

FACT SHEET

Case #REZ-2017-0055

Bill # Z-17-11-21

Project Start: 28 November 2017

APPLICANT:	Peter Bobeck
REQUEST:	To rezone property from R1/Single Family Residential to C2/Limited Commercial; and approve a development plan for a single building commercial development.
LOCATION:	The site is located on the east side of the 1900 block of Getz Road. The address of the subject property is 1907 Getz Road (Section 7 of Wayne Township).
LAND AREA:	Approximately 1 acre
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Primary Development Plan, 1907 Getz Road Commercial Development
SPONSOR:	City of Fort Wayne Plan Commission

11 December 2017 Public Hearing

- No one spoke at the hearing in favor.
- One neighbor spoke at the hearing in opposition.
- Staff recommended Do Pass with a Written Commitment.
- Mike Bynum and Billy Davenport were absent.

18 December 2017 – Business Meeting

Plan Commission Recommendation: DO NOT PASS

A motion was made by Judi Wire and seconded by Paul Sauerteig to return the ordinance with a Do Not Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Billy Davenport and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
4 January 2018

Reviewed by:



Kimberly R. Bowman
Executive Land Use Director

PROJECT SUMMARY

The petitioner is proposing to rezone property for the construction of a new 3,000 square foot retail/restaurant. The properties surrounding the site include mostly residential uses of mixed densities and professional offices. The proposal to rezone the property to C2/Limited Commercial would permit the proposed retail/restaurant building. The Getz Road corridor has seen a mix of uses develop, including apartments, professional offices, churches and more intensive commercial at the north and south ends of the corridor.

The proposed zoning district could be supported by the Comprehensive Plan in that it would offer infill development and investment in the area. The proposal could provide additional retail/restaurant opportunities in the southwest quadrant within close proximity to other services and neighborhoods. Staff recommended that the applicant submit a Written Commitment to restrict certain uses that could be incompatible with the surrounding residential uses. There was also concern over the proposal of a public signal coming into a private development. The proposal provides a connection to the adjacent apartment complex, but does not propose to eliminate the existing access south of the signal. Staff and Site Committee had concern over this design. A Written Commitment with a list of prohibited uses was offered to the applicant for review, however the uses of most concern to Plan Commission were requested to remain by the applicant.

PUBLIC HEARING SUMMARY:

Presenter: Peter Bobeck presented the proposal to the Plan Commission.

Comments in Favor:

None.

Questions or Comments in Opposition:

Corinne Tessman voiced concerns over traffic, what kind of commercial uses would be allowed, impacts on neighbors, and how Getz would be improved by the City.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2017-0055

APPLICANT:	Peter Bobeck
REQUEST:	To rezone property from R1/Single Family Residential to C2/Limited Commercial for a for a single building commercial development.
LOCATION:	The site is located on the east side of the 1900 block of Getz Road. The address of the subject property is 1907 Getz Road (Section 7 of Wayne Township).
LAND AREA:	Approximately 1 acre
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2017-0055 be returned to Council with a “Do Not Pass” recommendation for the following reasons:

1. Approval of the rezoning request will not be in substantial compliance with City of Fort Wayne Comprehensive Plan, and may establish an undesirable precedent in the area. The Getz Road corridor, from Maurane Drive to the Meijer shopping center remains a mixture of residential developments with churches and public service facilities. Inserting an unknown commercial/retail development in the middle of this predominately residential area would not be compatible with the surrounding land uses. If the property is rezoned to C2, additional development pressure may occur on neighboring parcels for more intensive uses.
2. Approval of the request may have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The existing residentially zoned properties along the corridor are mostly still being used as single family homes with some low-intensive personal service uses approved within some of the homes. The change to C2 zoning, with the allowance of a variety of commercial and retail uses could increase the type and amount of activity taking place along the Getz Road corridor. Increased parking, lighting, noise, and traffic will be other impacts on the neighborhood. New commercial development should encompass larger tracts of land to allow for a comprehensive plan, rather than a single tract development.
3. Approval may not be consistent with the preservation of property values in the area. The surrounding uses are residential and service- or worship-oriented, with mostly indoor activity and daytime traffic. This proposal would encourage traffic at all hours and activity could take place outside with the potential for outdoor eating areas, drive-thru lanes, and other nuisances that would adversely impact neighboring properties. This will be a substantial change in how the property is currently used. The applicant was directed to work on submitting a written commitment that restricted the more intensive commercial uses in the C2 district. Staff prepared a written commitment that restricted those uses. The applicant requested that several of the more intensive uses remain as permitted uses.
4. Approval is not consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The proposal includes utilizing a new city-funded public traffic signal to access a private development. Furthermore, the new access will not replace the existing commercial access just south of the intersection. There has been no apparent coordination with City traffic planning to show that this access plan is safe or desired by the City.

These findings approved by the Fort Wayne Plan Commission on December 18, 2017.

A handwritten signature in black ink, reading "Kimberly Bowman", followed by a horizontal line.

Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Peter Bobeck
Address 3333 West Hamilton Rd.
City Fort Wayne State IN Zip 46804
Telephone 260 348-1204 E-mail Peterbobeck@gmail.com

Contact Person
Contact Person Peter Bobeck
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

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 1907 Getz Road
Present Zoning R1 Proposed Zoning C2 Acreage to be rezoned 1.014 acres
Proposed density _____ units per acre
Township name Wayne Township section # _____
Purpose of rezoning (attach additional page if necessary) See Attached
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>Peter Bobeck</u> (printed name of applicant)	<u>Peter Bobeck</u> (signature of applicant)	<u>11-6-17</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	Receipt No.	Hearing Date	Petition No.
11/7/17	125606	12/11/17	Rez-2017-0055

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant Peter Bobeck
Address 3333 West Hamilton Rd.
City Fort Wayne State IN Zip 46804
Telephone 260 348-1204 E-mail Peter.bobek@gmail.com

Contact Person
Contact Person Peter Bobeck
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

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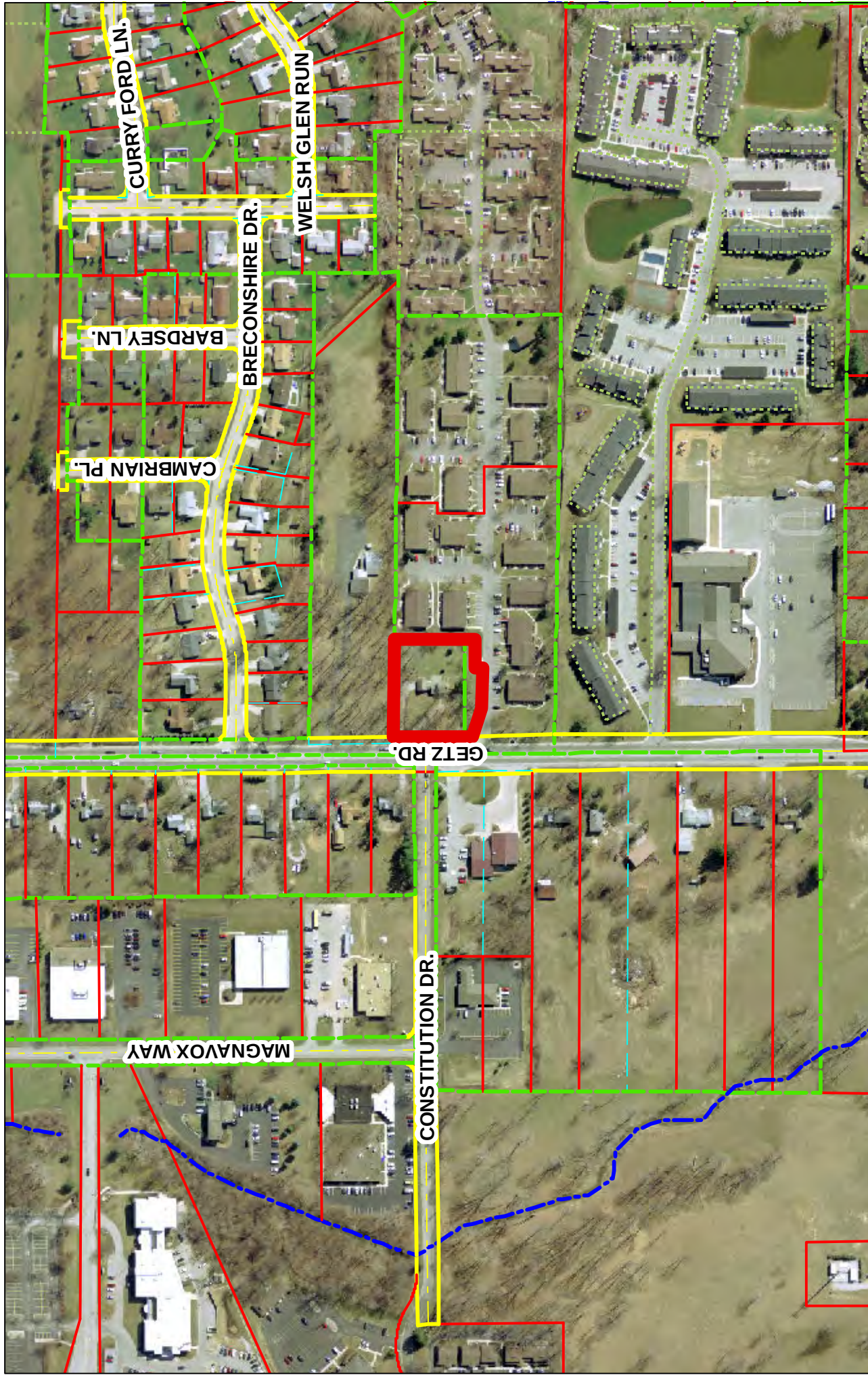
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Peter Bobeck [Signature] 11-6-17
(printed name of applicant) (signature of applicant) (date)
SIX STAR DEVELOPMENT, LLC [Signature] 11-2-17
THOMAS C. CHRONISTER (signature of property owner) (date)
(printed name of property owner)

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

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

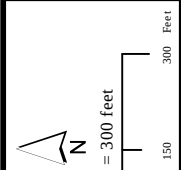
Received	Receipt No.	Hearing Date	Payment No.

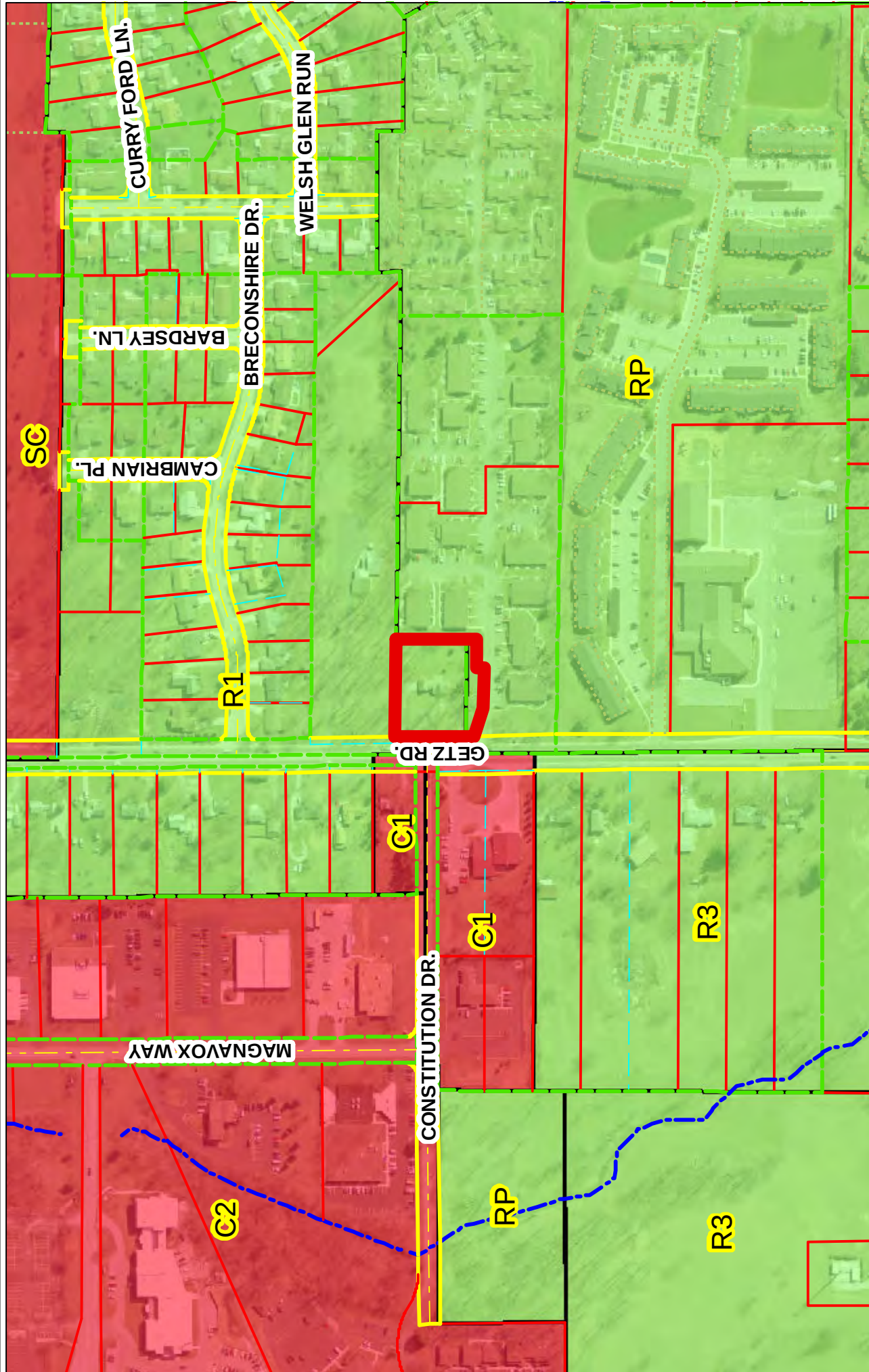


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/17/2017

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1 inch = 300 feet



