

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0029
Bill Number: Z-20-10-01
Council District: 3-Tom Didier

Introduction Date: October 13, 2020

Plan Commission
Public Hearing Date: October 12, 2020 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 5.0 acres from I1/Limited Industrial to C3/General Commercial.

Location: 4140 Coldwater Road

Reason for Request: To allow the existing commercial building to be used for retail firearms sales, along with an indoor shooting center.

Applicant: Midwest Shooting Center Fort Wayne, LLC

Property Owner: David Zippin

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will allow the former Babies-R-Us building to be repurposed for a firearms sales and shooting center and primary uses.

Effect of Non-Passage: The property will remain zoned I1/Limited Industrial. Firearms sales as a primary use is not permitted. Many retail uses would require either a C3 or I2 zoning, since the 2014 zoning ordinance amendment.

#REZ-2020-0029

BILL NO. Z-20-10-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. N-26 (Sec. 25 of Washington 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:

PARCEL I:

Part of the Northwest Quarter of Section 25, Township 31 North, Range 12 East in
Allen County, Indiana, described as follows:

Commencing at a point located 763.3 feet South and 380.0 feet East of the
Northwest corner of Section 25, Township 31 North, Range 12 East; thence North
231.5 feet; thence East 112.9 feet; thence South 231.5 feet; thence West 112.9 feet to
the Place of Beginning.

PARCEL II:

Part of the Northwest Quarter of Section 25, Township 31 North, Range 12 East in
Allen County, Indiana, described as follows:

Commencing at a point 763.3 feet South and 492.9 feet East of the Northwest corner
of Section 25, Township 31 North, Range 12 East; thence North 231.5 feet; thence
East 112.9 feet; thence South 231.5 feet; thence West 112.9 feet to the Place of
Beginning.

PARCEL III:

Part of the Northwest Quarter of Section 25, Township 31 North, Range 12 East in
Allen County, Indiana, described as follows:

Commencing at a point on the West line of the Northwest Quarter of said Section 25 as defined by the centerline of a public highway known as U.S. Highway 27, said point being 803.3 feet South of the Northwest corner of said Quarter Section and being also the South line of Young Road, as dedicated in Deed Record 569, page 78; thence East along the South line of Young Road parallel to the North line of said Quarter Section a distance of 605.8 feet to a point in the East line of a tract deeded to K and H Realty Corporation by deed recorded in Deed Record 654, page 270; thence South on and along said East line and parallel to the West line of said Quarter Section a distance of 181.5 feet to a point; thence West and parallel to the South line of Young Road and the North line of said Quarter Section a distance of 295.6 feet to a point, said point being 310.2 feet distant from the West line of said Quarter Section; thence South and parallel to the West line of said Quarter Section a distance of 101.5 feet to a point, said deed to K and H Realty Corporation recorded in Deed Record 601, page 123; thence West on and along the North line of said excepted tract a distance of 310.2 feet to a point in the West line of said Quarter Section; thence North on and along said West line of said Northwest Quarter 292.0 feet to the Place of Beginning.

and the symbols of the City of Fort Wayne Zoning Map No. N-26 (Sec. 25 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

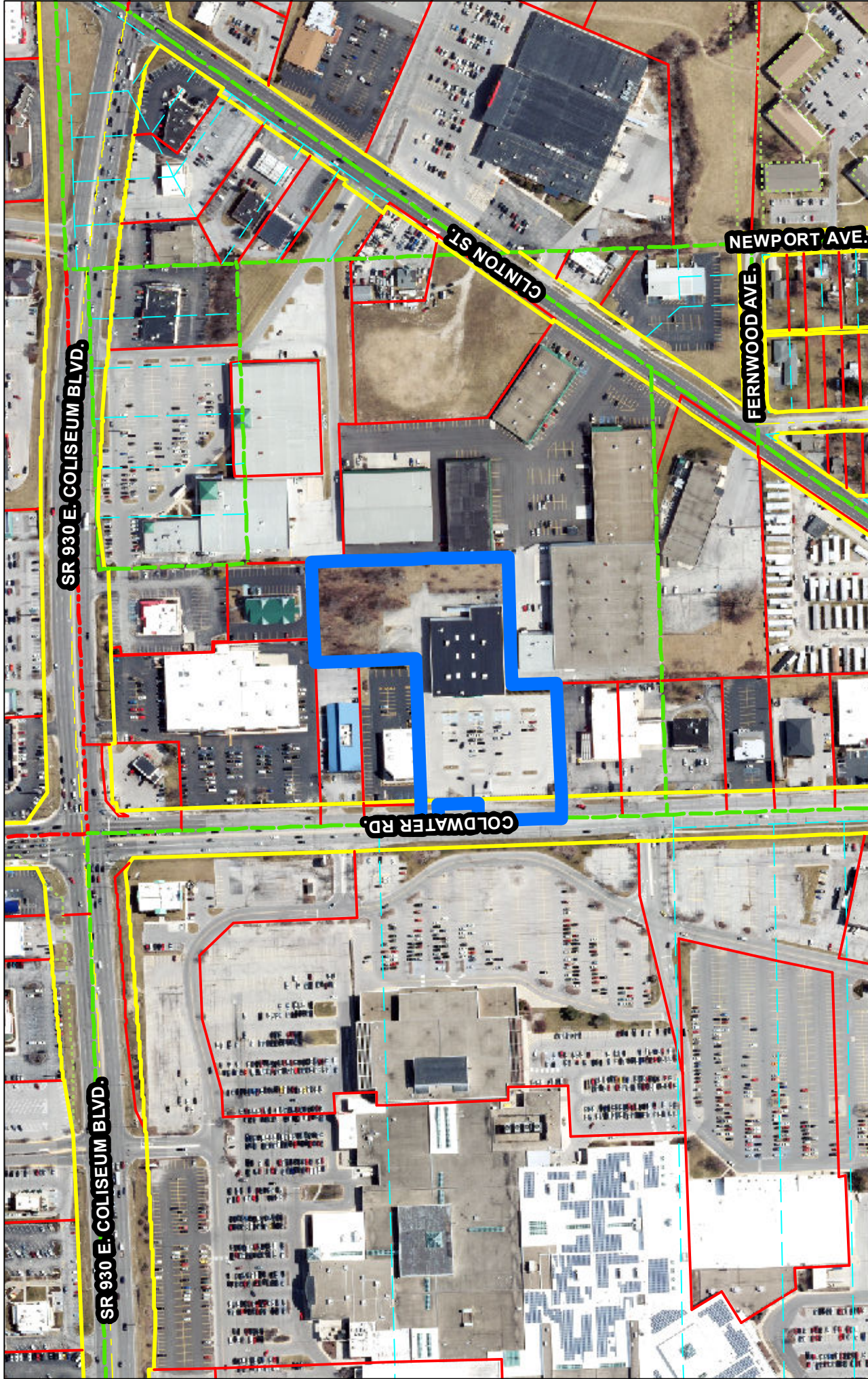
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated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

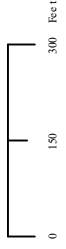


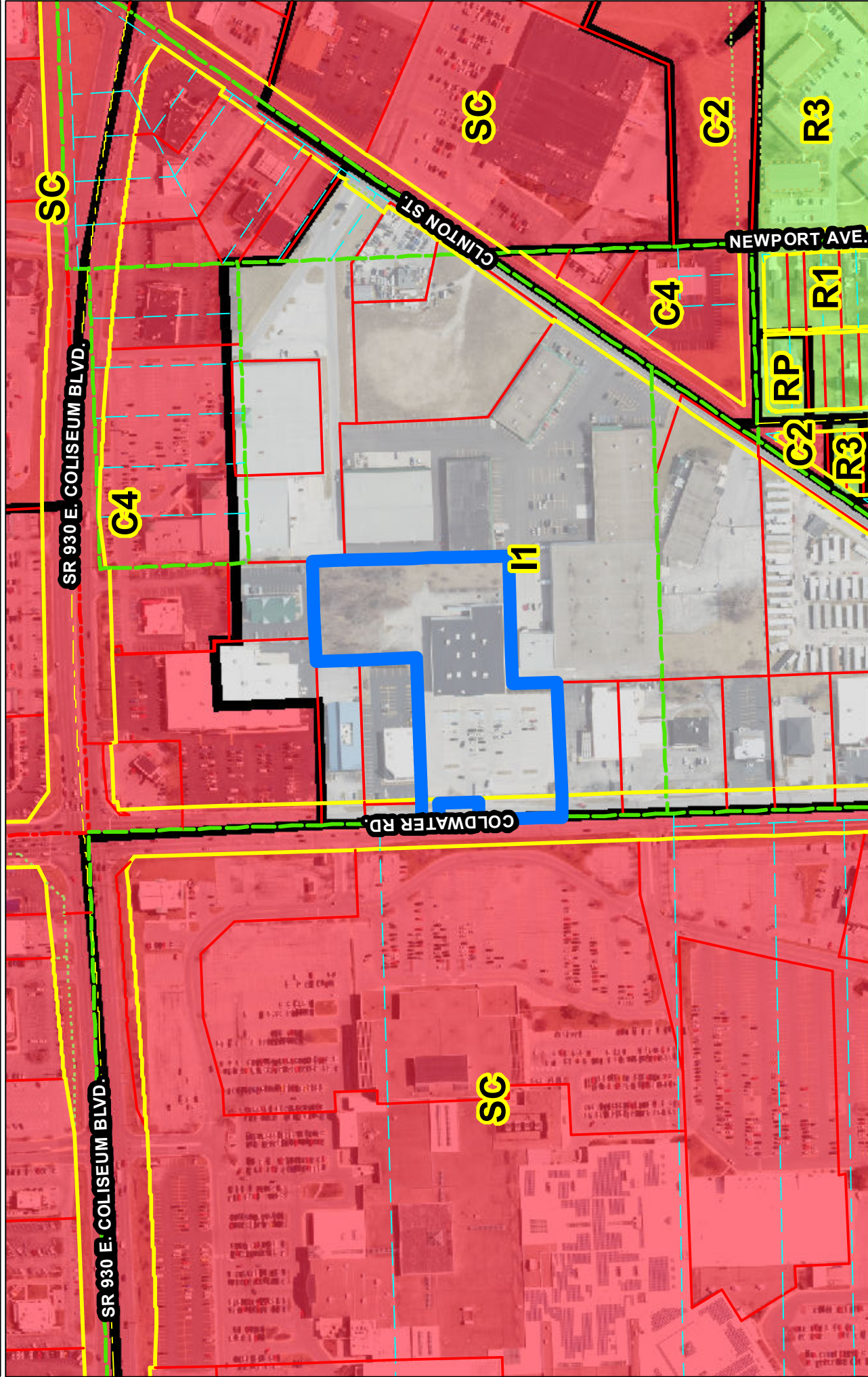
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 9/16/2020



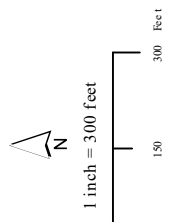
1 inch = 300 feet





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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Midwest Shooting Center Fort Wayne LLC
Address 501 S. Dixie Highway
City Lima State Ohio Zip 45805
Telephone 614-558-0061 E-mail david.sabo@midwestshootingcenter.com

Contact Person
Contact Person David A. Sabo
Address 195 Hancock Street
City Delaware State Ohio Zip 43015
Telephone 614-558-0061 E-mail david.sabo@midwestshootingcenter.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 4140 Coldwater Road Fort Wayne IN 46805
Present Zoning I-1 Proposed Zoning C-3 Acreage to be rezoned 5.003
Proposed density _____ units per acre
Township name Township 31 North Township section # 25
Purpose of rezoning (attach additional page if necessary) See attachment

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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

- ☐ Applicable filing fee
- ☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
- ☐ Legal Description of parcel to be rezoned
- ☐ Rezoning Questionnaire (original and 10 copies) County Rezonings Only

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

<u>David A. Sabo</u> (printed name of applicant)	<u>David Sabo</u> (signature of applicant)	<u>8/28/2020</u> (date)
<u>David Zippin</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>8/28/20</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.
8-31-2020	135059	10-12-2020	REZ-2020-0029



Midwest Shooting Center
501 S. Dixie Highway
Lima, Ohio 45805

August 29th, 2020

RE: Purpose for Re-Zoning

Overview of Midwest Shooting Center

Midwest Shooting Center is a premium multi-unit operator in the retail firearm and shooting range industry. The product they bring to the community is a high-end commercial facility that caters to the entire spectrum of shooting enthusiasts from first time novices to long-time gun owners. Additionally, Midwest Shooting Center prioritizes safety as their single most overriding concern, and ensures a safe-environment by implementing industry leading technology and employing a highly trained staff. The ownership structure is divided by two classes; founding members and operating partners. The first class of "founding members" is a group of 75 individuals comprised mostly of local business professionals, medical professionals, and Entrepreneurs. These are local owners that have an interest in the success of Midwest Shooting Center. The second class of ownership structure, the "operating partners", includes David Sabo, Jeff Swinford, and Doctor Samir Patel. David Sabo and Jeff Swinford are both former United States Marine Corps Officers and manage the day to day operation of the Midwest Shooting Center network of facilities. David is an Indiana Native, growing up in Middlebury and a graduating Northridge High School, The University of Indianapolis (Undergrad), and Indiana Wesleyan University (MBA). Jeff Swinford is originally from Dallas, Texas and moved to the Midwest to begin an almost decade long career as an entrepreneur and multi-unit operator with David Sabo. Jeff is a graduate of Oklahoma State University with a degree in Entrepreneurial Business Management. Assisting with high-level leadership of the business is Dr. Sam Patel who is an Orthopedic Surgeon and CEO of the Institute for Orthopedic Surgery in Lima Ohio. Sam's main role is to assist David and Jeff in formulating business strategy at the board-level.

Our locations provide patrons with access to approximately \$1,000,000 in retail product, Training classes, Membership Programs, (20) indoor shooting lanes, and firearms for rent. Although being open to the public, we have almost 3,000 active members in the markets that we serve. Additionally, the range portion of the facility is designed to meet the requirements of law enforcement for their annual firearm qualifications. As a community service, we allow law enforcement to utilize the facility before business hours on an "as needed" basis. We staff the facility free of charge for these events.

In almost (5) years in the firearms business, Midwest Shooting Center and its sister companies have never had a safety incident. In addition, Midwest Shooting Center and its sister companies have never failed an ATF (Alcohol-Tobacco-Firearms) audit nor has a firearm they have sold or rented been traced to any illegal activity.

Fort Wayne Location

We believe that our annual revenue at this location will be in excess of \$8,000,000. Given our experience in the industry, we expect to have regular customers as patrons of the facility from approximately 50

miles in all directions. For reference, the Midwest Shooting Center Lima Location has customers traveling from both the Toledo and Dayton areas on a regular recurring basis. Most of this revenue will come from retail product sold and membership dues. Lane rentals, firearms rentals, and training classes will comprise approximately 25% of total revenue. Our typical customer is very similar to the typical customer of Top Golf; i.e. middle age, primarily male (although about 30% of our customer-base is female and growing), and typical median incomes ranging anywhere from \$67,000-\$73,000.

Our employment structure at this location will require the company to hire 15 full-time employees and an equal number of part-time employees. Additionally, we forecast payroll to be in excess of \$1,100,000 annually.

From a construction standpoint, the totality of the project will cost approximately \$7,000,000. We will utilize the existing structure located at 4140 Coldwater Rd. The exterior of the building will be refreshed and the parking lot will receive a new coat of asphalt. We anticipate the building to look relatively new once our exterior improvements are completed. The location is 31,000sqft and we will be utilizing approximately 15% for offices, 40% for retail product, 35% for the range, and 10% for member areas. All of this construction is basic and common to other retailers in the area. The range itself, however, is unique. First, we install specialized HVAC systems in this portion of the facility. These HVAC systems create a constant flow of air that is moving away from the firing lines (away from the shooters) and gets circulated through HEPA filters located within the system. These filters remove the lead from the air, providing safe and clean environment for our customers. Second, our bays do not utilize exterior walls, but are independent structures that are built with several layers (for both safety and noise). The shell is built out of cinder blocks, filled with concrete, built floor to ceiling, and sealed to create an air-tight environment (needed for the HVAC system). An additional layer is comprised of steel baffling on the ceiling (hanging at an angle) and coating the side walls. This steel is then coated with 3" thick rubber that absorbs projectiles and also acts to abate noise. This internal bulletproof structure is designed to be extremely overbuilt for its intended purpose and has a long reputation of complete and utter reliability for the safety of those individuals in and around the shooting area. Each lane is then separated with immensely strong bulletproof dividers that stand approximately 50" apart. Each bay is comprised of 10 lanes with a maximum occupancy of 20 shooters (2 per lane). Each bay is supported by 3 Range Safety Officers at all times (2 inside/1 in a security area reviewing security cameras that are on each lane). Projectiles travel down-range into a pool of granulated rubber and ultimately into a steel trap system (behind several feet of rubber). From a noise standpoint, customers will be able to hear a slight "Thud" from the common area within the building, however, customers in the other areas of the facility will not hear anything audible from inside the range area. There will be zero noise escaping from the building itself; i.e. no noise whatsoever outside of the facility.

Our construction manager will be based out of Lima, but will be utilizing local sub-contractors.

Purpose for Re-Zoning (or Variance)

The property is currently zoned I-1 (Limited Industrial). The historic use of the building has been retail with the former Owner operating a Babies R' Us for many years. Reviewing the Allen County Zoning Ordinance, a retail business of this nature is not identified as an approved use (or even a special use) at this site despite the building tenant operating as such and the building by its nature having been constructed as a retail building.

To complete this project, we are requesting a re-zoning of this property to C-3 (General Commercial). We believe re-zoning to C-3 will place the property into the correct zone per its historical use and likely future uses. As it pertains to our business, "Gun Sales" and "Shooting Range (indoor)" are both specifically called out under the permitted uses by the zoning ordinance.

We would also be accepting of a variance for our use under the current I-1 zoning if the zoning committee prefers.

As a matter of due diligence in acquiring the facility (that is critical to our opening the business), we respectfully request consideration and approval of the re-zoning of this property (or a variance). If our request is denied, it will be likely mean that our business will be prevented from opening in the Fort Wayne Indiana market for years to come.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Sabo', with a stylized flourish at the end.

David A. Sabo MBA, CPA
Chief Operating Officer
Midwest Shooting Centers