

FACT SHEET

Case #REZ-2016-0064

Bill # Z-15-12-10

Project Start: 22 December 2015

APPLICANT:	ForeSight Consulting, LLC
REQUEST:	To rezone property from C2/Limited Commercial to NC/Neighborhood Center; and approve a primary development plan for a new neighborhood grocery/market, with additional tenant space.
LOCATION:	The site is located on the west side of 3100 block of North Anthony Boulevard, on the north and west sides of the 3100 block of Crescent Avenue, and on the north side of the 1500 block of Vance Avenue. The site is the former location of the Scott's grocery store (Section 25 of Washington Township).
LAND AREA:	Approximately 3.8 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	NC/Neighborhood Center
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Northeast Area Partnership, Northside Neighborhood, Frances Slocum Neighborhood, North Anthony Area
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECTS:	Primary Development Plan, Neighborhood Market
SPONSOR:	City of Fort Wayne Plan Commission

11 January 2016 Public Hearing

- One resident spoke in support at the hearing.
- Four residents spoke in opposition or with concerns at the hearing.
- Connie Haas Zuber, Tom Freistroffer, Justin Shurley were absent.
- Staff recommended Do Pass

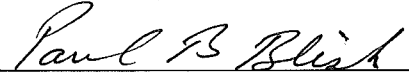
18 January 2016 – Business Meeting

Plan Commission Recommendation: Do Pass w/Written Commitment

- A motion was made by Mike Bynum and seconded by Shan Gunawardena to return the ordinance to Common Council for their final decision. 7-0-1 MOTION PASSED
- Connie Haas Zuber was absent, Tom Freistroffer abstained.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
3 February 2016

Reviewed By:


Paul Blisk, Deputy Land Use Director

PROJECT SUMMARY

- The site was formally a Scott's grocery store, which was closed in 2012 due to building damages beyond repair.

The petitioner requests a rezoning from C2/Limited Commercial to NC/Neighborhood Center to allow for the redevelopment of the site with a larger, two-tenant building. The project site comprises 3.8 acres, which includes the former Scott's grocery store, the detached pharmacy building and Chinese restaurant building. Surrounding uses include commercial/retail businesses to the north along North Anthony, a fire station, gas station, and a Wendy's restaurant across North Anthony, a single family neighborhood to the west with one home adjacent, and Board approved service/office use on Vance Avenue.

While the current C2/Limited Commercial zoning is appropriate for redevelopment of a grocery store and retail uses, there are development standards in the C2 district that would not allow the building size and layout as proposed. The C2 district limits the maximum building size to 22,000 square feet, and is also intended for a single building on a single lot. The proposed structure will be up to 54,400 square feet and include the main grocery and an attached retail tenant. The NC/Neighborhood Center zoning district will accommodate this building size.

The North Anthony corridor north of Vance Avenue has been a commercial/retail area serving the surrounding neighborhoods from many years and has recently received site upgrades, such as new sidewalks, and landscaping to further improve the aesthetics and walkability of the corridor. The NC district is new to the ordinance as of 2014. The purpose of the NC district is to provide areas for the day-to-day shopping needs of the surrounding residential neighborhoods, and the former Scott's grocery store had been a neighborhood store for many years. The new store will provide similar services in a larger footprint, but still at a neighborhood scale. The NC zoning district can be further supported by the following objectives of the Comprehensive Plan:

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;

LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.

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 proposed site plan includes one new 54,400 square foot building, comprised of a 44,900 square foot market/grocery store, and one attached 9,500 square foot retail tenant space. All existing structures on the property will be removed. The building orientation still faces North Anthony, with parking along North Anthony and Vance Avenue frontages. As before, service and delivery will be on the west side of the building, however the new building is closer to the west property line than the original grocery store. At its closest, the new building would be 30 feet from the property line. Within this area, there is proposed a service access, a six-foot high solid board fence, and evergreen trees.

Access points will remain as they are today. The site plan shows new pedestrian connections from the existing sidewalks to the building. Overall landscaping in the form of shade trees and shrubs is provided.

PUBLIC HEARING SUMMARY:

Presenter:

Brad Sturges, representing the future tenant. Mr. Sturges explained that the existing structure cannot be rehabilitated and therefore a new building will be constructed to include the future grocery store tenant and an attached retailer. Because of a non-disclosure agreement, the grocer will not be named at this time. The proposed amenities to be provided include a full deli and butcher, bakery, floral, coffee, prepared foods, beer, wine and liquor and a pharmacy with drive-through. The elevations include an all brick front and windows for natural light. The interior will be in the style of a farmer's market. Mr. Sturges stated that he met with the Northside Neighborhood president and Councilman Jehl. A Plan Commission member stated that there are other neighborhood associations that would have liked to have input.

Comments in Favor:

John Schoede, North Anthony Corridor.

- Still has concerns with the building setbacks.
- 20 to 30 residents raised their hands as in-favor of the request.

Comments in Opposition or Concern:

Dan Wire, Northside Neighborhood. Concerns are:

- CDAP guidelines-encouraging communication with neighborhoods
- Providing desired services of neighbors
- Over-parking
- Crime-graffiti on the side wall of the store
- "Alley" created on the north side of the property
- Use restrictions
- Requested at 30-day deferral.

David Armstrong, property owner in neighborhood.

- Concerned about damage to building
- Curbface walk on Vance is too minimal
- Need bicycle parking
- Concept is good

Scott Rizzo

- What is happening to Chung King restaurant?
- Concerned about setback on north side.

Andrew Hesterman, resident

- Did they consider a 2-story building?

Rebuttal – Brad Sturges:

- Mr. Sturges felt that his meeting with the Northside president was reaching out and didn't feel the project was contentious.
- The Site Plan was designed by experienced engineers and architects and this is the best plan for the grocery store, including the necessary parking to bring this retailer to Fort Wayne.
- Bicycle parking will be provided.
- Chung King leased property. Does not know their future plans.
- A two-story grocery store does not work.
- They are meeting the goals of the CDAP by providing neighborhood scale services.

- They will restrict some uses.
- A delay would hinder the purchase agreement.

Additional information:

- Plan Commission member Judi Wire made a motion to defer the project for 30 days. The motion failed to receive a second and the public hearing was closed.
- A written commitment was submitted restricting the following uses:
 - o Automotive rental (indoor)
 - o Automotive sales (indoor)
 - o Correctional services facility
 - o Group residential facility (large)
 - o Private club
 - o Rescue mission
 - o Treatment center

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant ForeSight Consulting, LLC
Address 1910 St. Joe Center Road, Suite 51
City Fort Wayne State Indiana Zip 46825
Telephone 260.484.9900 Fax 260.484.9980 E-mail todd@4site.biz

Property Ownership
Property Owner Rogers Family Properties, Inc.
Address 521 West Washington Boulevard
City Fort Wayne State Indiana Zip 46802
Telephone 260.423.4376 Fax _____ E-mail _____

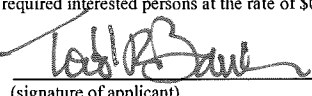
Contact Person
Contact Person ForeSight Consulting, LLC - Todd Bauer
Address 1910 St. Joe Center Road, Suite 51
City Fort Wayne State Indiana Zip 46825
Telephone 260.484.9900 Fax 260.484.9980 E-mail todd@4site.biz

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 3109 North Anthony Boulevard
Present Zoning C2 Proposed Zoning NC Acreage to be rezoned 3.79
Proposed density 1 Unit (54,400 Square Feet) units per acre
Township name Wayne Township section # 25
Purpose of rezoning (attach additional page if necessary) The requested rezoning will allow existing parcel to be redeveloped as a Neighborhood Grocery/Market. The current C2 land use zoning will not accommodate the proposed development.
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 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
☐ 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.

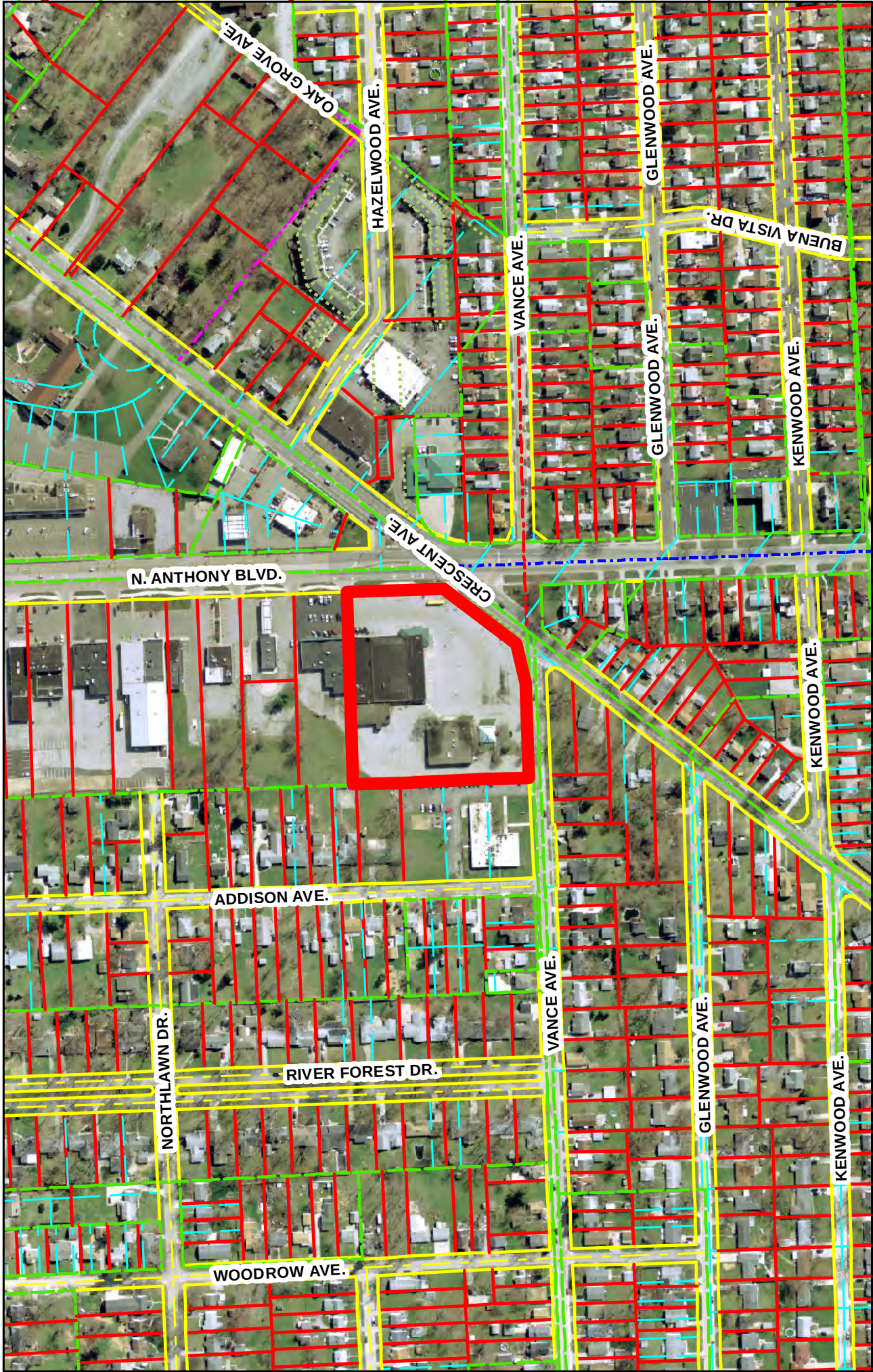
<u>Todd R. Bauer</u> (printed name of applicant)	 (signature of applicant)	<u>12/01/15</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>12/1/15</u>	Receipt No. <u>119672</u>	Hearing Date <u>1/11/16</u>	Petition No. _____
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122-2015-0064



Rezoning Petition REZ-2015-0064 and Primary Development Plan - Proposed Neighborhood Market

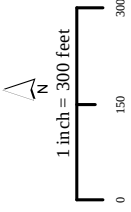


Project boundaries represented by bold colored lines are for representational purposes only.

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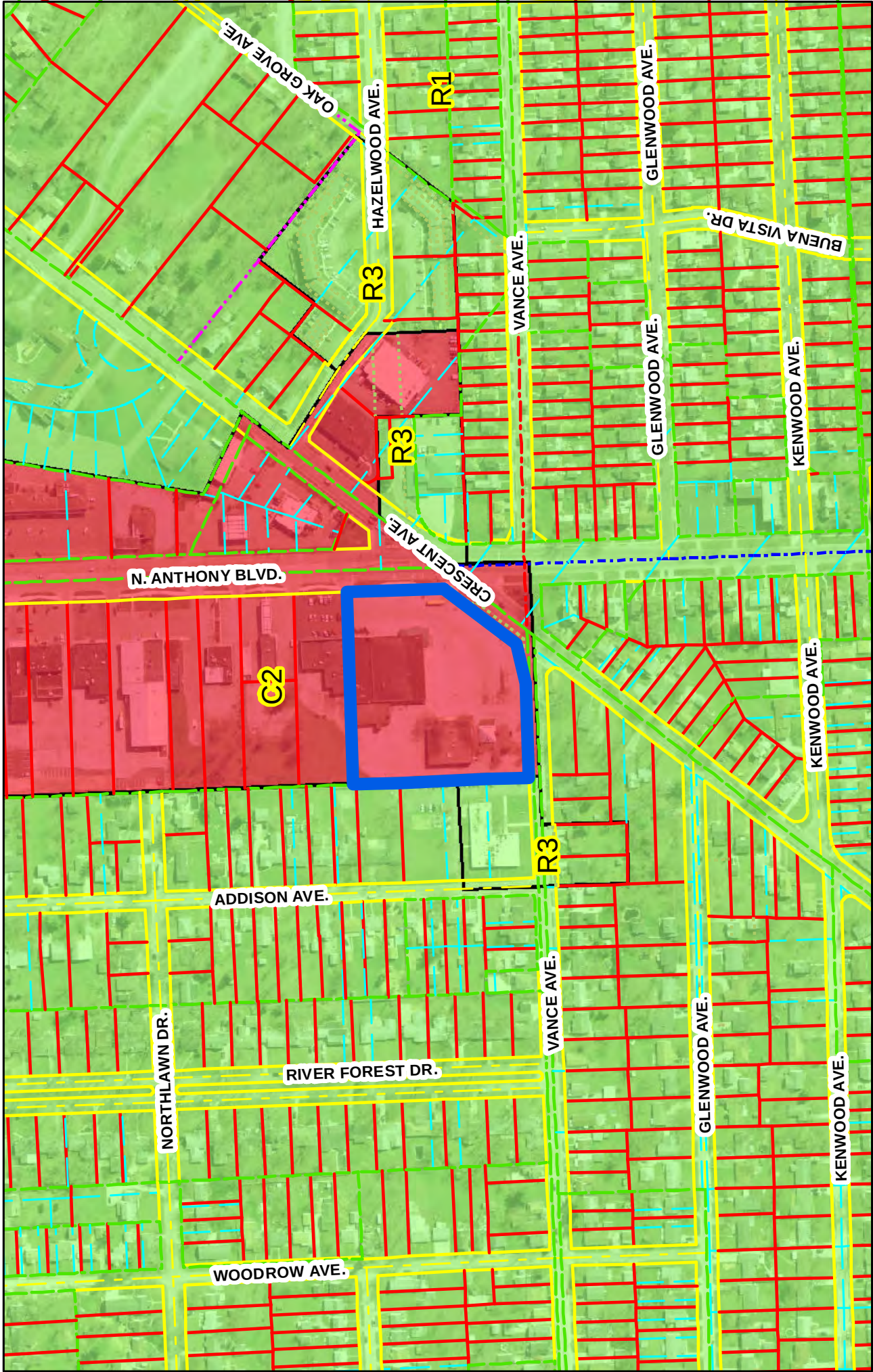
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 12/8/2015





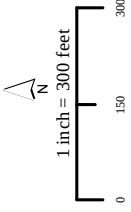
Rezoning Petition REZ-2015-0064 and Primary Development Plan - Proposed Neighborhood Market



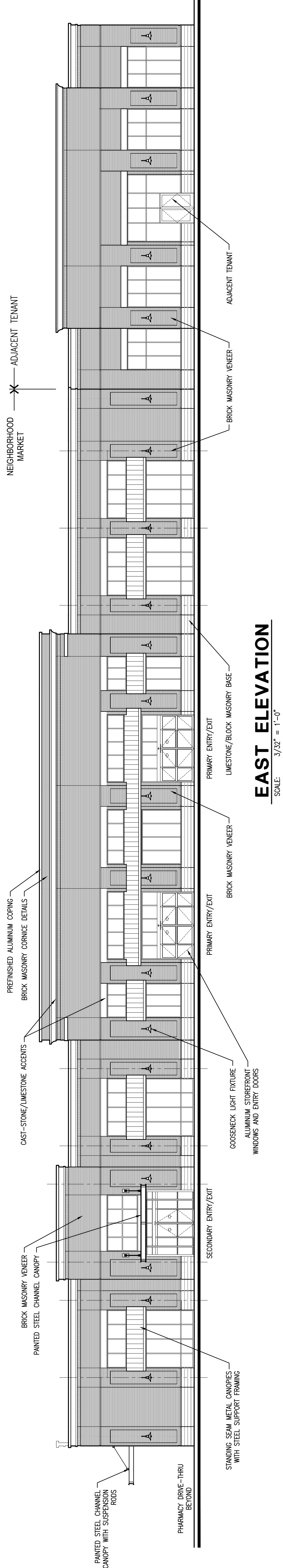
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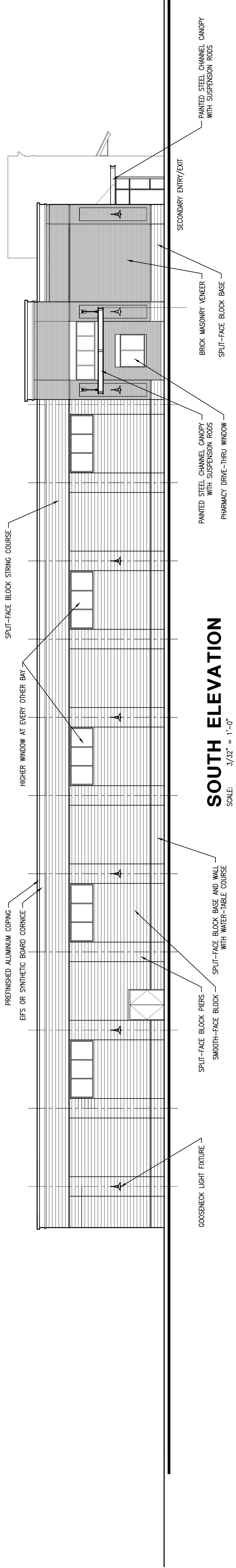


Date: 12/8/2015



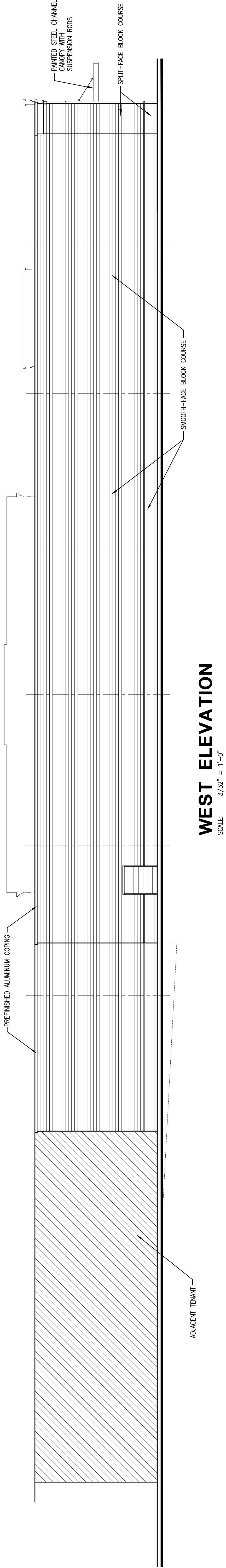
EAST ELEVATION

SCALE: 3/32" = 1'-0"



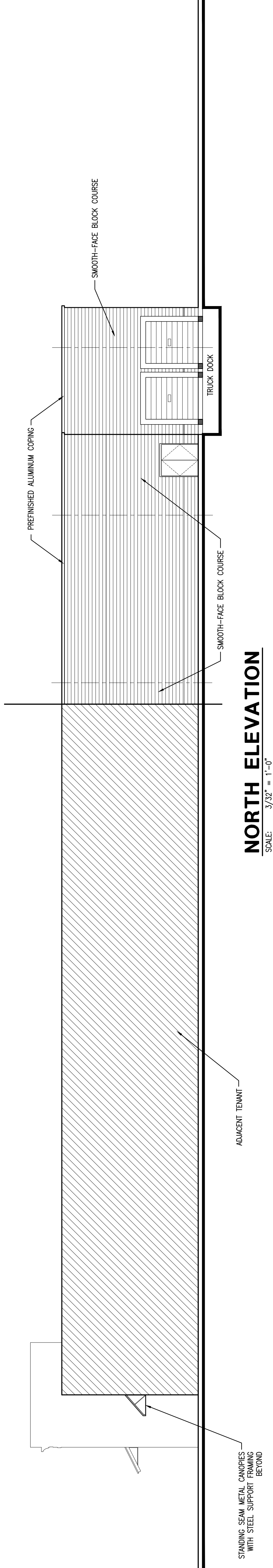
SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



WEST ELEVATION

SCALE: 3/32" = 1'-0"



NORTH ELEVATION

SCALE: 3/32" = 1'-0"

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made by _____ (the “Declarant”), and is made effective as of the date of the approval of the Rezoning Petition.

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 3.8 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (the “Real Estate ”); and

WHEREAS, Declarant has applied for rezoning approval with the Plan Commission, on the Real Estate, which Petition has been approved by the Plan Commission and City Council; and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon Plan Commission’s and City Council approval of the Petition.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. The following uses shall be prohibited upon the Real Estate as permitted in the NC/Neighborhood Center zoning district §157.214:
 - a. ~~Automotive accessory store~~
 - b. Automotive rental (indoor)
 - c. Automotive sales (indoor)
 - d. ~~Blood or Plasma donor facility~~
 - e. ~~Convenience store~~
 - f. Correctional services facility
 - g. Group residential facility (large)
 - h. ~~Parking structure~~
 - i. Private club
 - j. Rescue mission
 - k. ~~Social service agency~~
 - l. Treatment center
2. Maintenance. ~~The Real Estate, and any parking lot or landscaping located thereon, shall be maintained in good order and repair so as to cause the least possible amount of interference, inconvenience or annoyance to any adjacent owner of residential property.~~
3. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator of City of Fort Wayne (“Zoning Administrator”) and

the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.

4. Enforcement. Any violation of this Commitment shall be deemed a violation of the Zoning Ordinance; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the Zoning Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated in the Zoning Ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The Plan Commission enforcement rights are cumulative, not exclusive.
5. Amendment or Termination. This Commitment may be modified or terminated in accordance with the Zoning Ordinance and I.C. 36-7-4-1015, as they may be amended from time-to-time.
6. Effective Date. This Commitment shall be deemed effective upon the Commitment being duly recorded in the Office of the Recorder of Allen County, Indiana.
7. Statutory Authority. This Commitment is pursuant to I.C. 36-7-4-1015.
8. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
9. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

“DECLARANT”

OWNER

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of July 2015, personally appeared _____, owner of _____ and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

Pursuant to IC 36-2-11-15(d): I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Prepared by:

When recorded, return to: Department of Planning Services

EXHIBIT “A”
LEGAL DESCRIPTION