

#REZ-2021-0014

BILL NO. Z-21-03-23

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-03 (Sec. 8 of Wayne 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:

Lot Numbered 44A and Lot Numbered 44B in Westwood Extended, an Addition to
the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 11,
page 103, in the Office of the Recorder of Allen County, Indiana.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

The Northerly 20 feet of Lots 44A and 44B, as now established in Westwood
Extended Addition Amended as recorded in Plat Record 11, page 103 in the Office
of the Recorder of Allen County, Indiana; said Northerly 20 feet being immediately
Southeast of, parallel with and adjacent to the existing Southerly right-of-way line of
West Jefferson Boulevard, as it now exists and containing 5533.41 square feet or
0.127 acres more or less.

and the symbols of the City of Fort Wayne Zoning Map No. F-03 (Sec. 8 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.

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2 SECTION 3. That this Ordinance shall be in full force and effect from and after its
3 passage and approval by the Mayor.
4

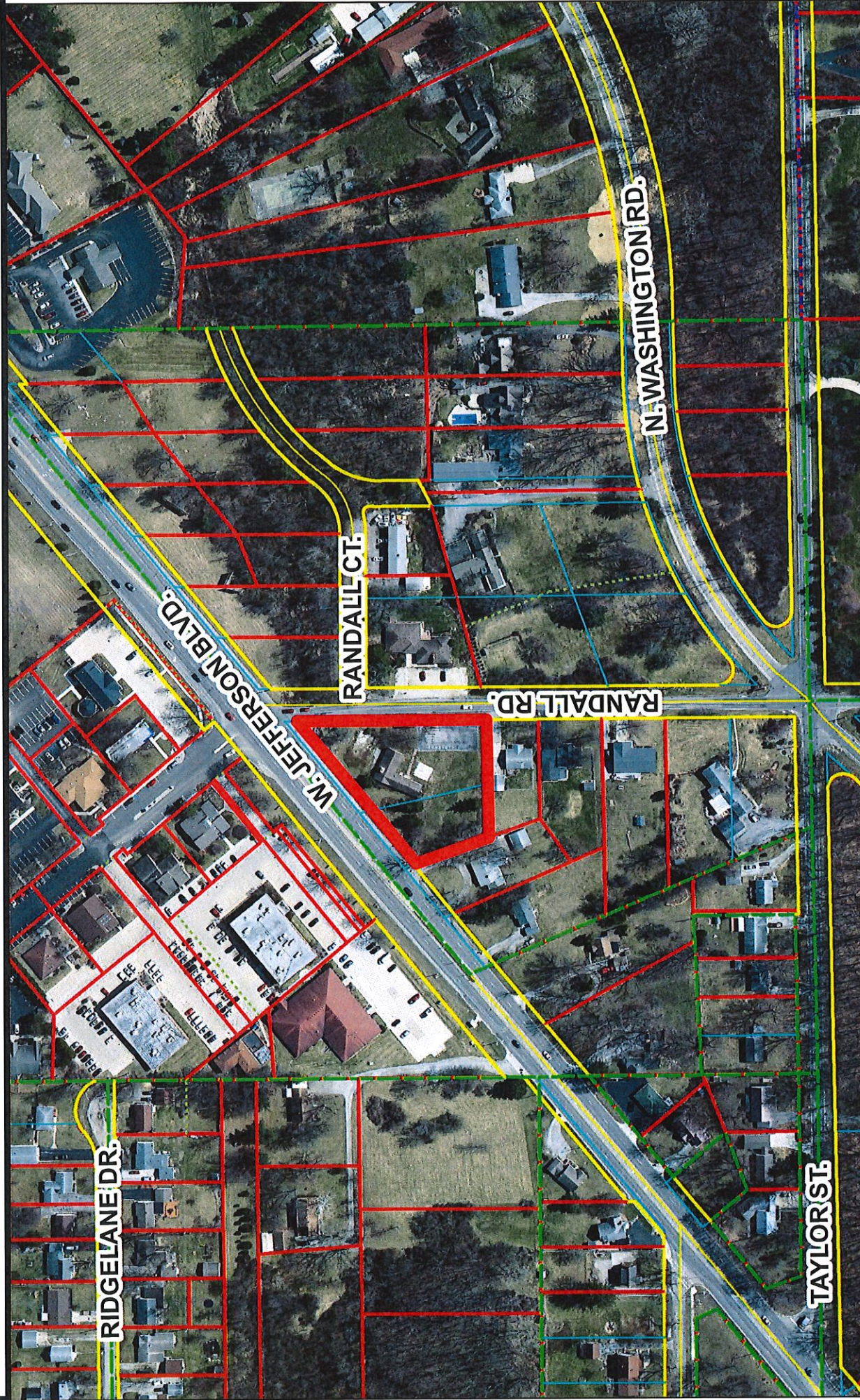
5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

8 
9 _____
10 Carol T. Helton, City Attorney
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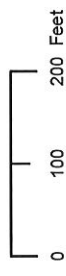


Rezoning Petition REZ-2021-0014 and Primary Development Plan PDP-2021-0011 Riecke Commons



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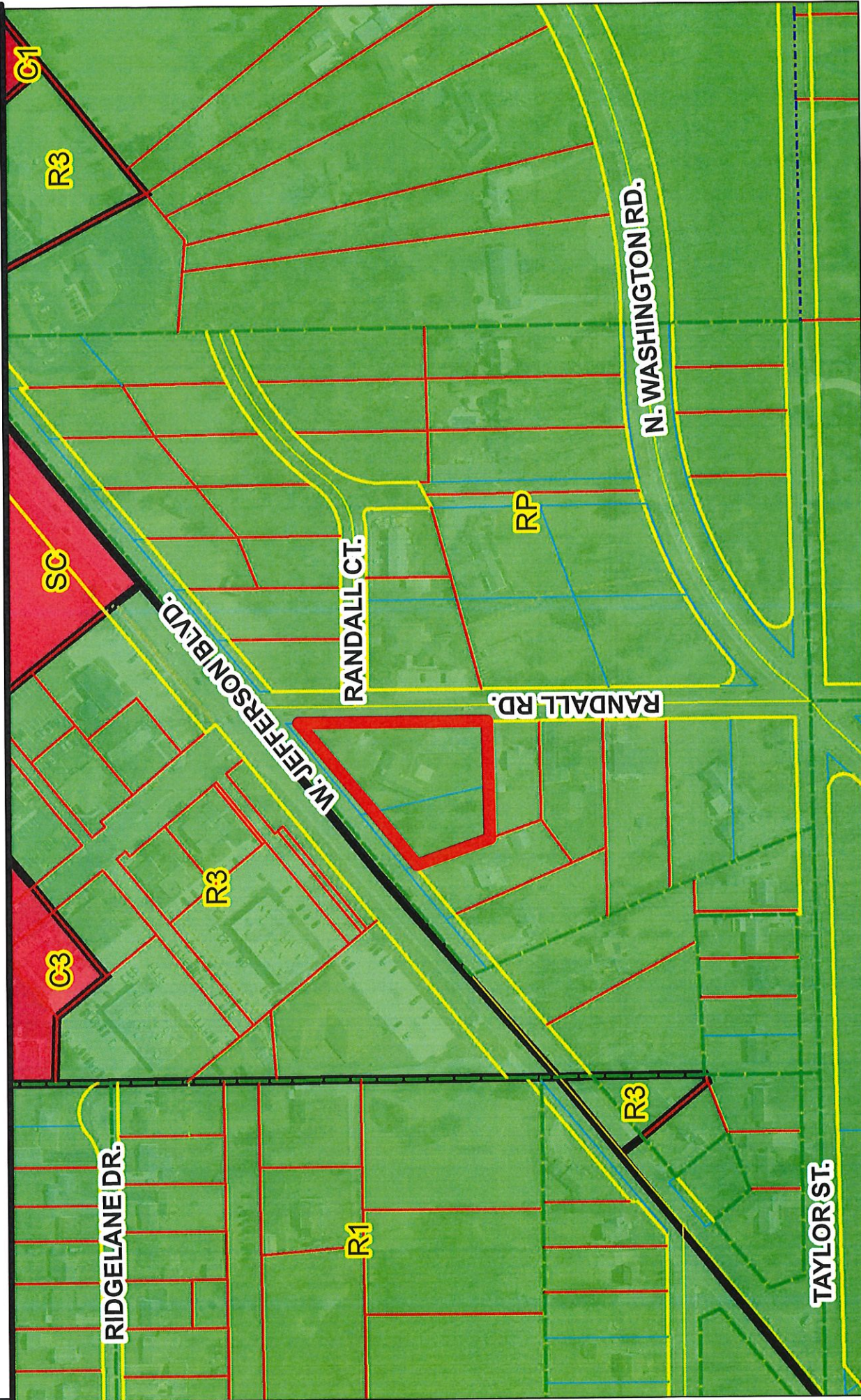
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 3/15/2021



1 inch = 200 feet



Rezoning Petition REZ-2021-0014 and Primary Development Plan PDP-2021-0011 Riecke Commons



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Date: 3/15/2021



1 inch = 200 feet

Department of Planning Services Rezoning Petition Application

Applicant
Applicant Evan Riecke
Address 2911 Covington Hollow Trail
City Fort Wayne State IN Zip 46804
Telephone 260-466-0609 E-mail evanrieckesells@gmail.com

Contact Person
Contact Person Scott M. Federoff, Snyder Morgan Federoff & Kuchmay, LLP
Address 4211 Clubview Drive
City Fort Wayne State IN Zip 46804
Telephone 260-602-8000 E-mail smf@smfklaw.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 4605 West Jefferson Avenue
Present Zoning R1 Proposed Zoning C2 Acreage to be rezoned 0.99
Proposed density 1 units per acre
Township name Wayne Township section # 12
Purpose of rezoning (attach additional page if necessary) To allow construction of a three unit multi-tenant building.
Sewer provider Fort Wayne Water provider Well

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

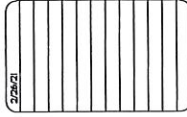
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

Evan Riecke Evan Riecke 3/2/2021
(printed name of applicant) (signature of applicant) (date)
A & K Corporation [Signature] 3/2/2021
(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.
3-2-2021	136216	4-12-2021	REZ-2021-0014



P. A. TROYER INC.
CONSTRUCTION
DEVELOPMENT
1510 W. LUDWIG RD.
FORT WAYNE, IN 46825
C. 260-318-0926
PHIL@PATROYER.COM



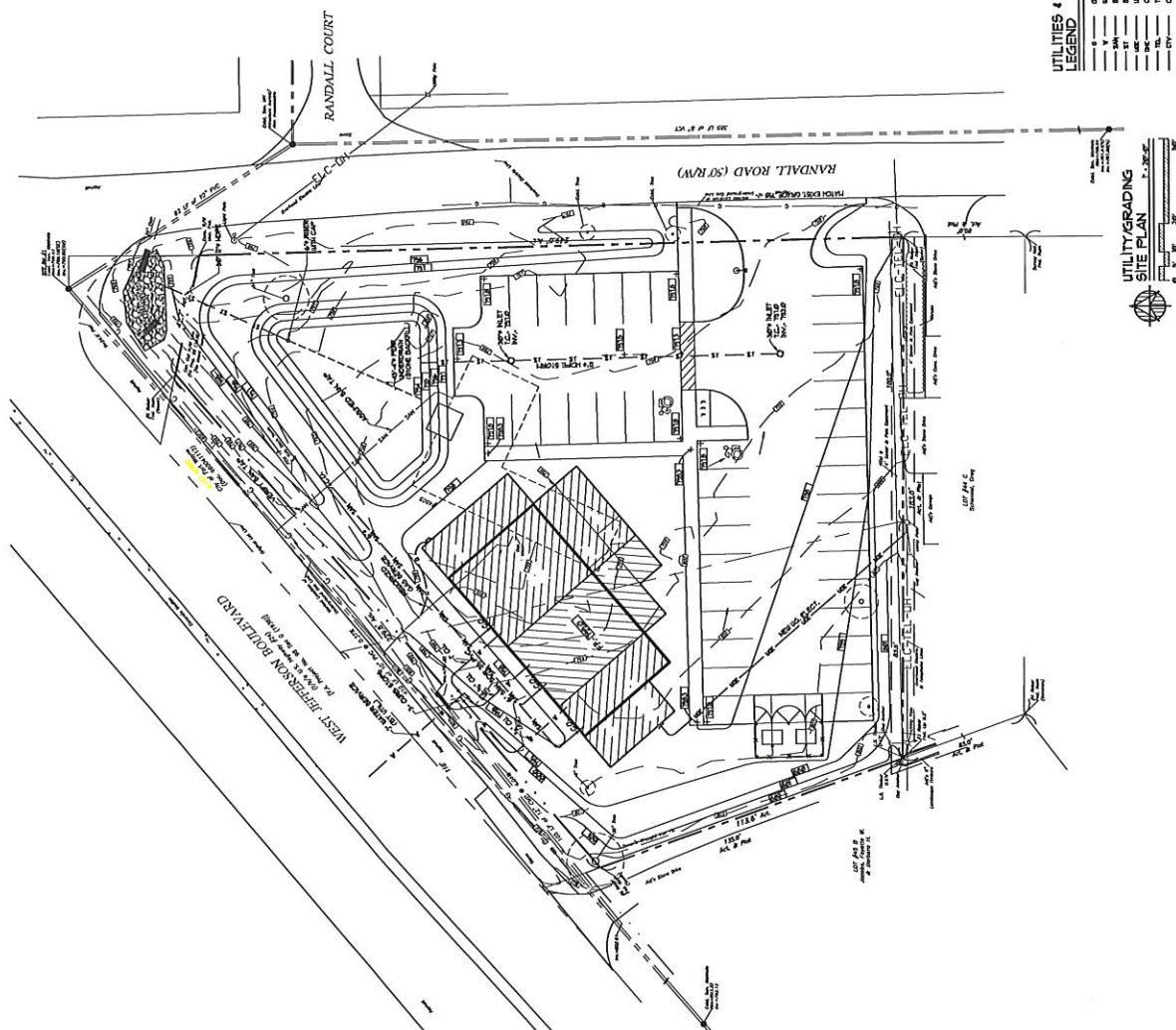
RIECKE
4605 W. JEFFERSON
FORT WAYNE, IN

S1



SITE AREAS			
TOTAL SITE AREA	40534	100%	
BLDG. + PAVING (HARD)	15344	38%	
GREEN AREA	25194	62%	

PARKING CALC'S	
BLDG. AREA	5,000
PARKING SPACES / 40	
IS 50 FT/SPACE	



FACT SHEET

Case #REZ-2021-0014		Bill # Z-21-03-23	Project Start: March 2021
APPLICANT:	Evan Riecke		
REQUEST:	To rezone property from RP/Planned Residential to C2/Limited Commercial; and approve a primary development plan for new commercial building.		
LOCATION:	The site is located at the southwest corner of West Jefferson Boulevard and Randall Road. The address of the subject property is 4605 West Jefferson Boulevard (Section 8 of Wayne Township).		
LAND AREA:	Approximately 1 acre		
PRESENT ZONING:	RP/Planned Residential		
PROPOSED ZONING:	C2/Limited Commercial with a Written Commitment		
COUNCIL DISTRICT:	4-Jason Arp		
ASSOCIATED PROJECT:	Primary Development Plan, Riecke Commons		
SPONSOR:	City of Fort Wayne Plan Commission		

April 12, 2021 Public Hearing

- One resident spoke at the public hearing in support, representing Westwood-Fairway.
- Paul Sauerteig, Ryan Neumeister, Justin Shurley and Tom Freistroffer were absent.

April 19, 2021 Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

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

6-0 MOTION PASSED

- Ryan Neumeister, Justin Shurley and Judi Wire were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
May 6, 2021

PROJECT SUMMARY

The petitioner requests a rezoning from RP/Planned Residential to C2/Limited Commercial for a new multi-tenant retail space. The long-standing use as Neuhouser Plant Nursery was abandoned in 2012.

Redevelopment proposals have included a chimney sweep/repair business (denied by the Board of Zoning Appeals), and a “paint and sip” gallery (withdrawn). This is the first rezoning proposal to be submitted for review since the nursery closed. The applicant is primarily seeking the rezoning to permit a salon, which would fit in the C1/Professional Office and Personal Services district; however, they would also like a boutique to complement the salon services. Any retail sales as a primary use would require the C2/Limited Commercial district. The applicant originally submitted a Written Commitment that would restrict the C2 uses to those permitted in C1, and the “retail, limited” uses as defined in the ordinance. Following the public hearing and further discussions with neighborhood representatives from the Westwood-Fairway Community Association, the applicant further restricted the permitted uses resulting in the following list:

Accessory building/structure/use	Insurance agency
Advertising	Interior decorating store
Alteration service	Interior design service
Antique shop	Leather goods store
Apparel and accessory store	Luggage store
Art gallery	Legal service
Art instruction	Massage therapy
Art studio	Medical training
Art supply store	Mortgage service
Bakery goods	Nail salon
Barber shop	Nutrition service
Beauty shop	Painting studio
Book store	Photography studio
Bookkeeping service	Photography supply store
Candy store	Photography training
Clock sales	Physical therapy facility
Clothing alterations	Picture framing facility
Clothing store	Pilates instruction
Coin shop	Pottery sales
Consulting service	Rehabilitation facility
Cosmetic store	Sculpture studio
Craft instruction	Stained glass studio
Craft studio	Stationary store
Craft supply store	Tailor
Day spa	Tanning salon
Embroidery	Title company
Employment agency	Travel agency
Fitness center	Universally permitted use
Florist	Watch sales
Gift shop	Website service
Graphic design service	Wedding consultant
Gymnastics instruction	Weight loss service
Health center	Yoga instruction
Ice cream store	

The Written Commitment would run with property and not just the property owner. Any amendment of the commitment would require approval by the Plan Commission and a public hearing.

The comprehensive plan could support this development 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.

The proposed site plan includes a new multitenant commercial building. The 3-tenant space is 5,000 square feet. Access will come from Randall Road and parking will be located on the east and south sides of the building. Stormwater detention will be located in the north corner of the site. The zoning ordinance would require a sidewalk on both the West Jefferson and Randall Road frontages. Staff is seeking comments from Transportation Engineering whether sidewalks are feasible on this site.

Because the parking lot is adjacent to a residential zoning district, Code P-2 is required; a mixture of large shrubs with shade trees within a 10-foot width. Between the public right-of-way and Randall Road, Code P-1 is required; a mix of small shrubs and shade trees. Lighting is required to be full cut-off on the site and light spill on neighboring residential properties is prohibited. No waivers are proposed with the primary development plan.

PUBLIC HEARING SUMMARY:

Presenter: Scott Federoff, attorney representing the Rieckes, presented the proposal as outlined above. He stated that the applicant was willing to work with the neighborhood on fine tuning the permitted uses in the Written Commitment.

Public Comments:

John Hoffman, representing Westwood Fairway Community Association, spoke in support of the project with some concern for permitted uses. Would like to continue to work with applicant on the final list. Also, see attached letter.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2021-0014

APPLICANT:	Evan Riecke
REQUEST:	To rezone property from RP/Planned Residential to C2/Limited Commercial for a new commercial building.
LOCATION:	The site is located at the southwest corner of West Jefferson Boulevard and Randall Road. The address of the subject property is 4605 West Jefferson Boulevard (Section 8 of Wayne Township).
LAND AREA:	Approximately 1 acre
PRESENT ZONING:	RP/Planned Residential
PROPOSED ZONING:	C2/Limited Commercial with a Written Commitment

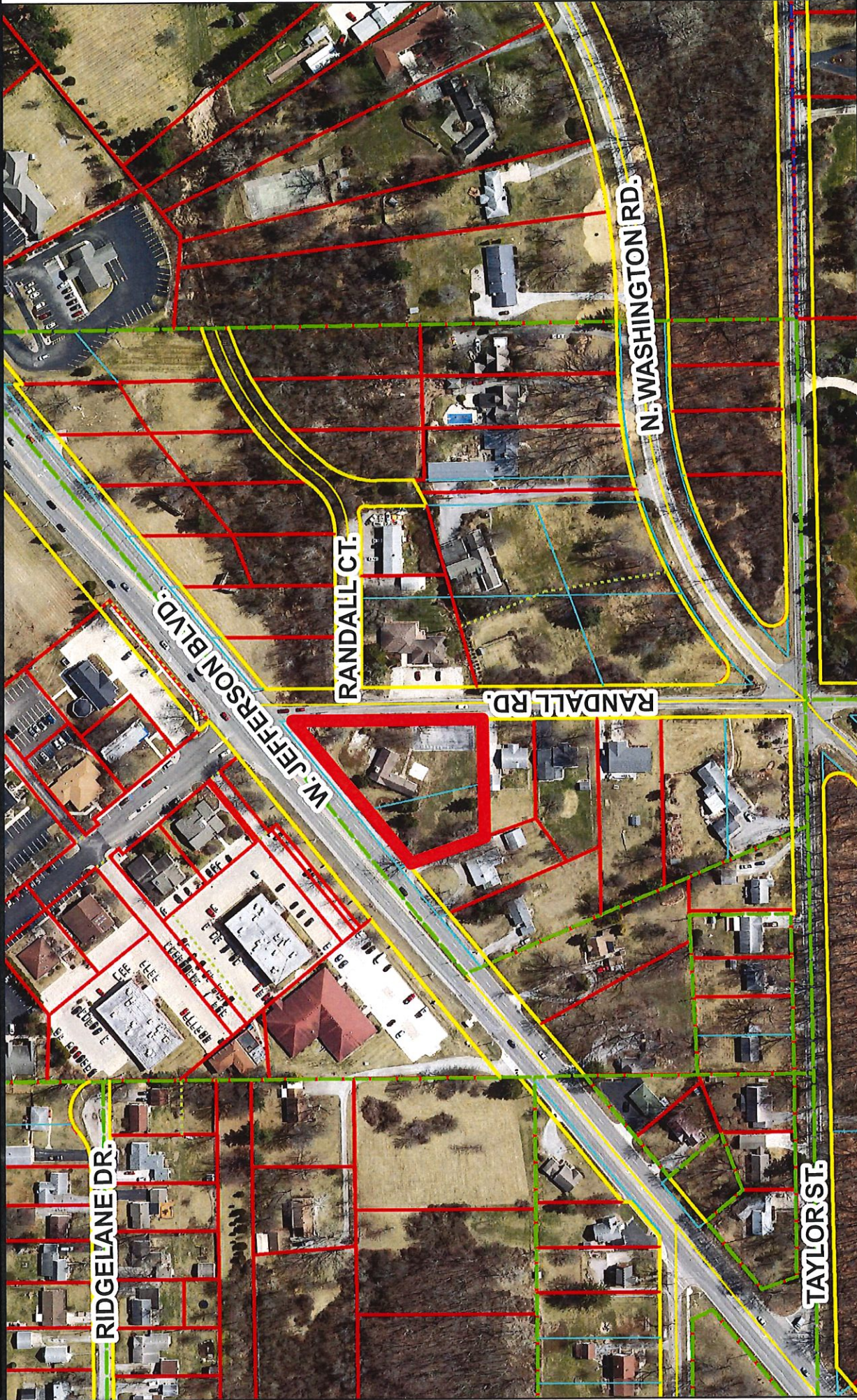
The Plan Commission recommends that Rezoning Petition REZ-2021-0014, be returned to Council with a "Do Pass" recommendation with a Written Commitment, after considering the following:

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. The site has been used commercially for many years and is unlikely to redevelop with a residential use. Commercial zoning will allow reinvestment into the property and offer local services to the neighborhood. The Written Commitment will prohibit uses that may not be compatible with existing uses along the West Jefferson Boulevard corridor.
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 review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood. A voluntary Written Commitment will tailor the permitted uses which will not adversely impact the neighborhood.
3. Approval is consistent with the preservation of property values in the area. The site has been vacant for nearly 9 years and is in need of redevelopment and reinvestment. The proposed layout is consistent with the Zoning Ordinance standards. This proposal will provide infill development using existing infrastructure.
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 April 19, 2021.

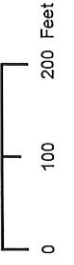


Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission



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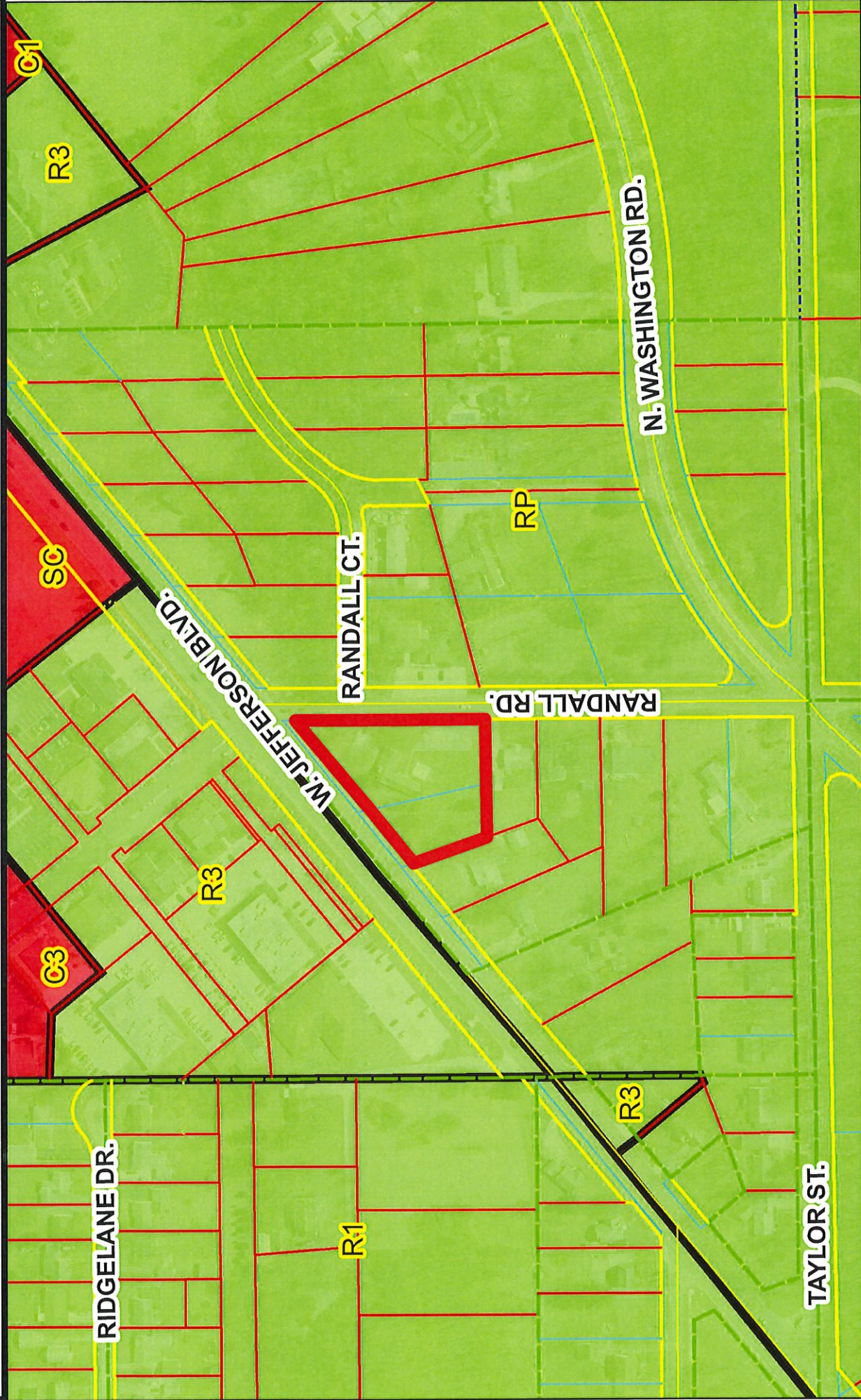
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Applicant Evan Riecke
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Telephone 260-466-0609 E-mail evanrieckesells@gmail.com

Contact Person
Contact Person Scott M. Federoff, Snyder Morgan Federoff & Kuchmay, LLP
Address 4211 Clubview Drive
City Fort Wayne State IN Zip 46804
Telephone 260-602-8000 E-mail smf@smfklaw.com

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☒ 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.

DocuSigned by:
Evan Riecke 3/2/2021
(printed name of applicant) (signature of applicant) (date)
A & K Corporation 3/2/2021
(printed name of property owner) (signature of property owner) (date)
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3-2-2021	136216	4-12-2021	REZ-2021-0014

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LESS AND EXCEPTING THEREFROM THE FOLLOWING:

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SITE AREAS		
TOTAL SITE AREA	40,978#	100%
BLDG & PAVING (HARD)	15,394#	38%
GREEN AREA	25,584#	62%

PARKING CALC'S	
BLDG. AREA	5,000*
PARKING SPACES	40
	715.50 SQ FT SPACE

WRITTEN COMMITMENT

This Written Commitment (this "Commitment") is made effective as of the 26th day of April, 2021, by Riecke Holdings, LLC, an Indiana limited liability company ("Company").

RECITALS

A. By virtue of that certain Warranty Deed dated _____ and recorded on _____ as Document Number _____ in the Office of the Recorder of Allen County, Indiana, Company is the owner of record in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" (the "Real Estate").

B. Company filed an application under Case Number REZ-2021-0014 (the "Rezoning Application") to change the zoning map applicable to the Real Estate from the RP Zoning District to the C2 Zoning District.

D. Pursuant to Ind. Code § 36-7-4-1015(a)(1) and the City of Fort Wayne Zoning Ordinance (the "Ordinance"), the Fort Wayne Plan Commission (the "Plan Commission") may require an owner of real property to make a written commitment concerning the use or development of the real property as part of rezoning application (the "Approval").

E. In connection with the Rezoning Application, Company offered to make, and the Plan Commission required Company to make, a written commitment concerning the use and development of the Real Estate.

COMMITMENT

In consideration of the Approval, Company makes the following written commitments pursuant to I.C. §36-7-4-1015(a)(1):

1. **PROHIBITED USES.** The following uses normally permitted in the C2/Limited Commercial zoning district under §157.213 of the Ordinance are prohibited: See the attached Exhibit "B".

the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

3. **EFFECTIVE DATE.** This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

4. **SUCCESSORS AND ASSIGNS.** This Commitment and the restrictions set forth above shall inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.

5. **SEVERABILITY.** Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

6. **GOVERNING LAW.** This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

7. **STATUTORY AUTHORITY.** This Commitment is made pursuant to I.C. §36-7-4-1015(a)(1).

8. **PERMITS.** No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

9. **MODIFICATION AND TERMINATION.** Modification and termination of this Commitment may only be made in accordance I.C. §36-7-4-1015, as such statute may be amended from time-to-time.

Riecke Holdings, LLC,
an Indiana limited liability company

By: 
Evan Riecke, Member

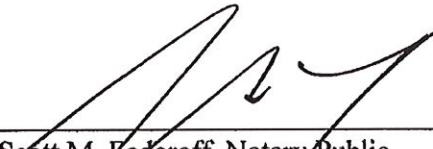
"Company"

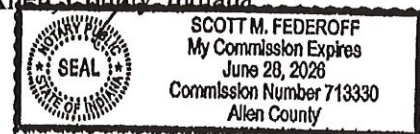
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this 26th day of April, 2021, personally appeared Evan Riecke, as a member of Riecke Holdings, LLC, an Indiana limited liability, and acknowledged the execution of the foregoing Written Commitment on behalf of said company.

WITNESS my hand and Notarial Seal.

My commission expires:
June 28, 2028


Scott M. Federoff, Notary Public
Resident of Allen County, Indiana



This instrument prepared by and after recording return to: Scott M. Federoff, SNYDER MORGAN FEDEROFF & KUCHMAY LLP, 4211 Clubview Drive, Fort Wayne, Indiana 46804.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Scott M. Federoff

Exhibit "A"
Legal Description of the Real Estate

Lot Numbered 44A and Lot Numbered 44B in Westwood Extended, an Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 11, page 103, in the Office of the Recorder of Allen County, Indiana.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

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Exhibit "B"
Prohibited Uses

Adult care center
Air conditioning sales
Animal grooming (indoor)
Animal hospital (indoor)
Animal kennel (indoor)
Animal obedience school (indoor)
Appliance store
Arcade
Assisted living facility
Auction service
Audio-visual studio
Automatic teller machine
Automobile accessory store (indoor)
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bank
Banquet hall
Bar
Barber/beauty school
Bed and breakfast
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding house
Book store
Bowling alley
Brewery (micro)
Broadcast studio
Campus housing (off-site)
Catalog Showroom
Caterer

Child care center
Child care home (class I or II)
Chiropractor
Clinic
Clothing rental
Club, private
Coffee shop
Community garden (incl. outdoor)
Computer sales and service
Computer software store
Computer training
Consignment shop
Consumer electronics sales
Consumer electronics service
Convenience store
Correctional services facility
Costume rental
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Day care
Delicatessen
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution

Entertainment facility
Fabric shop
Farmers market (incl. outdoor)
Fireworks sales (indoor)
Fitness center
Flea Market (indoor)
Floor covering store
Fraternity house
Fruit/vegetable store (indoor)
Funeral home
Furniture store
Game rental
Game sales
Glass cutting/glazing shop
Grocery store or supermarket
Group residential facility (large)
Group residential facility (small)
Gymnastics instruction
Hardware store
Haunted house
Health center
Health club
Heating sales
Hobby shop
Home improvement business
Home repair
Homeless shelter ⁽¹⁾
Hospice care center
Hospital
Hot tub sales
Hotel
Household appliance store
Jewelry sales
Laboratory
Laundromat
Live-work unit
Loan office
Martial arts training

Meat/fish market
Medical supply sales
Model unit
Motel
Movie rental
Movie sales
Multiple family complex
Multiple family dwelling
Museum
Music instruction
Music store
Music studio
Musical instrument store
Neighborhood facility
Nursing home
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
Parking area
Parking area (off-site)
Parking structure
Pet store
Pharmacy
Physical therapy facility
Public transportation facility
Radio station
Reception hall
Recording studio
Recreation facility
Recreation facility
Rental store
Rescue mission
Residential dwelling unit
Residential facility for homeless individuals (up to 8)
Restaurant, including drive-through

Retirement facility
Sandwich shop
Savings and loan
Security service
Shoe store
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting good sales
Stock and bond broker
Surgery center
Swim club
Swimming pool sales
Tattoo establishment
Tavern
Taxi service
Tea room
Telephone sales
Telephone service
Television station
Tennis club
Theater
Tire sales
Tobacco store
Townhouse complex
Toy store
Treatment center
Tutoring service
Variety store
Veterinary clinic (indoor)
Wind energy conversion system (micro)
Window sales
Zoo

Westwood-Fairway Neighborhood Association

The objective of the Westwood-Fairway Neighborhood Association is the same that it has been since the development of Apple Glen and the Jefferson Pointe Shopping Centers. Once the Regional Shopping Center Symbol was placed for Apple Glen, the neighborhoods of Wildwood Park and Westwood-Fairway began advocating for the southside of West Jefferson Blvd. to develop with low intensity business uses as a buffer between the neighborhoods and the high intensity use Shopping Centers. The goal was to promote development with professional office and services that closed early and generated light vehicle traffic.

The plan commission should consider the future of this stretch of Road and what it should really look like. How viable is the Peter Franklin Development? With Covid that Developments potential for success looks different today than it did in 2017. The traffic department is struggling with approving a traffic plan and for good reason. Anything other than a right in and right out would be very dangerous. The neighborhood still contends that the appropriate development for the south side of West Jefferson Blvd. should be professional office and service. The real question is how viable is a retail center that at todays constructions cost is going to rent for a minimum of \$30 to \$40 a square foot in this location?

The property on the SW corner of Randall Road and West Jefferson Blvd. while having a West Jefferson address is unlike other properties on West Jefferson Blvd. along this stretch of Road.

In reviewing the zoning classifications, it seems that a new classification is needed for residential neighborhood businesses. The Packard area alliance zoning changes does not quite cover it. But how you deal with infill like the Friendly Fox, Italian Grocery etc. really did not fit any of the models I saw in the ordinance. As urban neighborhood changes and want more amenities zoning is going to have to adjust to that. This property almost fits that mold. It really is more Randall Road, Neighborhood, than West Jefferson.

There is a difference between a dress boutique that fits well in a neighborhood and larger clothing store which belongs in a shopping center. I could not find anything in the ordinance the differentiate the two. There is a big difference.

This project does not have access to West Jefferson Blvd. The only vehicle access is to Randall Road an unimproved chip and seal Road that lacks curbs, storm gutters and other improvements. Vehicles exit off West Jefferson often at a high rate of speed to cross traffic lanes. The width of the road at West Jefferson is poorly designed and dangerous when a vehicle is waiting to turn onto West Jefferson and another vehicle is making a turn from West Jefferson onto Randall Road. at the intersection. The entrance to the discussed property is not far from the intersection.

Traffic engineering should install a sign at the intersection of Randall and West Jefferson requiring right turn only. Cars attempting to turn left can back up cars on Randall Road well past the applicant's driveway.

The neighborhood is concerned about the use of C-2 Zoning and what precedent that sets for other development along this stretch of West Jefferson Blvd. In conversations with the planning department, I have received assurances that this commission can recommend C-2 zoning and that all unacceptable uses within the C-2 category be removed, leaving only appropriate business uses that would be suitable for this property. It is our understanding that this will offer better protection against undesirable business uses going forward.

We have provided a list below of what we consider acceptable uses identified from the C-2 Limited Commercial Use Categories. Categories not listed considered unacceptable.

C-2 Limited Commercial Accepted Uses:

Accountant
Antique Shop
Appraiser Office
Architect
Art Gallery
Artist Studio
Attorney
Audiologist
Barber Shop
Beauty Shop / Spa
Bookkeeping Service
Clothing Store
Craft Gallery
Consulting Service
Counseling Service
Florist
Financial Planning Service
Foundation Office
Graphic Design Service
Insurance Agency
Marketing Agency
Picture Framing Facility
Pottery Sales
Stock and Bond Broker
Tax Consulting
Title Company
Travel Agency
Tutoring Service

That brings us to the property at Randal and West Jefferson Blvd. This project fits our goals. We had previously agreed to support the development of a salon for this site but it did not work out. We think this project would enhance the property while not adversely impacting the neighborhood. The dress shop should not be a concern in terms of traffic creation and should be a nice complement to the salon.

We would expect to receive additional information on the following:

- 1) Landscape and screening plans to protect the neighboring residential properties
- 2) Stormwater control plan.
- 3) Lighting plan to confirm exterior lighting will not interfere with residential neighbors
- 4) Hours of operation

We would like to see included in the written Commitment

- 1) All product sales must take place within the building interior.
- 2) Regular Hours of operation limited 7am to 9 pm
- 3) Sales of recreational Marijuana, Medical Marijuana, CBD oils, or other recreational drugs not sold or produced on this property. CBD Oil could be sold as a secondary product but not as a main line of products.
- 4) Delivery vehicles to and from this property must be able to access the property parking lot and not park on Randall Road while servicing the property.
- 5) Proper Screening provided to the neighbors to the West and South per ordinance and agreeable design with the neighborhood association.

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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0014
Bill Number: Z-21-03-23
Council District: 4 – Jason Arp

Introduction Date: March 23, 2021

Plan Commission
Public Hearing Date: April 12, 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 one acre from R1/Single Family Residential to C2/Limited Commercial

Location: 4605 West Jefferson Boulevard

Reason for Request: To allow for a three-tenant retail building, including a salon and boutique.

Applicant: Evan Riecke

Property Owner: A & K Corporation

Related Petitions: Primary Development Plan, Riecke Commons

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which will allow the construction of a multitenant retail building. A Written Commitment can restrict more intensive uses in the district.

Effect of Non-Passage: The property will remain zoned for single family residential uses and may redevelop as such.