

#REZ-2021-0052

BILL NO. Z-21-10-07

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-31 (Sec. 36 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 C3 (General
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

A PART OF THAT 113.64 ACRE SOUTHTOWN DEVELOPMENT TRACT AS RECORDED IN
DOCUMENT NO. 205018101 IN THE OFFICE OF THE ALLEN COUNTY RECORDER AS
AMENDED BY A CERTAIN SURVEYOR'S AFFIDAVIT OF CORRECTION AS RECORDED IN
DOCUMENT NO. 205037333, SITUATED IN A PART OF THE NORTHEAST QUARTER,
NORTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 30
NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, IN PARTICULAR DESCRIBED AS
FOLLOWS TO-WIT:

TO ARRIVE AT THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST COMER OF
SAID NORTHEAST QUARTER SAID SECTION; THENCE SOUTH 89 DEGREES 37 MINUTES
00 SECONDS EAST (BASIS OF BEARINGS ASSUMED FROM DR 666 PAGE 299 AND
REFERENCE SURVEY BY CARL A. HOFER MAY 18, 1964 AND MID-STATES ENGINEERING
1968 AND DOCUMENT NO. 205018101) ALONG THE NORTH LINE OF SAID NORTHEAST
QUARTER, A DISTANCE OF 413.00 FEET; THENCE SOUTH 00 DEGREES 23 MINUTES 00
SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE SOUTHWESTERN BOUNDARY OF
U.S. ROUTES 27 & 33; THENCE SOUTH 84 DEGREES 47 MINUTES 00 SECONDS EAST
ALONG SAID SOUTHWESTERN BOUNDARY, A DISTANCE OF 178.20 FEET; THENCE
SOUTH 53 DEGREES 40 MINUTES 00 SECONDS EAST ALONG SAID SOUTHWESTERN
BOUNDARY, A DISTANCE OF 1924.00 FEET TO A NORTHEASTERLY CORNER OF THAT
1.3946 ACRE TRACT AS CONTAINED IN DOCUMENT NO. 205059033 AND THE POINT OF
BEGINNING INITIALLY REFERRED TO; THENCE CONTINUING SOUTH 53 DEGREES 40
MINUTES 00 SECONDS EAST ALONG SAID SOUTHWESTERN BOUNDARY, A DISTANCE
OF 255.80 FEET TO THE NORTHEASTERLY COMER OF THAT 113.64 ACRES AFORESAID;
THENCE SOUTH 21 DEGREES 20 MINUTES 00 SECONDS WEST ALONG THE EASTERLY
LINE OF SAID TRACT, A DISTANCE OF 388.84 FEET TO A POINT OF CURVE SITUATED ON
THE EASTERLY LINE OF THE RING ROAD AS DESCRIBED AS PARCEL I IN DOCUMENT
NO. 205016501; THENCE NORTHERLY ALONG A NON TANGENT CIRCULAR CURVE TO
THE LEFT HAVING A RADIUS OF 180.00 FEET, AN ARC DISTANCE OF 194.27 FEET, THE
CHORD OF WHICH BEARS NORTH 09 DEGREES 35 MINUTES 11 SECONDS WEST, A
DISTANCE OF 184.98 FEET TO A POINT OF TANGENT; THENCE NORTH 40 DEGREES 30
MINUTES 22 SECONDS WEST ALONG SAID ROAD AND TANGENT, A DISTANCE OF 67.62
FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG SAID ROAD ON A
CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 248.00 FEET, AN ARC DISTANCE
OF 56.96 FEET TO A POINT OF TANGENT; THENCE NORTH 53 DEGREES 40 MINUTES 00
SECONDS WEST ALONG SAID TOAD AND TANGENT, A DISTANCE OF

1 101.25 FEET TO A SOUTHEASTERLY COMER OF THAT 1.3946 ACRES AFORESAID;
2 THENCE NORTH 36 DEGREES 20 MINUTES 00 SECONDS EAST ALONG AN EASTERLY
3 LINE OF SAID TRACT, A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING AND
4 CONTAINING 70,616 SQUARE FEET OR 1.6211 ACRES, MORE OR LESS, OF LAND.

5 and the symbols of the City of Fort Wayne Zoning Map No. O-31 (Sec. 36 of Wayne
6 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
7 Wayne, Indiana is hereby changed accordingly.

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

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

14
15
16 _____
Council Member

17 APPROVED AS TO FORM AND LEGALITY:

18
19 
20 _____
Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Architectural Design Guild
Address 2710 Sutton Blvd.
City St. Louis State MO Zip 63143
Telephone (314) 644-1234 E-mail jsmith@adg-stl.com

Contact Person
Contact Person Joshua Smith
Address 2710 Sutton Blvd.
City St. Louis State MO Zip 63143
Telephone (314) 644-1234 E-mail jsmith@adg-stl.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 7851 Southtown Crossing
Present Zoning SC Proposed Zoning C3 Acreage to be rezoned 1.62
Proposed density _____ units per acre
Township name Fort Wayne Township section # _____
Purpose of rezoning (attach additional page if necessary) Rezoning to General Commercial to allow vehicle storage in the front yard.
Sewer provider City Utilities Water provider City Utilities

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 plans/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

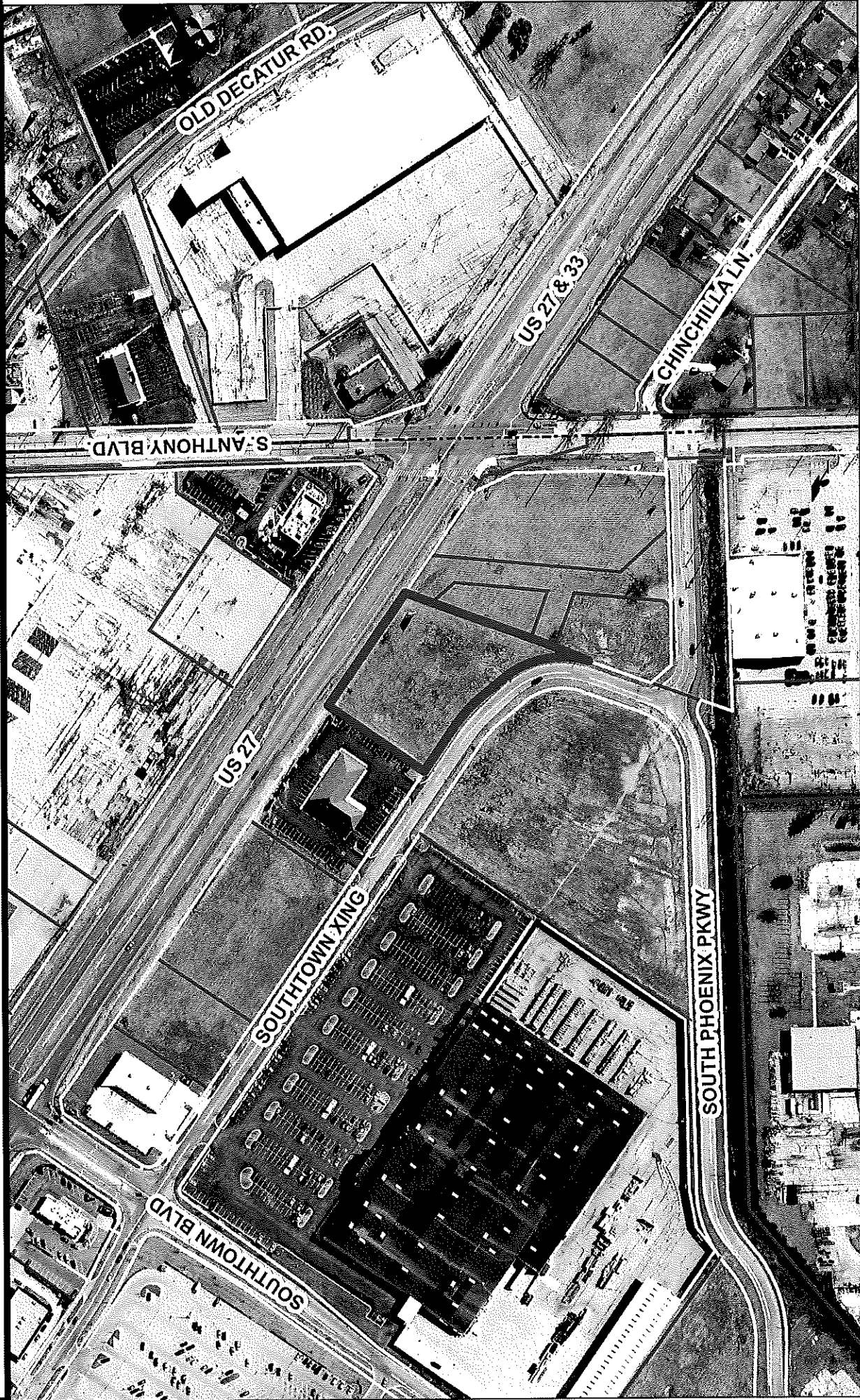
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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>Tim DeArman</u> (printed name of applicant)	<u>[Signature]</u> (signature of applicant)	<u>9/7/2021</u> (date)
<u>Jonathan Lelst</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>9/20/21</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

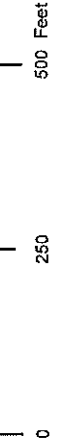
Received <u>9/22/21</u>	Receipt No. <u>138372</u>	Hearing Date <u>10/12/21</u> <u>11/8/21</u>	Petition No. <u>Rez-2021-0052</u>
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REZ-2021-0052 and PDP-2021-0038 Caliber Collision



1 inch = 250 feet

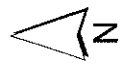
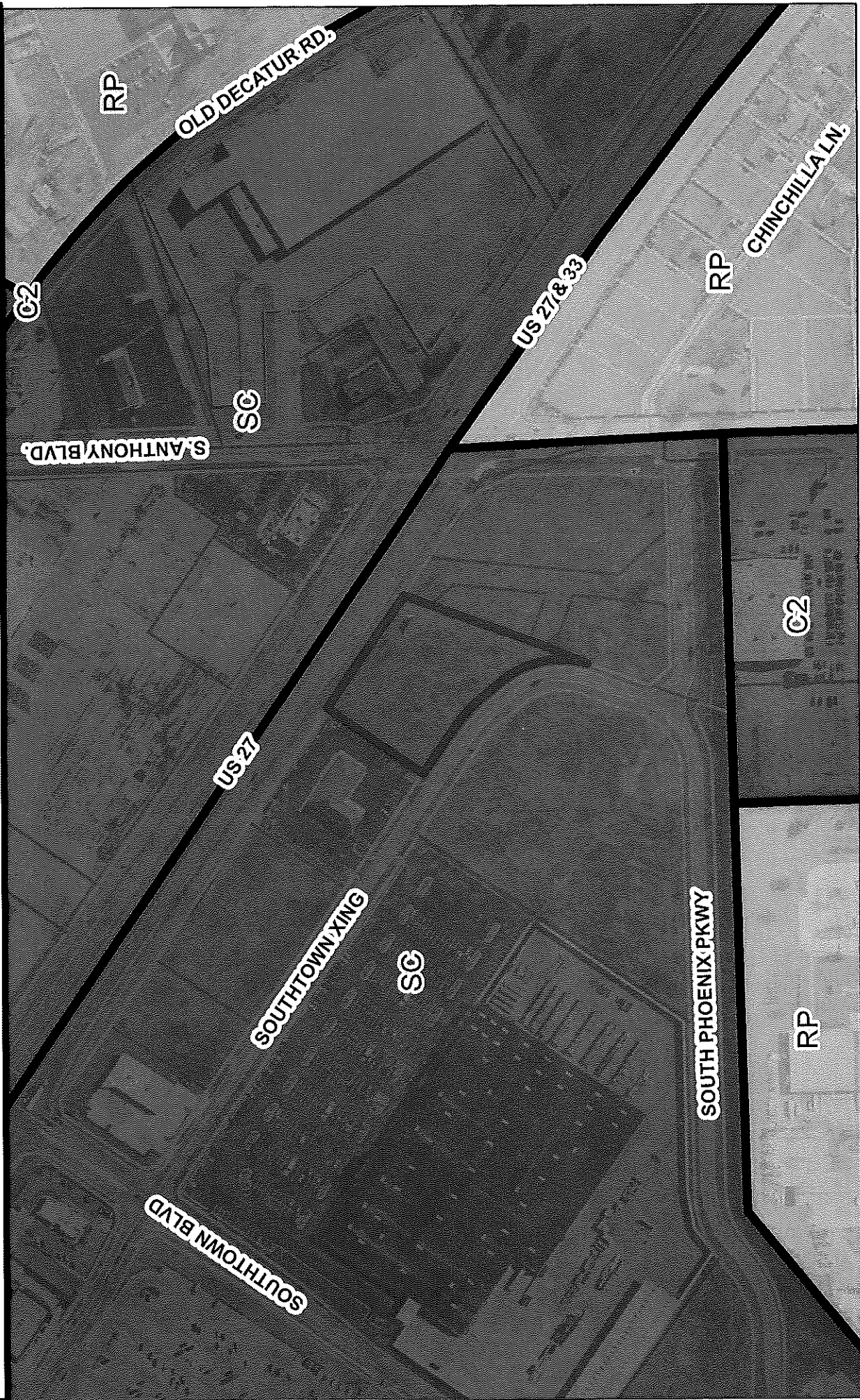


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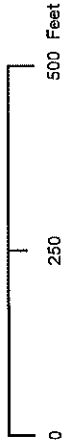
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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 10/11/2021



REZ-2021-0052 and PDP-2021-0038 Caliber Collision

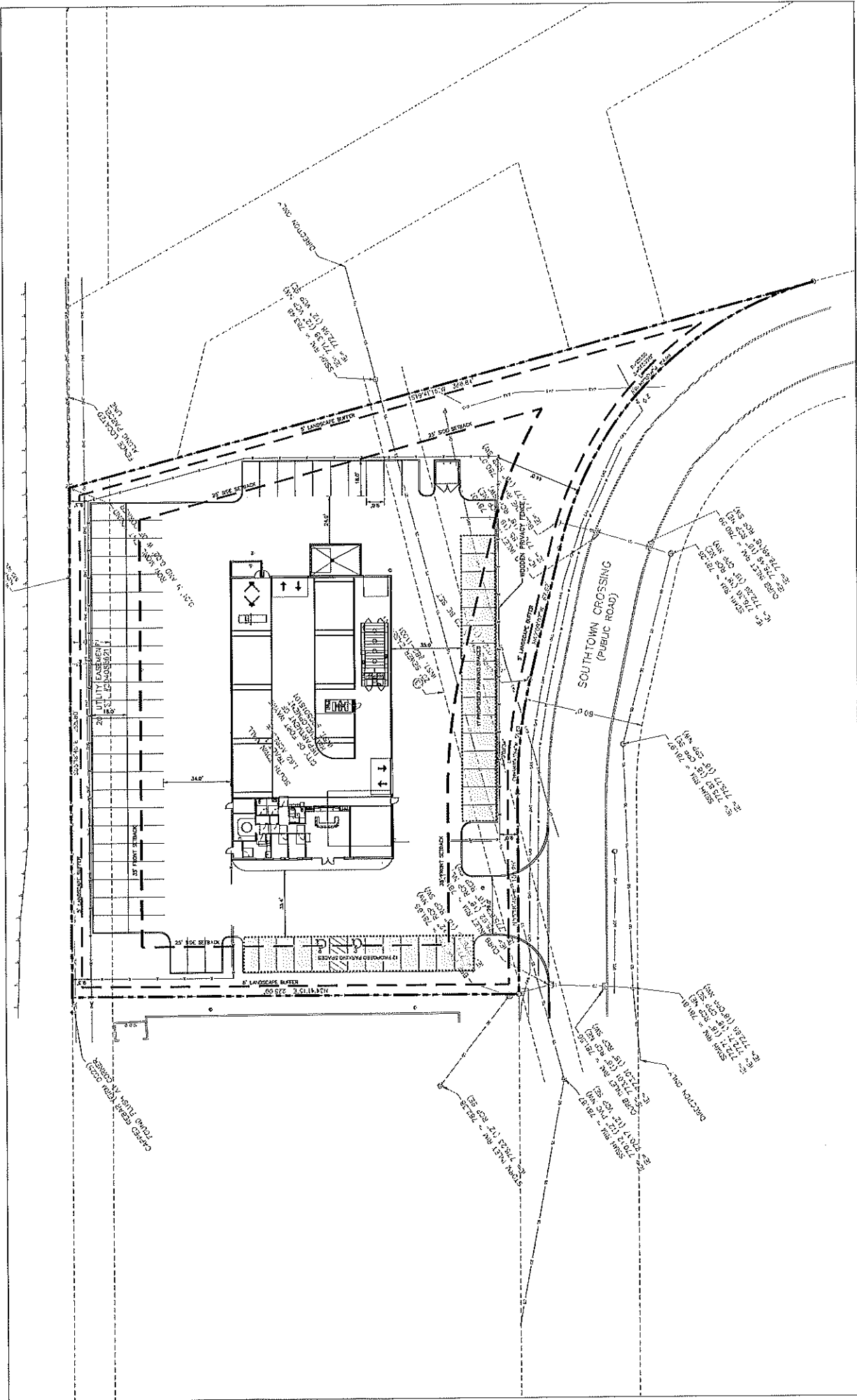


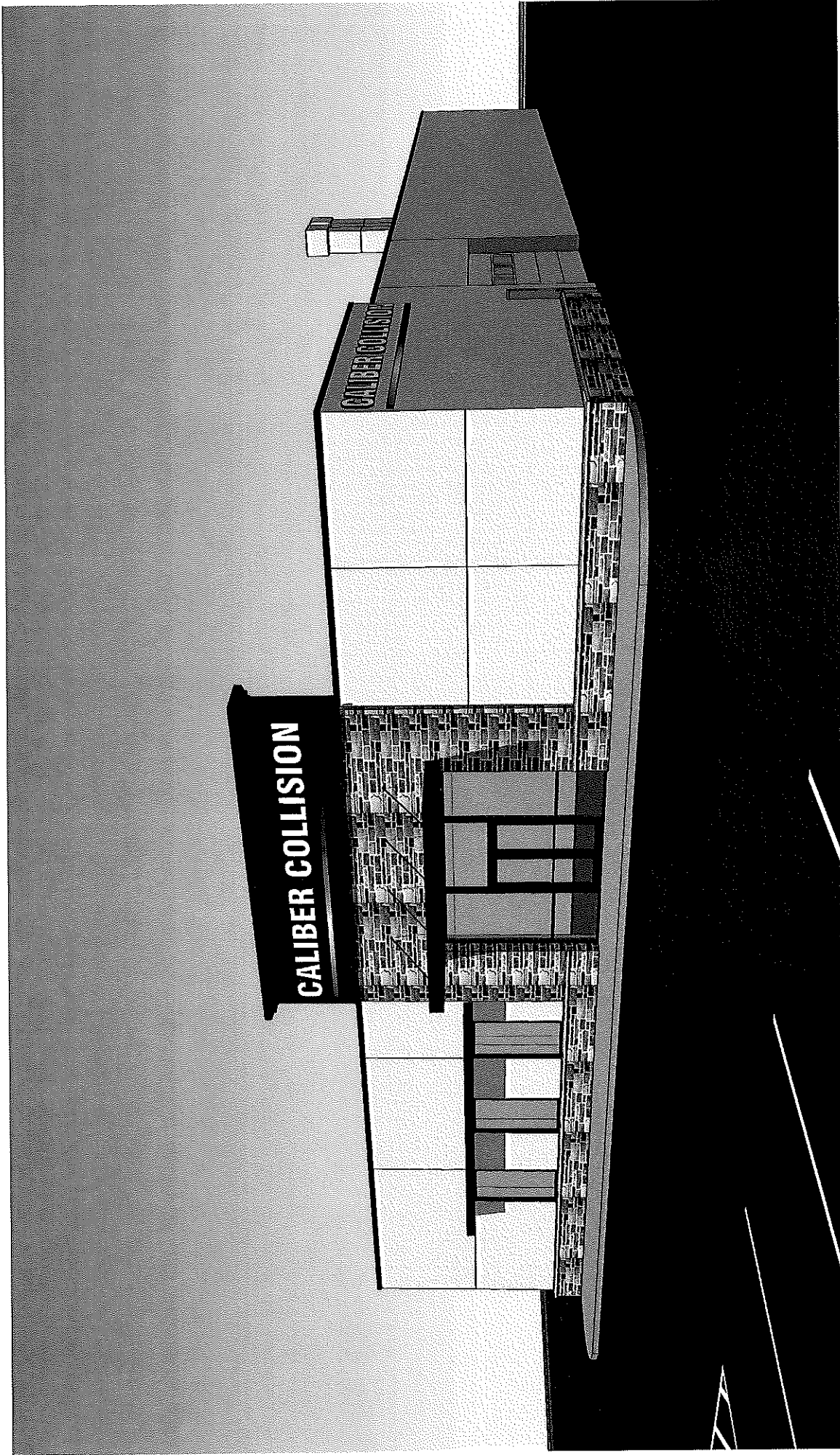
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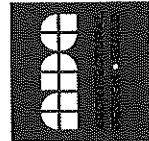


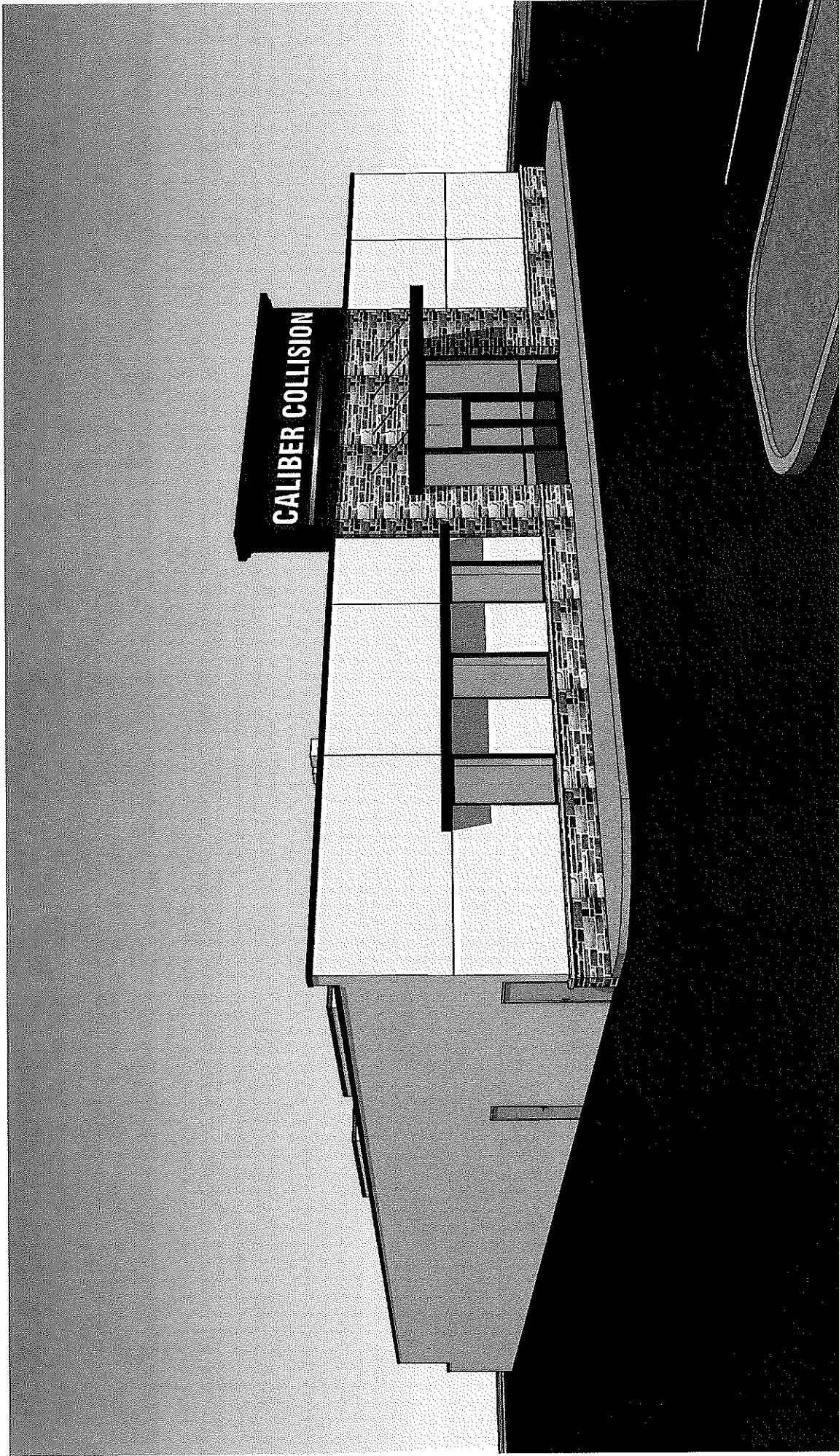


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9/7/2021

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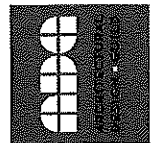


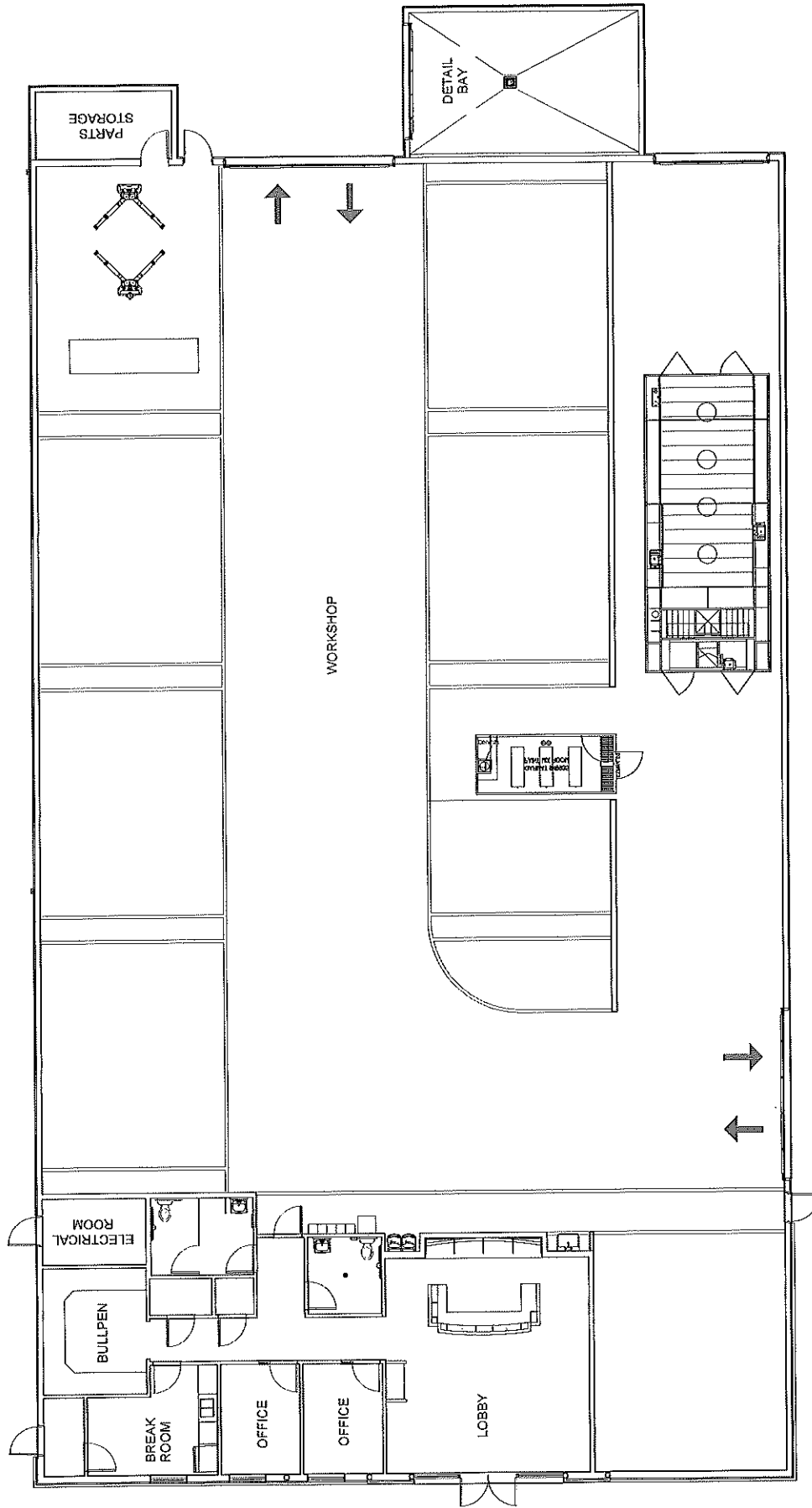


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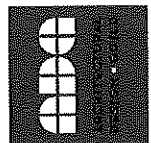




Floor Plan
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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0052
Bill Number: Z-21-10-07
Council District: 6-Sharon Tucker

Introduction Date: October 26, 2021

Plan Commission
Public Hearing Date: November 8, 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 1.62 acres from SC/Shopping Center to C3/General Commercial.

Location: 7851 Southtown Crossing

Reason for Request: To allow for an automotive business that specializes in collision repair.

Applicant: Architectural Design Guild

Property Owner: City of Fort Wayne Redevelopment

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which allows for auto body repair.

Effect of Non-Passage: The property will remain zoned SC/Shopping Center. In the SC district, quick service automobile maintenance is permitted, but not auto body repair. This property remains undeveloped and part of the Southtown Crossing outlots.

FACT SHEET

Case #REZ-2021-0052		Bill # Z-21-10-07	Project Start: October 2021
APPLICANT:	Architectural Design Guild		
REQUEST:	To rezone the property from SC/Shopping Center to C3/General Commercial; and approve a primary development plan for a new automobile body shop and repair facility, including a waiver request for setbacks of fencing and automobile storage.		
LOCATION:	The address of the subject property is 7851 Southtown Crossing, within the Southtown Centre (Section 36 of Wayne Township).		
LAND AREA:	1.62 acres		
PRESENT ZONING:	SC/Shopping Center		
PROPOSED ZONING:	C3/General Commercial		
COUNCIL DISTRICT:	6-Sharon Tucker		
ASSOCIATED PROJECT:	Primary Development Plan, Caliber Collision		
SPONSOR:	City of Fort Wayne Plan Commission		

November 8, 2021 Public Hearing

- There were no speakers from the public.
- Tom Freistroffer, Ryan Neumeister and Justin Shurley were absent.

November 15, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

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

7-0 MOTION PASSED

- Tom Freistroffer and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
November 23, 2021

PROJECT SUMMARY

SITE HISTORY

This site is an undeveloped grass lot within Southtown Centre.

The petitioner requests a rezoning from SC/Shopping Center to C3/General Commercial to allow an automotive body shop. They are also requesting a waiver to allow privacy fencing in the front and rear yard. The property is located on the south side of S US 27 and the north side of Southtown Crossing. The parcel is owned by City of Fort Wayne Department of Redevelopment. The adjacent properties are all zoned SC/Shopping Center with a mix of retail, automotive uses, and fast food restaurants as well as Menards and Walmart located to the southeast.

The current zoning is SC/Shopping Center which allows a large number of commercial uses, but does not include some automotive uses such as Automobile Service-General which includes automobile repair.

The rezoning request to C3/General Commercial will allow the automobile body shop and other automobile uses that are being proposed on the site. The Southeast Strategy, which was adopted in 2021, recommends that zoning classifications should be compatible with existing land uses and development patterns in developed areas. To maintain compatibility with adjacent uses, staff recommends a written commitment to limit some of the uses allowed in a C3/General Commercial such as outdoor automotive sales that would not be compatible with the retail nature of Southtown Centre.

With a written commitment, staff could be supportive of the zoning change. Similar requests to rezone property to C3 for automobile body shops in similar scenarios have been successful. The zoning request is compatible with the existing zoning in the area and within Southtown Centre. The proposal 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;

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: Aaron Bertrand presented the proposal as outlined above. He stated that 8 to 14 jobs will be created, including high-paying technician positions. A Written Commitment was offered that restricts more intensive outdoor uses and those that would not be desirable in the Southtown Centre development. Totaled cars are not accepted, and cars waiting for repair will be screened from view by a commercial vinyl fence and landscaping.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

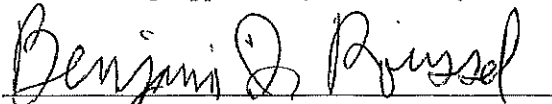
Rezoning Petition REZ-2021-0052

APPLICANT:	Architectural Design Guild
REQUEST:	To rezone the property from SC/Shopping Center to C3/General Commercial.
LOCATION:	The address of the subject property is 7851 Southtown Crossing, within the Southtown Centre (Section 36 of Wayne Township).
LAND AREA:	1.62 acres
PRESENT ZONING:	SC/Shopping Center
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2021-0052 be returned to Council, with a Written Commitment, 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. The C3/General Commercial zoning will continue the precedent of commercial development in this area. This proposal will provide infill development using existing infrastructure.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The area will remain commercial in character.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow an automobile body shop in an area that is surrounded by other commercial uses. A written commitment will restrict more intensive and undesirable commercial uses from the real estate.
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 November 15, 2021.



Benjamin J. Roussel
Interim Zoning Administrator
Secretary to the Commission

Department of Planning Services
Rezoning Petition Application

Applicant Architectural Design Guild
Address 2710 Sutton Blvd.
City St. Louis State MO Zip 63143
Telephone (314) 644-1234 E-mail jsmith@adg-stl.com

Contact Person Joshua Smith
Address 2710 Sutton Blvd.
City St. Louis State MO Zip 63143
Telephone (314) 644-1234 E-mail jsmith@adg-stl.com

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

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 7851 Southtown Crossing
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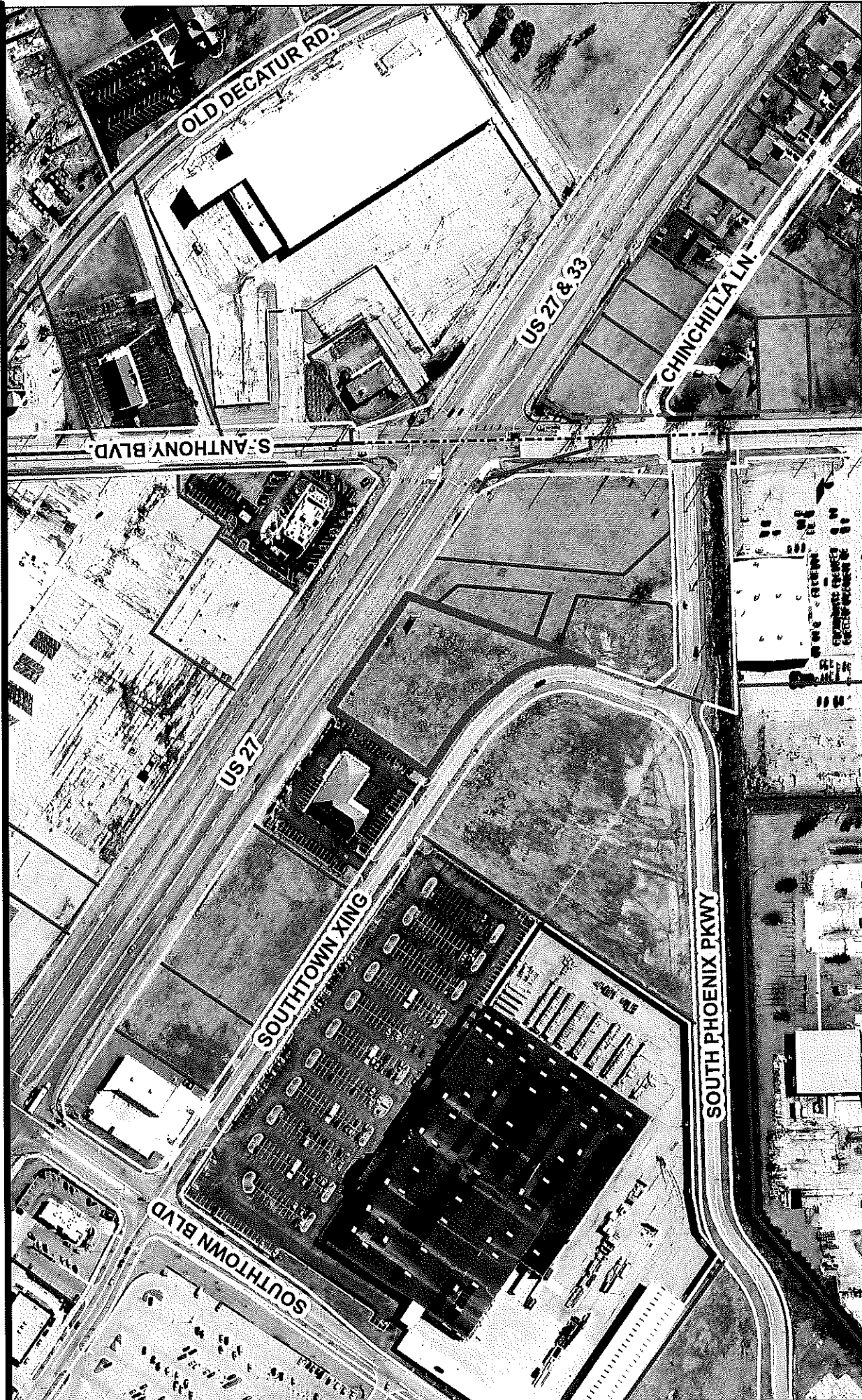
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- Filing Requirements
- ☐ Applicable filing fee
 - ☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
 - ☐ Legal Description of parcel to be rezoned
 - ☐ Rezoning Questionnaire (original and 10 copies) County Rezoning 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.

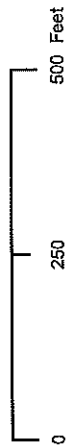
<u>Tim DeArman</u> (printed name of applicant)	<u>[Signature]</u> (signature of applicant)	<u>9/7/2021</u> (date)
<u>Jonathan Leist</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>9/20/21</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>9/20/21</u>	Receipt No. <u>138372</u>	Hearing Date <u>11/8/21</u>	Petition No. <u>Rez-2021-0052</u>
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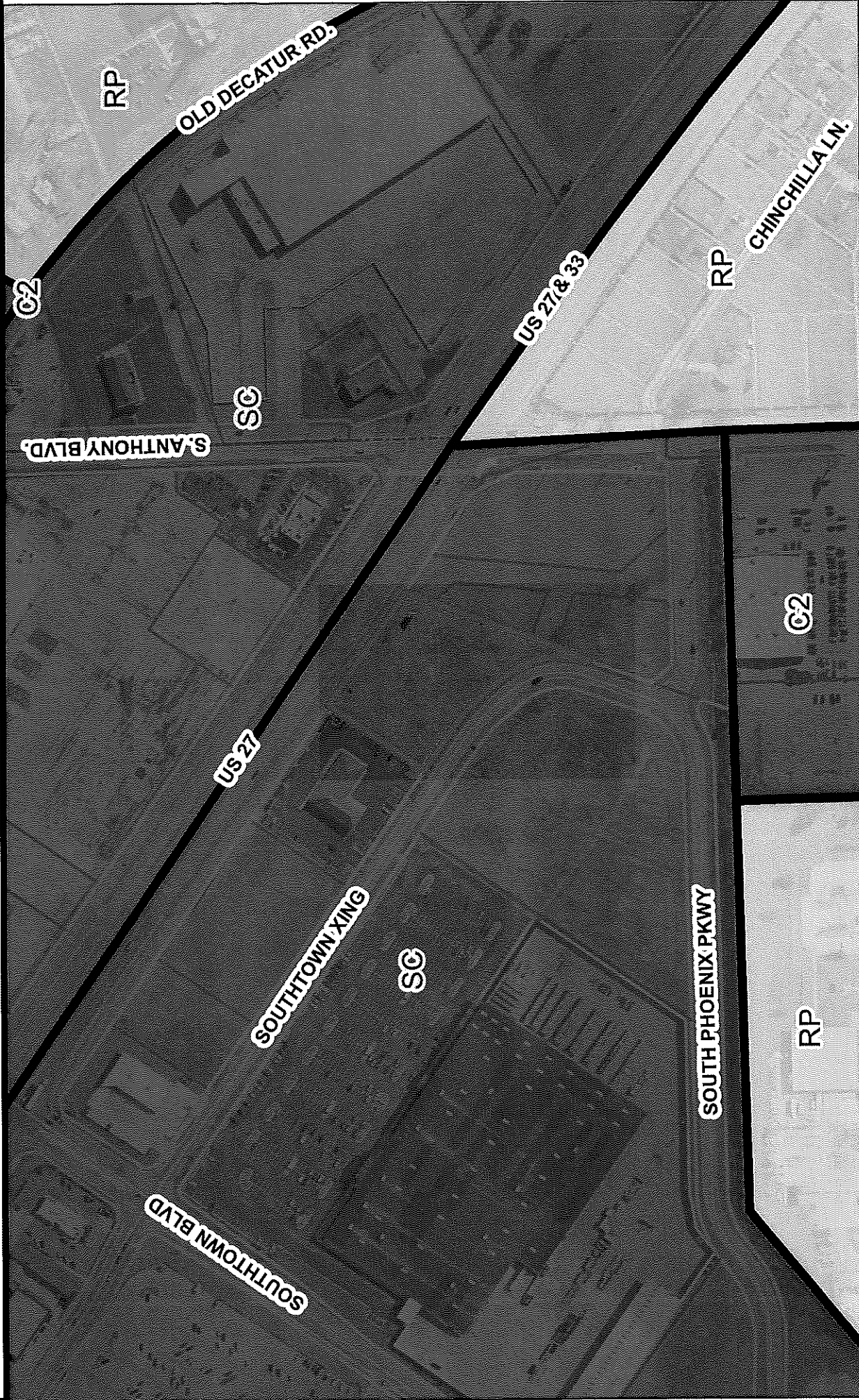


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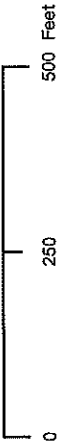


1 inch = 250 feet

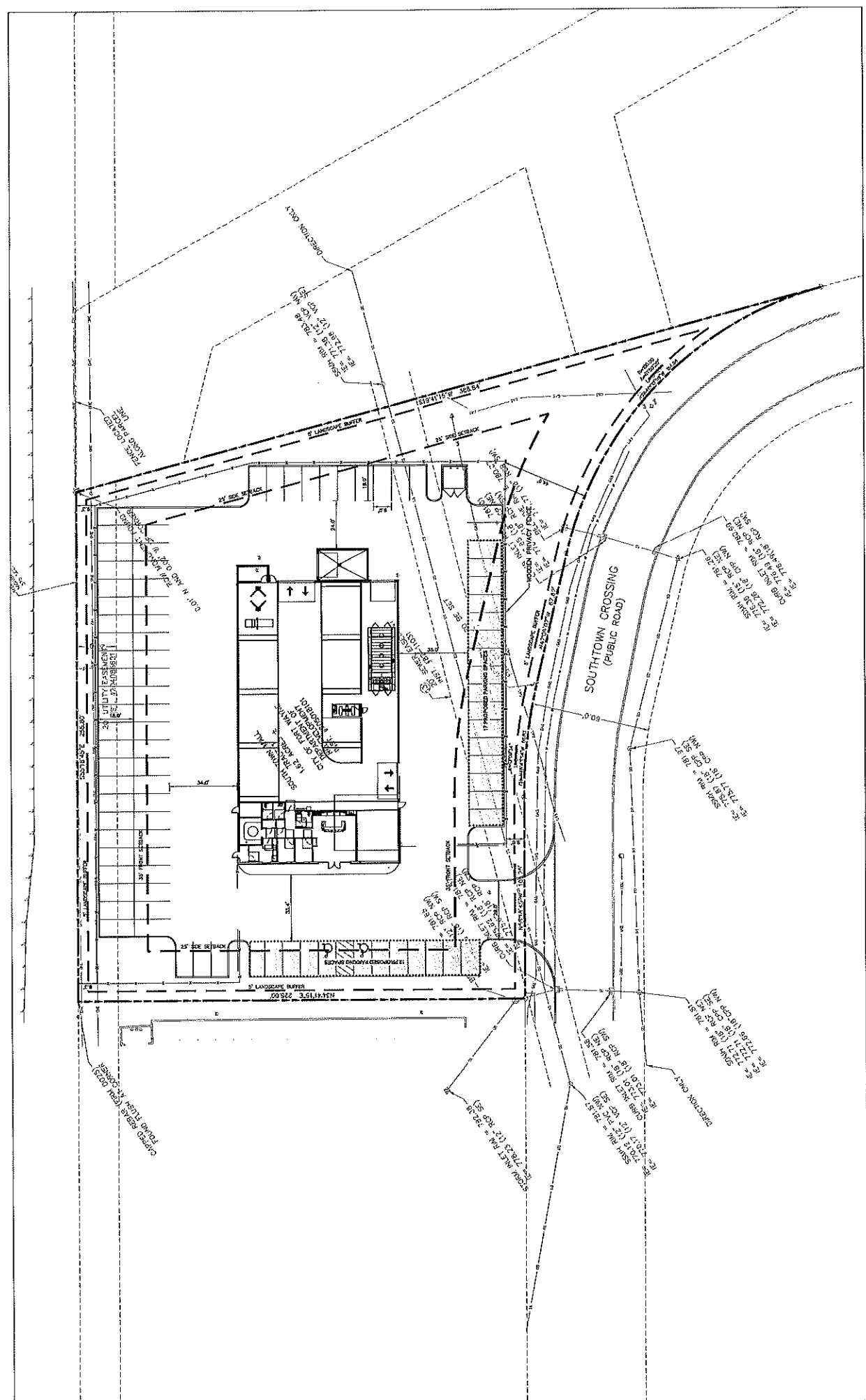


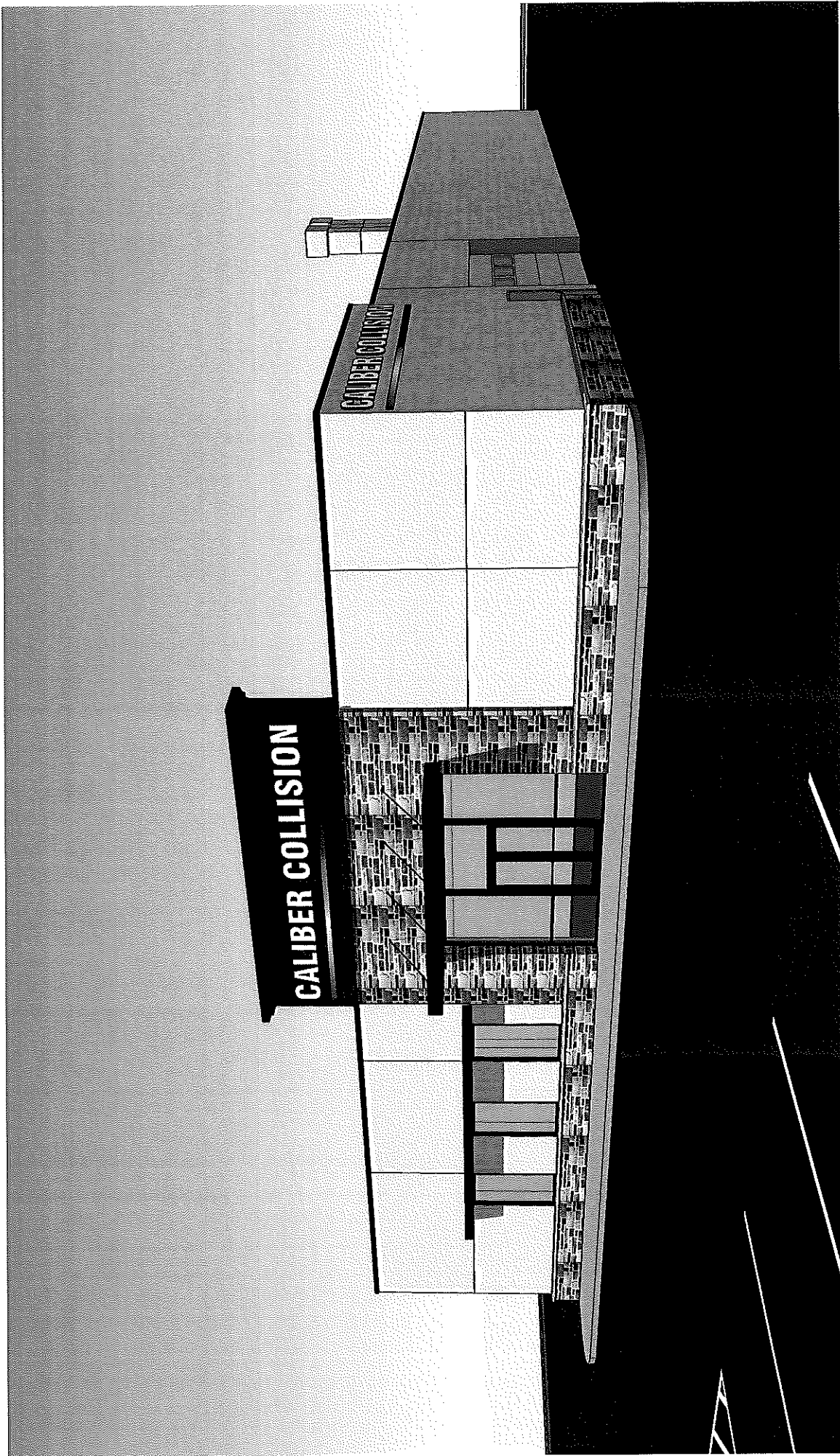
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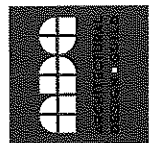




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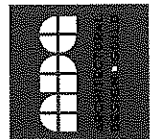


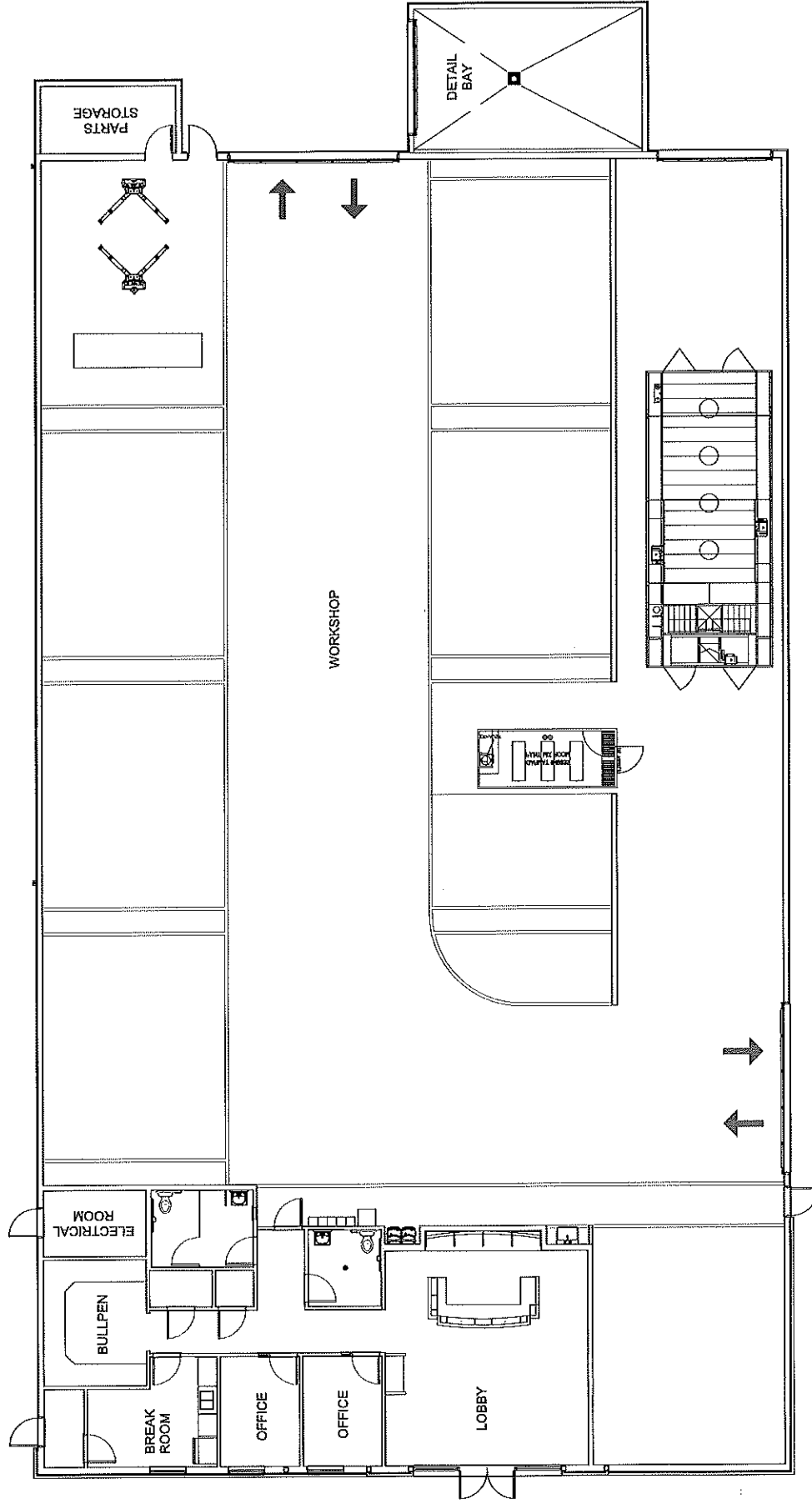


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Floor Plan

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