

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0076
Bill Number: Z-19-11-19
Council District: 6-Glynn Hines

Introduction Date: November 26, 2019

Plan Commission
Public Hearing Date: December 9, 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 2.4 acres from C2/Limited Commercial to C3/General Commercial, with a Written Commitment to restrict uses.

Location: 7920 South Anthony Boulevard

Reason for Request: To allow storage units in an existing building for Come as You Are Church.

Applicant: Come as You Are Community Church

Property Owner: Come as You Are Community Church

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial district to allow storage. A Written Commitment has been filed which will limit certain C3 uses.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial and may develop with those permitted uses. Storage is not permitted in the C2 district.

1 #REZ-2019-0076

2 BILL NO. Z-19-11-19

3
4 ZONING MAP ORDINANCE NO. Z-_____

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. O-31 (Sec. 36 of Wayne Township)

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

9 SECTION 1. That the area described as follows is hereby designated a C3 (General
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 Part of the S 1/2, S 1/2, NE 1/4, section 36, T30N, R12E, 2nd P.M., Allen County, Indiana, and
13 also being a part of the land of Come As You Are Community Church, of Allen County,
14 State of Indiana (Document Number 202074319, Office of the Allen County Recorder)
containing 2.329 acres more particularly described as follows:

15 Commencing at the southeast corner of said NE 1/4, said corner being marked by a MAG
16 Nail with shiner found in place; thence N00°36'00"E (bearing assumed from Document
17 Number 202074319, Office of the Allen County Recorder) along the east line of said NE 1/4
18 a distance of 330.00 feet to a 5/8-inch rebar with Russell i.d. cap found in place and being
19 the point of beginning; thence S90°00'00"W parallel with the north line of the S 1/2, S 1/2 of
20 said NE 1/4 and along the north boundary of the land of Anthony Payton International
21 Ministries (Document Number 2016069371, Office of the Allen County Recorder) a
22 distance of 465.00 feet to a 5/8-inch rebar found in place; thence S00°36'00"W parallel with
23 the east line of said NE 1/4 and along the west boundary of the land of Anthony Payton
24 International Ministries a distance of 330.00 feet to a 5/8-inch rebar found in place; thence
S90°00'00"W parallel with the north line of the S1/2, S1/2 of said NE 1/4 and along the north
25 boundary of the land of Jonathon R. Bickel and Angela M. Bickel (Document Number:
2013059805, Office of the Allen County Recorder) a distance of 253.00 feet; thence
26 N00°36'00"E parallel with the east line of said NE 1/4 a distance of 355.00 feet; thence
27 N90°00'00"E parallel with the north line of the S 1/2, S 1/2 of said NE 1/4 and through the
28 land of Come As You Are Community Church a distance of 718.00 feet to a survey spike set
29 on the east line of said NE 1/4; thence S00°36'00"W along the east line of said NE 1/4 a
30 distance of 25.00 feet to the point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. O-31 (Sec. 36 of Wayne
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort

Wayne, Indiana is hereby changed accordingly.

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

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

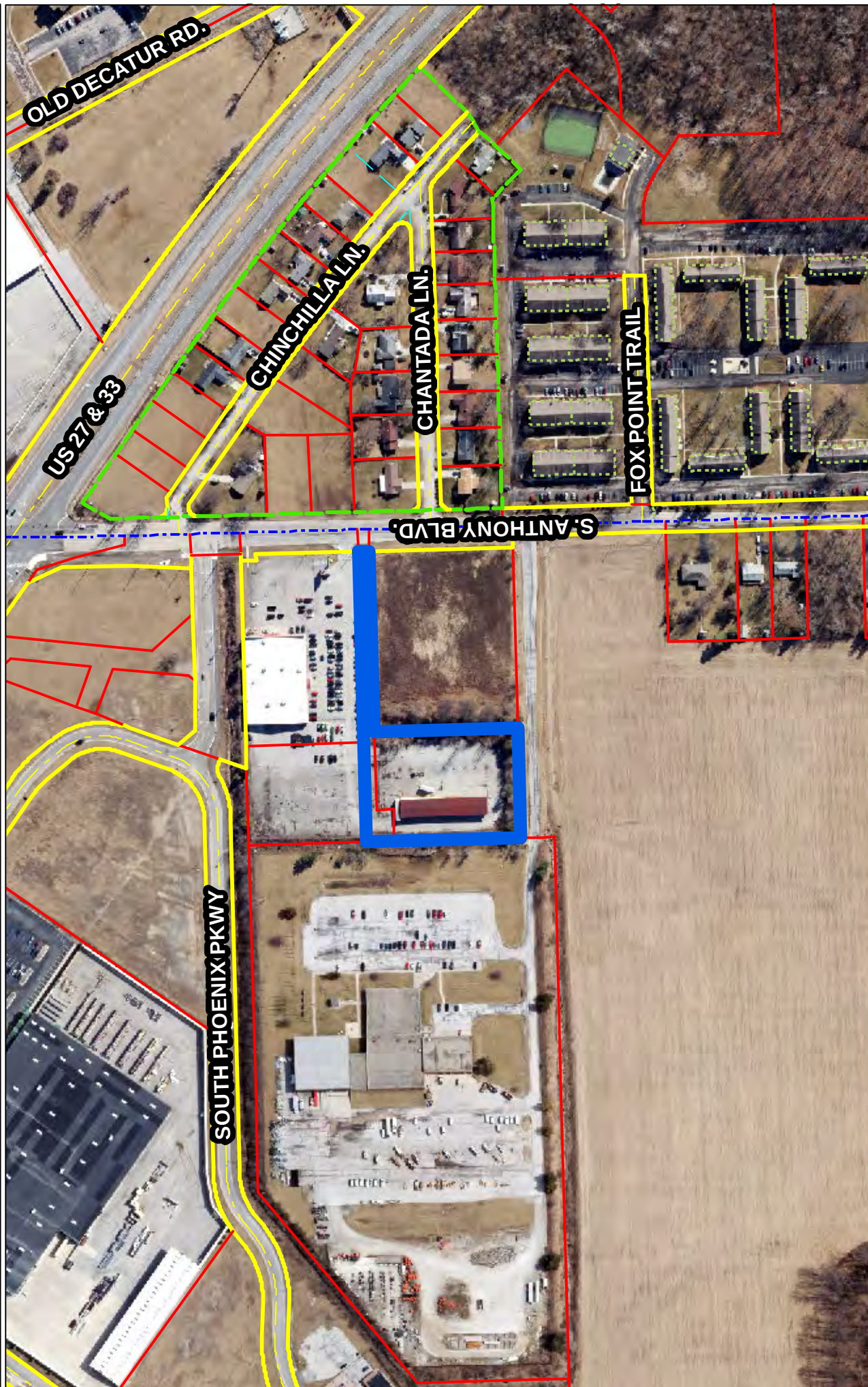
Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney



Rezoning Petition REZ-2019-0076 - 7920 S Anthony Blvd

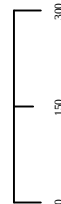


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 11/13/2019

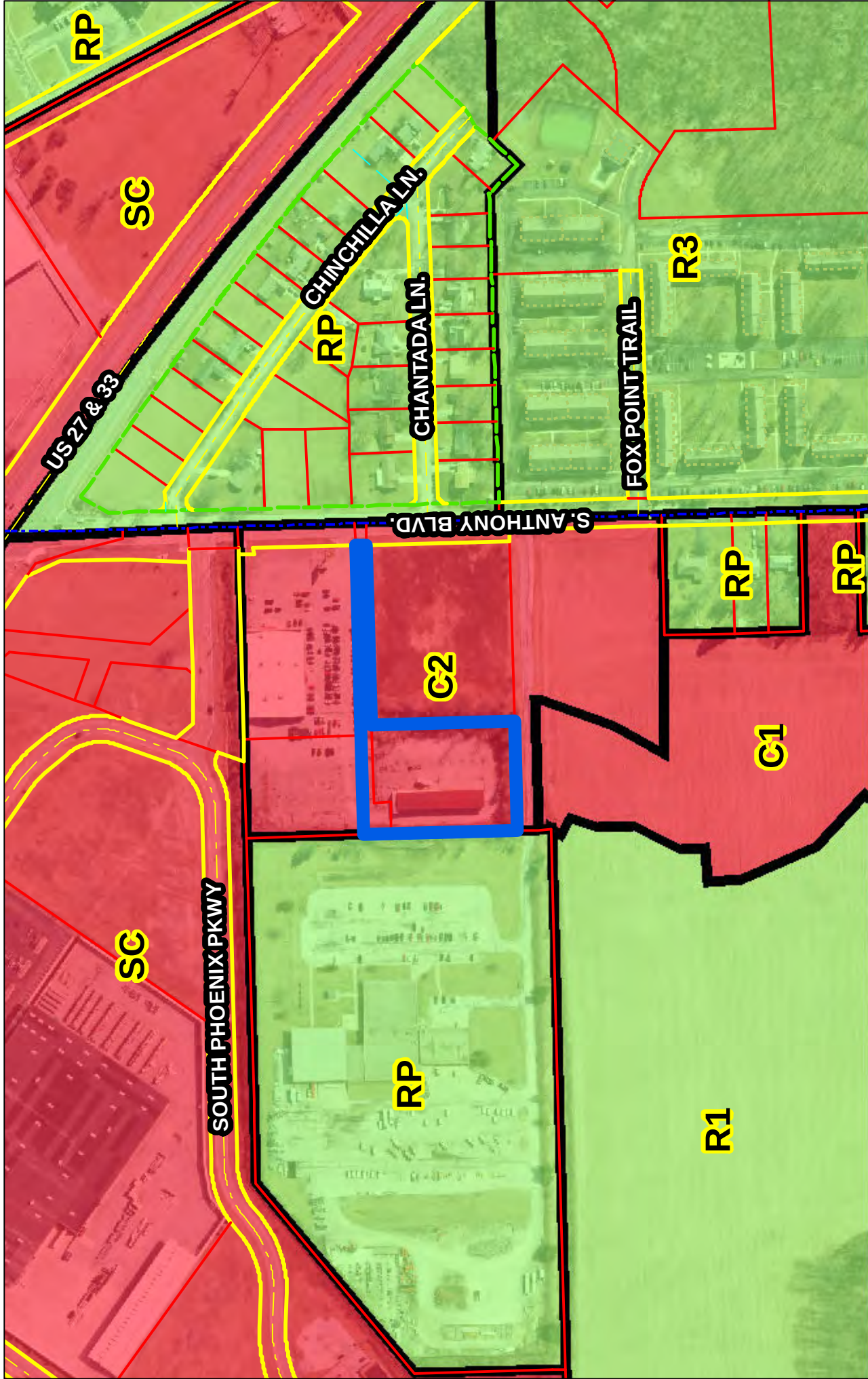


1 inch = 300 feet





Rezoning Petition REZ-2019-0076 - 7920 S Anthony Blvd

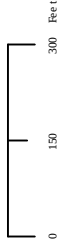


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 11/13/2019



1 inch = 300 feet



**Department of Planning Services
Rezoning Petition Application**

Applicant

Applicant COME AS YOU ARE COMMUNITY Church
Address 7910 S. ANTHONY BLVD.
City ELWAYNE State IN Zip 46806
Telephone 260-4476036 E-mail ASUR2C me.com

Contact Person

Contact Person Anthony Payton
Address 7910 S. ANTHONY BLVD.
City ELWAYNE State IN Zip 46806
Telephone 260-312-7936 E-mail ASUR2C me.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 7920 S ANTHONY BLVD
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned _____
Proposed density _____ units per acre
Township name _____ Township section # _____
Purpose of rezoning (attach additional page if necessary) PUBLIC STORAGE
W/A WORTHEN COMMUNIT.
Sewer provider _____ Water provider _____

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.

Anthony Payton
(printed name of applicant)

[Signature]
(signature of applicant)

10-03-2019
(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 <u>10-7-19</u>	Receipt No. <u>13221</u>	Hearing Date <u>12-9-19</u>	Petition No. <u>REZ-2019-0076</u>
----------------------------	-----------------------------	--------------------------------	--------------------------------------

INGRESS-EGRESS EASEMENT DESCRIPTION

A 25-foot easement for Ingress and Egress over, under, and across the land of Come As You Are Community Church, of Allen County, State of Indiana (Document Number 202074319, Office of the Allen County Recorder) and being in the S1/2, S1/2, NE1/4, section 36. T30N, R12E, 2nd P.M., Allen County, Indiana more particularly described as follows:

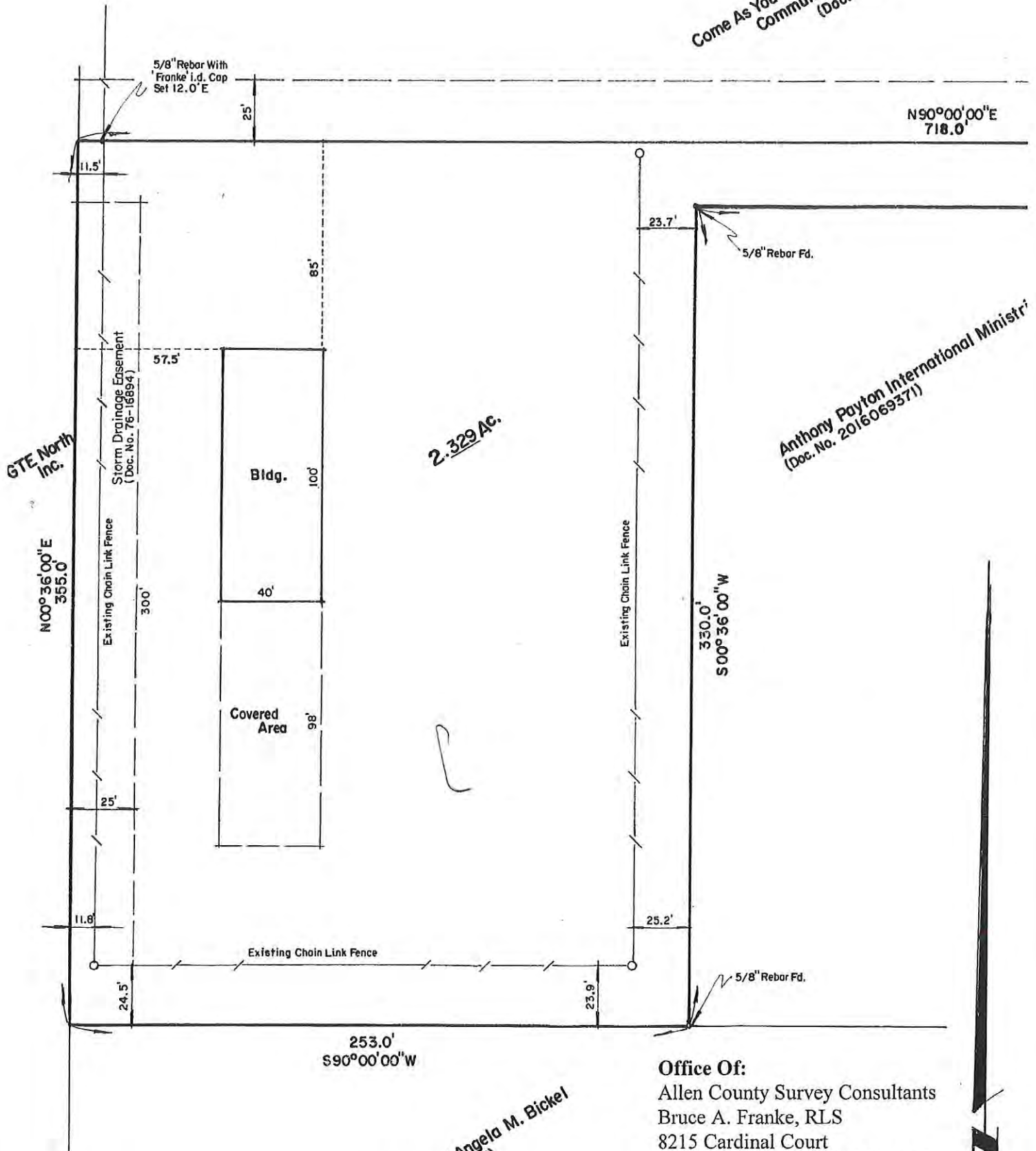
Commencing at the southeast corner of said NE1/4, said corner being marked by a MAG Nail with shiner found in place; thence N00°36'00"E (bearing assumed from Document Number 202074319, Office of the Allen County Recorder) along the east line of said NE1/4 a distance of 355.00 feet to the point of beginning; thence S90°00'00"W parallel with the north line of the S1/2, S1/2 of said NE1/4 a distance of 718.00 feet; thence N00°36'00"E parallel with east line of said NE1/4 a distance of 25.00 feet; thence N90°00'00"E parallel with the north line of the S1/2, S1/2 of said NE1/4 through the land of Come As You Are Community Church a distance of 718.00 feet to the east line of said NE1/4; thence S00°36'00"W along the east line of said NE1/4 a distance of 25.00 feet to the point of beginning.

REAL ESTATE DESCRIPTION

Part of the S1/2, S1/2, NE1/4, section 36, T30N, R12E, 2nd P.M., Allen County, Indiana, and also being a part of the land of Come As You Are Community Church, of Allen County, State of Indiana (Document Number 202074319, Office of the Allen County Recorder) containing 2.329 acres more particularly described as follows:

Commencing at the southeast corner of said NE1/4, said corner being marked by a MAG Nail with shiner found in place; thence N00°36'00"E (bearing assumed from Document Number 202074319, Office of the Allen County Recorder) along the east line of said NE1/4 a distance of 330.00 feet to a 5/8-inch rebar with Russell i.d. cap found in place and being the point of beginning; thence S90°00'00"W parallel with the north line of the S1/2, S1/2 of said NE1/4 and along the north boundary of the land of Anthony Payton International Ministries (Document Number 2016069371, Office of the Allen County Recorder) a distance of 465.00 feet to a 5/8-inch rebar found in place; thence S00°36'00"W parallel with the east line of said NE1/4 and along the west boundary of the land of Anthony Payton International Ministries a distance of 330.00 feet to a 5/8-inch rebar found in place; thence S90°00'00"W parallel with the north line of the S1/2, S1/2 of said NE1/4 and along the north boundary of the land of Jonathon R. Bickel and Angela M. Bickel (Document Number: 2013059805, Office of the Allen County Recorder) a distance of 253.00 feet; thence N00°36'00"E parallel with the east line of said NE1/4 a distance of 355.00 feet; thence N90°00'00"E parallel with the north line of the S1/2, S1/2 of said NE1/4 and through the land of Come As You Are Community Church a distance of 718.00 feet to a survey spike set on the east line of said NE1/4; thence S00°36'00"W along the east line of said NE1/4 a distance of 25.00 feet to the point of beginning.

Come As You Are
Community Church
(Doc. No. 202074319)



2.329 Ac.

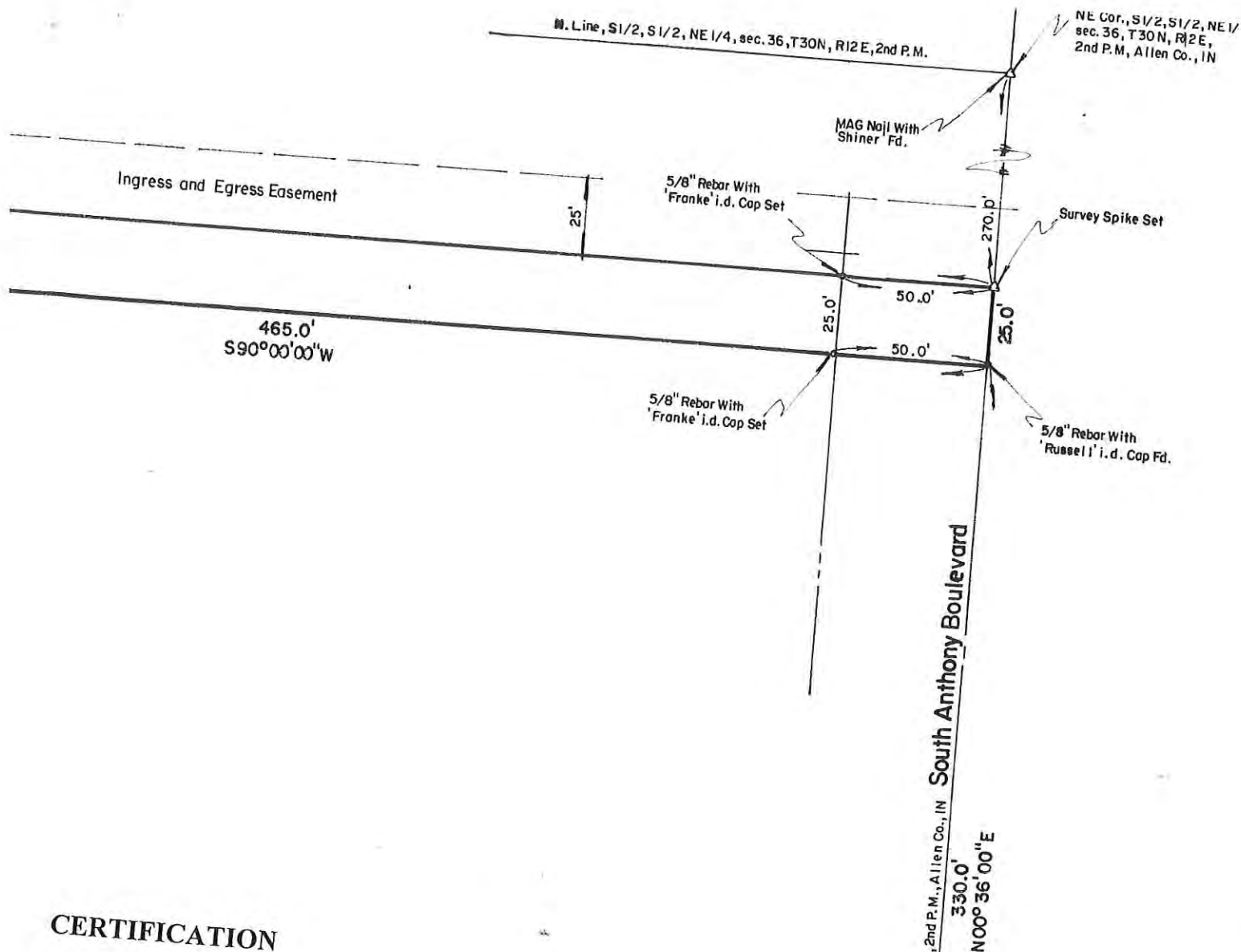
Anthony Payton International Ministries
(Doc. No. 2016069371)

Jonathan R. and Angela M. Bickel
(Doc. No. 2013039805)

Office Of:
Allen County Survey Consultants
Bruce A. Franke, RLS
8215 Cardinal Court
Fort Wayne, Indiana 46804-7880

Phone: (260) 486-1068
e-Mail: frankeb@pfw.edu



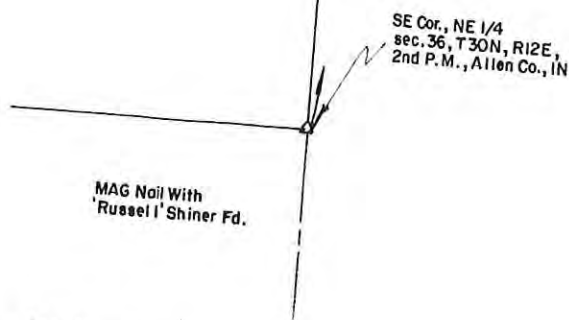


CERTIFICATION

I hereby certify that this survey was conducted by the undersigned Land Surveyor, registered under the Laws of the State of Indiana, and to the best of my knowledge and belief the within plat represents a survey executed in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code and last completed in the field on the 7th day of June 2019.

I hereby certify on the 10th day of June 2019 that the above survey is correct.

Bruce A. Franke
 Bruce A. Franke, RLS
 Indiana #S0467



FORT WAYNE ZONING ORDINANCE

§ 157.216 C3 GENERAL COMMERCIAL

(A) Purpose

The General Commercial **district** is intended to provide areas for a variety of commercial **uses** including certain high intensity **uses** not permitted in C1 and C2 **districts**. **Uses** typically found within this **district** include moderate intensity general business, community, office, **personal service**, and retail **uses**, along with certain residential facilities. Commercial **uses** in this **district** often serve the general public and therefore are usually located along **arterial** or collector roadways.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in a C3 **district**; unless otherwise noted, **primary uses** shall be permitted to have outdoor components. In C3 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C3 GENERAL COMMERCIAL USE CATEGORIES

Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES

Accessory building/structure/use	Appraiser	Automobile detailing or trim shop
Accountant	Arcade	Automobile maintenance (quick service)
Adoption service	Architect	Automobile rental
Adult care center	Arena	Automobile repair
Adult care home	Art gallery	Automobile restoration
Advertising	Art instruction	Automobile rustproofing
Agricultural equipment sales	Artist material and supply store	Automobile sales
Agricultural equipment service	Artist studio	Automobile washing facility
Agricultural supply sales	Assisted living facility	Bait sales
Air conditioning sales	Athletic field	Bakery goods
Air conditioning service	Attorney	Bank
Amusement park ⁽²⁾	Auction hall	Bankruptcy service
Animal grooming	Auction service	Bar or tavern
Animal hospital	Audiologist	Barber shop
Animal kennel	Audio-visual studio	Barber/beauty school
Animal obedience school	Automatic teller machine	Batting cages
Answering service	Automobile accessory store	Beauty shop
Antique shop	Automobile auction	Bed and breakfast
Apparel and accessory store	Automobile body shop	Betting or other gambling facility

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Bicycle sales and repair shop	Craft studio	Funeral home
Billiard or pool hall	Craft supply store	Furniture refinishing/repair
Bingo establishment	Credit service	Furniture store
Blood bank	Credit union	Furrier
Blood or plasma donor facility	Customer service facility	Garage sales
Boarding/lodging house	Dance instruction	Gas station
Boat/watercraft sales	Data processing facility	Gift shop
Book store	Data storage facility	Glass cutting/glazing shop
Bookkeeping service	Dating service	Go-kart facility ⁽²⁾
Bowling alley	Day care	Golf course, miniature
Brewery (micro)	Day spa	Golf driving range
Broker	Delicatessen	Graphic design service
Business training	Dentist	Greenhouse
Campus housing	Department store	Grocery store or supermarket
Card and stationery store	Diagnostic center	Group residential facility (large) ⁽²⁾
Catalog showroom	Dialysis center	Group residential facility (small)
Caterer	Diaper service facility	Gun sales
Check cashing	Dinner theater	Gymnastics instruction
Child care center	Doctor	Hardware store
Child care home (class I or II)	Dormitory	Haunted house
Chiropractor	Driving instruction	Health center
Cigarette/tobacco/cigar store	Drug store	Health club
Clinic	Dry cleaning store	Heating sales
Clock/watch/jewelry sales/repair	Educational institution	Heating service
Clothing store	Embroidery	Hobby shop
Club, private	Employment agency	Home improvement store
Coffee shop	Engine repair	Homeless/emergency shelter ⁽²⁾
Coin shop	Engineer	Hospice care center
Collection agency	Entertainment facility	Hospital
Community center	Equipment rental (limited)	Hotel
Community garden	Equipment service	Insurance agency
Computer sales and service	Exhibit hall	Interior decorating store
Computer software store	Exterminator	Interior design service
Computer training	Fabric shop	Internet/web site service
Confectionery/ice cream/candy store	Farmers market	Investment service
Consignment shop	Feed store	Laboratory
Consulting service	Finance agency	Land surveyor
Consumer electronics sales/service	Financial planning service	Landscape contracting service
Convenience store	Fireworks sales	Laundromat
Copy or duplicating service	Fitness center	Leather goods or luggage store
Correctional services facility	Flea market	Legal service
Cosmetic store	Floor covering store	Library
Costume and clothing rental	Florist	Live-work unit
Counseling service	Foundation office	Loan office
Country club	Fraternity house	Manufactured home sales
Craft instruction	Fruit/vegetable store	Marketing agency

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Martial arts training	Planetarium	Storage shed sales
Massage therapy	Planner	Surgery center
Meat or fish market	Plant nursery	Swim club
Medical training	Plumbing sales	Tailor/alterations service
Model unit	Plumbing service	Tanning salon
Mortgage service	Podiatrist	Tattoo establishment
Motel	Pottery sales	Tax consulting
Motor vehicle rental	Propane/bottled gas sales and service	Taxi service
Motor vehicle sales	Public transportation facility	Taxidermist
Movie and game sales and rental	Radio station	Telephone sales and service
Multiple family complex	Real estate	Television station
Multiple family dwelling	Reception/banquet hall	Tennis club
Museum	Recreation area ⁽²⁾	Theater
Music instruction	Recreation facility	Tire sales
Music store	Rehabilitation facility	Title company
Music/recording studio	Religious institution/school field	Towing service (with no storage yard)
Musical instrument store	Rental and/or leasing store	Townhouse complex
Nail salon	Residential dwelling unit ⁽¹⁾	Toy store
Neighborhood facility	Residential facility for homeless individuals ⁽²⁾	Trade show facility
Nursing home	Restaurant, including drive-through	Travel agency
Nutrition service	Retirement facility	Treatment center
Ophthalmologist	Riding stable	Truck fueling station
Optician	Savings and loan	Truck stop
Optometrist	School	Tutoring service
Package liquor store	Seasonal sales	Variety store
Paint store	Security service	Veterinary clinic
Park or recreation area	Shoe store/shoe repair shop	Warehouse/storage facility
Parking area (off-site) ⁽³⁾	Shooting range (indoor)	Water park ⁽²⁾
Parking area ⁽²⁾	Sign sales store	Wedding consultant
Parking structure	Skating rink	Weight loss service
Pawn shop	Sleep disorder facility	Wholesale facility
Pest control	Social service agency	Wind energy conversion system (micro) ⁽²⁾
Pet store	Sorority house	Window repair
Photographic supply store	Sporting goods sales and rentals	Window sales
Photography training	Stadium/racetrack ⁽²⁾	Yoga/Pilates instruction
Physical therapy facility	Stained glass studio	Zipline
Picture framing facility	Stock and bond broker	Zoo
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district (3) See universally permitted use definition for additional standards		