoning Petition REZ-2024-0021 – 3426 Broadway
APPLICANT: Tony Ervin
REQUEST: To rezone property from C2/Limited Commercial to R1/Single Family to permit existing home.
LOCATION: 3426 Broadway, 110 feet north of its intersection with Nuttman Avenue (Section 15 of Wayne Township)
LAND AREA: 0.09 acre
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: R1/Single Family Residential
COUNCIL DISTRICT: 5 – Geoff Paddock
SPONSOR: Fort Wayne Plan Commission

June 10, 2024 Public Hearing

- No one spoke in support or with concerns.
- Patrick Zaharako and Scott Myers were absent.

June 17, 2024 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.
9-0 MOTION PASSED

- All members were present.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
June 18, 2024

PROJECT SUMMARY

The applicant is requesting to rezone an existing home from C2/Limited Commercial to R1/Single Family Residential. This home is the southernmost existing home on Broadway, before entering the commercialized section before the Bluffton Road bridge. Historic imagery shows homes constructed up to what is now Modern Mill and the '07 Pub but have since been torn down to accommodate what is now Gouty's Service Center. Previous iterations of the zoning ordinance permitted dwellings as primary uses in commercial and residential zones, but currently a single-family residence is not permitted in the C2 zoning district. The applicant has a buyer for the home, but the transaction cannot happen without accurate zoning. With a general greater interest in living in the urban core, demand of housing, and since the structure was constructed as a residence, no concerns were anticipated with this rezoning petition.

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:
 - **LUDI** - 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 2** – Promote complete neighborhoods through sustainable development, preservation, and growth by encouraging and enhancing mixed use neighborhood areas.

Generalized Future Land Use Map

- The project site is located within the Traditional Neighborhood generalized land use category.
- Primary Land Uses in this category are Single-Family Residential.

Land Use Related Action Steps

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **HN.1.1.2** - Promote smart growth development practices to support efficient use of land and resources.

Compatibility Matrix

- This proposed rezoning R1/Single-Family Residential is considered compatible to Traditional Neighborhood designated land use.

Other applicable plans: none

PUBLIC HEARING SUMMARY:

Presenter: Tony Ervin, applicant, presented the request as outlined above.

Public Comments: None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

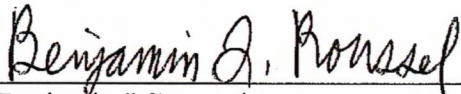
Rezoning Petition REZ-2024-0021 – 3426 Broadway

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LAND AREA: 0.09 acre
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2024-0021 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 identified as a “traditional neighborhood” designation in the Fort Wayne 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 structure was built as a residence – prior zoning ordinances permitted residential uses in commercial districts – this rezoning request will bring the house into compliance with today’s ordinance.
3. Approval is consistent with the preservation of property values in the area. No substantial changes are anticipated since the request is to permit existing use.
4. Approval is consistent with responsible development and growth principles based on existing uses in the area. The applicant will not need to justify use since the site will be zoned, and the house can be approved with residential zoning codes and not need to use nonconforming clauses.
5. The rezoning is consistent with the mandate for responsible growth and development. The rezoning request follows a pattern of urban investment and development in the City of Fort Wayne.

These findings approved by the Fort Wayne Plan Commission on June 17, 2024.



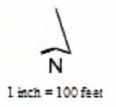
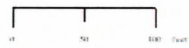
Benjamin J. Roussel
Executive Director
Secretary to the Commission



Rezoning Petition REZ-2024-0021 - 3426 Broadway

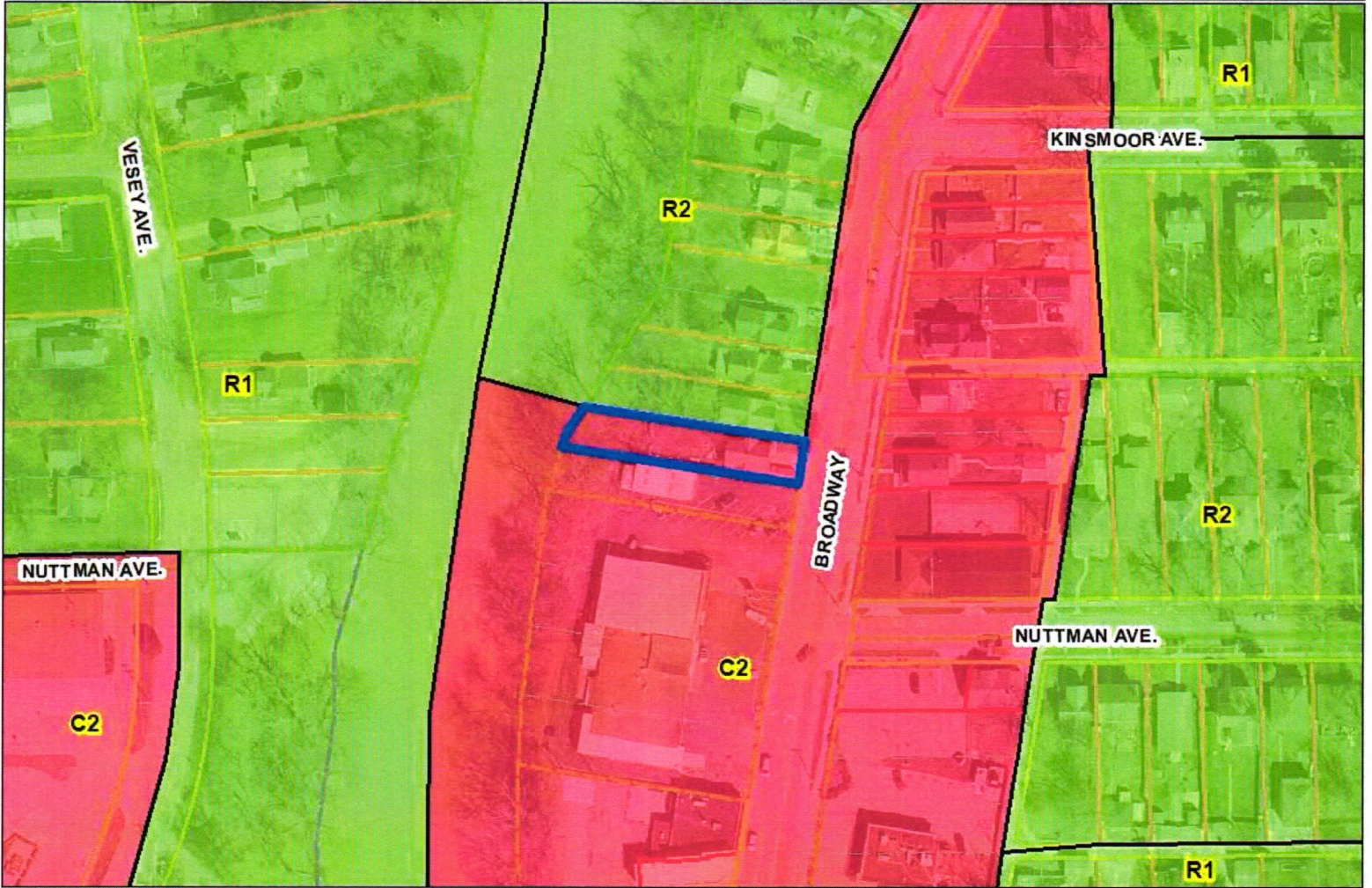


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North American Datum 1983
State Plane Coordinate System - Indiana East
Projection and Contour: Spring 2010
Date: 6/15/2024



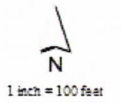


Rezoning Petition REZ-2024-0021 - 3426 Broadway



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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Project and Contour: Spring 2019
 Date: 5/15/2018



Legal Description – REZ-2024-0021

Lot 2 of Veseys B.W. & S.W., Sub., Amended

Public Hearing Date: N/A

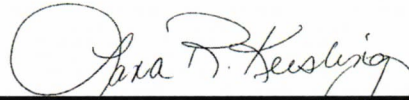
Read the first time in full and on motion by Councilperson Chambers.

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"/>
BOOKER	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: July 9, 2024




LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. Z-24-05-11 on the 9th day of July, 2024

ATTEST:



LANA R. KEESLING
CITY CLERK



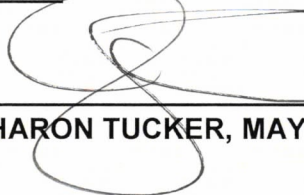
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of July 2024, at the hour of 9:40 o'clock A.M. E.S.T.

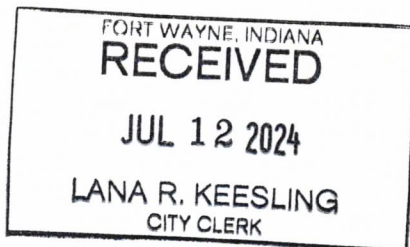


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 12th day of July 2024, at the hour of 10:05 o'clock AM E.S.T.



SHARON TUCKER, MAYOR



BILL NO. Z-24-05-11

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

Scott Myers Chair







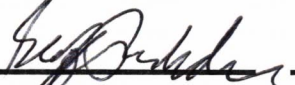
Michelle Chambers Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. K-07 (Sec. 15 of Wayne Township)

To rezone 0.09 acres from C2/Limited Commercial to R1/Single Family Residential at 3426 Broadway

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>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**LANA R. KEESLING
CITY CLERK**

