

#REZ-2021-0043

BILL NO. Z-21-08-10

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. R-26 (Sec. 29 of St. Joseph 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 an R3
(Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of
the City of Fort Wayne, Indiana:

PART OF THE NW 1/4, SECTION 29, T31N, R13E, 2ND P.M., ALLEN COUNTY, INDIANA AND
ALSO BEING A PART OF THE LAND OF YONG KWAN OH AND TAE SHIN OH (DOCUMENT NO.:
83-020228, OFFICE OF THE ALLEN COUNTY RECORDER) CONTAINING 0.410 _ACRE AND
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ,NORTHWEST COMER OF SAID NW 1/4, SAID COMER BEING
MARKED BY A P.K. NAIL FOUND IN PLACE; THENCE S02°08'10"E (THE NORTH LINE OF SAID
NW 1/4 IS ASSUMED TO BE N81°11'34"E FROM DOCUMENT NO.: 200061594, OFFICE OF
THE ALLEN COUNTY RECORDER) ALONG THE WEST LINE OF SAID NW 1/4 A DISTANCE OF
296.00 FEET; THENCE N87°11'34"E PARALLEL WITH THE NORTH LINE OF SAID NW 1/4 A
DISTANCE OF 50.00 FEET TO THE EAST RIGHT OF WAY OF HOBSON ROAD AND BEING THE
POINT OF BEGINNING; THENCE N02°08'10"W PARALLEL WITH THE WEST LINE OF SAID NW
1/4 A DISTANCE OF 60.00 FEET; THENCE N87°11'34"E PARALLEL WITH THE NORTH LINE OF
SAID NW1/4 AND ALONG THE SOUTH BOUNDARY OF THE LAND OF EMRO MARKETING
COMPANY (DOCUMENT NO.: 89-050393, OFFICE OF THE ALLEN COUNTY RECORDER) A
DISTANCE OF 100.00 FEET; THENCE N43°58'50"E ALONG THE BOUNDARY OF SAID EMRO
MARKETING COMPANY A DISTANCE OF 110.99 FEET (110.28 FEET, DEED); THENCE S02°08'1
0"E PARALLEL WITH THE WEST LINE OF SAID NW1/4, THROUGH THE LAND OF OH, A
DISTANCE OF 45.00 FEET; THENCE N87°11'34"E PARALLEL WITH THE NORTH LINE OF SAID
NW 1/4, THROUGH THE LAND OF OH, A DISTANCE OF 44.00 FEET; THENCE S02°08'10"E
PARALLEL WITH THE WEST LINE OF SAID NW 1/4, THROUGH THE LAND OF OH, A DISTANCE
OF 91.00 FEET TO THE NORTH BOUNDARY OF COLLEGE PARK WEST; THENCE S87°11'34"W
PARALLEL WITH THE NORTH LINE OF SAID NW 1/4 ALONG THE NORTH BOUNDARY OF
COLLEGE PARK WEST A DISTANCE OF 224.00 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM UNTO THE GRANTOR HEREIN, A UTILITY EASEMENT FOR THE
BENEFIT OF THE GRANTOR'S RETAINED REAL ESTATE LYING NORTH AND EAST OF THE

1 ABOVE DESCRIBED REAL ESTATE, WHICH EASEMENT IS MORE PARTICULARLY DESCRIBED AS
2 FOLLOWS:

3 A 5.00 FOOT EASEMENT FOR UTILITIES OVER, UNDER, AND ACROSS, THE LANDS OF YONG
4 KWAN OH AND TAE SHIN OH (DOCUMENT NO.: 83-020228, OFFICE OF THE ALLEN COUNTY
5 RECORDER) AND BEING IN THE NWL/4, SECTION 29, T31N, R13E, 2ND P.M., ALLEN COUNTY,
6 INDIANA. THE CENTER LINE OF THE UTILITY EASEMENT BEING DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHWEST CORNER OF SAID NW 1/4, SAID CORNER. BEING
8 MARKED BY A P .K. NAIL FOUND IN PLACE; THENCE S02°08'10"E (THE NORTH LINE OF SAID
9 NW 1/4 IS ASSUMED TO BE N87°11'34"E FROM DOCUMENT NO.: 200061594, OFFICE OF
10 THE ALLEN COUNTY RECORDER) ALONG THE WEST LINE OF SAID NWL/4 A DISTANCE OF
11 296.00 FEET; THENCE N87°11'34"E PARALLEL WITH THE NORTH LINE OF SAID NW 1/4 A
12 DISTANCE OF 271.50 FEET TO THE POINT OF BEGINNING OF THE CENTER LINE OF SAID
13 EASEMENT; THENCE N02°08'10"E PARALLEL WITH THE WEST LINE OF SAID NWL/4 A
14 DISTANCE OF 91.00 FEET.

15 SUBJECT TO AN UNRECORDED INGRESS-EGRESS EASEMENT IN FAVOR OF SBA TOWERS,
16 INC., WHICH EASEMENT GRANTS ACCESS TO SBA SITE NAME/NO: CEDARVILLE 2, IN-IN
17 03187-B.

18 and the symbols of the City of Fort Wayne Zoning Map No. R-26 (Sec. 29 of St. Joseph
19 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
20 Wayne, Indiana is hereby changed accordingly.

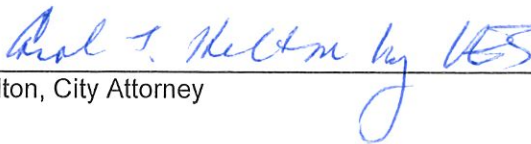
21 SECTION 2. If a written commitment is a condition of the Plan Commission's
22 recommendation for the adoption of the rezoning, or if a written commitment is modified and
23 approved by the Common Council as part of the zone map amendment, that written
24 commitment is hereby approved and is hereby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

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Graystone Hobson LLC
Address 4312 Hobson road
City Ft Wayne State IN Zip 46815
Telephone 260-410-2974 E-mail kelliprtygrl@gmail.com

Contact Person
Contact Person Kelli Kline
Address PO Box 8169
City Ft Wayne State IN Zip 46898
Telephone 2604102974 E-mail kelliprtygrl@gmail.com

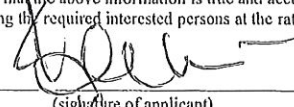
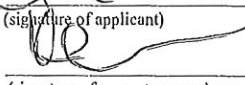
All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 4312 Hobson Road
Present Zoning C2 Proposed Zoning RS3 Acreage to be rezoned .4 acres
Proposed density duplex units per acre
Township name St. Joe Township section # _____
Purpose of rezoning (attach additional page if necessary) _____
convert from office to residential use
Sewer provider city Water provider city

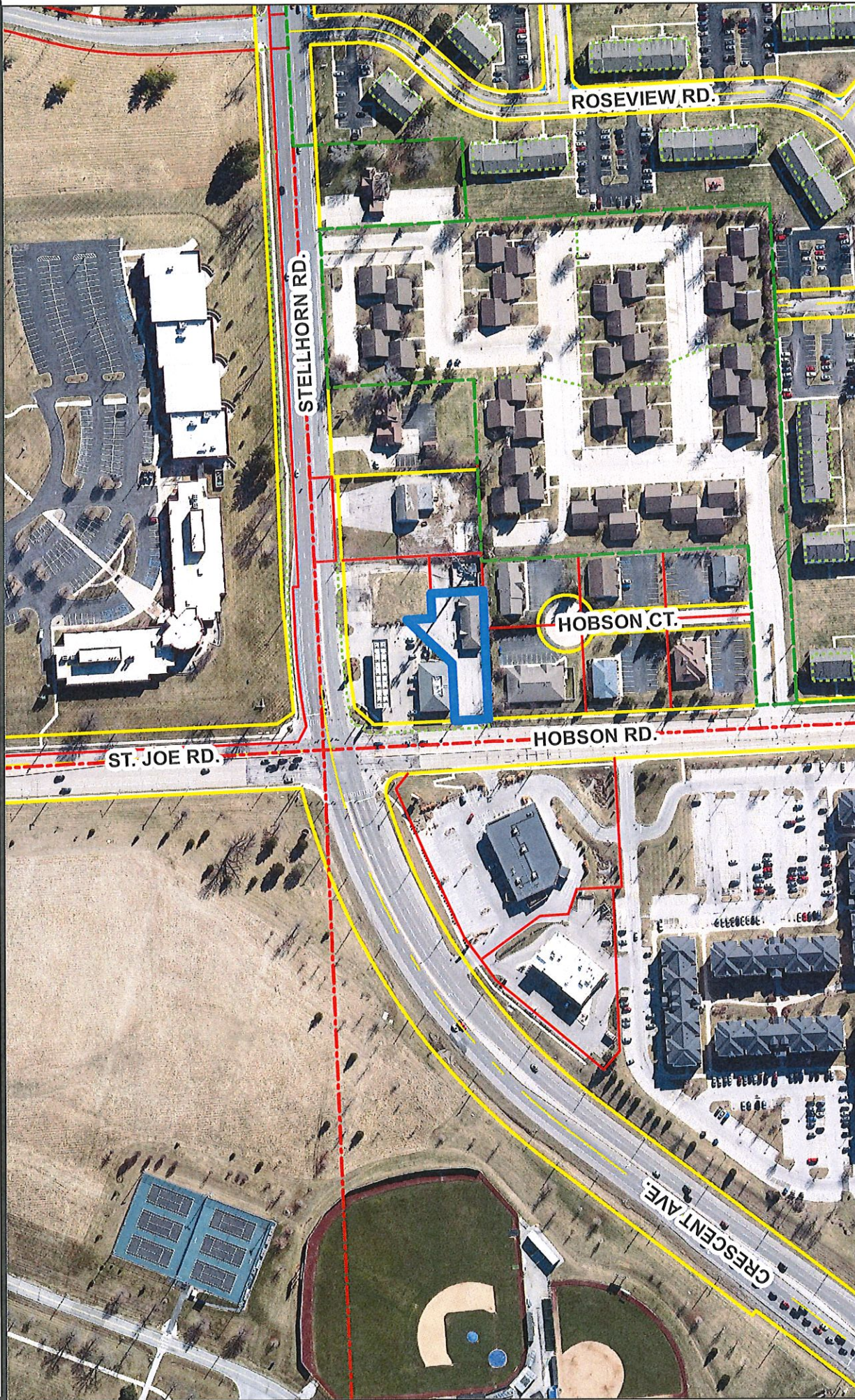
Filing Requirements
*Applications will not be accepted unless the following filing requirements are submitted with this application.
Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- ☐ 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.

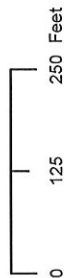
<u>Kelli Kline</u> (printed name of applicant)	 (signature of applicant)	<u>8/2/2021</u> (date)
<u>Graystone Hobson LLC</u> (printed name of property owner)	 (signature of property owner)	<u>8/2/2021</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received	Receipt No.	Hearing Date	Petition No.
8/2/21	137971	09-13-21	REF-2021-0043

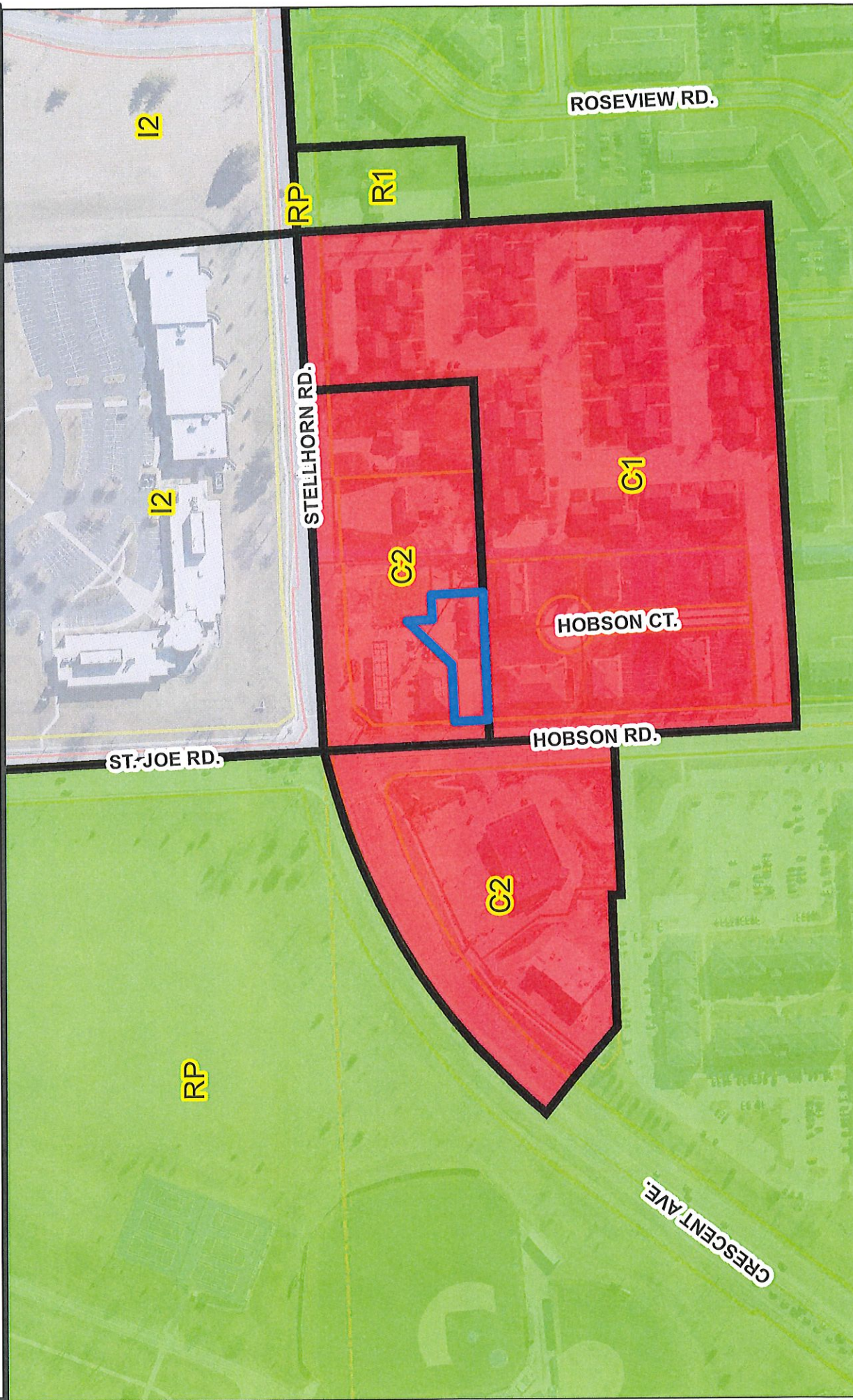


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 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 8/18/2021



1 inch = 226 feet

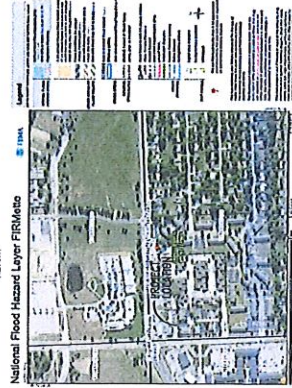


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UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES FOREST SERVICE, AND UNITED STATES GEOLOGICAL SURVEY. THE QUANTITIES OF WOODS AND FOREST PRODUCTS REPORTED BY THE STATES OF ALABAMA, ARIZONA, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, ILLINOIS, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, VERMONT, VIRGINIA, WASHINGTON, WEST VIRGINIA, WISCONSIN, and WYOMING, FOR THE YEAR 1904, ARE HEREBY SUBMITTED TO THE PUBLIC BY THE UNITED STATES FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AND THE UNITED STATES GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR.

SUBJECT TO AN UNRECORDED INDEMNITY AGREEMENT IN FAVOR OF SGA TONERS, INC., WHICH AGREEMENT GRANTS, ACCORDING TO SGA'S OWN NAME AND CIRCUMSTANCES, SUCH OTHER

Professional Surveyor's Certification

[illegible]

ForeSight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4slike.biz

ForeSight

EXPERIENCE. INNOVATION. RESULTS.

[illegible]

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Chuck Downey
4312 Hobson Road, Fort Wayne, IN 46815

Drawing Revisions

Commission Number 213175	Date August 2nd, 2021	Title
Sheet Number S1.1	SHEET 1 OF 2	

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FACT SHEET

Case #REZ-2021-0043 Bill # Z-21-08-10 Project Start: August 2021	
APPLICANT:	Graystone Hobson, LLC
REQUEST:	To rezone property from C2/Limited Commercial to R3/Multiple Family Residential to permit two-family residential and multiple family residential uses.
LOCATION:	The address of the subject property is 4312 Hobson Road (Section 29 of St. Joseph Township).
LAND AREA:	Approximately 0.4 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R3/Multiple Family Residential
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECT:	none

September 13, 2021 Public Hearing

- There were no speakers from the public.
- Don Schmidt, Paul Sauerteig and Justin Shurley were absent.

September 20, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

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

6-0 MOTION PASSED

- Don Schmidt, Paul Sauerteig and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
September 30, 2021

PROJECT SUMMARY

SITE HISTORY:

- The structure was built in 2000 and utilized by the Indiana Small Business Development Center at Purdue Fort Wayne
- The proposed use is a two-family residential dwelling.

STAFF DISCUSSION:

The petitioner is requesting a rezoning from C2/Limited Commercial to R3/Multiple Family Residential. The property has recently been used as a facility for Purdue Fort Wayne and the Indiana Small Business Development Center, which is a permitted use in the C2 zoning district. The goal of the rezoning request is simply to allow for two family residential uses on the site. The developer has stated that the structure is set up well for conversion into two units, but may be used for a higher density residential use in the future; thus the request for R3 zoning. From staff research, it appears that the commercial zoning (or past equivalent) has been present for decades and the site was undeveloped prior to 2000 when the structure was built. The 1955 zoning map shows the property being zoned B3B, a commercial zoning district. The building is located on the east side of Hobson Road, in an area that has a mixture of retail, university, and office uses.

As mentioned, there is no development plan associated with this request and there are no proposed changes to the site at this time. There is enough parking to serve the proposed two units on the site. The main purpose of the rezoning is to allow for a two-family residential use. The C2 zoning district permits multiple family residential uses, but not single or two-family residential.

The developer recently purchased the property from the Indiana-Purdue Foundation at Fort Wayne and would like to provide much-needed student housing on the property.

PUBLIC HEARING SUMMARY:

Presenter: Kelli Kline, property owner/manager, presented the proposal as outlined above.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

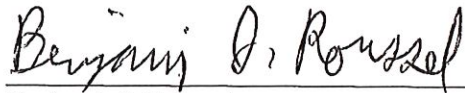
Rezoning Petition REZ-2021-0043

APPLICANT:	Graystone Hobson, LLC
REQUEST:	To rezone property from C2/Limited Commercial to R3/Multiple Family Residential to permit two-family residential and multiple family residential uses.
LOCATION:	The address of the subject property is 4312 Hobson Road (Section 29 of St. Joseph Township).
LAND AREA:	Approximately 0.4 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2021-0043 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. The general area surrounding the site is a mixture of retail, office, and general commercial properties. Multiple family residential uses are permitted in the commercial districts, but this rezoning will allow for a lesser density, if desired. The proposal is to bring the proposed two-family residential use into compliance with the Zoning Ordinance. The Comprehensive Plan supports this rezoning through the following objectives:
 - LU3.** Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
 - LU5.** Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;
 - LU5.C** Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.
 - 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.
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.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for a two-family residential building or higher residential density, if desired.
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 adjacent to the site.

These findings approved by the Fort Wayne Plan Commission on September 20, 2021.

A handwritten signature in black ink, reading "Benjamin J. Roussel". The signature is written in a cursive style with a horizontal line underneath it.

Benjamin J. Roussel
Interim Zoning Administrator
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Graystone Hobson LLC
Address 4312 Hobson road
City Ft Wayne State IN Zip 46815
Telephone 260-410-2974 E-mail kelliprtygrl@gmail.com

Contact Person
Contact Person Kelli Kline
Address PO Box 8169
City Ft Wayne State IN Zip 46898
Telephone 2604102974 E-mail kelliprtygrl@gmail.com

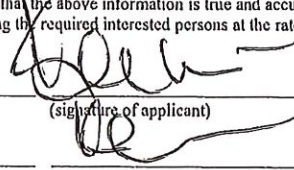
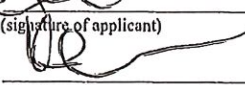
All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 4312 Hobson Road
Present Zoning C2 Proposed Zoning RS3 Acreage to be rezoned .4 acres
Proposed density duplex units per acre
Township name St. Joe Township section # _____
Purpose of rezoning (attach additional page if necessary) _____
convert from office to residential use
Sewer provider city Water provider city

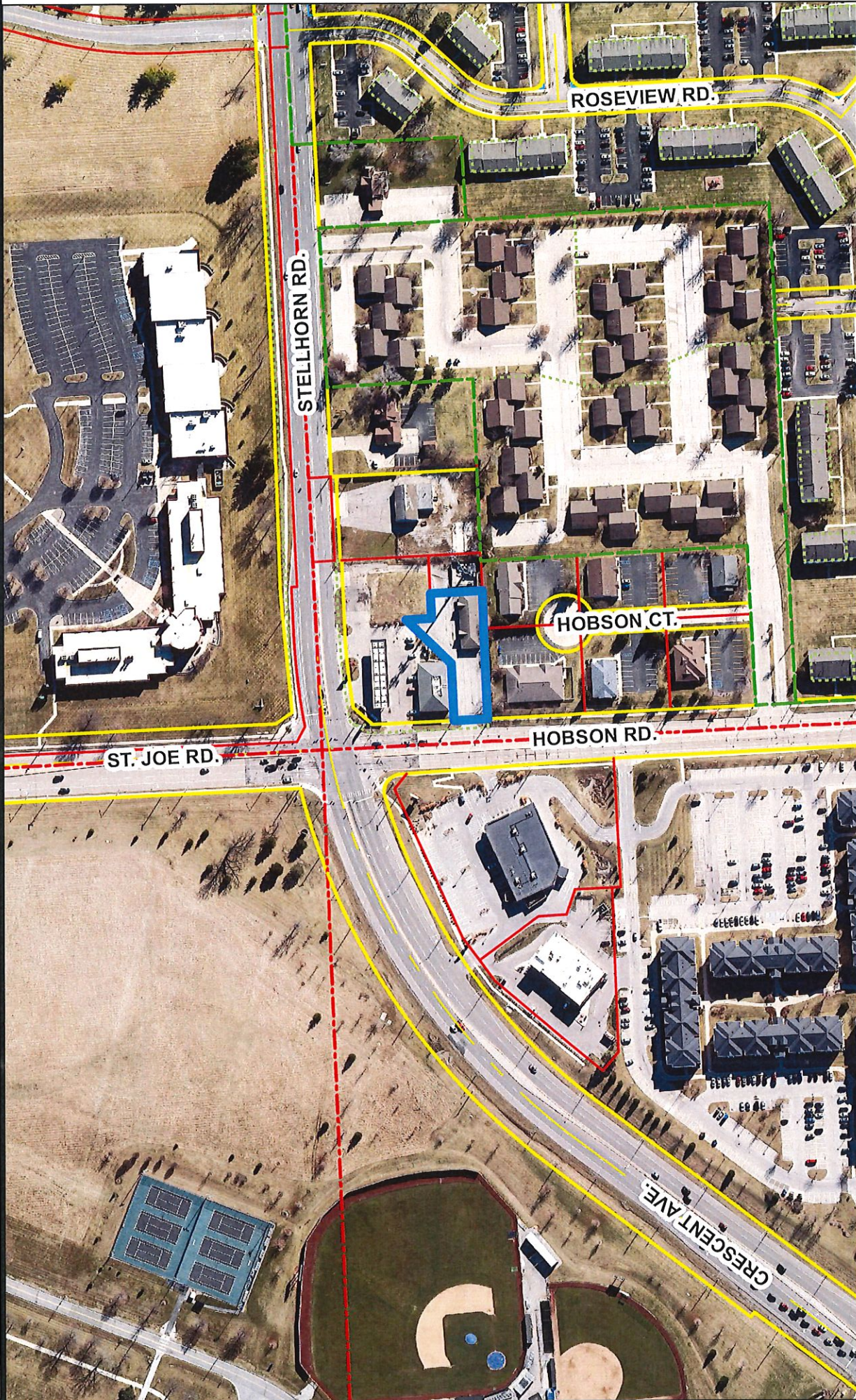
Filing Requirements
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Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- ☐ 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.

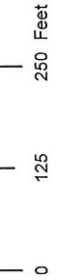
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<u>Graystone Hobson LLC</u> (printed name of property owner)	 (signature of property owner)	<u>8/2/2021</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>8/2/21</u>	Receipt No. <u>137471</u>	Hearing Date <u>09-13-21</u>	Petition No. <u>REZ-2021-0043</u>
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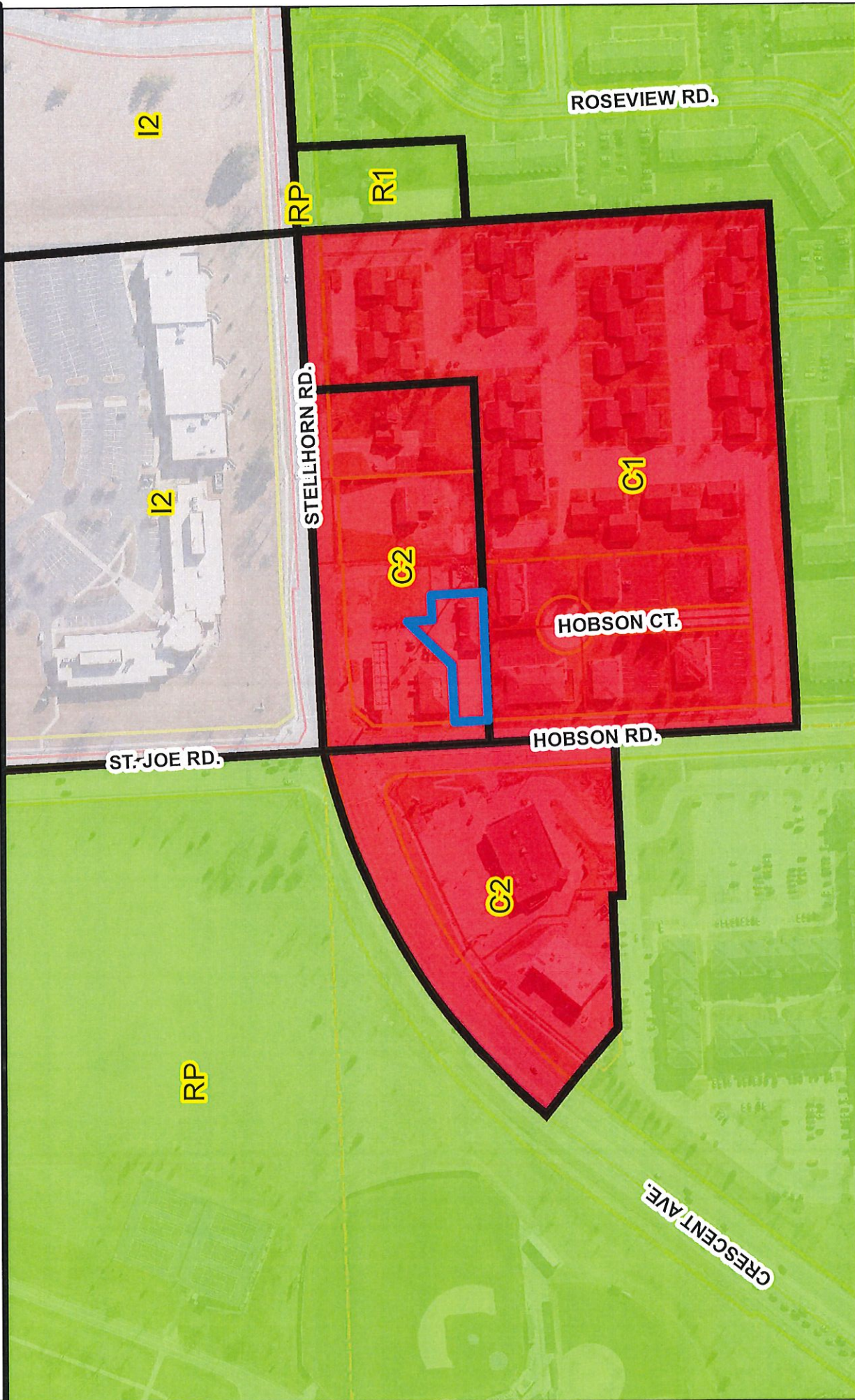


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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Rezoning Petition
Case Number: REZ-2021-0043
Bill Number: Z-21-08-10
Council District: 2-Russ Jehl

Introduction Date: August 24, 2021

Plan Commission
Public Hearing Date: September 13, 2021 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.4 acres from NC/Neighborhood Center to R3/Multiple Family Residential

Location: 4312 Hobson Road

Reason for Request: To allow the existing building to be converted to a residential duplex for student housing.

Applicant: Graystone Hobson, LLC

Property Owner: Graystone Hobson, LLC

Related Petitions: none

Effect of Passage: The property will be rezoned to R3/Multiple Family Residential, which allows multiple, duplex and single family residential uses.

Effect of Non-Passage: The property will remain zoned for neighborhood retail and services, which also permits multiple family residential, but not duplexes or single family.