

#1284

BILL NO. Z-12-06-24

**Deed Book: 35
Page: 163**

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-06 (Sec. 1 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 an R3
(Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of
the City of Fort Wayne, Indiana:

Lot 50 in the College Addition to the City of Fort Wayne, according to the recorded
plat thereof.

and the symbols of the City of Fort Wayne Zoning Map No. O-06 (Sec. 1 of Wayne
Township), as established by Section 157.201(B) of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

SECTION 2. 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:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: 1284/12
Bill Number: Z-12-06-24
Council District: 5 – Geoff Paddock

Introduction Date: June 26, 2012

Plan Commission
Public Hearing Date: July 9, 2012

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

Synopsis of Ordinance: To rezone approximately 0.17 acres of undeveloped property from R2-Attached Single Family and Two Family Residential to R3-Multiple Family Residential

Location: At 1305 East Washington Boulevard, adjacent to the proposed Indiana Tech Student Suites.

Reason for Request: To allow for the development of a four-plex townhouse for students.

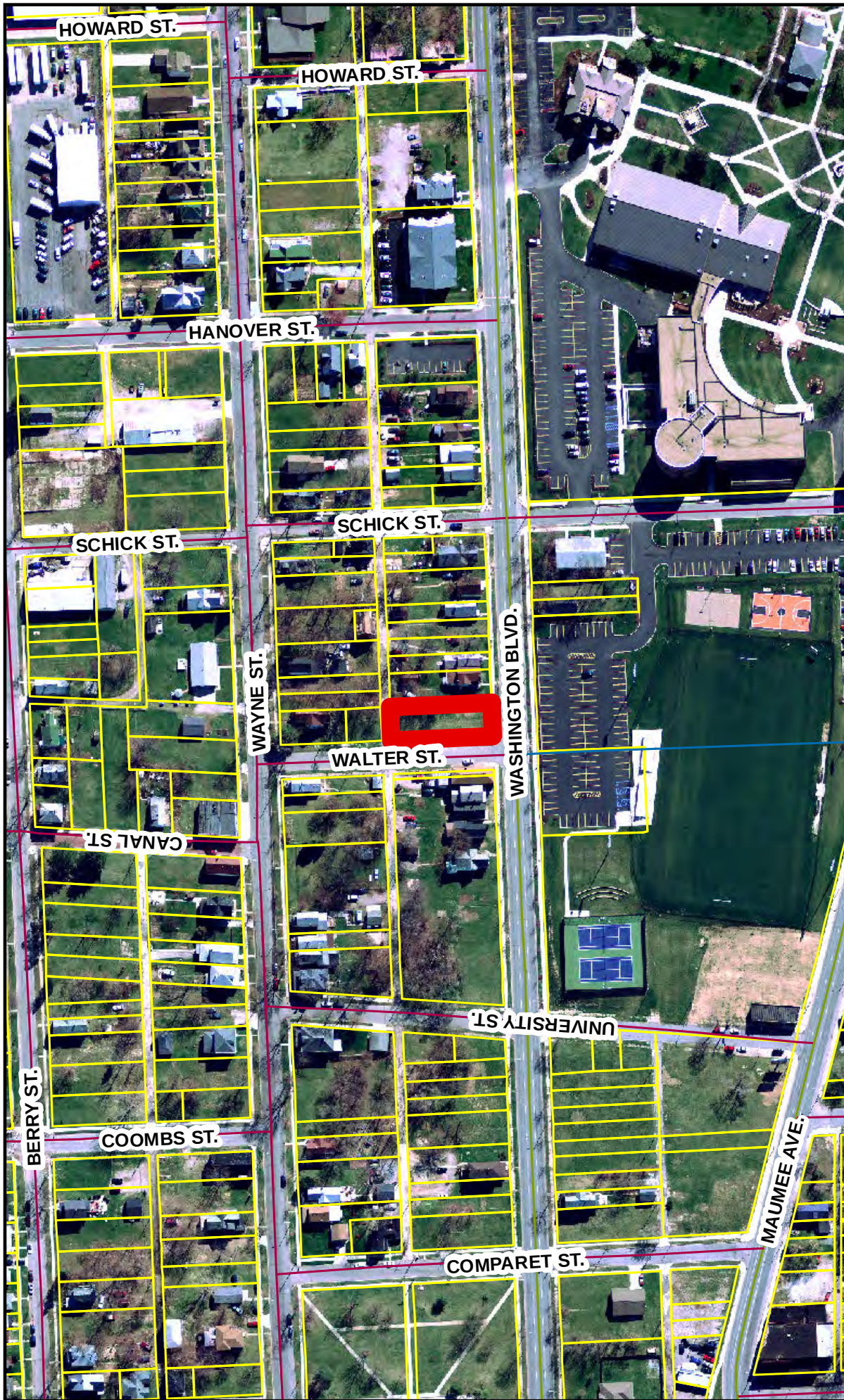
Applicant: Richard Kriz, III

Property Owners: Richard Kriz, III

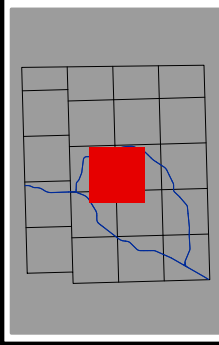
Related Petitions: Board of Zoning Appeals development standards variance relating to the proposed residential building

Effect of Passage: Property will be rezoned to R3-Multiple Family Residential, to be consistent with remainder of the block and to allow for multiple unit housing.

Effect of Non-Passage: The property will remain zoned R2-Attached Single Family and Two Family Residential and may develop with single or two-family units.

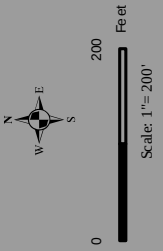


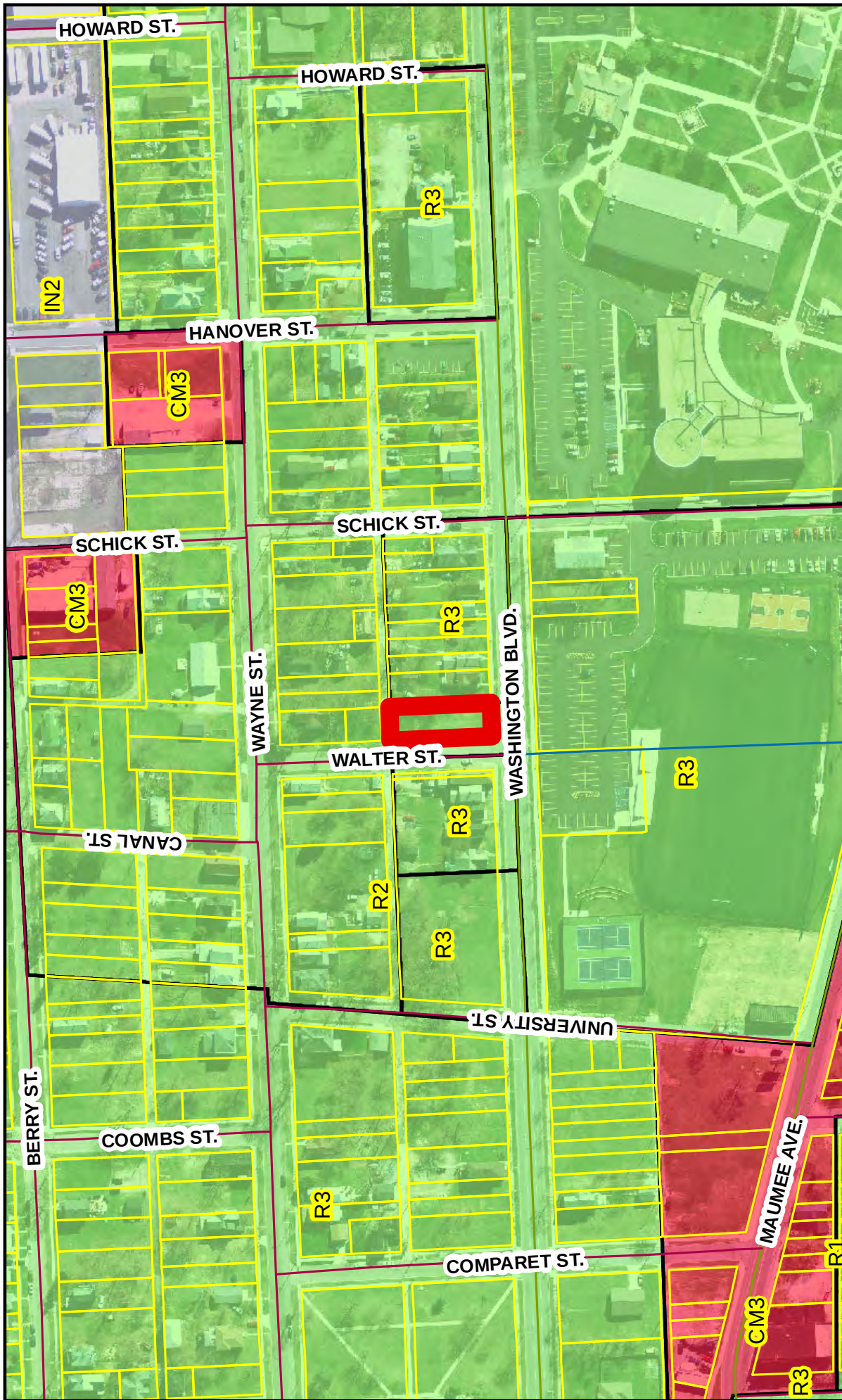
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



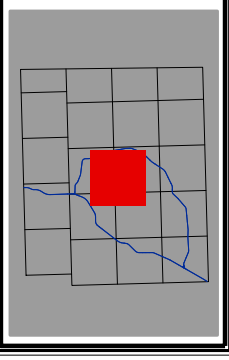
Rezoning Petition 1284/12

Printed: June 18, 2012
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System - Indiana East
 Photos: Spring 2006 / Contours: 1999
 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.



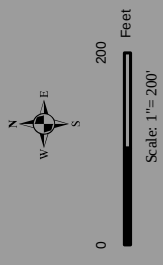


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Rezoning Petition 1284/12

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Department of Planning Services
Rezoning Petition Application

Applicant
Applicant Richard Kriz II
Address PO Box 15158
City Fort Wayne State IN Zip 46885
Telephone 260-423-9551 Fax _____ E-mail _____

Property Ownership
Property Owner Richard Kriz II
Address PO Box 15158
City Fort Wayne State IN Zip 46885
Telephone 260-423-9551 Fax _____ E-mail _____

Contact Person
Contact Person Thomas M. Niezer, Esq. / Barrett & McNagny LLP
Address 215 East Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-9551 Fax 260-423-8920 E-mail tmn@barrettllaw.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 1305 E. Washington Blvd.
Present Zoning R2 Proposed Zoning R3 Acreage to be rezoned .17
Proposed density 3 units _____ units per acre
Township name Wayne Township section # 12
Purpose of rezoning (attach additional page if necessary) See attached Exhibit "A"

Sewer provider City Utilities Water provider City Utilities

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff 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 see attached Exhibit "B"
☐ Rezoning Questionnaire (original and 10 copies) County Rezoning 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.

see attached Exhibit "C"
(printed name of applicant) _____ (signature of applicant) _____ (date) _____

see attached Exhibit "C"
(printed name of property owner) _____ (signature of property owner) _____ (date) _____

see attached Exhibit "C"
(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.
6/6/12	108457	7/9/12	1284/12

June 6, 2012

Via Hand Delivery

Michelle B. Wood, RLA
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802

Mr. Bryan McMillan
Department of Planning Services
Board of Zoning Appeals
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802

Re: 1305 E. Washington Blvd; Rezoning Petition and Applications for Development Standards Variances

Dear Michelle and Bryan:

The undersigned and this law firm serve as counsel to Richard Kriz II. Mr. Kriz owns real property located at 1305 E. Washington Blvd. (the "Real Estate") within the jurisdiction of the City of Fort Wayne Board of Zoning Appeals and City of Fort Wayne Plan Commission. On behalf of Mr. Kriz, we are filing with your office the following materials:

1. Rezoning Petition to rezone the Real Estate from R-2 to R-3;
2. Request for Development Standards Variance to decrease the required onsite parking spaces from six (6) spaces to five (5);
3. Request for Development Standards Variance to require Code 2 landscape and buffering as opposed to Code 3 as required by the City of Fort Wayne Zoning Ordinance;
4. Request for Development Standards Variance to decrease the side yard setback between the east property line of the Real Estate and the proposed structure from fifteen (15) feet to ten (10) feet;
5. Filing fee of \$100 for the Development Standards Variance Applications; and
6. Filing fee of \$300 made payable to the Allen County Treasurer for the Rezoning Petition.

By way of overview, the applicant intends to develop a two story, 2,568 square foot residential structure housing four (4) separate dwelling units. The structure will be setback from E. Washington Blvd. by approximately 25 feet. The intent of the applicant is to market the units within the structure for rent to Indiana Tech graduate and undergraduate students given the Real Estate's proximity to the Indiana Tech campus directly across E. Washington Boulevard and

amidst Indiana Tech's residence hall corridor on the north side of E. Washington Boulevard known as "Warrior Row". The development would include on-site parking accessible from the alley intersecting north of E. Washington Boulevard from Walters Street.

The Real Estate is located in an R-2 two-family residential zoning district; however, the majority of the immediately surrounding uses are zoned R-3 multi-family residential, with some other R-2 two-family residential located to the north.

A. Rezoning Petition

Applicant's Rezoning Petition meets each of the five (5) criteria for rezoning under Indiana Code 36-7-4-603. First, the request is consistent with the Allen County / Fort Wayne Comprehensive Plan. Specifically, the location of the Real Estate is such that granting of this petition will promote infill growth residential use in the result of a development of a lot that has been vacant in a developed residential area for a substantial period of time. Second, the rezoning would allow for development adjacent to existing institutional development and would support the institutional use as providing residences for rent to Indiana Tech undergraduate and graduate students. Finally, with respect to the comprehensive plan, the subject petition is consistent with the plan because public sanitary sewer, public water, public storm drainage and all other utilities are present at the site and will conserve existing utility infrastructure.

Next, with respect to the statutory criteria for pending rezoning, the applicant's proposed R-3 use of the Real Estate is warranted by the current conditions and character of the surrounding uses and structures. Specifically, Indiana Tech has acquired and rezoned a substantial portion of the immediately surrounding East Washington Boulevard corridor for R-3 use. Moreover, and specifically, Indiana Tech's intended development of this area is for its "Warrior Row", which, like the applicant's proposal, house Indiana Tech's graduate and undergraduate students. In this respect, the conditions and character of the surrounding area have changed substantially with Indiana Tech's expansion to the north side of East Washington Boulevard. Next, rezoning the Real Estate to R-3 multi-family residential is the most desirable use of the land. As noted above, the applicant intends to implement a use on the Real Estate consistent with Indiana Tech's extensive series of residence halls on the north side of East Washington Boulevard. Given this development on both the east and west side of the Real Estate, the most desirable use of the land is for a multi-unit rental housing structure which accommodates Indiana Tech graduate and undergraduate students. Next, the instant rezoning petition conserves the adjoining property values. Due to the consistent nature of Indiana Tech's neighboring R-3 student housing use, there will be absolutely no impact on the surrounding property owners, including Indiana Tech, over and above any impact already caused by Indiana Tech's much more intensive R-3 use. Finally, this request satisfies the mandate for responsible growth and development. The Real Estate has been long vacant and undeveloped. This rezoning petition represents an opportunity for infill growth consistent in scope and nature to that which surrounds the Real Estate. This type of consistent infill development represents responsible land use utilization.

B. Development Standards Variances.

In order to develop the Real Estate as the applicant desires, it is necessary that the applicant secure three (3) distinct development standards variances. First, the applicant requires a variance from the fifteen (15) foot side yard setback requirement to ten (10) feet along the east property line of the Real Estate. Next, the applicant requires variance from the Code 3 landscape and buffering requirement to a Code 2 standard. However, the applicant, as part of his application, commits to work with Department of Planning staff to develop a landscape and buffering plan within the Code 2 framework of the Ordinance that is satisfactory to staff and which is consistent with the realities of the applicant's development together with the adjacent Indiana Tech development, landscape and buffering.

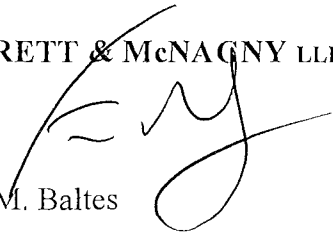
I would ask that the rezoning petition be placed on the City of Fort Wayne's Plan Commission July public hearing schedule and that the development standards variance request be placed on the City of Fort Wayne Board of Zoning Appeals July public hearing schedule.

Tom Niezer and I look forward to working with you on these requests over the coming weeks. Of course, if you require any supplemental documentation or information, please do not hesitate to contact either Tom or I.

Very truly yours,

BARRETT & McNAGNY LLP

Kyle M. Baltes

A handwritten signature in black ink, appearing to be 'K. Baltes', written over the printed name 'Kyle M. Baltes'.

KYL:ahc:930148

enclosures

cc: Richard Kriz II (letter only, via email)
Greg Roberts (letter only, via email)
Thomas M. Niezer, Esq. (letter only, via email)

Exhibit "A"

Applicant's Rezoning Petition meets each of the five (5) criteria for rezoning under Indiana Code 36-7-4-603. First, the request is consistent with the Allen County / Fort Wayne Comprehensive Plan. Specifically, the location of the Real Estate is such that granting of this petition will promote infill growth residential use in the result of a development of a lot that has been vacant in a developed residential area for a substantial period of time. Second, the rezoning would allow for development adjacent to existing institutional development and would support the institutional use as providing residences for rent to Indiana Tech undergraduate and graduate students. Finally, with respect to the comprehensive plan, the subject petition is consistent with the plan because public sanitary sewer, public water, public storm drainage and all other utilities are present at the site and will conserve existing utility infrastructure.

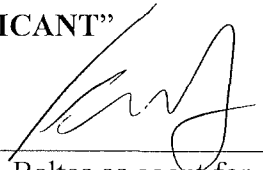
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EXHIBIT "B"

Lot No. 50 in the College Addition to the City of Fort Wayne, according to the recorded plat thereof.

EXHIBIT "C"

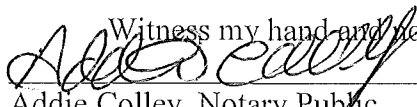
"APPLICANT"



Kyle M. Baltes as agent for
Richard Kriz II

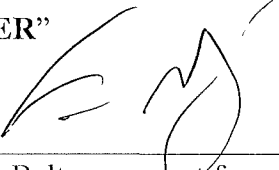
STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared Kyle M. Baltes as agent for Richard Kriz II, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this 6th date of June, 2012.


Addie Colley, Notary Public
My commission expires: July 2, 2016 County of residence: Allen

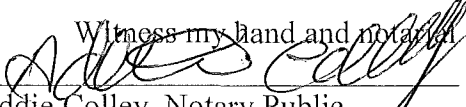
"OWNER"



Kyle M. Baltes as agent for
Richard Kriz II

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared Kyle M. Baltes as agent for Richard Kriz II, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

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