

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0006
Bill Number: Z-20-02-09
Council District: 2-Russ Jehl

Introduction Date: February 25, 2020

Plan Commission
Public Hearing Date: March 9, 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 1.23 acres from R1/Single Family Residential to C3/General Commercial with a Written Commitment.

Location: 6054 Rothman Road

Reason for Request: To allow redevelopment of the property for a landscape contracting business with attached dwelling unit for the owner to live onsite.

Applicant: Timothy L. Dyer

Property Owner: Timothy L. Dyer

Related Petitions: Primary Development Plan, PDP-2020-0005 – Midwest Green Lawn Care and Landscaping

Effect of Passage: Property will be rezoned to the C3/General Commercial with a Written Commitment to restrict intensive uses. The owner will also live on the property.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and may be used for single family residential purposes.

1 **#REZ-2020-0006**

2 **BILL NO. Z-20-02-09**

3
4 **ZONING MAP ORDINANCE NO. Z-_____**

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. U-42 (Sec. 16 of St. Joseph Township)**

7
8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
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 RECORD DESCRIPTION – 6054 ROTHMAN ROAD

13 PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF
14 SECTION 16, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY,
INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

15 BEGINNING ON THE NORTH LINE OF SAID NORTHEAST QUARTER AT A
16 POINT SITUATED 746.7 FEET, SOUTH 89°44'12" WEST (DEED BEARING
17 AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION)
18 FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;
19 THENCE SOUTH 89°44'12" WEST, ON AND ALONG SAID NORTH LINE,
20 BEING WITHIN THE RIGHT-OF-WAY OF ROTHMAN ROAD, A DISTANCE
21 OF 168.83 FEET TO THE NORTHEAST CORNER OF BRIDLEWOOD,
22 SECTION III, A SUBDIVISION IN SAID NORTHEAST QUARTER, AS
23 RECORDED IN PLAT BOOK 41, PAGES 72-75 IN THE OFFICE OF THE
24 RECORDER OF ALLEN COUNTY, INDIANA; THENCE SOUTH 01°47' EAST
25 (RECORDED SOUTH 02°17'26" EAST), ON AND ALONG AN EASTERLY
26 LINE OF SAID BRIDLEWOOD, SECTION III, A DISTANCE OF 252.31 FEET;
27 THENCE SOUTH 46°11' EAST (RECORDED SOUTH 46°57'30" EAST), ON
28 AND ALONG THE NORTHEASTERLY LINE OF SAID BRIDLEWOOD,
29 SECTION III, A DISTANCE OF 219.23 FEET; THENCE NORTH 00°24' EAST, A
30 DISTANCE OF 404.8 FEET TO THE POINT OF BEGIN, CONTAINING 1.229
ACRES OF LAND.

and the symbols of the City of Fort Wayne Zoning Map No. U-42 (Sec. 16 of St. Joseph
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

1
2 SECTION 2. If a written commitment is a condition of the Plan Commission's
3 recommendation for the adoption of the rezoning, or if a written commitment is modified and
4 approved by the Common Council as part of the zone map amendment, that written
5 commitment is hereby approved and is hereby incorporated by reference.
6

7 SECTION 3. That this Ordinance shall be in full force and effect from and after its
8 passage and approval by the Mayor.
9

10 _____
11 Council Member

12 APPROVED AS TO FORM AND LEGALITY:

13 _____
14 Carol T. Helton, City Attorney
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Timothy L. Dyer
Address 9526 Sienna Springs Drive
City Grabill State IN Zip 46741
Telephone 260-413-6093 E-mail timothyldyer@gmail.com

Contact Person
Contact Person MLS Engineering - Derek Simon, PE
Address 10060 Bent Creek Blvd.
City Fort Wayne State IN Zip 46825
Telephone 260-489-8571 E-mail derek@mlswebsite.us

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 6054 Rothman Road, Fort Wayne, IN 46835
Present Zoning NC Proposed Zoning C3 Acreage to be rezoned 1.229
Proposed density N/A units per acre
Township name St. Joseph Township section # 16
Purpose of rezoning (attach additional page if necessary) Construction of a new commercial structure (landscaping contractor) and attached residential dwelling unit
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 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.

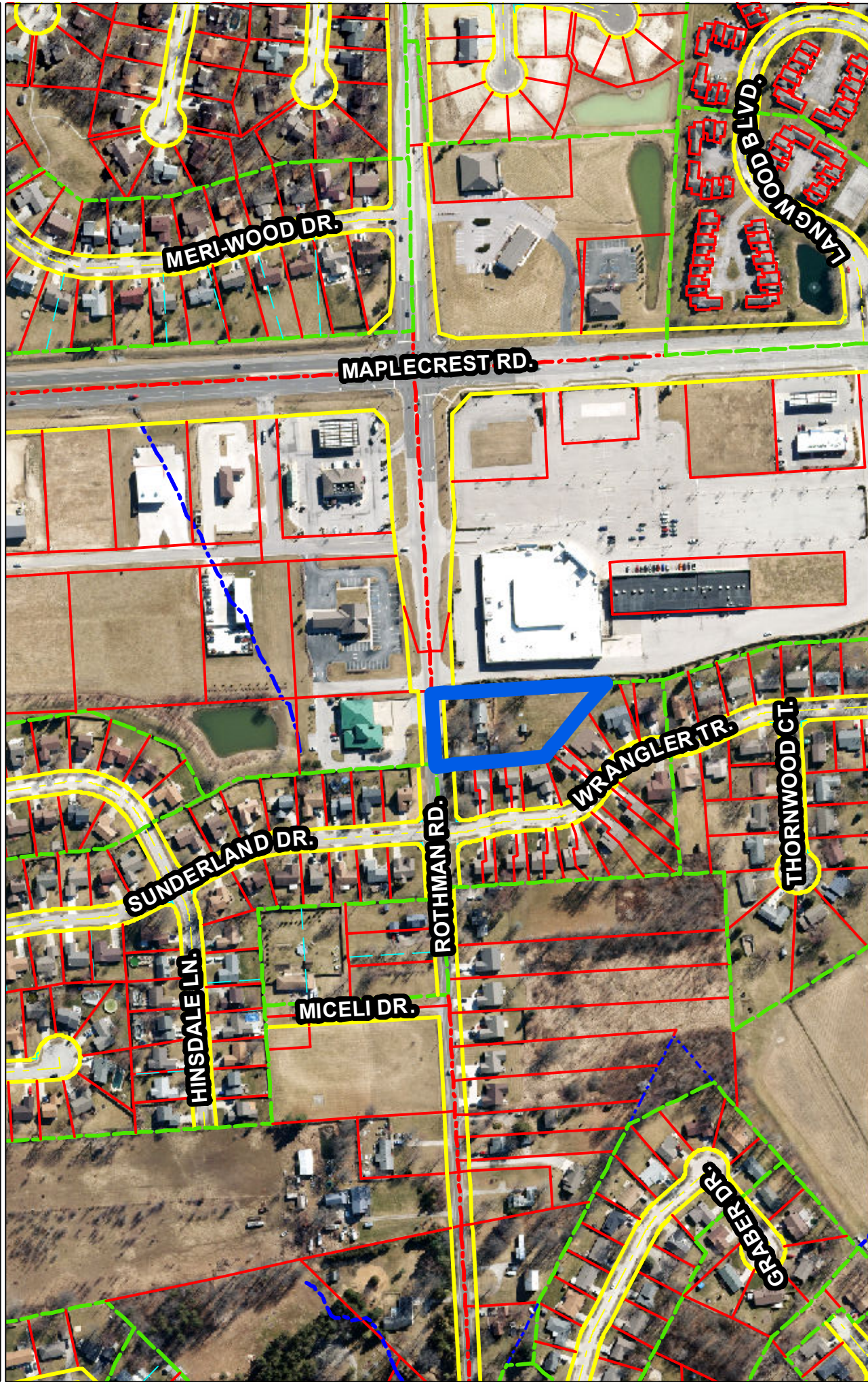
Timothy L. Dyer
(printed name of applicant) Tim Dyer 1/29/2020
(signature of applicant) (date)

Timothy L. Dyer
(printed name of property owner) Tim Dyer 1/29/2020
(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.
<u>1/30/20</u>	<u>133192</u>	<u>3-9-2020</u>	<u>REZ-2020-0006</u>



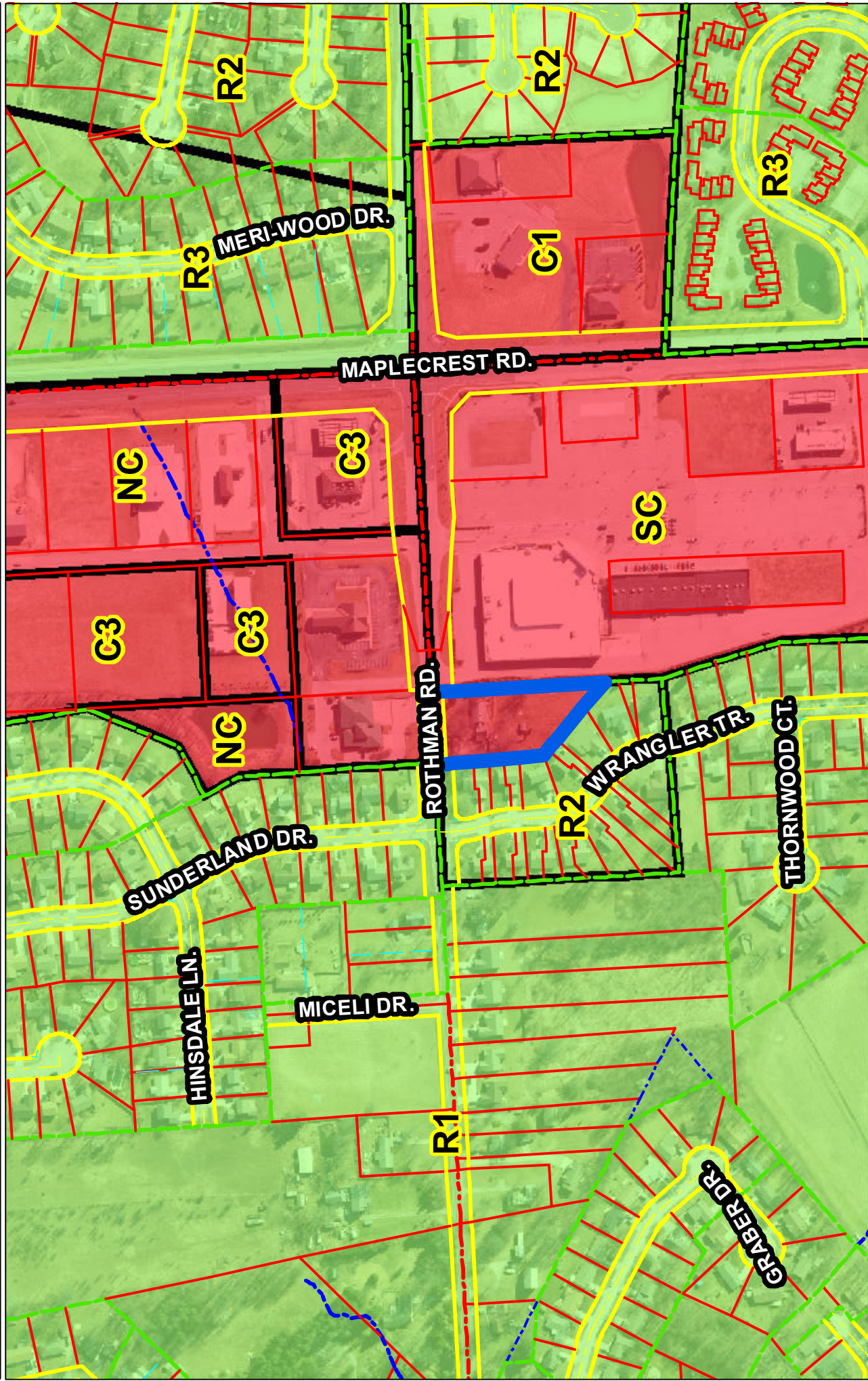
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 2/17/2020



1 inch = 300 feet



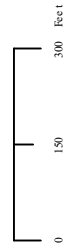


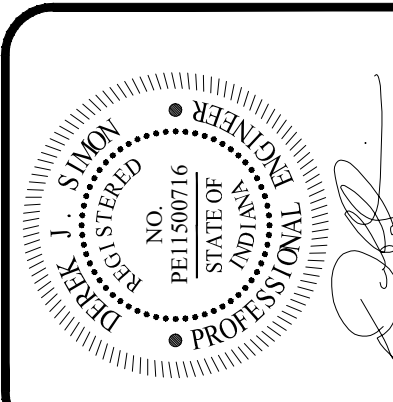
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 2/17/2020



1 inch = 300 feet





Derek J. Simon, PE

The documents, plans, drawings, details, etc. shown on this document are the property of MLC Engineering, LLC. They are to be used only for the specific project. None of the contents, drawings, or details are to be reproduced, stored in a retrieval system, or used in any way, in whole or in part, without the written consent of MLC Engineering, LLC. The user shall be responsible for obtaining all necessary permits and reference to this project.

MLC Engineering
ENGINEERING YOUR TOMORROW... TODAY
Fort Wayne Office
221 Tower Drive
Morroe, IN 46772
Phone: (260) 692-6166

Brett J. Simon, P.E. No. PE1180016
Fort Wayne Office
10060 Bent Creek Boulevard
Fort Wayne, IN 46825
Phone: (260) 489-8571

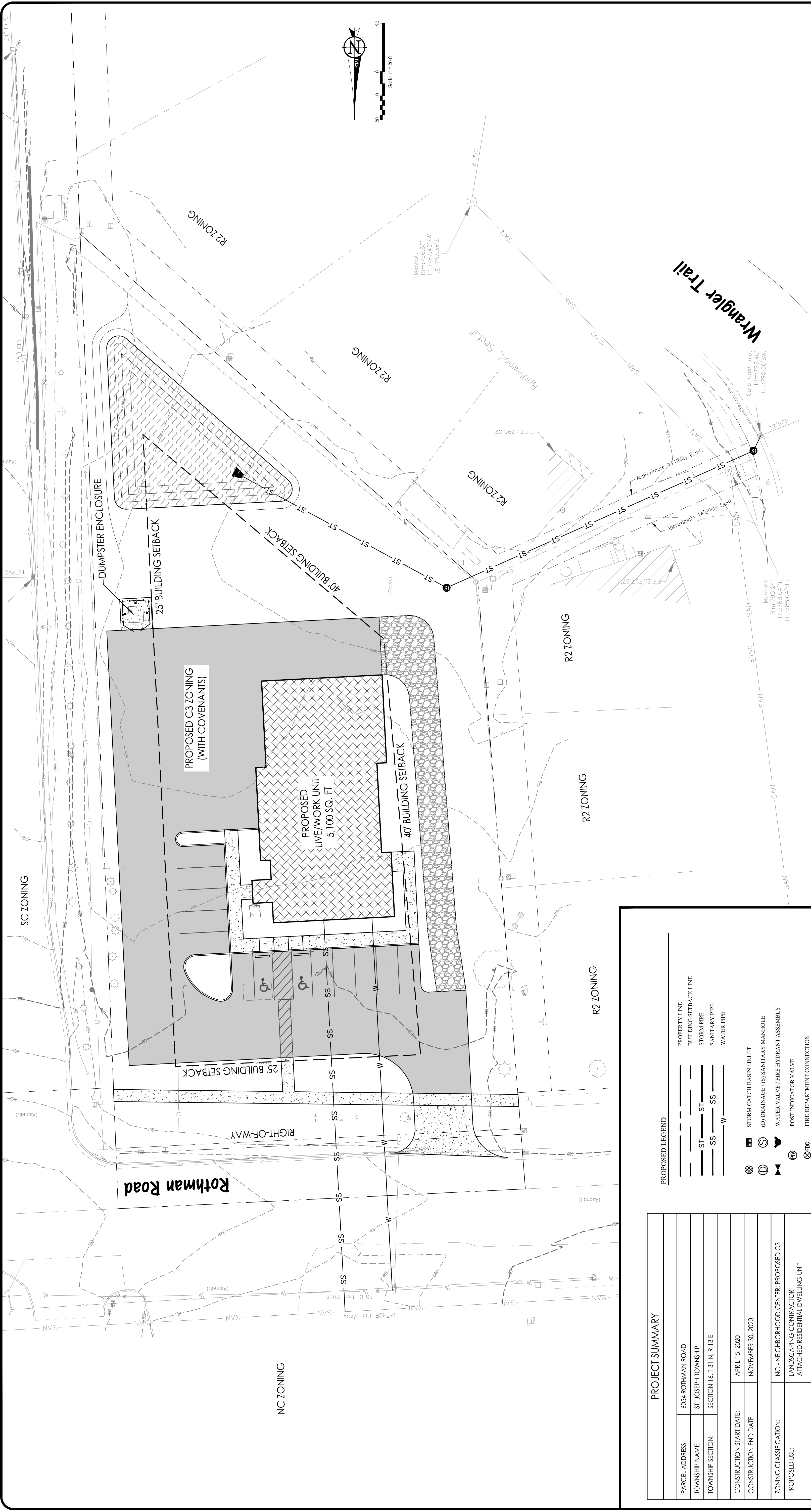
PREPARED FOR:
Lengacher Bros. Const.
6550 Flutter Road
Fort Wayne, IN 46835
(260) 492-8738

REVISIONS:

Midwest Green Lawn Care & Landscaping LLC
6054 Rothman Road, Fort Wayne, IN 46835
Primary Development Plan
Site Plan

Date: 01-30-2020
Design By: JDP
Chk'd By: DJJ
Project No.: 20015374
Sheet Number

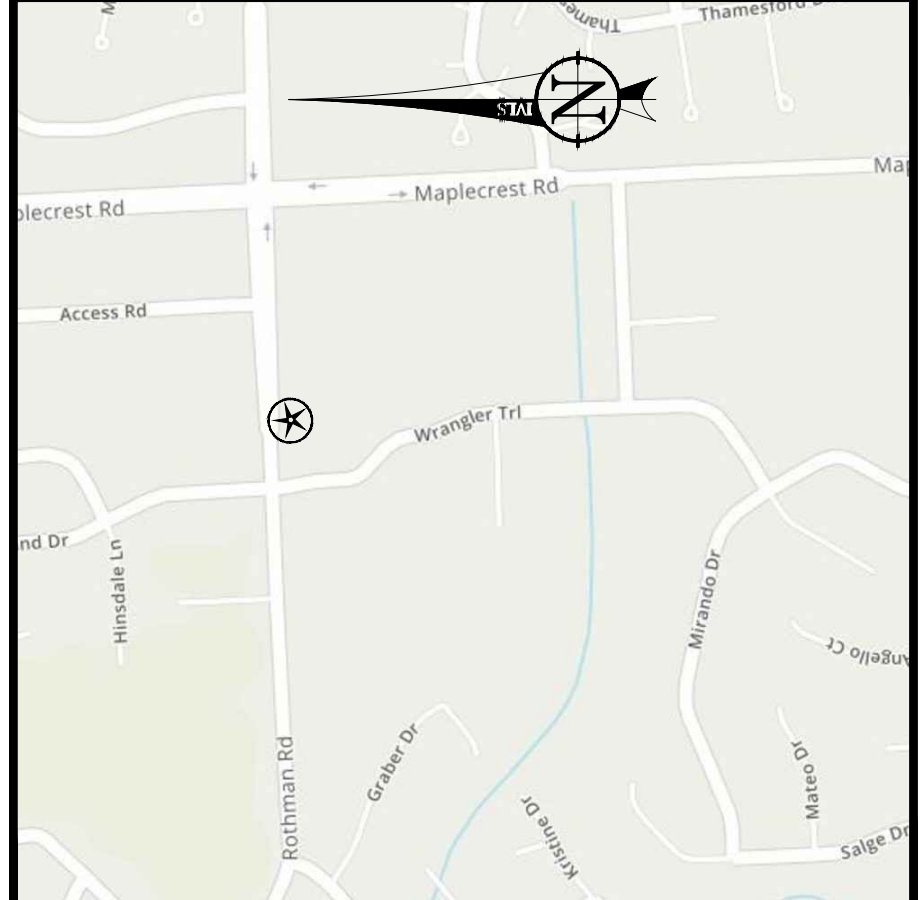
PDP-1



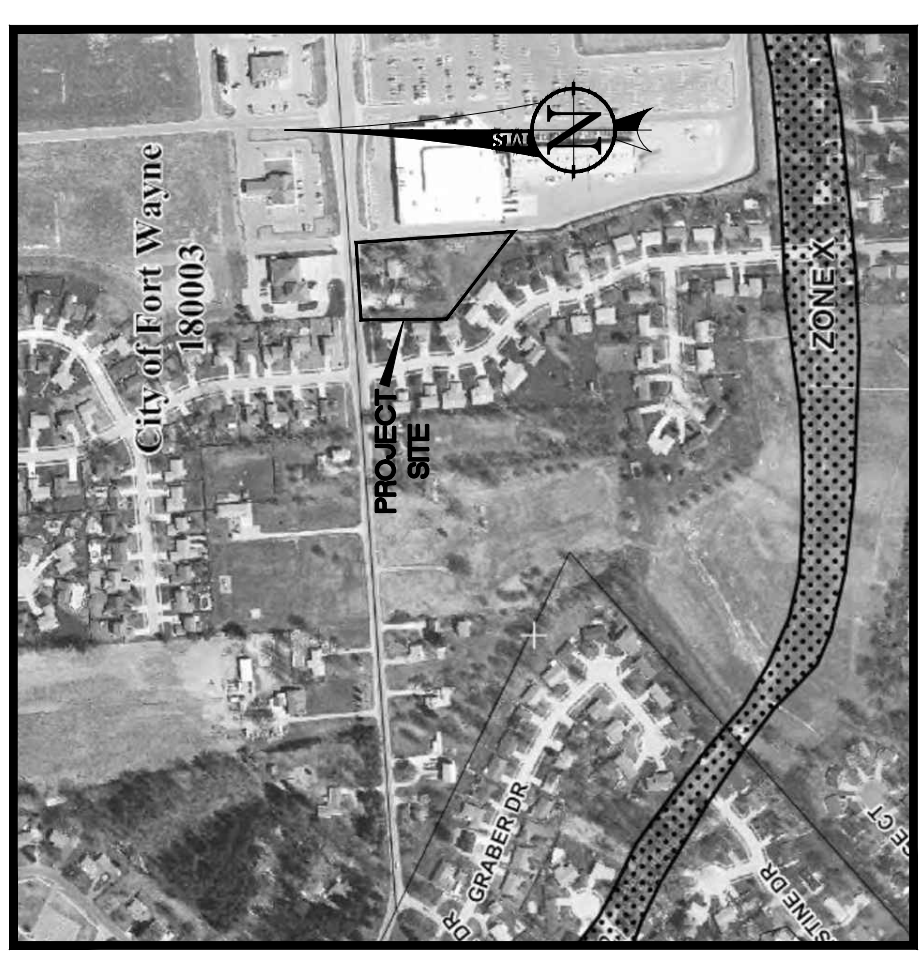
PROJECT SUMMARY	
PARCEL ADDRESS:	6054 ROTHMAN ROAD
TOWNSHIP NAME:	ST. JOSEPH TOWNSHIP
TOWNSHIP SECTION:	SECTION 16, T. 31 N. R. 13 E
CONSTRUCTION START DATE:	APRIL 15, 2020
CONSTRUCTION END DATE:	NOVEMBER 30, 2020
ZONING CLASSIFICATION:	NC - NEIGHBORHOOD CENTER; PROPOSED C3
PROPOSED USE:	LANDSCAPING CONTRACTOR - ATTACHED RESIDENTIAL DWELLING UNIT
NUMBER OF BUILDINGS:	1-STORY BUILDING
BUILDING GROSS FLOOR AREA (SF):	5,100 SQ. FT.
TOTAL LOT ACREAGE (AC):	1.23 ± ACRES
TOTAL LOT COVERAGE (AC):	.57 ACRES (46% IMPERVIOUS)
PARKING REQUIREMENT:	1 SPACE PER 400 SQ. FT. (LIVE/WORK UNIT)
PARKING REQUIRED:	5,100 SQ. FT. / 400 SQ. FT. = 13 PARKING SPACES
PARKING PROVIDED:	13 PARKING SPACES
SANITARY UTILITY SERVICE:	CITY OF FORT WAYNE
WATER UTILITY SERVICE:	CITY OF FORT WAYNE
STORMWATER OUTLET:	ON-SITE DETENTION TO CITY OF FORT WAYNE STORMWATER SYSTEM
PROPOSED SITE LIGHTING:	ANY PROPOSED SITE LIGHTING WILL BE DESIGNED TO COMPLY WITH THE ZONING ORDINANCE AND SUBMITTED TO DPS FOR REVIEW AND PERMITTING DURING THE SECONDARY DEVELOPMENT PLAN PROCESS.
PROPOSED SIGNAGE:	ANY PROPOSED SIGN(S) WILL BE DESIGNED TO COMPLY WITH THE ZONING ORDINANCE AND SUBMITTED TO DPS FOR REVIEW AND PERMITTING DURING THE SECONDARY DEVELOPMENT PLAN PROCESS.

PROPOSED LEGEND

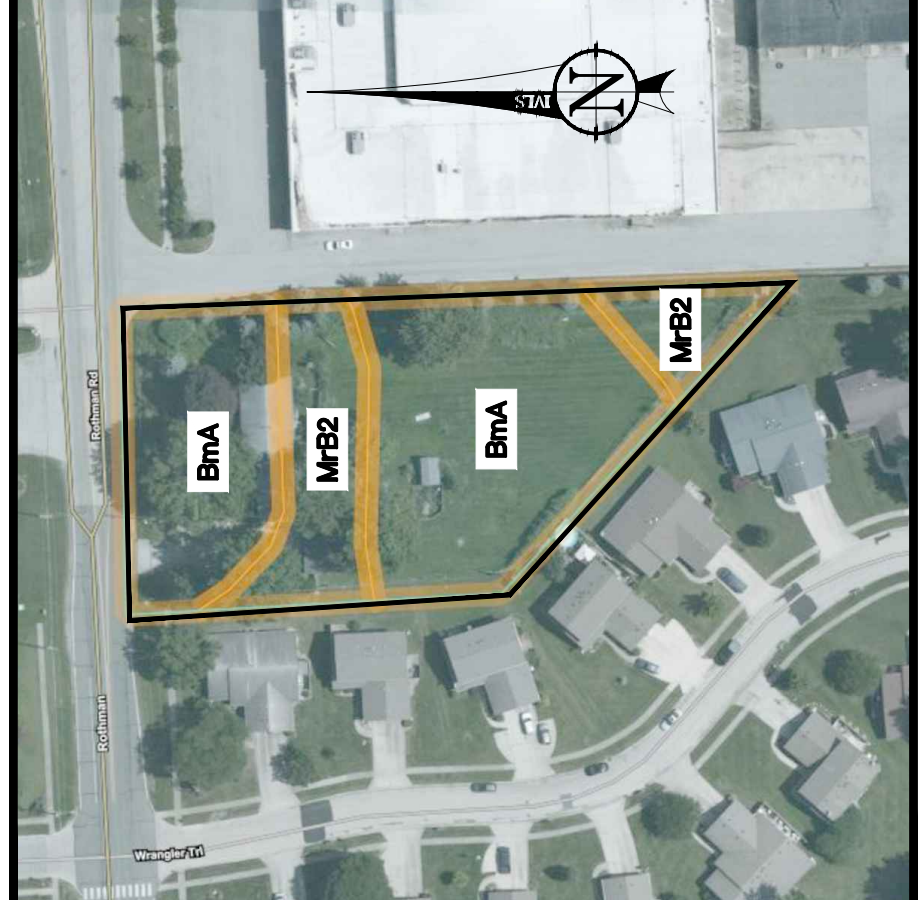
	PROPERTY LINE
	BUILDING SETBACK LINE
	STORM PIPE
	SANITARY PIPE
	WATER PIPE
	STORM CATCH BASIN / INLET
	(D) DRAINAGE / (S) SANITARY MANHOLE
	WATER VALVE / FIRE HYDRANT ASSEMBLY
	POST INDICATOR VALVE
	FIRE DEPARTMENT CONNECTION
	ASPHALT PAVEMENT
	CONCRETE SIDEWALK / PAVEMENT
	DRY DETENTION BASIN
	STONE DRIVE



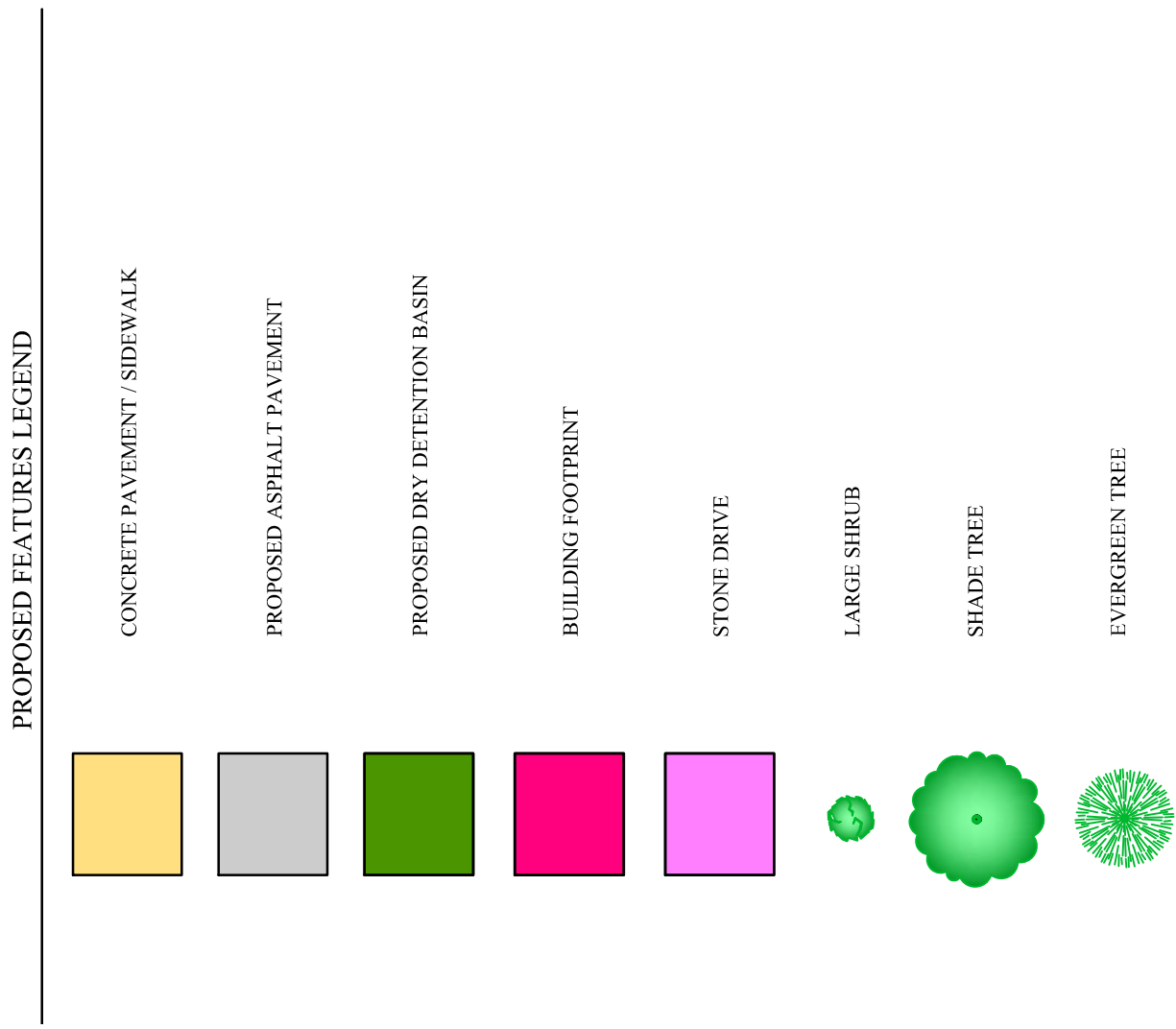
PROJECT SITE VICINITY MAP
NOT TO SCALE



FLOOD INSURANCE RATE MAP (FIRM)
AUGUST 3, 2009 / MAP # 18003C01705
NOT TO SCALE



ALLEN COUNTY SOIL SURVEY MAP
NOT TO SCALE



Midwest Green Lawn Care & Landscaping LLC	6054 Rothman Road, Fort Wayne, IN 46835
Primary Development Plan	
Landscaping Plan	

Date: 01-30-2020
Design By: JDP
Chk'd By: DJS
Project No.: 20015374

PP-2

Derek J. Simon, PE

The concepts, ideas, designs, plans, details, etc. shown on this document are the property of MLS Engineering, LLC., and were created for use on this specific project. None of the concepts, ideas, designs, plans, details, etc. shall be used by any person, firm, or corporation for any purpose without the expressed written consent of MLS Engineering, LLC. The owner shall be permitted to retain copies for information and reference in connection with this project.

MS²Engineering
ENGINEERING YOUR TOMORROW... TODAY

10650 Brent Beck Building
Fort Wayne, IN 46825
Phone: (260) 489-8571

Breth R. Miller, P.E., N.E.
Derek J. Simon, P.E., N.E.
Phone: (260) 692-6166

221 Tower Drive
Munster, IN 46772
Moraine Office

PREPARED FOR:
Lengacher Bros. Const.
6550 Flutter Road
Fort Wayne, IN 46835
(260) 492-8738

SURVEY COMPLETED BY:

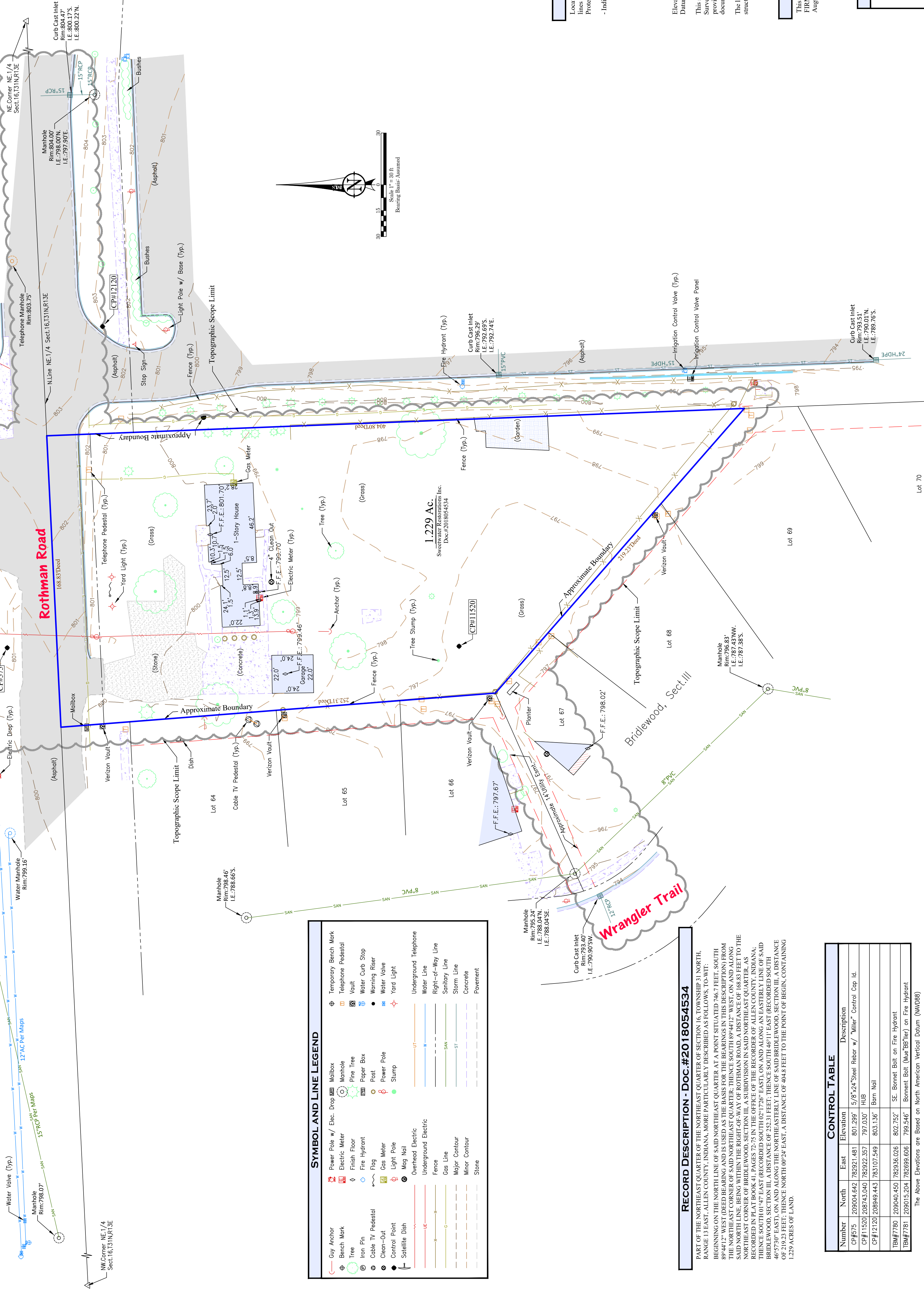
Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571

Miller Land Surveying, Inc. **MLS**
www.mlsweb site.us

Brett R. Miller, P.S., No. LS20300059
Robert J. Maranch, T.S., No. LS20300028

Precision and Professionalism is where we draw the line.

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166



SYMBOL AND LINE LEGEND	
	Guy Anchor
	Bench Mark
	Tree
	Iron Pin
	Cable TV Pedestal
	Clean-Out
	Control Point
	Satellite Dish
	Overhead Electric
	Underground Electric
	Water Line
	Right-of-Way Line
	Sanitary Line
	Storm Line
	Major Contour
	Minor Contour
	Concrete
	Pavement
	Temporary Bench Mark
	Telephone Pedestal
	Vault
	Manhole
	Fire Tree
	Fire Hydrant
	Warning Riser
	Water Valve
	Power Pole
	Flag
	Gas Meter
	Light Pole
	Mag Nail
	Slump
	Fence
	Major Contour
	Minor Contour
	Stone

RECORD DESCRIPTION - DOC.#2018054534

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT: BEGINNING ON THE NORTH LINE OF SAID NORTHEAST QUARTER AT A POINT SITUATED 746.7 FEET SOUTH 11°14'47" EAST 11.47 FEET ALONG SAID NORTH LINE TO THE CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 89°41'12" WEST, ON AND ALONG SAID NORTH LINE, BEING WITHIN THE RIGHT-OF-WAY OF ROTHMAN ROAD, A DISTANCE OF 168.83 FEET TO THE NORTHEAST CORNER OF BRIDLEWOOD, SECTION III, A SUBDIVISION IN SAID NORTHEAST QUARTER, AS SHOWN ON THE PLAT OF SAID ROTHMAN ROAD, BEING 168.83 FEET ALONG SAID NORTH LINE, THENCE SOUTH 11°14'47" EAST (RECORDED SOUTH 10°17'25" EAST, ON AND ALONG AN EASTERLY LINE OF SAID BRIDLEWOOD, SECTION III, A DISTANCE OF 352.31 FEET, THENCE SOUTH 46°11' EAST (RECORDED SOUTH 46°57'49" EAST), ON AND ALONG THE NORTHEASTERLY LINE OF SAID BRIDLEWOOD, SECTION III, A DISTANCE OF 467.59 FEET, THENCE NORTH 67°24' EAST, A DISTANCE OF 464.3 FEET TO THE POINT OF BEGIN, CONTAINING 1.229 ACRES OF LAND.

CONTROL TABLE		
Number	North	East
CP#575	209004.642	785921.481
CP#1520	208743.040	785922.357
CP#12120	208949.443	783107.549
TBM#7780	209040.450	782936.026
TBM#7781	209015.204	782698.606

The Above Elevations are Based on North American Vertical Datum (NAVD83)

Engineering Your Tomorrow... Today

Brett R. Miller, P.S., No. LS20300059
Brett J. Maranch, T.S., No. LS20300028
www.mlsweb site.us
Phone: (260) 489-8571

Fort Wayne Office
10060 Bent Creek Blvd
Fort Wayne, IN 46825
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

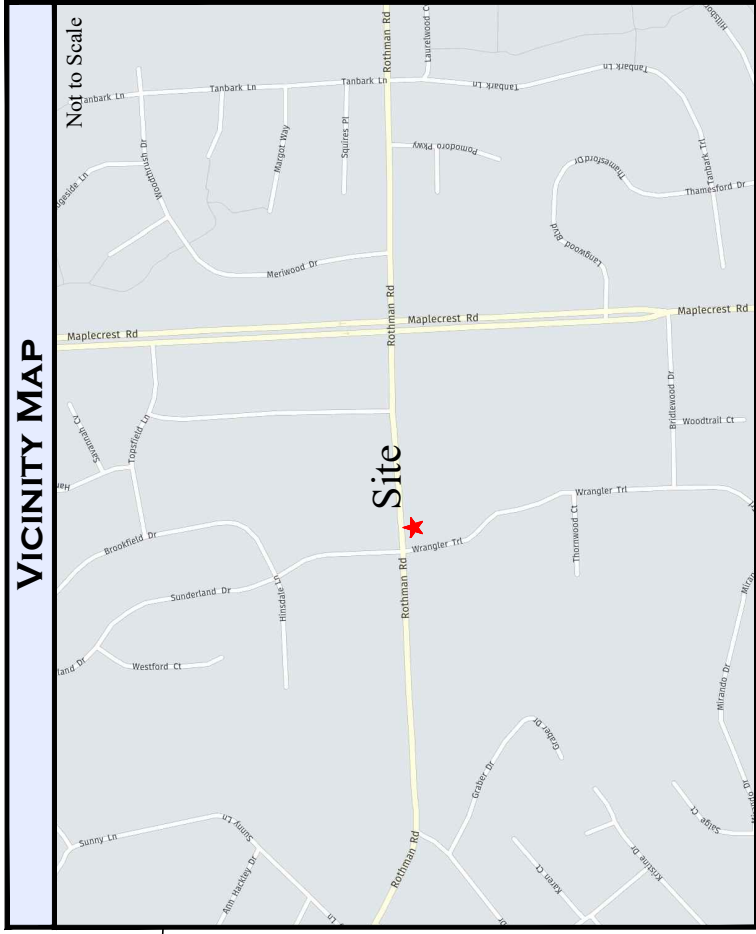
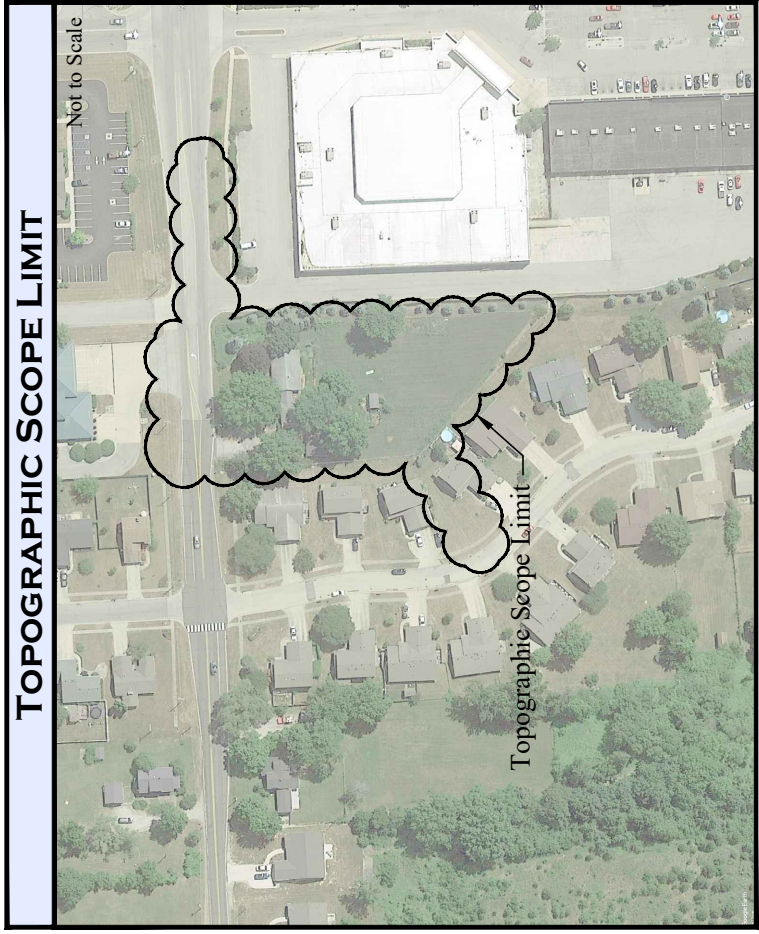
PREPARED FOR:
Lengacher Bros.
6550 Flurter Road
Fort Wayne, IN 46835
(260) 492-8736

REVISIONS:					

Lengacher Bros - Rothman Road
6054 Rothman Road, Fort Wayne, IN 46835
St. Joseph Twp. Sect.16, T31N, R13E
Topographic Survey

Date: January 28, 2020
Drawn By: BPT
Chk'd By: BRM
Project No.: 20015374
Sheet Number

C1.0



NOTES

Location and sizes of underground utilities are shown from best available record drawings and/or field markings. Utility lines shown herein are approximate in location and intended for reference only. Call Indiana Underground Plant Protection Services (IUPPS) at 1-800-382-5344 for field marked location of utilities prior to any excavation.

- Indiana Underground Plant Protection Services (IUPPS) Locate Number For This Project: 2001082691
- Electric - American Electric Power
- Cable TV - Comcast Cable (Fort Wayne)
- Water - City of Fort Wayne
- Sewer - City of Fort Wayne
- Telephone - Frontier
- Gas - NIPSCO Gas (Fort Wayne)

Elevations are based upon a NCORS (Indiana Continuously Operating Reference Station Network) Indiana East. Datum = North American Vertical Datum (NAVD83).

This survey is not and shall not be construed to be, an ALTA/NSPS Land Title Survey, Boundary Survey, Route Survey, or Land Surveyor's Location Report of the subject tract. The contracted scope of services were limited to providing a topographic survey of the subject site for the purposes of civil engineering design and construction documents.

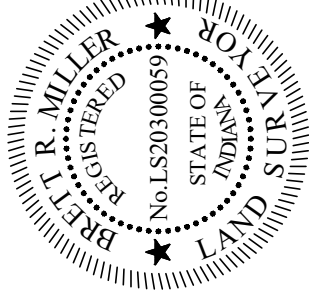
The locations and dimensions of all building structures on the face of the survey (if applicable) are not intended for structural design.

FLOOD PLAIN CERTIFICATION

This property is within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) as defined by the FIRMS (Flood Insurance Rate Map) for City of Fort Wayne, Indiana, Community No.180003, Panel No.0189G, dated August 3, 2009.

CERTIFICATION

I, Brett R. Miller, certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown herein is true and accurate;



Brett R. Miller
Brett R. Miller, P.S. 20300059