

FACT SHEET

Case #REZ-2016-0016

Bill # Z-16-05-22

Project Start: 24 May 2016

APPLICANT:	Scott Investors, LLC
REQUEST:	To rezone property for a new medical office building
LOCATION:	9823 Auburn Road
LAND AREA:	Approximately 1.0 acre
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Northwest Area Partnership, Estates of Sandy Pointe
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECTS:	Primary Development Plan, Auburn Road Medical Office Building Restaurant
SPONSOR:	City of Fort Wayne Plan Commission

13 June 2016 Public Hearing

- No one spoke in support at the hearing.
- One resident spoke at the hearing in opposition.
- One resident spoke at the hearing with concerns.
- Don Schmidt, Mike Bultemeier, Justin Shirley and Judi Wire were absent.
- Staff recommended Do Pass.

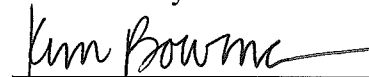
13 June 2016 – Business Meeting

Plan Commission Recommendation: Do Pass with a Written Commitment

- A motion was made by Mike Bynum and seconded by Billy Davenport to return the ordinance to Common Council for their final decision. 5-0 MOTION PASSED
- Don Schmidt, Mike Bultemeier, Justin Shirley and Judi Wire were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
16 June 2016

Reviewed By:



Kim Bowman, Executive Land Use Director

PROJECT SUMMARY

The petitioner requests to rezone property from AR/Low Intensity Residential to C1/Professional Office and Personal Services for the development of a new 3,500 square foot medical office building. The property is on the fringe of the existing commercial and office developments along the Auburn Road corridor.

The property is currently vacant and was historically a single family home site. The Auburn Road corridor has developed with commercial and medical related uses predominately north of the Interstate 469 exit. However in 2011 the property immediately east of this site was rezoned to C1 for a new dental office. The properties to the north were rezoned and developed as a shopping center with a mixture of professional office and retail buildings. The balance of the corridor north of the Interstate 469 exit on the east side of Auburn Road has developed with medical related offices and Dupont Hospital. The property immediately west is a single family home in the Sandy Pointe subdivision. The property immediately south of the proposed development is a metes and bounds single family home site.

The proposed zoning district can be supported by the Comprehensive Plan in that it will offer infill development and investment in the area. The proposal will provide additional medical office space within close proximity to other services and neighborhoods. The comprehensive plan supports this development through the following objectives:

LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

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

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The medical office building is proposed to be approximately 3,500 square feet. The applicant is proposing one access to the site from Auburn Road with no internal connections to adjacent properties because the adjacent properties are already developed. Adjacent developments include single family homes to south and west, professional office building to the north and a dental office to the east. The development plan proposal meets all applicable parking requirements. The development meets all applicable setbacks and height requirements for the C1 zoning district. There are no waiver requests proposed as part of this development plan request.

Stormwater detention will be provided in a new basin on the west side of the development and will outfall into the Swift Drain which traverses this development site along the north property line. The proposed conceptual landscape plan submitted does not meet the required screening and buffering plan required. The applicant has not submitted a waiver request to modify the required landscaping requirement of the Ordinance. Screening and buffering is required to meet the B-1 code standard which requires a mixture of shade trees and large shrub buffer along the west and south property lines, and parking lot landscaping which requires a mixture of shrubs and trees. The Ordinance limits the height for all fixtures and requires full cut-off design. No major development issues were identified by reviewing agencies.

PUBLIC HEARING SUMMARY:

Presenter:

Diana Parent, on behalf of Scott Investor, LLC, presented the request as outlined above in the project summary.

Comments in Favor:

None

Comments in Opposition:

- Katherine Cooper, board member of Sandy Pointe Homeowner's Association, referenced a letter from SDJJ, LLC, owner of the rental property west of this property. She cited as concerns: turn lane on Auburn, lighting, wetland south of the property, spot zoning.

Comments of Concern:

- Jim Stelle, owner of a commercial property on Auburn Road, expressed concern that his property was required to hook into Auburn Park Drive, rather than access Auburn Road directly, while this property has direct access to Auburn Road.

Rebuttal:

Ms. Parent confirmed that there will be no lighting on the west side of the building and only safety lighting over the door on the north side of the building. Site lighting will be 10 feet or less. This is not "spot zoning", as it is immediately adjacent to other commercial zoning. The wetland referenced is not on this development. As to access, this property does not have frontage on another road, only Auburn Road. The City of Fort Wayne purchased Auburn Park Drive and has made it a public street, thus providing a public access point for Mr. Stelle's property.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2016-0016

APPLICANT: Scott Investors, LLC
REQUEST: To rezone property from AR/Low Intensity Residential to C1/Professional Office and Personal Services; and approve a primary plan for a new medical office building.
LOCATION: The proposed site is located on the west side of the 9800 block of Auburn Road, just south of ResCare (Section 6 of St. Joseph Township).
LAND AREA: Approximately 1 acre
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2016-0016, be returned to Council with a "Do Pass" recommendation for the following reasons:

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 general area has seen a mixture of land developments from professional offices and shopping center development to single family residential land uses. This proposal will provide for the development of additional medical office space without the need for new infrastructure improvements.
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. Site plan review from the Plan Commission and staff will ensure a compatible development that complements the area.
3. Approval is consistent with the preservation of property values in the area. This proposal allows for the existing business to expand and provide services in the northwest 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 indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on June 13, 2016.



Michael Bultemeier
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Scott Investors, LLC
Address 409 E. Cook Rd., Ste. 300
City Fort Wayne State IN Zip 46825
Telephone 260-489-8500 E-mail diana.parent@svn.com

Contact Person
Contact Person Diana Parent
Address 409 E. Cook Rd., Ste. 300
City Fort Wayne State IN Zip 46825
Telephone 260-489-8500 E-mail diana.parent@svn.com

All staff correspondence will be sent only to the designated contact person.

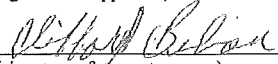
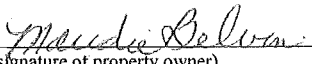
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 9823 Auburn Road, Fort Wayne, IN 46825
Present Zoning AR Proposed Zoning C1 Acreage to be rezoned 1.00 acres
Proposed density _____ units per acre
Township name St. Joseph Township section # 6
Purpose of rezoning (attach additional page if necessary) Medical Office

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

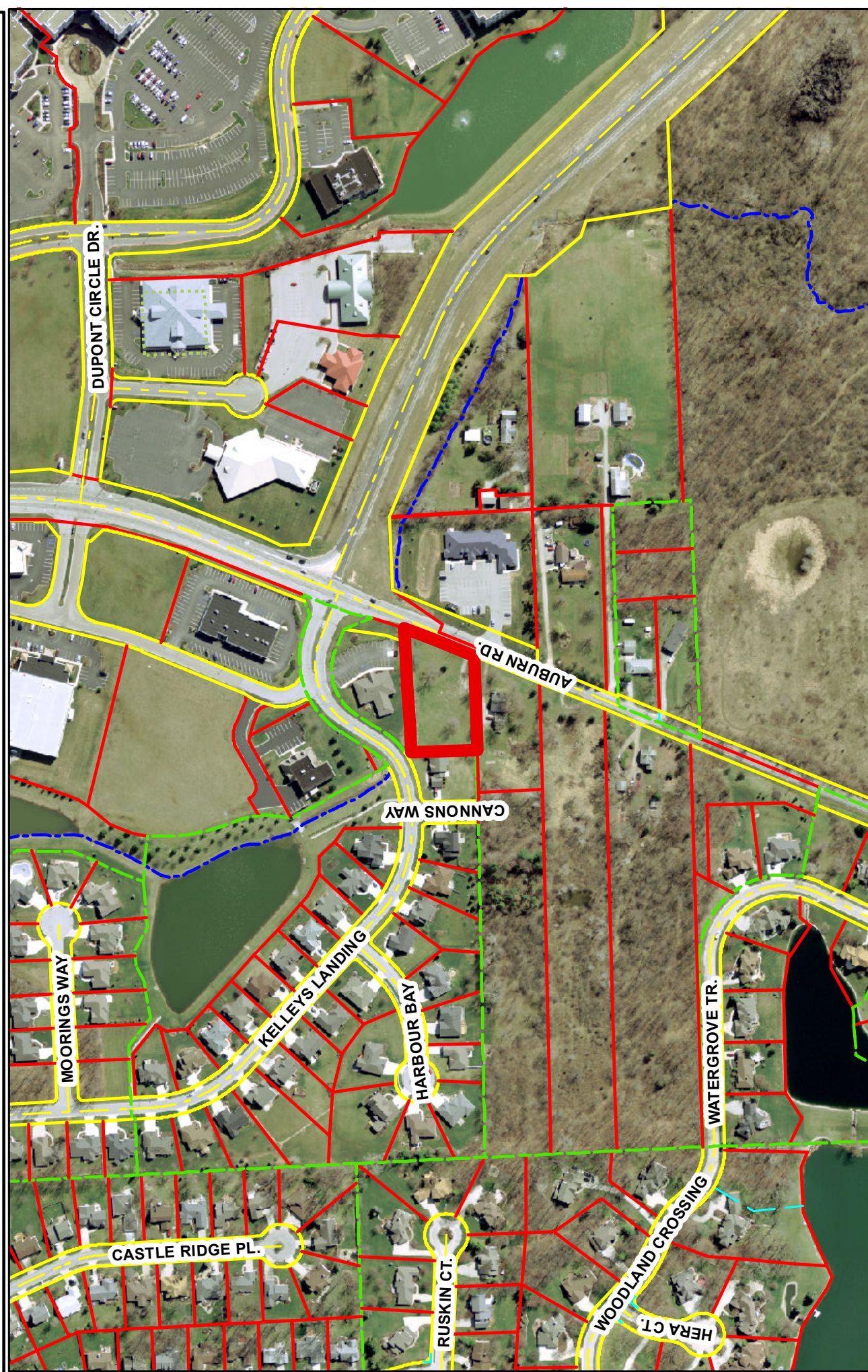
Filing Requirements
*Applications will not be accepted unless the following filing requirements are submitted with this application.
Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- ☒ 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 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>Diana Parent</u> (printed name of applicant)	 (signature of applicant)	<u>5/2/16</u> (date)
<u>Clifford Belvin</u> (printed name of property owner)	 (signature of property owner)	<u>5/2/16</u> (date)
<u>Maude Belvin</u> (printed name of property owner)	 (signature of property owner)	<u>5/2/16</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>5-3-16</u>	<u>120698</u>	<u>6-13-16</u>	<u>REZ-2016-0016</u>

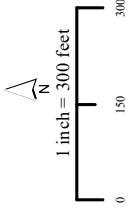


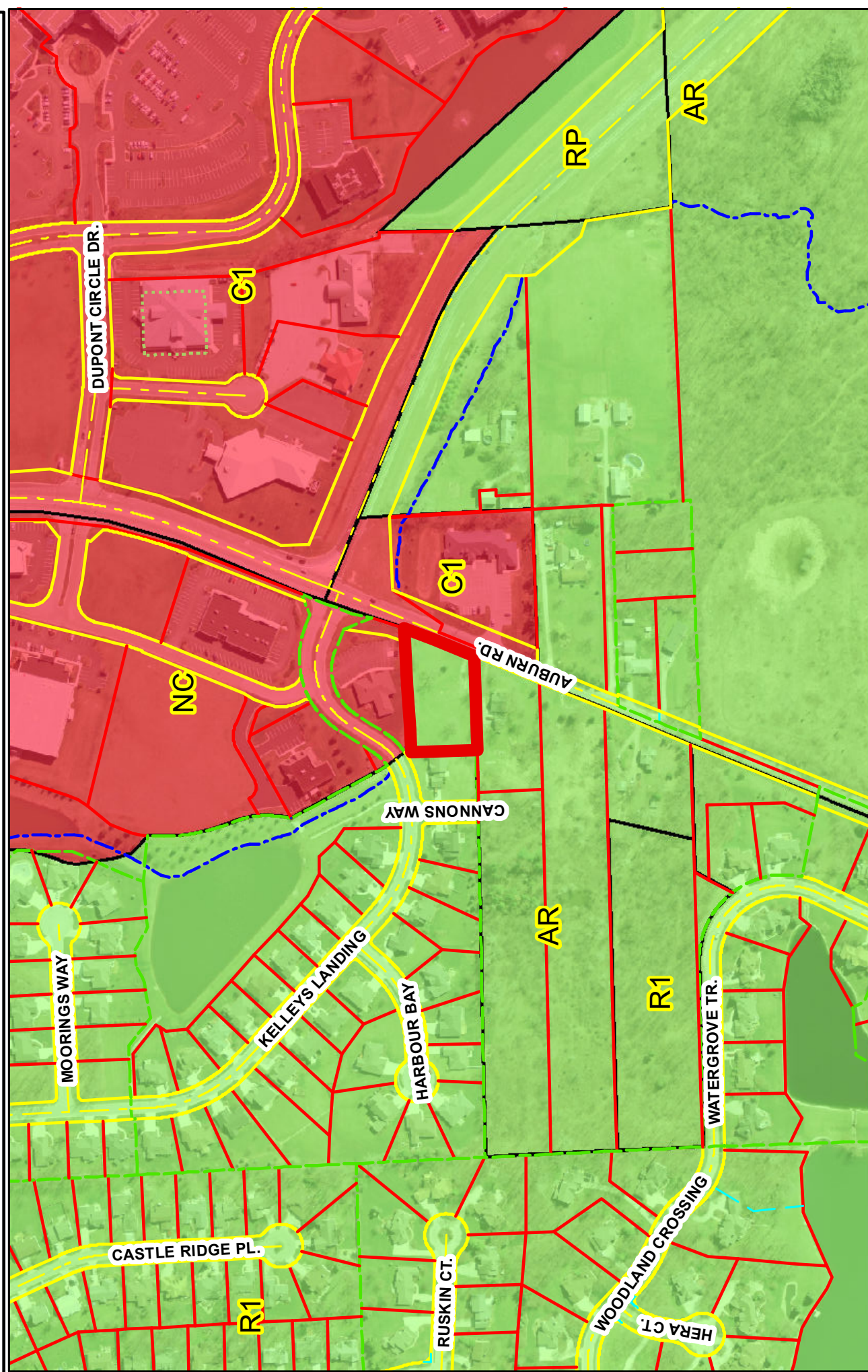
Project boundaries represented by bold colored lines are for representational purposes only.

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: 5/17/2016



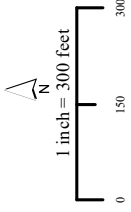


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Photos and Contours: Spring 2009

Date: 5/17/2016



EAST DUPONT ROAD
N 85° 17' 00" E, Sec. 6,
T 21 S, R 12 E
(See Mon. Plat.)

Primary Development Plan:

Auburn Road Medical Office Building

Developer:
Scott Investors, LLC
409 East Cook Road, Suite 300
Fort Wayne, IN 46825
Tel: 260/489-8500

Surveyor - Planner:
Sauer Land Surveying, Inc.
14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300

RECORD DESCRIPTION: (as described in Commitment File Number 15-5566)

Part of the Northwest Quarter of Section 6, Township 31 North, Range 13 East, of the Second Principal Meridian, Allen County, Indiana, described as follows:

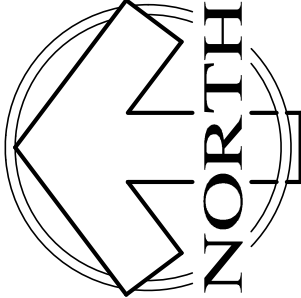
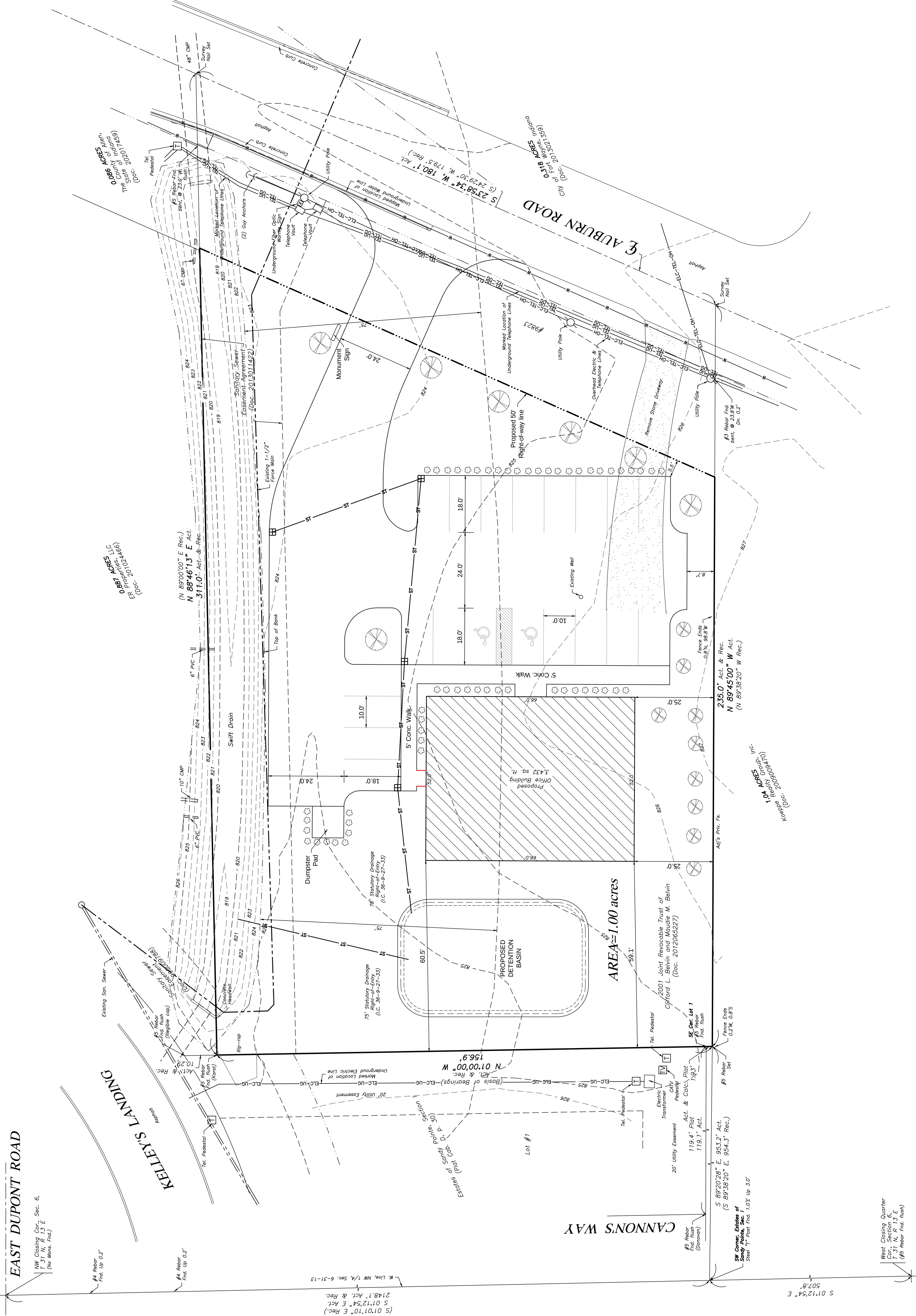
Commencing at the Northwest corner of the Northwest Quarter of said Section 6; thence South 01 degrees 01 minutes 10 seconds East (assumed bearing), along the West line of the Northwest Quarter of said section 6, a distance of 2148.1 feet; thence South 89 degrees 38 minutes 20 seconds East, 952.3 feet to the point of beginning; thence North 01 degrees 00 minutes 00 seconds West 156.9 feet to the centerline of a ditch; thence North 89 degrees 00 minutes 00 seconds East, said ditch, 311.0 feet to the centerline of the Old Auburn Road as presently established; thence South 24 degrees 09 minutes 30 seconds west, along said Road centerline, 179.5 feet; thence North 89 degrees 38 minutes 20 seconds West, 235.0 feet to the point of beginning, containing 1.00 acre, more or less.

Utility Providers

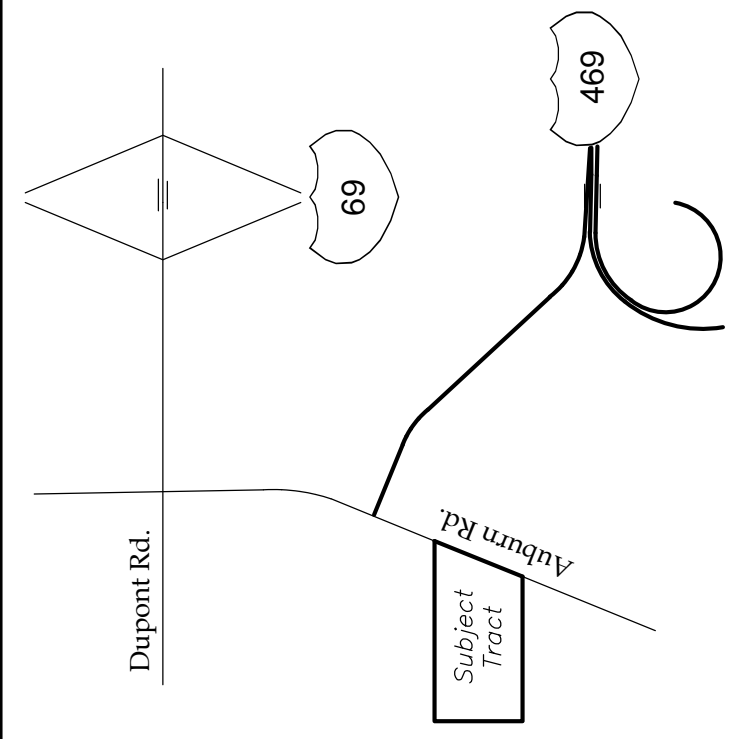
Gas: NIPSCO (800) 464-7726
Water: City of Fort Wayne (260) 427-1160
Wastewater: City of Fort Wayne (260) 427-1160
Electricity: Fort Wayne Electric Dept. (800) 311-4634
Telephone: Frontier (877) 600-1572
Cable TV: Comcast (260) 456-9000

IUPPS Ticket No. 1603162137

Beginning Benchmark:
INDOT CORS Base Station RCTM0009, located at INDOT Fort Wayne,
5333 Hatfield Road, Fort Wayne, IN
Base Station Elev.=861.919 [NAVD83]



Location Map



SDJJ, LLC
2002 Kelley's Landing
Fort Wayne, Indiana 46825

June 13, 2016

The City of Fort Wayne Plan Commission
c/o Department of Planning Services
Suite 150, Citizens Square
200 east Berry Street
Fort Wayne, Indiana 46802

Hand Delivered (9:00 a.m.)

Re: Rezoning Petition REZ-2016-0016 9823 Auburn Road and Primary Development Plan
PDP-2016-0018-Auburn Road Medical Office

Dear Plan Commission Members:

I am responding to the request for comments regarding the proposed project referenced above. We own the residence located at 2002 Kelley's Landing which is directly west and adjacent to the proposed project. After carefully reviewing the information available, we oppose the rezoning of this residential parcel for the reasons stated below.

Comprehensive Plan References Do Not Support This Proposed Project

The Staff Report states that the Comprehensive Plan supports this proposed project through the following objectives and then references LU1, LU3 and LU8 with a cursory explanation of each. LU1 states that carefully planned growth should be encouraged through the use of the Conceptual Development Map. Although LU1 is stated in general terms that would support almost any project, a close reading reveals that growth should be "carefully planned". We did not locate any information in the materials that considered the abundance of developed (and vacant) and undeveloped sites already zoned for this use and located to the east both at the Dupont Hospital site as well as the Parkview Health Systems site (and adjacent areas). To further emphasize this point, our understanding is the proposed project is being construction on "spec" which we understand to mean that there is no current request for this proposed project. For this reason and the reasons below, it does not appear that this is carefully planned growth and is not supported by LU1.

The Staff Report references LU3 which refers to using land resources efficiently by encouraging development in areas already served by infrastructure. As state above, there are an abundance of other sites available that, if used by this project, would clearly be a more efficient use of infrastructure.

The Staff report references LU8 which references using land resources efficiently by encouraging compact development in "infill" areas. This site is hardly considered an "infill" area and map referenced

in the Comprehensive Plan does not designate the site as an "infill" area. It is difficult to see how LU1's reference to "carefully planned" growth could be satisfied when this site is not an infill area.

Comprehensive Plan Objective Supporting Denial of the Proposed Project

Although the Staff Report contains references purportedly supporting the proposed development, it fails to mention an important Comprehensive Plan objective which clearly does not support this proposed project. LU7 states that growth should be encouraged by conserving natural features and environmentally sensitive land. The area to the west and south of this site is potentially environmentally sensitive land. Indeed, much of the south portion of our lot retains water throughout the year. In addition, the parcel to the south and west of the proposed site contains natural growth and a large water retention area with abundant wildlife. LU8 encourages the use of alternate sites.

It is not difficult to envision these areas as "wetlands". **Before this project proceeds further, we would insist that a qualified wetland consultant approved by the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management be retained to determine the impact of the proposed project on these areas.** It should be noted that pursuant to the Indiana Department of Environmental Management, there need not be standing water on property to be considered a "wetland". LU8 supports this path and any proposed development should comply with both state and federal laws.

Spot Zoning

Although there is a comparable use to the north of the site, this use is a natural extension which ends at the Swift Drain. By allowing the continued development along the west side of Auburn Road and south of the Swift drain, approval of the rezoning would appear to be more of a "spot zoning" approval. There is no other nearby zoning south of the Swift drain comparable to that requested by the applicant and unless this request is denied it is easy to see requests for additional approvals proceeding south along Auburn Road essentially eliminating residential use. It seems as the Swift drain would be a natural end point for this type of zoning with parcels south of the Swift drain retaining residential use and zoning.

Traffic

It is clear that this section of Fort Wayne has seen recent expansive growth. Anyone who travels Auburn Road virtually any time of the day and especially at peak rush hours is aware of the traffic congestion and dangerous conditions created by this traffic. In addition, an Interstate 69 exit funnels into Auburn Road near this site. The proposed project appears to show ingress and egress from the site directly to Auburn Road. There are also school buses which routinely use Auburn Road past this site. It is not difficult to imagine a high degree of risk of some type of accident related to this site based on traffic congestion as well as the curvature of Auburn Road. That same risk is not present to the same degree at the site to the north because the ingress and egress is not directly to Auburn Road. We think

decrease the foot print of the improvements and corresponding required parking spaces thereby decreasing water runoff and displacement.

Conclusion

For the reasons stated above, we respectfully request that the members of the Plan Commission do not support this rezoning request. In particular, we are deeply concerned about the environmental issues stated above especially because there appear to be less oppressive alternatives that comply with the Comprehensive Plan. If the members of the Plan Commission elect to support this request, then we respectfully request that the applicant collaborate with us to enter into reasonable written commitments which address our concerns based on the proximity of this site to 2002 Kelley's Landing.

Thank you for the opportunity to share our concerns and being good stewards of our community resources.

Sincerely,

Janet Bean (on behalf of SDJJ, LLC)