

# City of Fort Wayne Common Council

## DIGEST SHEET

---

### Department of Planning Services

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2019-0040  
Bill Number: Z-19-06-17  
Council District: 4-Jason Arp

---

Introduction Date: June 25, 2019

Plan Commission  
Public Hearing Date: July 8, 2019 (not heard by Council)

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

---

Synopsis of Ordinance: To rezone approximately 4.864 acres from R1/Single Family Residential and RP/Multiple Family Residential to C2/Limited Commercial.

Location: 9019 and 9100 Illinois Road

Reason for Request: To redevelop the property with commercial uses to serve a proposed residential development.

Applicant: BHI Senior Living, Inc. dba The Town House

Property Owner: BHI Senior Living, Inc. dba The Town House

---

Related Petitions: Primary Development Plan, Prairie Landing

---

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which will allow a variety of retail and office uses.

Effect of Non-Passage: The property will remain zoned residentially which will not allow commercial uses.

**#REZ-2019-0040**

**BILL NO. Z-19-06-17**

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. AA-02 (Sec. 11 of Aboite 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 C2 (Limited  
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort  
Wayne, Indiana:

Part of the Northwest Quarter of Section 11, Township 30 North, Range 11 East,  
Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 11,  
Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees  
10 minutes 28 seconds East (based on INDOT plan bearings for State Road No.14  
project) along the North line of the Northwest Quarter of Section 11 a distance of  
1217.8 feet; thence South 00 degrees 47 minutes 35 seconds west a distance of 59.63  
feet to a point on the South right of way line of State Road No.14 (Illinois Road),  
said point being the POINT OF BEGINNING; thence South 89 degrees 13 minutes  
27 seconds East along said right of way line a distance of 111.43 feet; thence South  
89 degrees 53 minutes 34 seconds East along said right of way line a distance of  
242.2 feet; thence South 87 degrees 21 minutes 35 seconds East along said right of  
way line a distance of 406.67 feet to a point on the East line of a tract of land  
conveyed to BHI Retirement Communities, Inc. as recorded in Document  
2017010332 in the Office of the Recorder of Allen County, Indiana; thence South 00  
degrees 51 minutes 59 seconds West along said BHI Retirement Communities, Inc.  
tract a distance of 289.52 feet; thence North 89 degrees 15 minutes 28 seconds West  
a distance of 509.7 feet; thence north 00 degrees 47 minutes 35 seconds East a  
distance of 60.0 feet; thence North 89 degrees 15 minutes 28 seconds West a  
distance of 250.0 feet; thence North 00 degrees 47 minutes 35 seconds East a  
distance of 240.37 feet to the Point of Beginning, containing 4.864 acres.

1 and the symbols of the City of Fort Wayne Zoning Map No. AA-02 (Sec. 11 of Aboite  
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
3 Wayne, Indiana is hereby changed accordingly.  
4

5 SECTION 2. If a written commitment is a condition of the Plan Commission's  
6 recommendation for the adoption of the rezoning, or if a written commitment is modified and  
7 approved by the Common Council as part of the zone map amendment, that written  
8 commitment is hereby approved and is hereby incorporated by reference.  
9

10 SECTION 3. That this Ordinance shall be in full force and effect from and after its  
11 passage and approval by the Mayor.  
12

13 \_\_\_\_\_  
14 Council Member

15 APPROVED AS TO FORM AND LEGALITY:

16 \_\_\_\_\_  
17 Carol T. Helton, City Attorney  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
Applicant BHI Senior Living, Inc. d/b/a The Towne House  
Address 2209 St. Joe Center Road  
City Fort Wayne State IN Zip 46825  
Telephone 260-969-8000 E-mail dcarr@bhiseniorliving.org

**Contact Person**  
Contact Person Thomas M. Niezer, Esq.  
Address 215 East Berry Street  
City Fort Wayne State IN Zip 46802  
Telephone (260) 423-8898 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 9019 & 9100 Illinois Road  
Present Zoning RP/R1 Proposed Zoning C2 Acreage to be rezoned 4.864  
Proposed density n/a units per acre  
Township name Aboite Township section # 11  
Purpose of rezoning (attach additional page if necessary) \_\_\_\_\_  
Rezoning of Illinois Road frontage portion of property from RP and R1 to C2 to be developed  
with businesses serving residential development to be constructed on southern RP portion of property.  
Sewer provider Aqua 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 Rezonings 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 A  
(printed name of applicant) \_\_\_\_\_ (signature of applicant) \_\_\_\_\_ (date) \_\_\_\_\_

See attached Exhibit A  
(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.
6-4-2019	130696	7-11-2019	REZ-2019-0040

**EXHIBIT A**  
**Signature Page**

**OWNER & APPLICANT:**

BHI SENIOR LIVING, INC.,  
an Indiana nonprofit corporation

By: 

Name: B. Daniel Carr

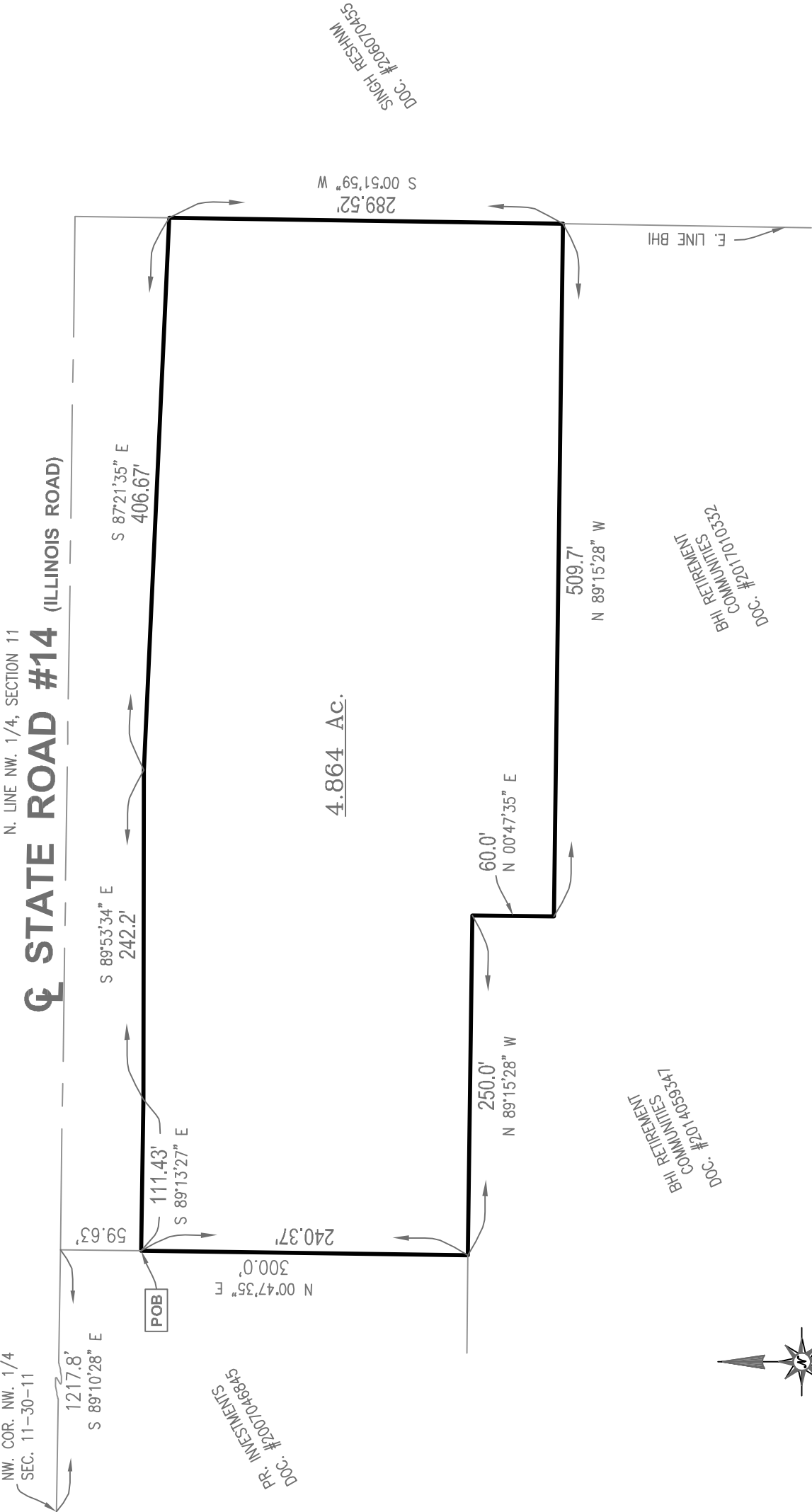
Its: Vice President Operations

Date: 5/31/19

LEGAL DESCRIPTION:

Part of the Northwest Quarter of Section 11, Township 30 North, Range 11 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 11, Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees 10 minutes 28 seconds East (based on INDOT plan bearings for State Road No.14 project) along the North line of the Northwest Quarter of Section 11 a distance of 1217.8 feet; thence South 00 degrees 47 minutes 35 seconds west a distance of 59.63 feet to a point on the South right of way line of State Road No.14 (Illinois Road), said point being the POINT OF BEGINNING; thence South 89 degrees 13 minutes 27 seconds East along said right of way line a distance of 111.43 feet; thence South 89 degrees 53 minutes 34 seconds East along said right of way line a distance of 242.2 feet; thence South 87 degrees 21 minutes 35 seconds East along said right of way line a distance of 406.67 feet to a point on the East line of a tract of land conveyed to BHI Retirement Communities, Inc. as recorded in Document 2017010332 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 51 minutes 59 seconds West along said BHI Retirement Communities, Inc. tract a distance of 289.52 feet; thence North 89 degrees 15 minutes 28 seconds West a distance of 509.7 feet; thence north 00 degrees 47 minutes 35 seconds East a distance of 60.0 feet; thence North 89 degrees 15 minutes 28 seconds West a distance of 250.0 feet; thence North 00 degrees 47 minutes 35 seconds East a distance of 240.37 feet to the Point of Beginning, containing 4.864 acres.



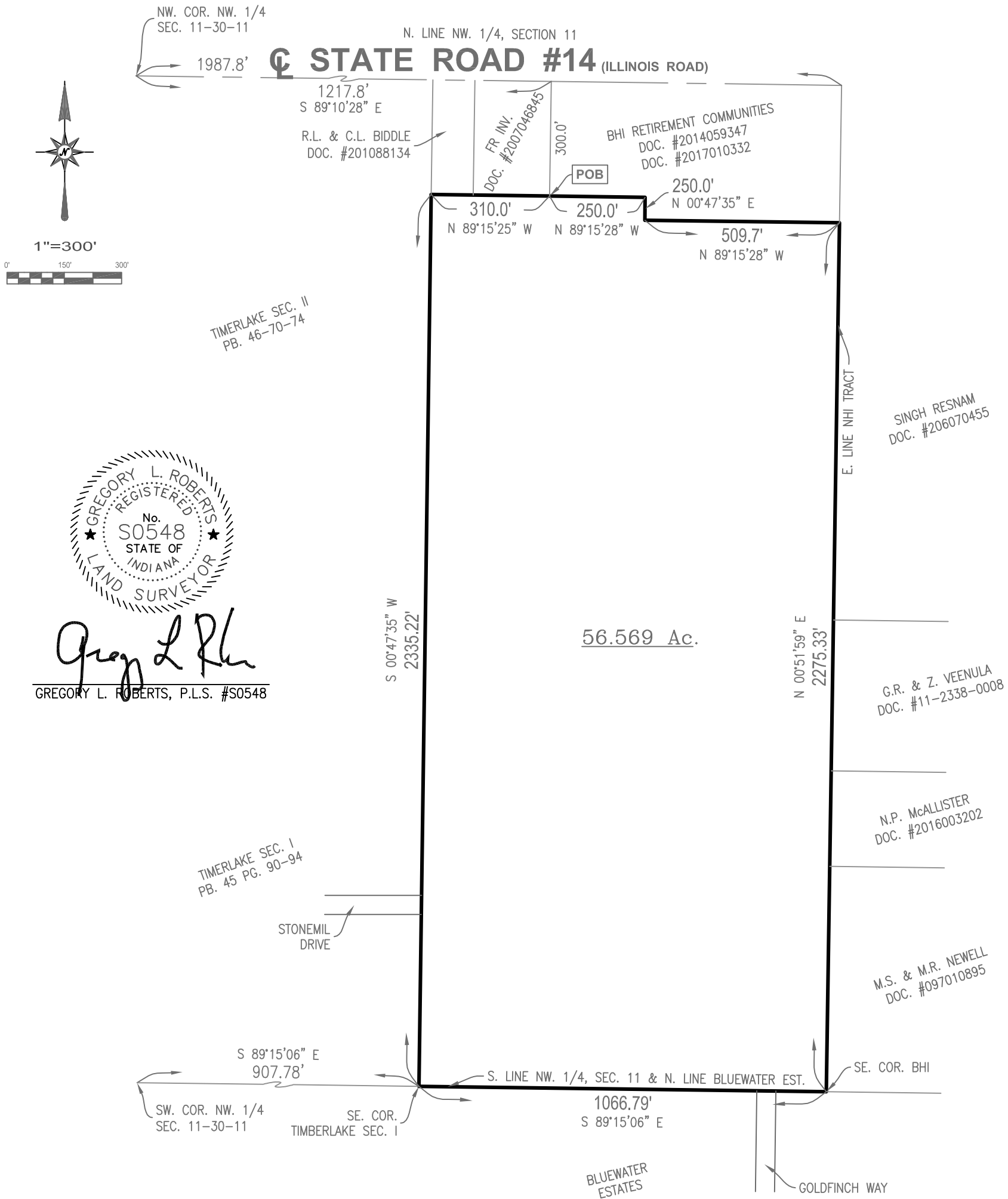
*Greg L Roberts*  
GREGORY L. ROBERTS, P.L.S. #S0548

© 2018 DONOVAN ENGINEERING, INC.. ALL RIGHTS RESERVED



REVISIONS			
NO.	DATE	DESCRIPTION	BY

ZONING SKETCH			SHEET
STATE ROAD #14 FORT WAYNE, INDIANA		SCALE: 1"=100'	1
BHI			OF 1



## LEGAL DESCRIPTION:

Part of the Northwest Quarter of Section 11, Township 30 North, Range 11 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 11, Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees 10 minutes 28 seconds East (based on INDOT plan bearing for State Road No 14 project) along the North line of the Northwest Quarter of Section 11 a distance of 1217.8 feet; thence South 00 degrees 47 minutes 35 seconds West a distance of 300.0 feet to the POINT OF BEGINNING; thence North 89 degrees 15 minutes 25 seconds West a distance of 310.0 feet to a point on the East line of the Plat of Timberlake, Section "II" as recorded in Plat Record 46, pages 70-74 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 47 minutes 35 seconds West along the East line of Plat of Timberlake, Section "I" and Section "II" a distance of 2335.22 feet to the Southeast corner of the Plat of Timberlake Section "I" as recorded in Plat Record 45, pages 90-94, said point being 907.78 feet East of the Southwest corner of the Northwest Quarter of Section 11; thence South 89 degrees 15 minutes 06 seconds East along the South line of the Northwest Quarter of Section 11 a distance of 1066.79 feet to the Southeast corner of a tract of land conveyed to BHI Retirement Communities, Inc. as recorded in Document 2017010332 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 51 minutes 59 seconds East along said BHI Retirement Communities, Inc. tract a distance of 2275.33 feet; thence North 89 degrees 15 minutes 28 seconds West a distance of 509.7 feet; thence North 00 degrees 47 minutes 35 seconds East a distance of 60.0 feet; thence North 89 degrees 15 minutes 28 seconds West a distance of 250.0 feet to the point of beginning, containing 56.569 acres.

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief, was executed according to the survey requirements set forth in 865 IAC 1-12.

© 2018 DONOVAN ENGINEERING, INC., ALL RIGHTS RESERVED



REVISIONS			
NO.	DATE	DESCRIPTION	BY

## ZONING SKETCH - RP

STATE ROAD #14  
FORT WAYNE, INDIANA

SCALE:

1"=300'

DATE:

6-4-19

SHEET

1

OF

1

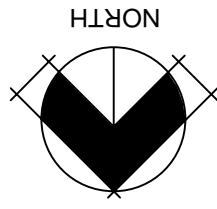
**BHI**



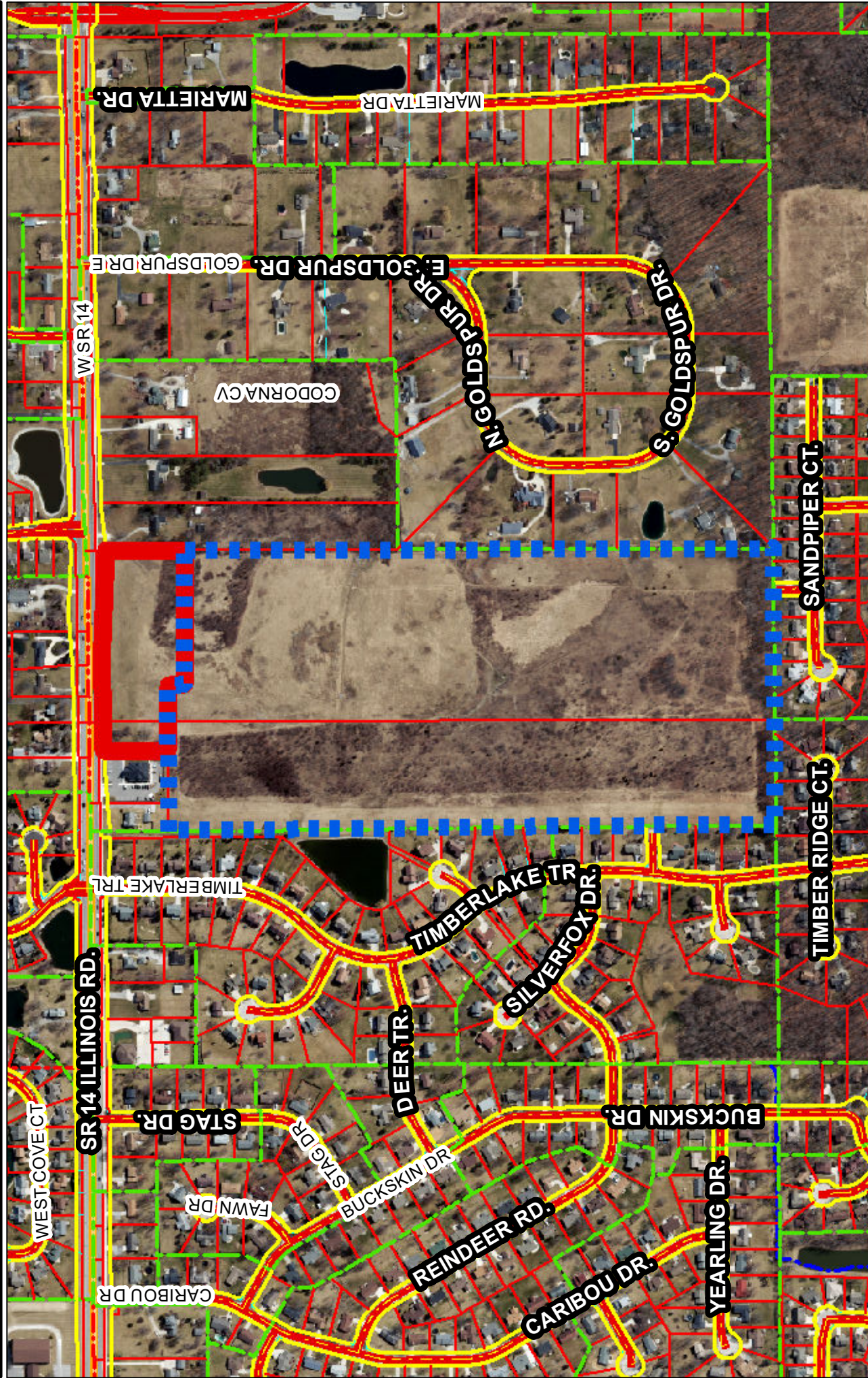


PROPOSED SITE PLAN

1" = 100'-0"







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: 6/17/2019



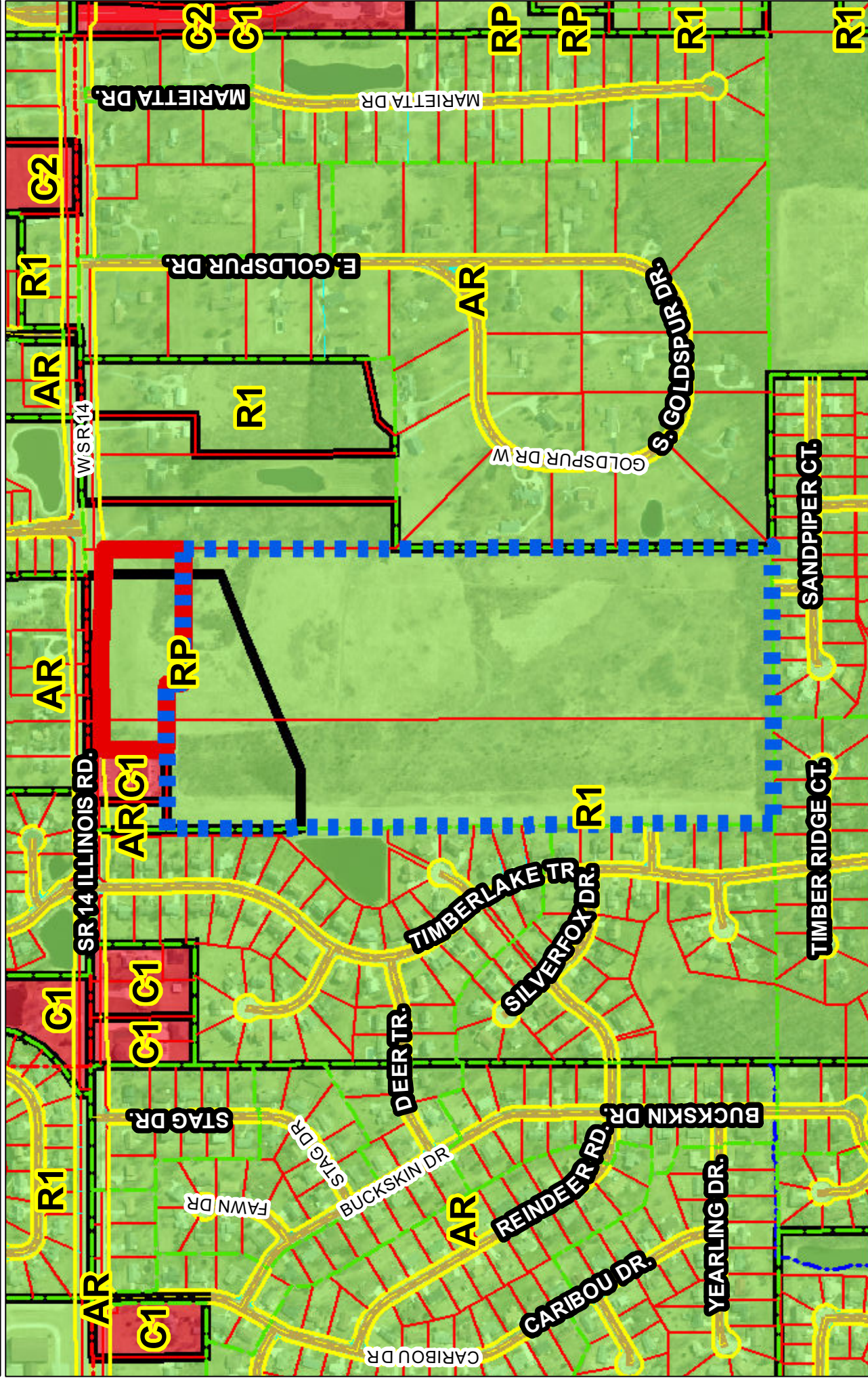
1 inch = 500 feet







Rezoning Petitions REZ-2019-0040 and REZ-2019-0041 and Primary Development Plan - PDP-2019-0033 - Prairie Landing



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.

North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 6/17/2019



1 inch = 500 feet

