

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0035
Bill Number: Z-19-06-14
Council District: 3-Tim Didier

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 1.00 acre from I2/General Industrial to R2/Two Family Residential.

Location: 2128 Lakeview Drive

Reason for Request: To allow an existing home to be compliant with the zoning ordinance.

Applicant: James D. Smith

Property Owner: James D. Smith

Related Petitions: none

Effect of Passage: Property will be rezoned to the R2/Two Family Residential zoning district, which will bring the current use on the property into compliance with the zoning ordinance.

Effect of Non-Passage: The property will remain zoned industrial and the existing use will continue to be non-conforming. The applicant cannot refinance the property with the current zoning.

1 **#REZ-2019-0035**

2 **BILL NO. Z-19-06-14**

3
4 **ZONING MAP ORDINANCE NO. Z-_____**

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. I-14 (Sec. 33 of Wayne Township)**

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9
10 SECTION 1. That the area described as follows is hereby designated an R2 (Two-Family
11 Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
12 Wayne, Indiana:

13 Part of the Southeast Quarter of Section 33, Township 31 North, Range 12 East,
14 Allen County, Indiana, described as follows:

15 Starting on the West line of the right of way of the former Grand Rapids and Indiana
16 Railroad at a point situated 290 feet normally distant South of the North line of said
17 Southeast Quarter of Section 33, to a 5/8 inch rebar stake at the Northeast corner of
18 of the .058 acre tract described in Document Number 202022953; thence South 14
19 degrees 10 minutes 50 seconds East along the aforesaid right of way line, 95 feet to a
20 mag nail at the Southeast corner of said 0.58 acre tract; thence North 90 degrees 00
21 minutes 00 seconds West, 132.19 feet along said South line to a 5/8 inch rebar stake
22 which shall be the Place of Beginning; thence South 14 degrees 34 minutes 04
23 seconds East, 80 feet to a 5/8 inch rebar stake; thence South 00 degrees 22 minutes
24 36 seconds East, 52.52 feet to a 5/8 inch rebar stake; thence South 86 degrees 50
25 minutes 31 seconds West, 115.03 feet; thence North 00 degrees 02 minutes 00
26 seconds East, 136.28 feet to the South line of said 0.58 acre tract; thence South 90
27 degrees 00 minutes 00 seconds East, 94.31 feet along said South line to the Place of
28 Beginning.

29 Together with the right of ingress and egress over the following described tract:
30 Starting on the West line of the right of way of the former Grand Rapids and Indiana
 Railroad at a point situated 290 feet normally distant South of the North line of said
 Southeast Quarter of Section 33, also being the Northeast corner of the 3.16 acre
 tract described in Document Number 80-26424, thence Southeasterly, along the
 aforesaid right of way line, 52 feet to the Place of Beginning; thence continuing
 Southeasterly 43 feet along said right of way line; thence Westerly, deflecting right

1 104 degrees 10 minutes 05 seconds, 239 feet parallel with the North line of said 3.16
2 acre tract; thence Northerly, deflecting right 90 degrees 02 minutes 00 seconds, 49
3 feet parallel with the West line of said 3.16 acre tract; thence Northwesternly,
4 deflecting left 58 degrees 44 minutes 30 seconds, 34.87 feet; thence Westerly,
5 deflecting left 31 degrees 17 minutes 30 seconds, 130 feet, parallel with the North
6 line of said 3.16 acre tract, to the West line of said 3.16 acre tract; thence Northerly,
7 deflecting right 90 degrees 02 minutes 00 seconds, 25 feet along said West line to the
8 Northwest corner of said 3.16 acre tract; thence Easterly, deflecting right 89 degrees
9 58 minutes 00 seconds, 185.00 feet along the North line of said 3.16 acre tract;
10 Thence Southerly, deflecting right 90 degrees 02 minutes 00 seconds, 40 feet,
11 parallel with the West line of said 3.16 acre tract; thence Southeasterly, deflecting
12 left 71 degrees 01 minutes 49 seconds, 32 feet to a point on the North line of an
13 existing asphalt driveway; thence Easterly, 173.08 feet along said North line to the
14 Place of Beginning.

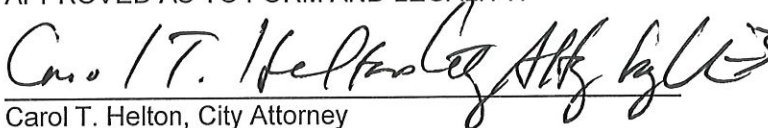
15 and the symbols of the City of Fort Wayne Zoning Map No. I-14 (Sec. 33 of Wayne
16 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
17 Wayne, Indiana is hereby changed accordingly.

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

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

24 _____
25 Council Member

26 APPROVED AS TO FORM AND LEGALITY:

27 
28 Carol T. Helton, City Attorney

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant James D Smith
Address 2128 LAKEVIEW DR
City FT WAYNE State IN Zip 46808
Telephone 260-414-1237 E-mail CAKSMART3322@yahoo.com

Contact Person
Contact Person James D Smith
Address 2128 LAKEVIEW DR
City FT WAYNE State IN Zip 46808
Telephone 260-414-1237 E-mail CAKSMART3322@yahoo.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 2128 LAKEVIEW DR
Present Zoning Res Proposed Zoning Residential R2 Acreage to be rezoned 1
☒ Proposed density NA units per acre
☒ Township name WAYNE Township section # 12
Purpose of rezoning (attach additional page if necessary) REFINANCE HOUSE
Sewer provider City Water provider City

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.

James D Smith [Signature] 5/28/19
(printed name of applicant) (signature of applicant) (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.
<u>5-29-19</u>	<u>130605</u>	<u>July 8, 19</u>	<u>REZ-2019-0035</u>

LEGAL DESCRIPTION

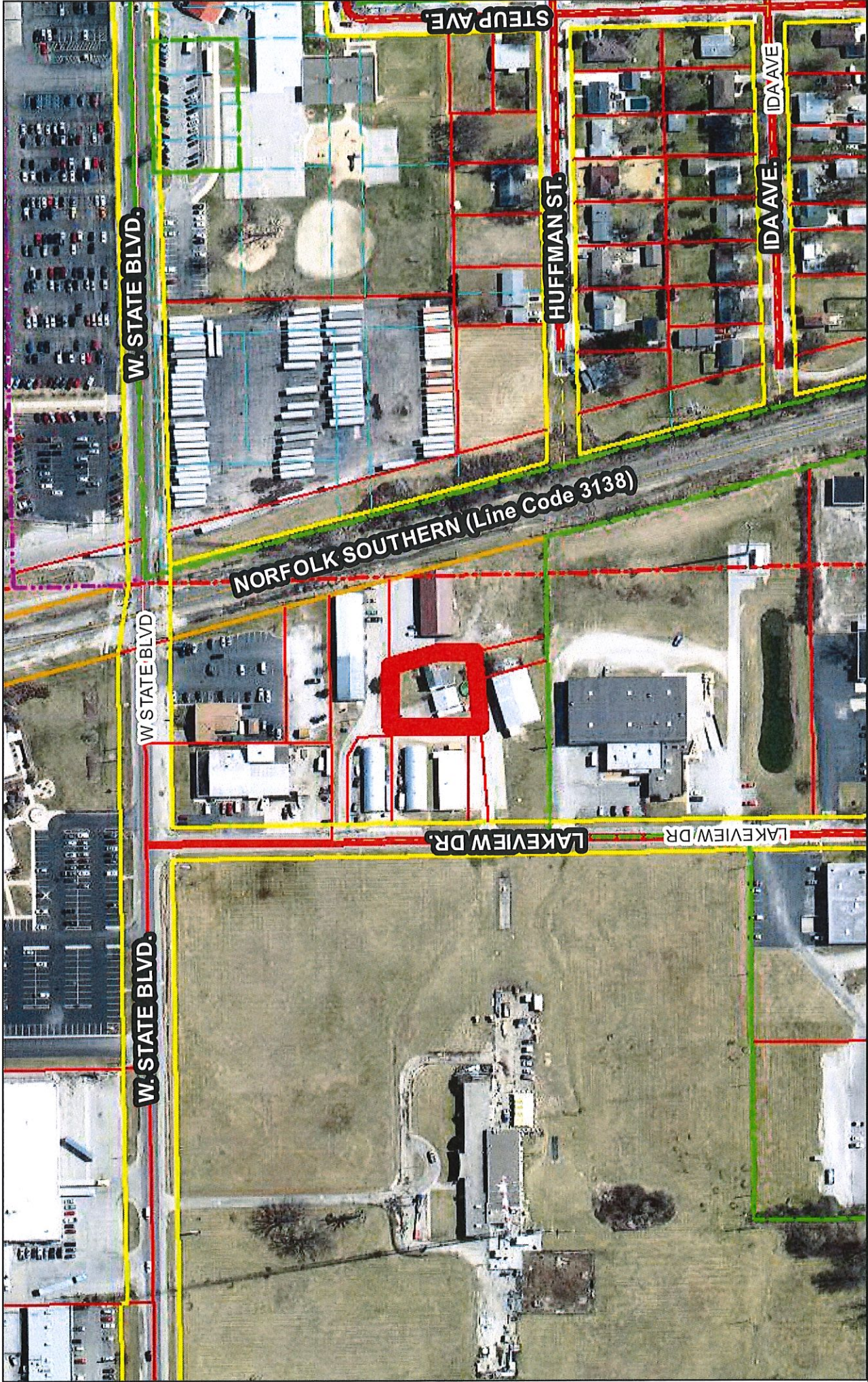
Part of the Southeast Quarter of Section 33, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Starting on the West line of the right-of-way of the former Grand Rapids and Indiana Railroad at a point situated 290 feet normally distant South of the North line of said Southeast Quarter of Section 33, to a 5/8" rebar stake at the Northeast corner of the 0.58 acre tract described in Document Number 202022959; thence South 14 degrees 10 minutes 50 seconds East along the aforesaid right-of-way line, 95.00 feet to a mag nail at the Southeast corner of said 0.58 tract; thence North 90 degrees 00 minutes 00 seconds West, 132.19 feet along said South line to a 5/8" rebar stake which shall be the Place of Beginning; thence South 14 degrees 34 minutes 04 seconds East, 80.00 feet to a 5/8" rebar stake; thence South 00 degrees 22 minutes 36 seconds East, 52.52 feet to a 5/8" rebar stake; thence South 86 degrees 50 minutes 31 seconds West, 115.03 feet; thence North 00 degrees 02 minutes 00 seconds East, 136.28 feet to the South line of said 0.58 acre tract; thence South 90 degrees 00 minutes 00 seconds East, 94.31 feet along said South line to the Place of Beginning.

Together with the right of ingress and egress over the following described tract:

Starting on the West line of the right-of-way of the former Grand Rapids and Indiana Railroad at a point situated 290 feet normally distant South of the North line of said Southeast Quarter of Section 33, also being the Northeast corner of the 3.16 acre tract described in Document Number 80-26424, thence Southeasterly, along the aforesaid right-of-way line, 52.00 feet to the place of beginning; thence continuing Southeasterly 43.00 feet along said right-of-way line; thence Westerly, deflecting right 104 degrees 10 minutes 05 seconds, 239.00 feet parallel with the North line of said 3.16 acre tract; thence Northerly, deflecting right 90 degrees 02 minutes 00 seconds, 49.00 feet parallel with the West line of said 3.16 acre tract; thence Northwesterly, deflecting left 58 degrees 44 minutes 30 seconds, 94.87 feet; thence Westerly, deflecting left 31 degrees 17 minutes 30 seconds, 130.00 feet, parallel with the North line of said 3.16 acre tract, to the West line of said 3.16 acre tract; thence Northerly, deflecting right 90 degrees 02 minutes 00 seconds, 25.00 feet along said West line to the Northwest corner of said 3.16 acre tract; thence Easterly, deflecting right 89 degrees 58 minutes 00 seconds, 185.00 feet along the North line of said 3.16 acre tract; thence Southerly, deflecting right 90 degrees 02 minutes 00 seconds, 40.00 feet, parallel with the West line of said 3.16 acre tract; thence Southeasterly, deflecting left 71 degrees 01 minutes 49 seconds, 32.00 feet to a point on the North line of an existing asphalt driveway; thence Easterly, 173.08 feet along said North line to the Place of Beginning.

[illegible]



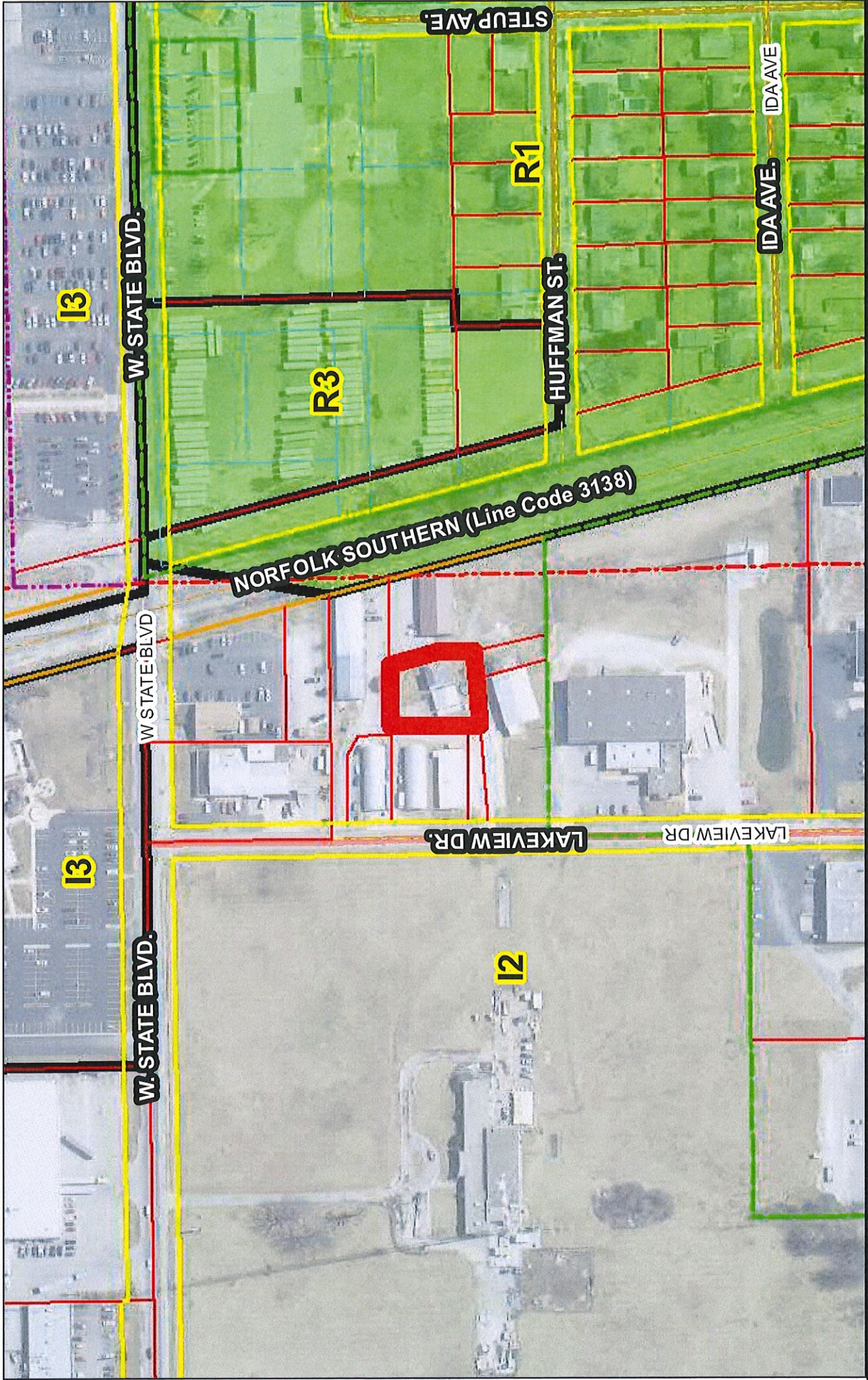
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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



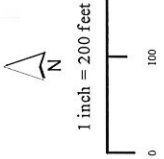
1 inch = 200 feet





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



FACT SHEET

Case #REZ-2019-0035

Bill # Z-19-06-14

Project Start: 25 June 2019

APPLICANT:	James D. Smith
REQUEST:	To rezone property from I2/General Industrial to R1/Single Family Residential to permit the existing residential use of the property.
LOCATION:	The site is located to the east of the 2100 block of Lakeview Drive. The address of the subject property is 2128 Lakeview Drive (Section 33 of Washington Township).
LAND AREA:	Approximately 0.4 acres
PRESENT ZONING:	I2/General Industrial
PROPOSED ZONING:	R1/Single Family Residential
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

8 July 2019 Public Hearing

- No one spoke at the hearing in favor or opposition.
- All members were present.

15 July 2019 – Business Meeting

Plan Commission Recommendation: DO PASS

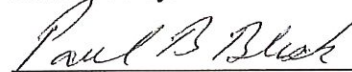
A motion was made by Billy Davenport and seconded by Justin Shurley to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Connie Haas Zuber and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
July 17, 2019

Reviewed by:



Paul B. Blisk
Deputy Land Use Director

PROJECT SUMMARY

SITE HISTORY:

- The property record card shows the residence being constructed in 1930. Staff has located no rezoning petitions on the site, so the industrial zoning has existed for decades. From historical aerials it appears that the home was the farmhouse associated with the agricultural use of the site before it was developed industrially around it.

STAFF DISCUSSION:

The petitioner is requesting to rezone the property to R1/Single Family Residential from I2/General Industrial. The property today is utilized as a single family dwelling, which is not a permitted use in the I2 zoning district. There is an interested party in purchasing the property, and the proper zoning is being requested for the transaction to occur. With a rezoning to R1, the use would be permitted. The property is landlocked from a public street, but from the documentation provided, it appears there is an ingress/egress easement in place to allow for access to Lakeview Drive.

From historical aerials, it appears that this residence was the farmhouse associated with agricultural uses surrounding it. When the agricultural land was developed with industrial use, it appears that the general area became industrially zoned, including the residence.

As mentioned, there is no development plan associated with this request and there are no structures proposed for this site at this time.

PUBLIC HEARING SUMMARY:

Presenter: James D. Smith, current owner of the property, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

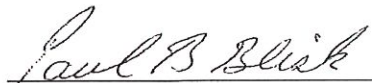
Rezoning Petition REZ-2019-0035

APPLICANT:	James D. Smith
REQUEST:	To rezone property from I2/General Industrial to R1/Single Family Residential to permit the existing residential use of the property.
LOCATION:	The site is located to the east of the 2100 block of Lakeview Drive. The address of the subject property is 2128 Lakeview Drive (Section 33 of Washington Township).
LAND AREA:	Approximately 0.4 acres
PRESENT ZONING:	I2/General Industrial
PROPOSED ZONING:	R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2019-0035 be returned to Council with a "Do Pass" recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. Although the general area surrounding the site is industrially zoned property, the use of this parcel historically has been residential. This rezoning continues the trend of responsible mixed-used development.
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. The existing residence will be utilized for a similar use by the proposed owner.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for continued business growth and investment on the site. No changes are proposed to the existing site.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently available to the site.

These findings approved by the Fort Wayne Plan Commission on July 15, 2019.



Paul B. Blisk, AICP
Deputy Land Use Director

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant JAMES D Smith
Address 2128 LAKEVIEW DR
City FT WAYNE State IN Zip 46808
Telephone 260-414-1237 E-mail CAKSMART3322@yahoo.com

Contact Person
Contact Person JAMES D Smith
Address 2128 LAKEVIEW DR
City FT WAYNE State IN Zip 46808
Telephone 260-414-1237 E-mail CAKSMART3322@yahoo.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 2128 LAKEVIEW DR
Present Zoning Res Proposed Zoning Resident B2 Acreage to be rezoned 1
X Proposed density NA units per acre
X Township name WAYNE Township section # 12
Purpose of rezoning (attach additional page if necessary) REFINANCE HOUSE

Sewer provider City Water provider City

Filing Requirements
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- ☐ 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.

James D Smith (printed name of applicant) [Signature] (signature of applicant) 5/28/19 (date)

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

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

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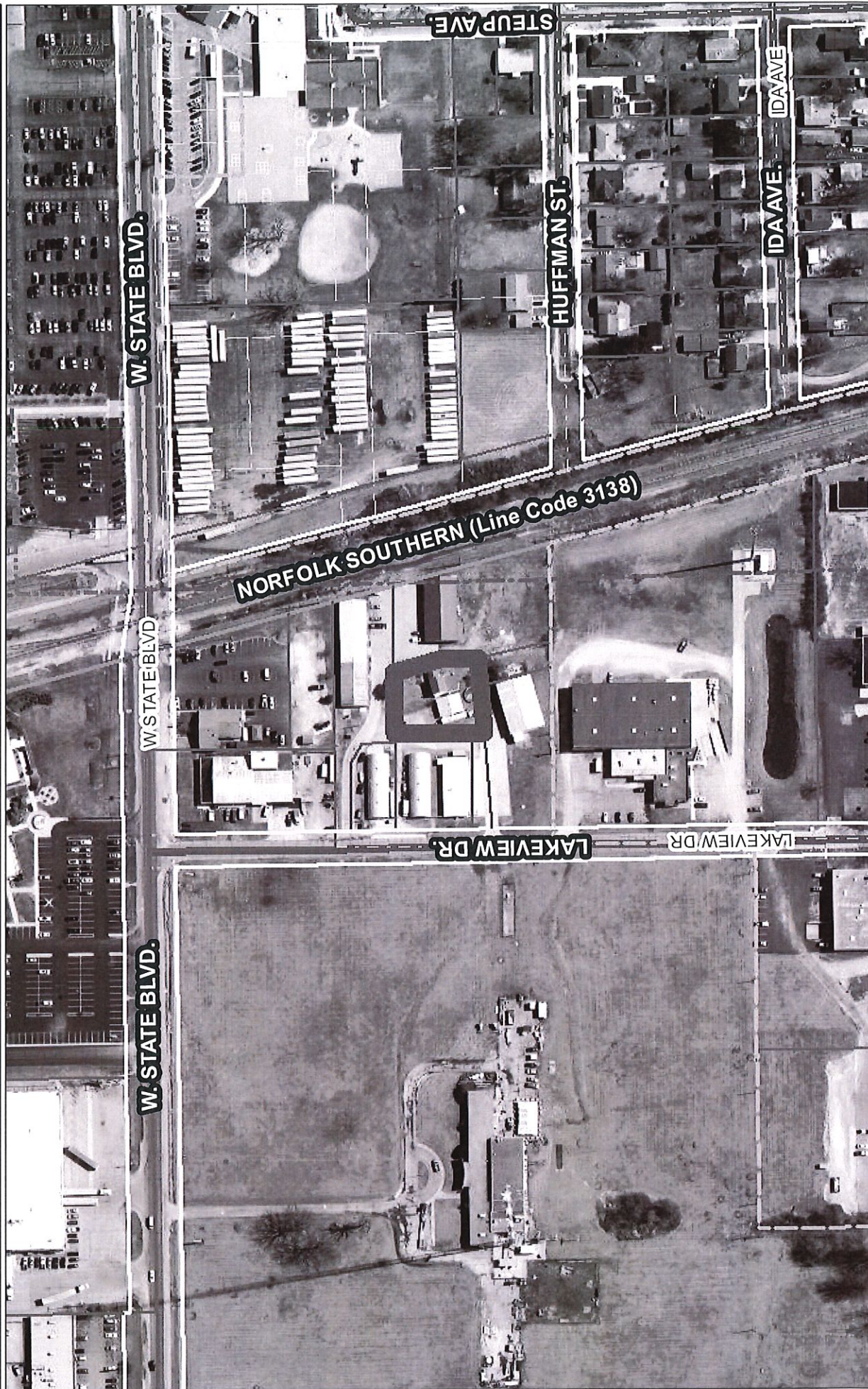
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STATION ADDRESS (AND SURVEYOR)	DE LANDING UNIT LETTER & NO. AND DATE	DATE 1963
	DISTRICT	COUNTY
	SECTION / TOWNSHIP	RANGE / MERIDIAN
	PUBLIC LAND	PRIVATE
	BUREAU SURVEY	PRIVATE SURVEY



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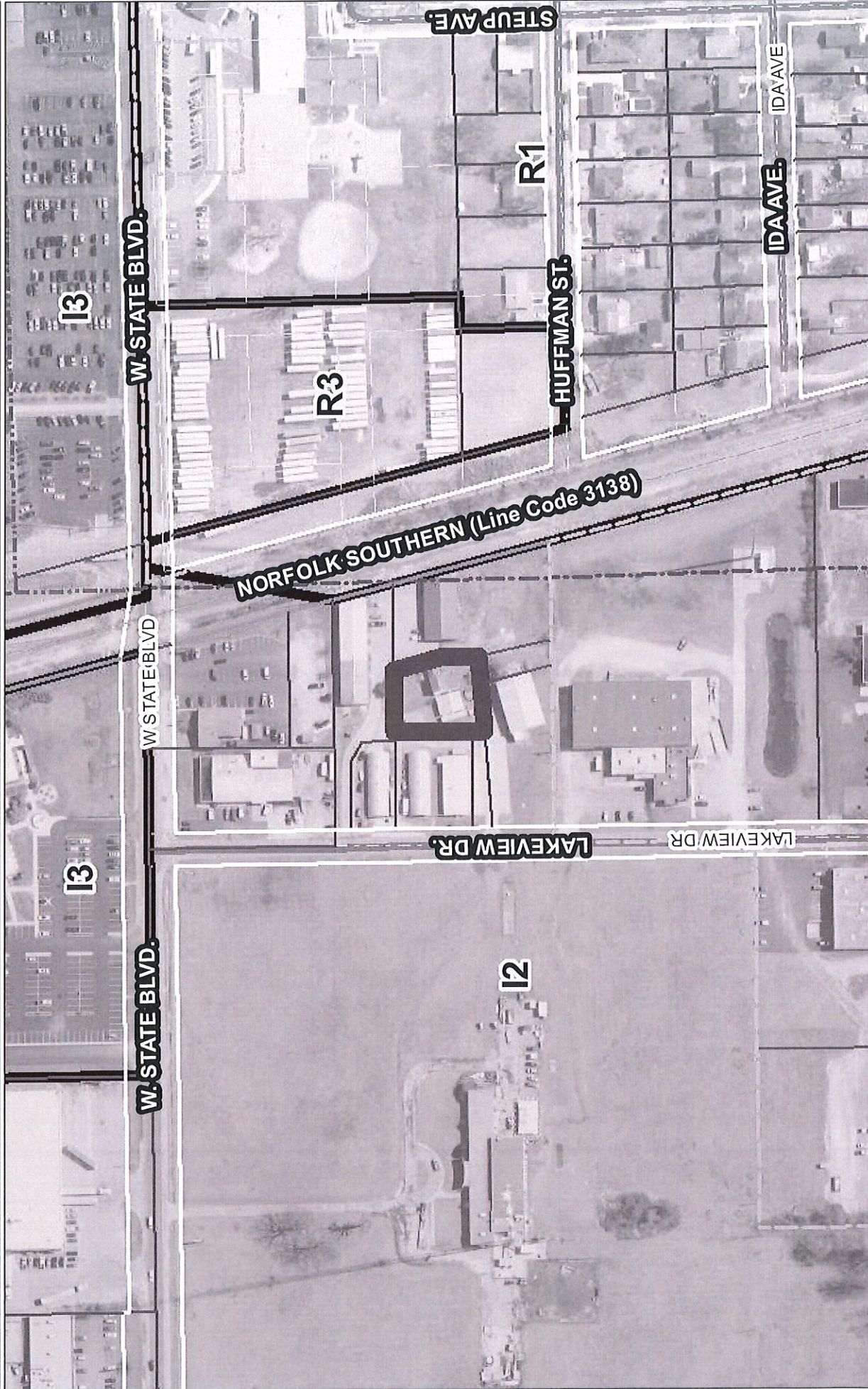
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo Aerial Imagery Aug 2009
 Date: 6/17/2019

1 inch = 200 Feet

0 100 200 Feet



Rezoning Petition REZ-2019-0035 (2128 Lakeview)



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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/1/2019



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