

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0041
Bill Number: Z-19-06-18
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 56.57 acres from R1/Single Family Residential
and RP/Multiple Family Residential to RP/Multiple Family Residential.

Location: 9019 and 9100 Illinois Road

Reason for Request: To redevelop the property with a variety of multiple family senior living
options.

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 RP/Multiple Family Residential zoning
district, which will allow a senior living development.

Effect of Non-Passage: The majority of the property will remain zoned for single family
residential uses only.

1 **#REZ-2019-0041**

2 **BILL NO. Z-19-06-18**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. AA-02 (Sec. 11 of Aboite 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 RP (Planned
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 Northwest Quarter of Section 11, Township 30 North, Range 11 East,
14 Allen County, Indiana, more particularly described as follows:

15 Commencing at the Northwest corner of the Northwest Quarter of Section 11,
16 Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees
17 10 minutes 28 seconds East (based on INDOT plan bearing for State Road No 14
18 project) along the North line of the Northwest Quarter of Section 11 a distance of
19 1217.8 feet; thence South 00 degrees 47 minutes 35 seconds West a distance of
20 300.0 feet to the POINT OF BEGINNING; thence North 89 degrees 15 minutes 28
21 seconds West a distance of 310.0 feet to a point on the East line of the Plat of
22 Timberlake, Section "II" as recorded in Plat Record 46, pages 70-74 in the Office of
23 the Recorder of Allen County, Indiana; thence South 00 degrees 47 minutes 35
24 seconds West along the East line of Plat of Timberlake, Section "I" and Section "II"
25 a distance of 2335.22 feet to the Southeast corner of the Plat of Timberlake Section
26 "I" as recorded in Plat Record 45, pages 90-94, said point being 907.78 feet East of
27 the Southwest corner of the Northwest Quarter of Section 11; thence South 89
28 degrees 15 minutes 06 seconds East along the South line of the Northwest Quarter of
29 Section 11 a distance of 1066.79 feet to the Southeast corner of a tract of land
30 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 509.65 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.

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
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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 R1/ RP Proposed Zoning RP Acreage to be rezoned 56.569
Proposed density 1.97 units/acre units per acre
Township name Aboite Township section # 11
Purpose of rezoning (attach additional page if necessary) _____
Rezoning portion of property currently zoned R1 and RP to all RP for purposes of residential development including single/duplex residences, multifamily residences, and associated neighborhood facilities.
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	130691	7-11-2019	REZ-2019-0041

EXHIBIT A
Signature Page

OWNER & APPLICANT:

BHI SENIOR LIVING, INC.,
an Indiana nonprofit corporation

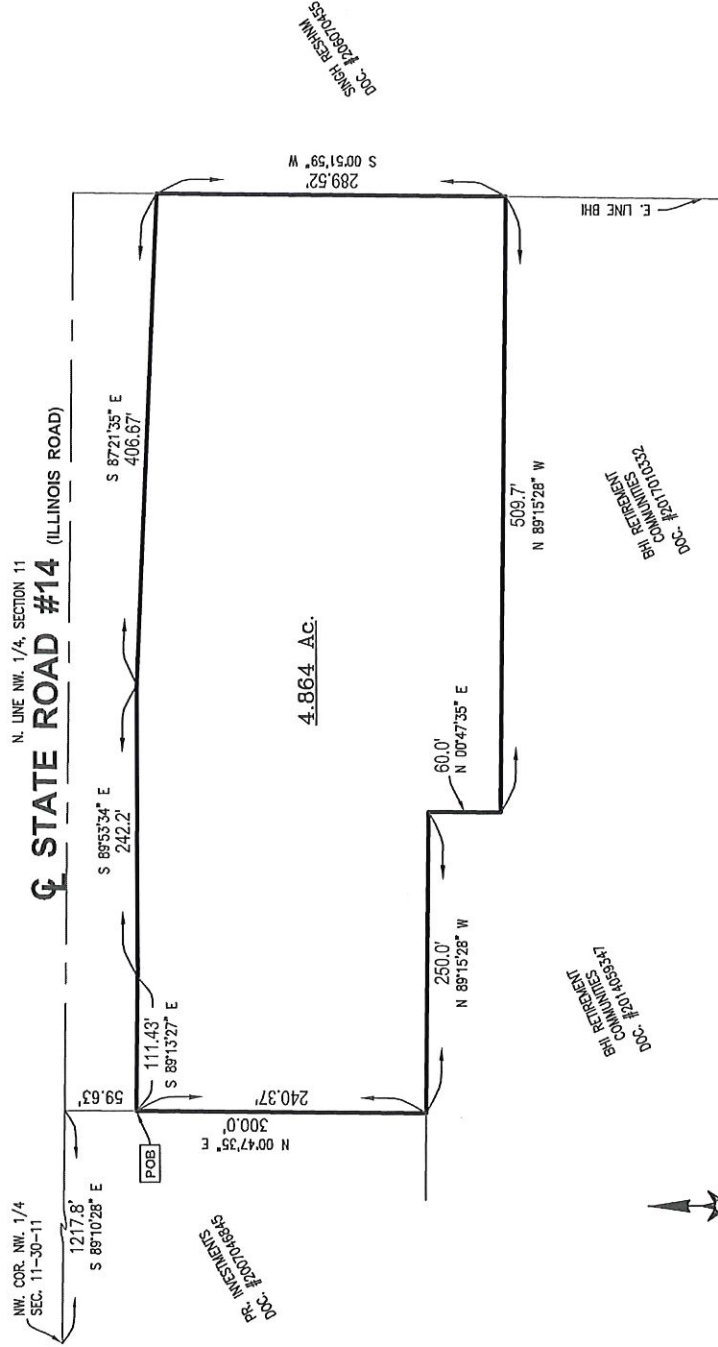
By: B. Daniel Carr
Name: B. Daniel Carr
Its: Vice President Operations

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.



Gregory L. Roberts

GREGORY L. ROBERTS, P.L.S. #50548

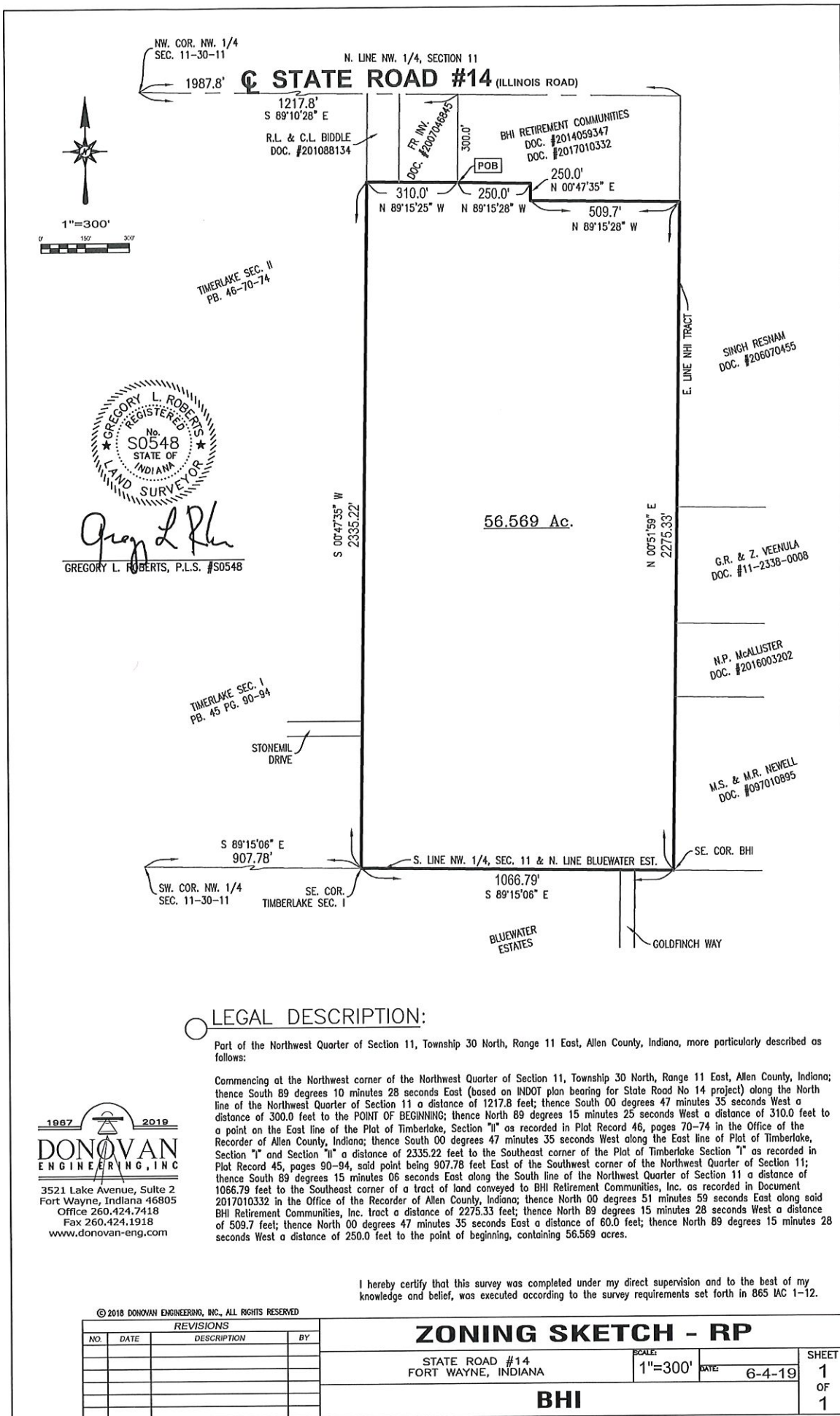


DONOVAN
ENGINEERING, INC.
3521 Lake Avenue, Suite 2
Fort Wayne, Indiana 46805
Office 260.424.7418
Fax 260.424.1918
www.donovan-eng.com

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NO.	DATE	REVISIONS	BY

ZONING SKETCH		SHEET
STATE ROAD #14	DATE	1
FORT WAYNE, INDIANA	1"=100'	OF
BHI	6-4-19	1





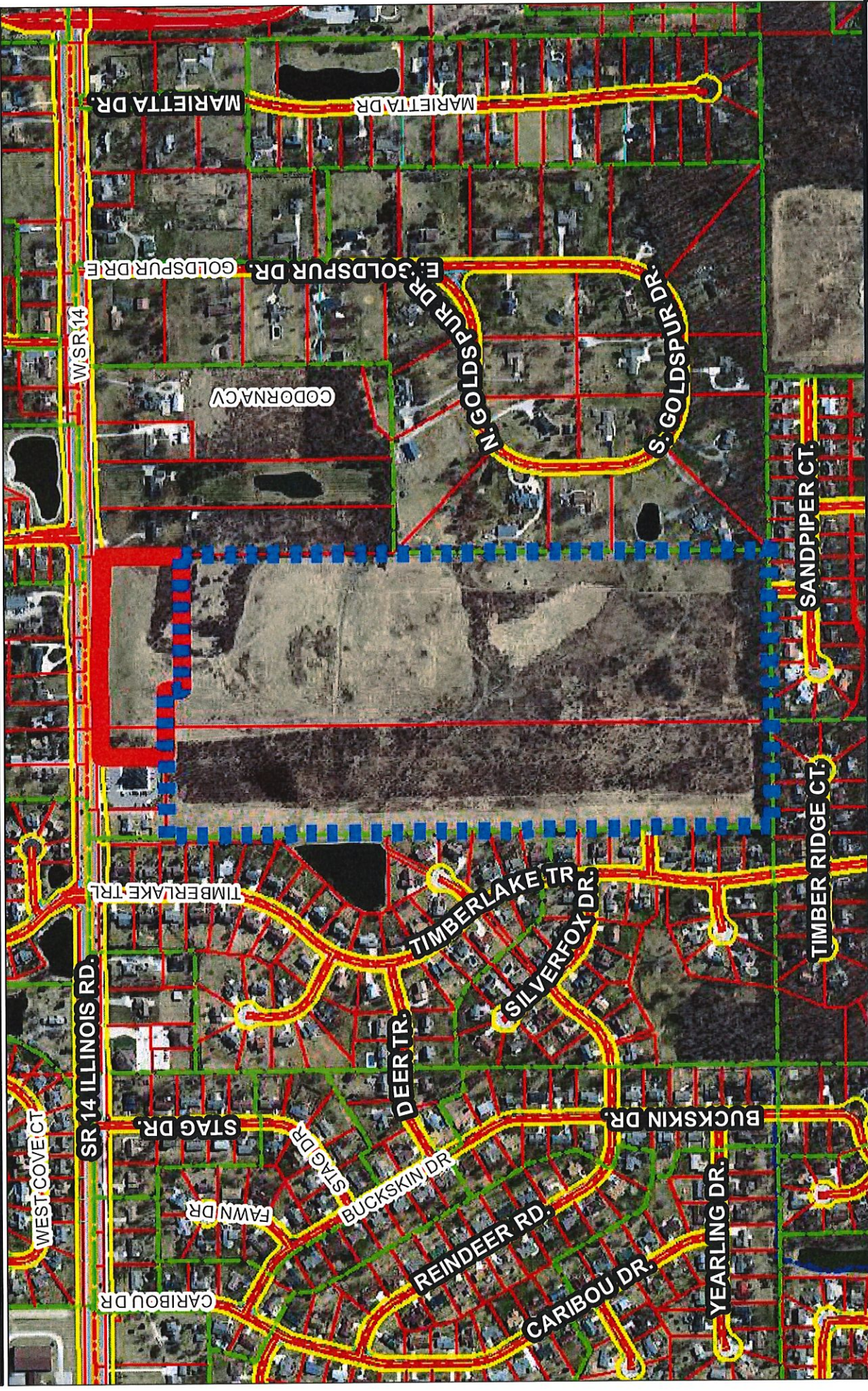
PROPOSED SITE PLAN



BAPTIST HOMES INC. - THE TOWNHOUSE - PRAIRIE LANDING



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
Photo Aerial Coverage: Spring 2009
Date: 6/17/2019

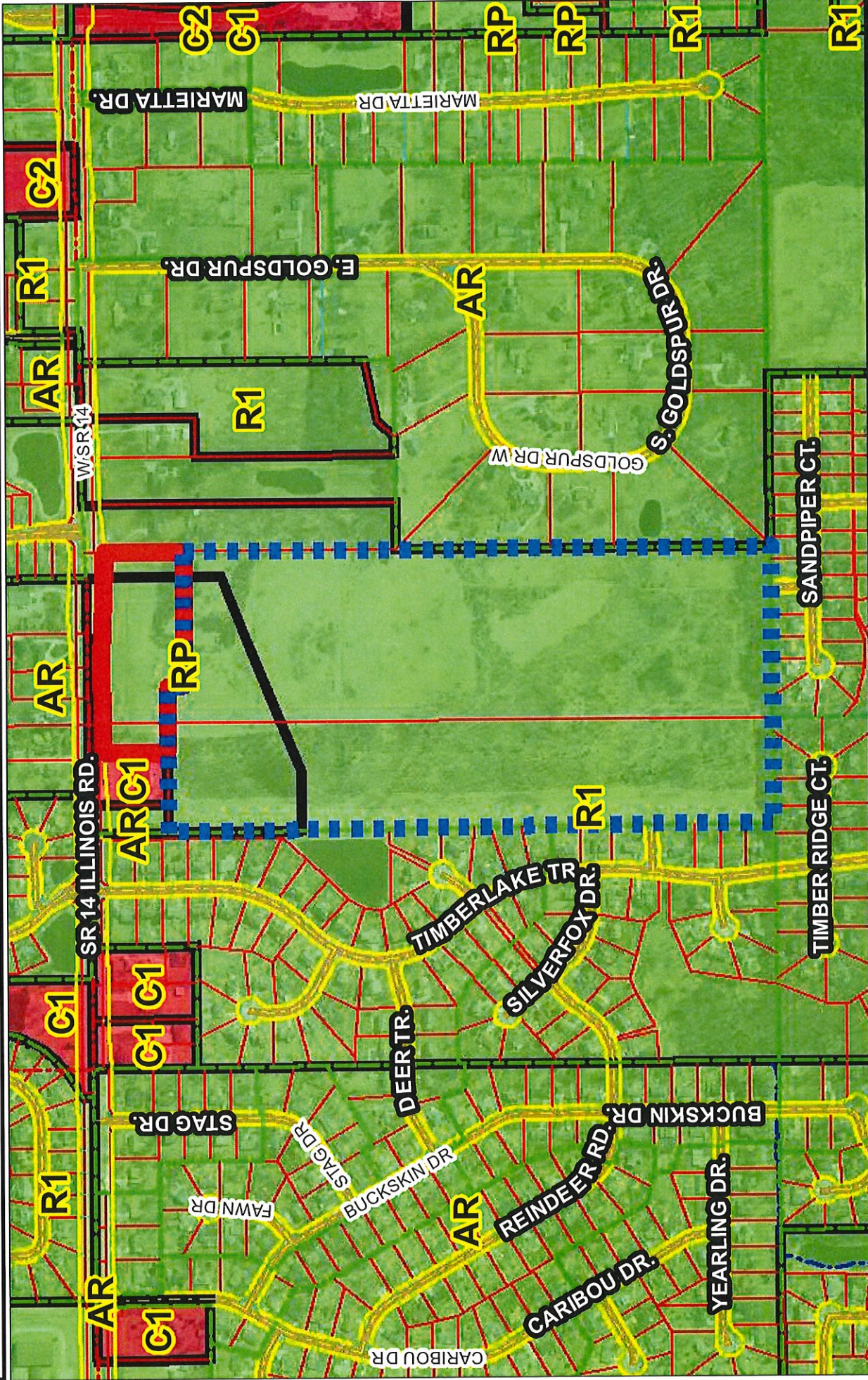


1 inch = 500 feet





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

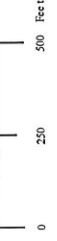


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©2004 Board of Commissioners of Allen County, Indiana
Map of Allen County, Indiana
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/17/2019



1 inch = 500 feet



FACT SHEET

Case #REZ-2019-0041		Bill # Z-19-06-18	Project Start: 25 June 2019
APPLICANT:	BHI Senior Living, Inc. – The Towne House		
REQUEST:	To approve a primary development plan for a multiple family residential complex with commercial outlots along Illinois Road.		
LOCATION:	The site is on the south side of the 8900 to 9100 blocks of Illinois Road/State Road 14, east of Timberlake subdivision, west of Centaur Acres subdivision, and north of a portion of Covington Woods and Bluewater Estates (Section 11 of Aboite Township).		
LAND AREA:	Approximately 61.4 acres for total site Approximately 4.9 acres for C2 zoning Approximately 56.6 acres for RP zoning		
PRESENT ZONING:	R1/Single Family Residential		
PROPOSED ZONING:	RP/Planned Residential (REZ-2019-0041)		
COUNCIL DISTRICT:	4-Jason Arp		
ASSOCIATED PROJECTS:	Primary Development Plan, Prairie Landing		
SPONSOR:	City of Fort Wayne Plan Commission		

8 July 2019 Public Hearing

- Five residents were supportive but shared concerns at the hearing.
- All members were present.

15 July 2019 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

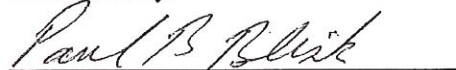
A motion was made by Billy Davenport and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

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

The petitioner, BHI Senior Living, Inc. d/b/a The Towne House is requesting two rezoning petitions and a primary development plan for a mixed-use development. The Towne House is a nonprofit continuing care retirement community that has a campus on St. Joe Center Road in the northeast portion of the City. Due to growth in southwest Fort Wayne, The Towne House is proposing a community to provide a variety of housing densities and options, on-site health care, and also the potential for commercially associated outlots. Approximately five acres of real estate is proposed to be rezoned to C2 for outlots along the Illinois Road/State Road 14 frontage, and the remainder of the property is proposed to be rezoned to RP/Planned Residential. Today, the zoning is comprised of both RP/Planned Residential, primarily along Illinois Road and the northern portion of the site and R1/Single Family Residential. The Illinois Road corridor has seen a large amount of growth in recent years on metes and bounds parcels outside of platted subdivisions. North of the property across Illinois Road are metes and bounds residential properties zoned AR/Low Intensity Residential. East of the site are large-lot residential uses, both metes and bounds and platted within Centaur Acres. Just to the east along Illinois Road are two commercial rezonings for Quail Commons Office and Shigs and Pit/IPT that the Plan Commission heard this year. South of the site are Bluewater Estates and Covington Woods subdivisions. Along the western property line is Timberlake subdivision. There are two metes and bounds properties along Illinois Road that are also adjacent to the site to the northwest; including 9121 Illinois Road, which was rezoned to C1 for an office building.

As mentioned, the Illinois Road corridor is developing with a variety of uses. Residential subdivisions have developed in Aboite Township over the years on the larger metes and bounds properties. Recently, the Plan Commission has reviewed a number of smaller metes and bounds properties with frontage on Illinois Road between Scott Road and Hadley Road for both C1 and C2 zoning. Typically, the rezoning requests include written commitments. This property is a unique case along this portion of Illinois Road that a large amount of acreage is available for a mixed-use development.

The applicant has submitted a written commitment for both of the rezoning petitions. The C2 zoning along Illinois Road does not include any specific users at this time, but the goal of the commercial zoning is to provide business establishments geared toward serving the residents of Prairie Landing. The list of prohibited uses is included within the written commitment which is attached to the staff report. At this point, 97 uses that are permitted within the C2 zoning district as proposed to be prohibited. The spectrum of senior/independent living and assisted living is permitted in the RP/Planned Residential zoning, which is proposed for the remainder of the site. As mentioned, a portion of the real estate is already RP, so this will allow for a variety of residential densities throughout the site. The written commitment associated with the RP rezoning proposes to prohibit fraternity house, sorority house, and off-site campus housing.

The development plan consists of both commercial outlots and the residential community and associated facilities. The primary development plan does not show any specific users or buildings for the proposed commercial property, just outlots as typically shown on primary development plans for shopping centers or office developments. The design of each outlot would be under the review of the Zoning Ordinance's standards. No waiver of any development standard has been requested. Access would be internal and no new access points are proposed to Illinois Road, besides the single access point that serves Prairie Landing. The internal drives throughout the development are proposed to be private. The commercial outlots would also have access to the trail which sits on the south side of Illinois Road.

The residential portion of Prairie Landing does have more specific plans. The proposal includes up to 73 single family and duplex units, as well as multiple family buildings and community facilities; all situated on a proposed water feature. All the residential units are proposed on a single parcel. Building heights will fall at or below 40 feet in height, which is the maximum height in the RP district. The primary development plan does not encompass all of the real estate proposed to be rezoned to RP. There is additional real estate owned by BHI Senior Living to the south of the development plan boundaries that will be future development. A

private stub street is proposed to the additional development, as well as two public stub streets from adjacent residential subdivisions. Future development will likely require a primary development plan or plat to be reviewed by the Plan Commission. No other vacant parcels are present that would require private stub streets.

The applicant is proposing an alternate landscape plan. Due to the classification of this residential development as a multiple family complex, the Zoning Ordinance requires landscape code B-3 adjacent to residential districts. Code B-3 includes a solid board fence and shade/ornamental tree plantings. The development is primarily single family and two family residential, and similar building height as adjacent development, so the applicant would like to use a mixture of shade, evergreen, and ornamental trees and large shrubs around the exterior of the site. The applicant is proposing a well landscaped neighborhood, and is requesting the development not be "fenced-in." Specific plant varieties and locations can be reviewed by the Plan Commission with the secondary development plans.

The rezoning proposals can be supportive by the following goals and policies of the Comprehensive Plan:

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

LU5.D Encourage development proposals that provide housing, designed to allow adequate pedestrian and bicycle access, in close proximity to existing neighborhood commercial, civic, institutional and other similar uses.

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.

PUBLIC HEARING SUMMARY:

Presenter: Tom Niezer, representing the applicant, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

- Richard DeWitt – Feels positive about the development. Concerns about stormwater and buffering.
- Andrew Easton – He is okay with the development. Concerns about additional traffic, safety for bike trail users, property values, additional strip center-type development.
- Austin McCracken – Would like more buffering for headlights near the parking lots.
- Patty Murzyn – She is okay with the development.
- Trisha Thomas – She is okay with development. Concerns about stormwater, traffic and bike trail.

Rebuttal:

The traffic should be less than a single family development because traffic patterns for 55+ communities are very different: fewer trips and at off-peak times. The development will have a positive effect on property values because of the investment and amenities. Internal sidewalks will be provided, and they welcome neighborhood connectivity.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2019-0041

APPLICANT:	BHI Senior Living, Inc. – The Towne House
REQUEST:	To rezone property from R1/Single Family Residential and RP/Planned Residential to RP/Planned Residential; and approve a primary development plan for a multiple family residential complex with commercial outlots along Illinois Road.
LOCATION:	The site is on the south side of the 8900 to 9100 blocks of Illinois Road/State Road 14, east of Timberlake subdivision, west of Centaur Acres subdivision, and north of a portion of Covington Woods and Bluewater Estates (Section 11 of Aboite Township).
LAND AREA:	Approximately 61.4 acres for total site Approximately 4.9 acres for C2 zoning
PRESENT ZONING:	R1/Single Family Residential and RP/Planned Residential
PROPOSED ZONING:	RP/Planned Residential

The Plan Commission recommends that Rezoning Petition REZ-2019-0041 with an approved Written Commitment 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 the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. This proposal will provide residential infill development using the existing infrastructure of the development. The zoning will allow for a variety of densities and for aging in place.
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 and architectural 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 will allow reinvestment into a currently vacant property. High quality development that is well screened will increase property values throughout the area.
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 July 15, 2019.



Paul B. Blisk, AICP
Deputy Land Use Director

**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@barrettlaw.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 R1/ RP Proposed Zoning RP Acreage to be rezoned 56.569
Proposed density 1.97 units/acre units per acre
Township name Abolte Township section # 11
Purpose of rezoning (attach additional page if necessary) _____
Rezoning portion of property currently zoned R1 and RP to all RP for purposes of residential development including single/duplex residences, multifamily residences, and associated neighborhood facilities.
Sewer provider Aqua Water provider City of Fort Wayne

Filing Requirements
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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)

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Received	Receipt No.	Hearing Date	Petition No.
6-4-2019	130691	7-11-2019	REZ-2019-0041

EXHIBIT A
Signature Page

OWNER & APPLICANT:

BHI SENIOR LIVING, INC.,
an Indiana nonprofit corporation

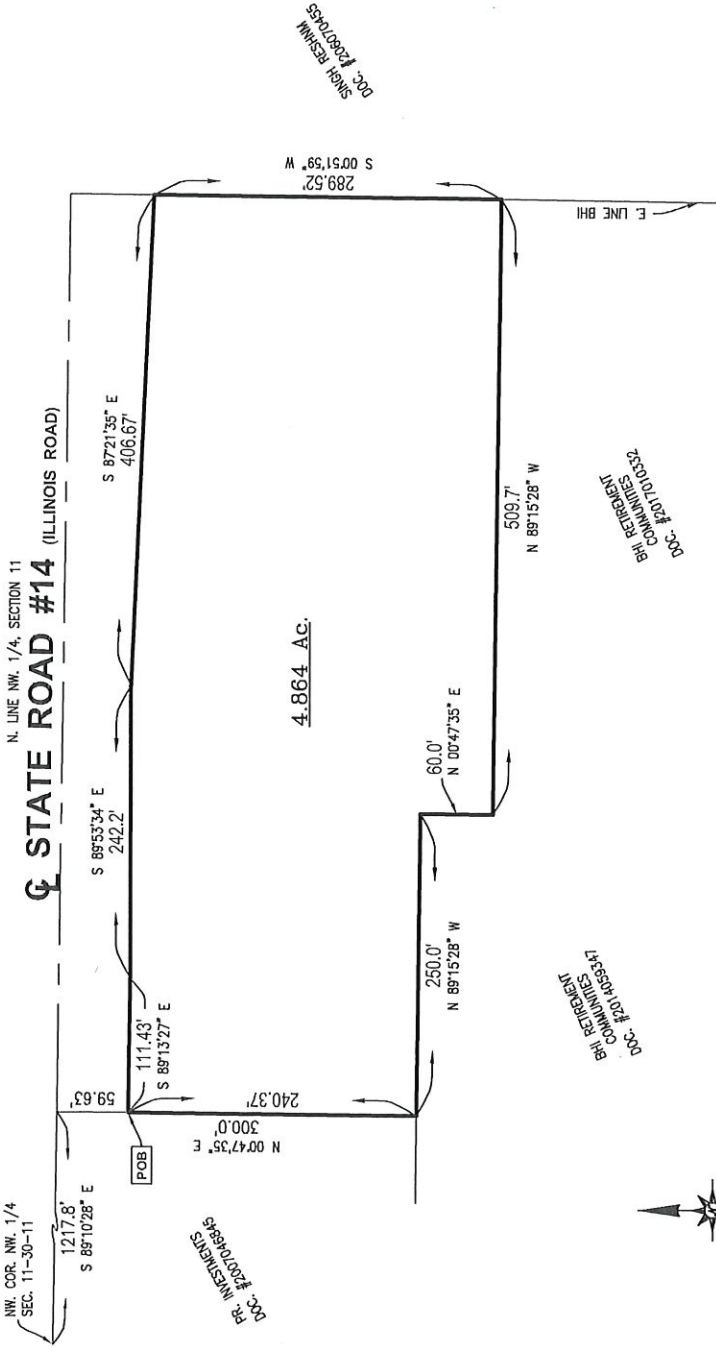
By: B. Daniel Carr
Name: B. Daniel Carr
Its: Vice President Operations

Date: 5/31/19

LEGAL DESCRIPTION:

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Gregory L. Roberts
GREGORY L. ROBERTS, P.L.S. #50548

ZONING SKETCH

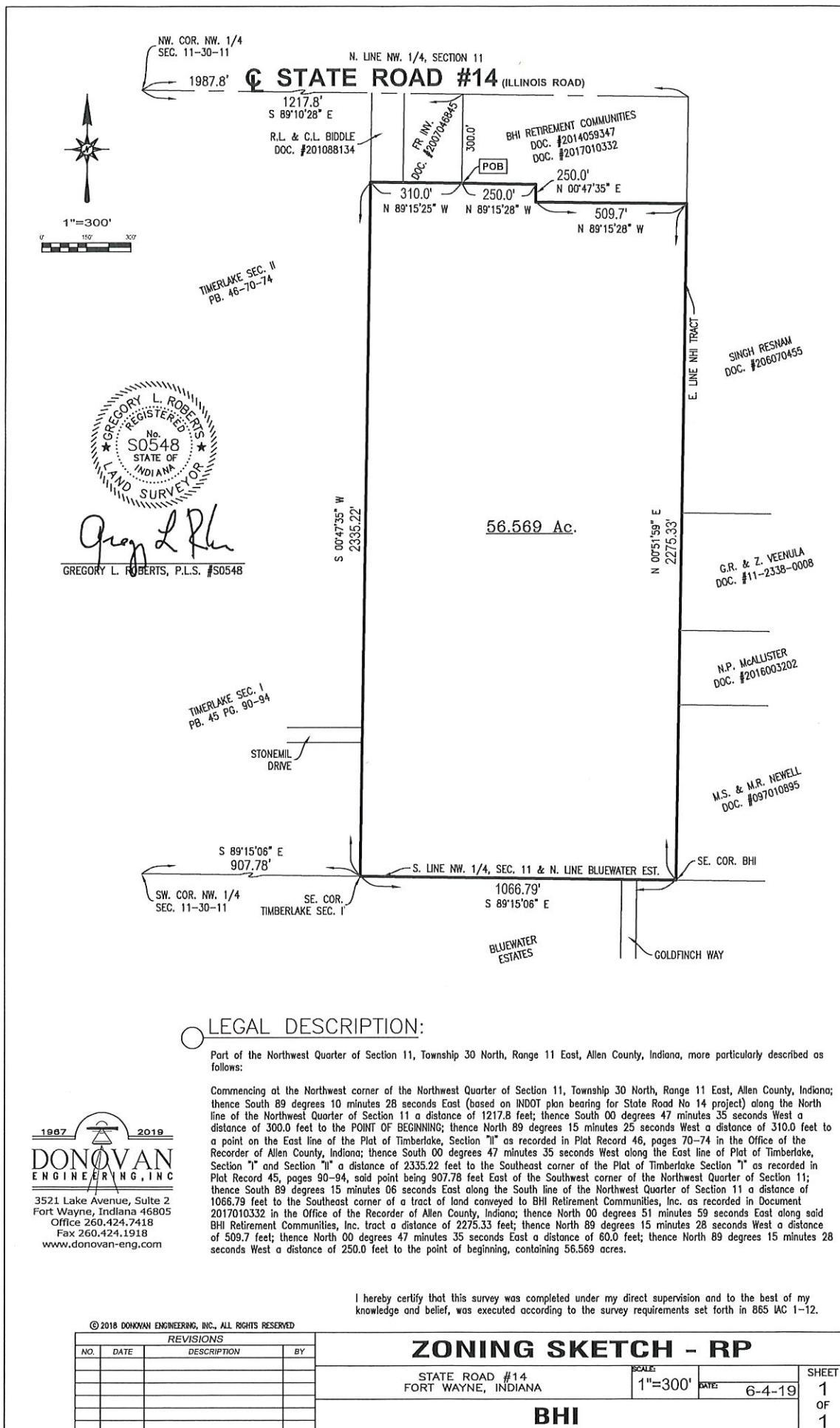
STATE ROAD #14 FORT WAYNE, INDIANA	SCALE 1"=100'	DATE 6-4-19	SHEET 1 OF 1
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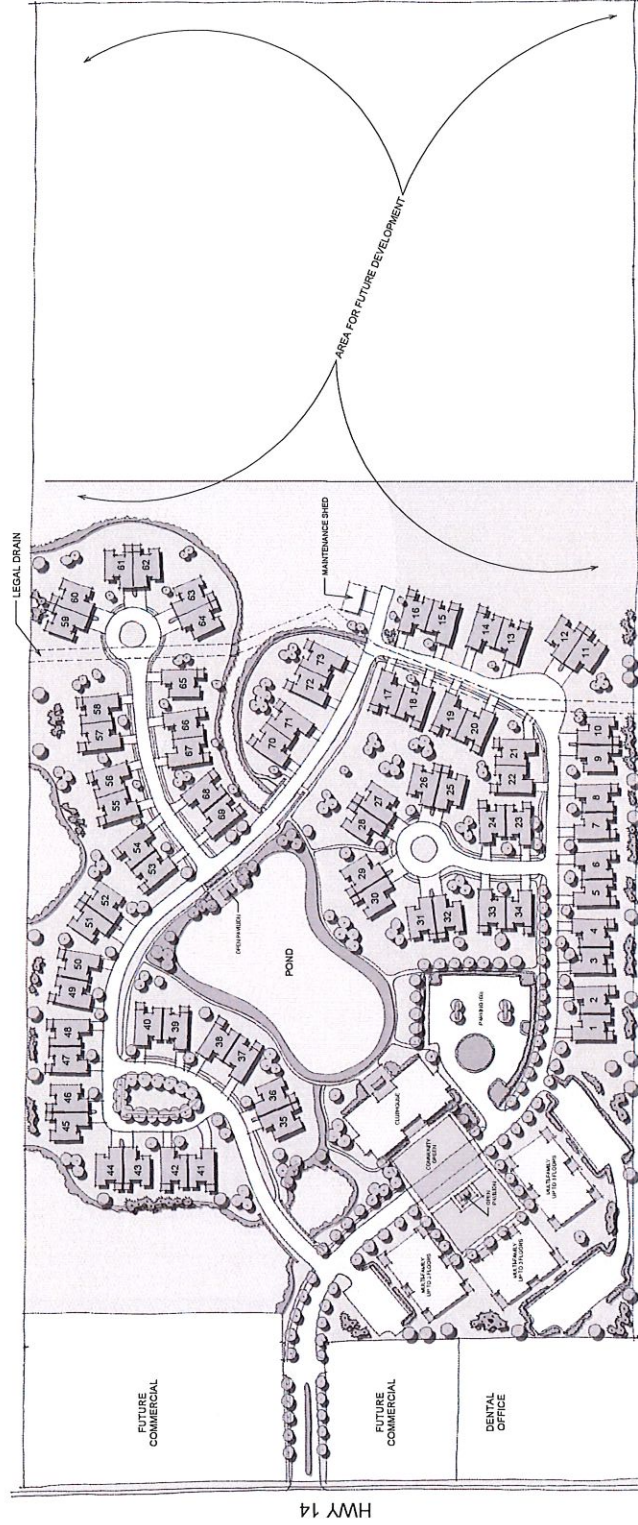
BHI

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NO.	DATE	REVISIONS DESCRIPTION	BY

DONOVAN ENGINEERING, INC.
3521 Lake Avenue, Suite 2
Fort Wayne, Indiana 46805
Office: 260.424.1918
Fax: 260.424.1918
www.donovan-eng.com

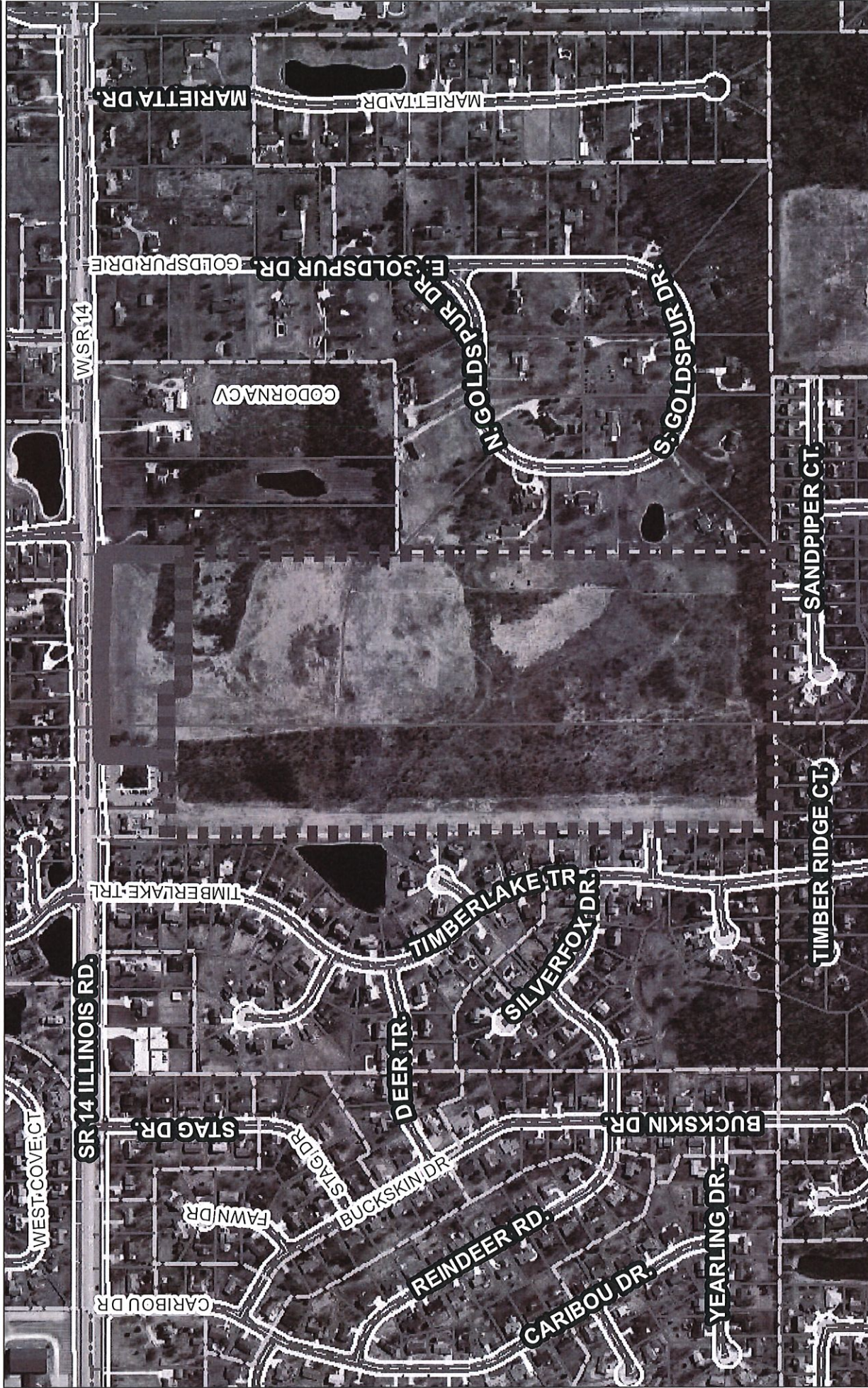




PROPOSED SITE PLAN
1" = 100'-0"



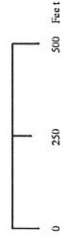
BAPTIST HOMES INC. - THE TOWNE HOUSE - PRAIRIE LANDING

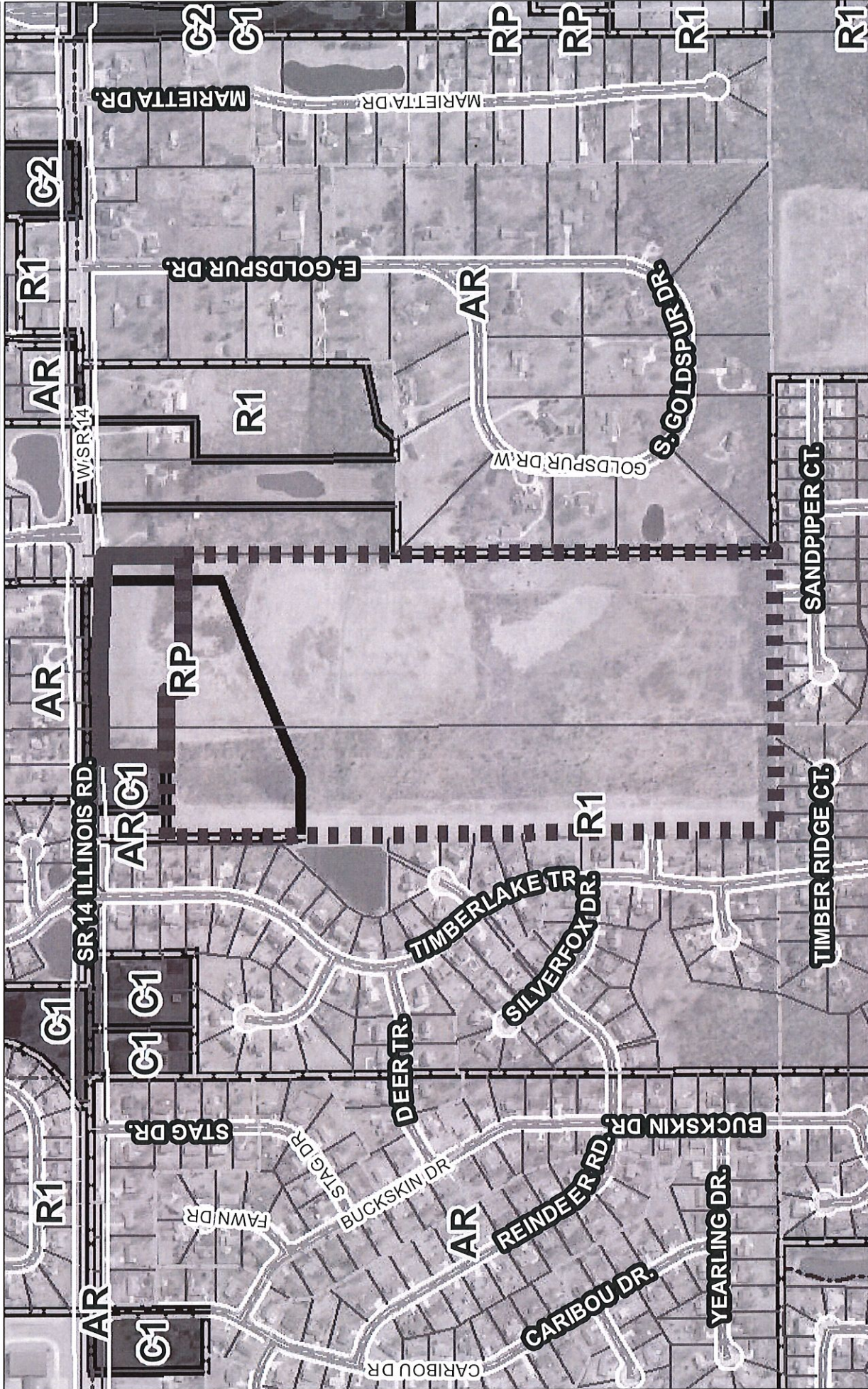


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© 2014 Board of Commissioners of the County of Allen, Texas
North American Data Services, Inc.
State Plane, NAD 83, Zone 14N, Indiana East
Photo and Contour: Spring 2009
Date: 6/17/2019

1 inch = 500 Feet





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North American Datum 1983
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Photos and Graphics by MapSource
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