

# City of Fort Wayne Common Council

## DIGEST SHEET

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### Department of Planning Services

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2019-0082  
Bill Number: Z-20-01-08  
Council District: 4-Jason Arp

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Introduction Date: January 14, 2020

Plan Commission  
Public Hearing Date: January 13, 2020 (not heard by Council)

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

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Synopsis of Ordinance: To rezone approximately 1.5 acres from AR/Low Intensity Residential and RP/Planned Residential to C1/Professional Office and Personal Services.

Location: 9321 West State Road 14/Illinois Road

Reason for Request: To permit a temporary real estate sales office and future office development.

Applicant: BHI Senior Living, Inc.

Property Owner: BHI Senior Living, Inc.

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Related Petitions: none

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Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services district, which will allow the property to redevelop along with the recently approved Prairie Landing mixed use development.

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential and RP/Planned Residential, which will continue to allow residential development and low intensity agricultural uses. The property has become less desirable for residential or agricultural uses due to its size and proximity to other development on the SR 14 corridor.

**#REZ-2019-0082**

**BILL NO. Z-20-01-08**

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. AA-02 (Sec. 11 of Aboite 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 C1  
(Professional Office and Personal Services) District under the terms of Chapter 157 Title XV  
of the Code of the City of Fort Wayne, Indiana:

Part of the Northwest Quarter of Section 11, Township 30 North, Range 11 East,  
Allen County, Indiana, being a parcel of land surveyed by Gregory L. Roberts,  
Professional Surveyor #80040548 and shown on a PLAT OF SURVEY certified on  
November 20, 2019, as Donovan Engineering, Inc. Job Number 19-3869, being more  
particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 11,  
Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees  
15 minutes 25 seconds East (INDOT INCORS GPS datum and basis for this  
description) along the North line of the Northwest Quarter of Section 11 a distance  
of 907.8 feet; thence South 00 degrees 47 minutes 35 seconds West a distance of  
74.18 feet to a point on the South right of way line of Illinois Road, said point being  
the POINT OF BEGINNING; thence South 00 degrees 47 minutes 35 seconds West  
along the East line of the plat of Timberlake, Section "II" as recorded in Plat Book  
46, pages 70-74 in the Office of the Recorder of Allen County, Indiana a distance of  
589.87 feet to a 5/8-inch diameter iron pin; thence South 89 degrees 12 minutes 25  
seconds East a distance of 110.0 feet to a 5/8-inch diameter iron pin; thence North 00  
degrees 47 minutes 35 seconds East a distance of 598.04 feet to a point on the South  
right of way line of Illinois Road; thence South 86 degrees 32 minutes 51 seconds  
West along said right of way line a distance of 110.3 feet to the point of beginning,  
containing 1.5 acres.

and the symbols of the City of Fort Wayne Zoning Map No. AA-02 (Sec. 11 of Aboite  
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

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
Applicant BHI Senior Living, Inc. d/b/a The Towne House  
Address 2209 St. Joe Center Road  
City Fort Wayne State IN Zip 46825  
Telephone 260-969-8000 E-mail dcarr@bhiseniorliving.org

**Contact Person**  
Contact Person Alison V. Podlaski, Esq.  
Address 215 East Berry Street  
City Fort Wayne State IN Zip 46802  
Telephone (260) 423-8904 E-mail avp@barrettllaw.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 9123 Illinois Road & south thereof (PIN 02-11-11-103-002.000-075 & Pl. of 02-11-11-155-001.000-075)  
Present Zoning AR / RP Proposed Zoning C1 Acreage to be rezoned 1.5  
Proposed density n/a units per acre  
Township name Aboite Township section # 11  
Purpose of rezoning (attach additional page if necessary) Rezoning from AR & RP to C1 to be used by BHI as sales office for Prairie Landing development on a temporary basis, then redeveloped commercially.  
Sewer provider Aqua 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 (see attached Exhibit B)
- ☐ 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.

See attached Exhibit A

(printed name of applicant) (signature of applicant) (date)

See attached Exhibit A

(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 <u>12/2/19</u>	Receipt No. <u>132193</u>	Hearing Date <u>1/13/20</u>	Petition No. <u>REZ-2019-0082</u>
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**EXHIBIT A**  
**Signature Page**

**OWNER & APPLICANT:**

BHI SENIOR LIVING, INC.,  
an Indiana nonprofit corporation

By: \_\_\_\_\_

Name: B. Daniel Carr

Its: Vice President of Operations

Date: \_\_\_\_\_

11/27/19

# PLAT OF SURVEY

**DONOVAN ENGINEERING, INC.**

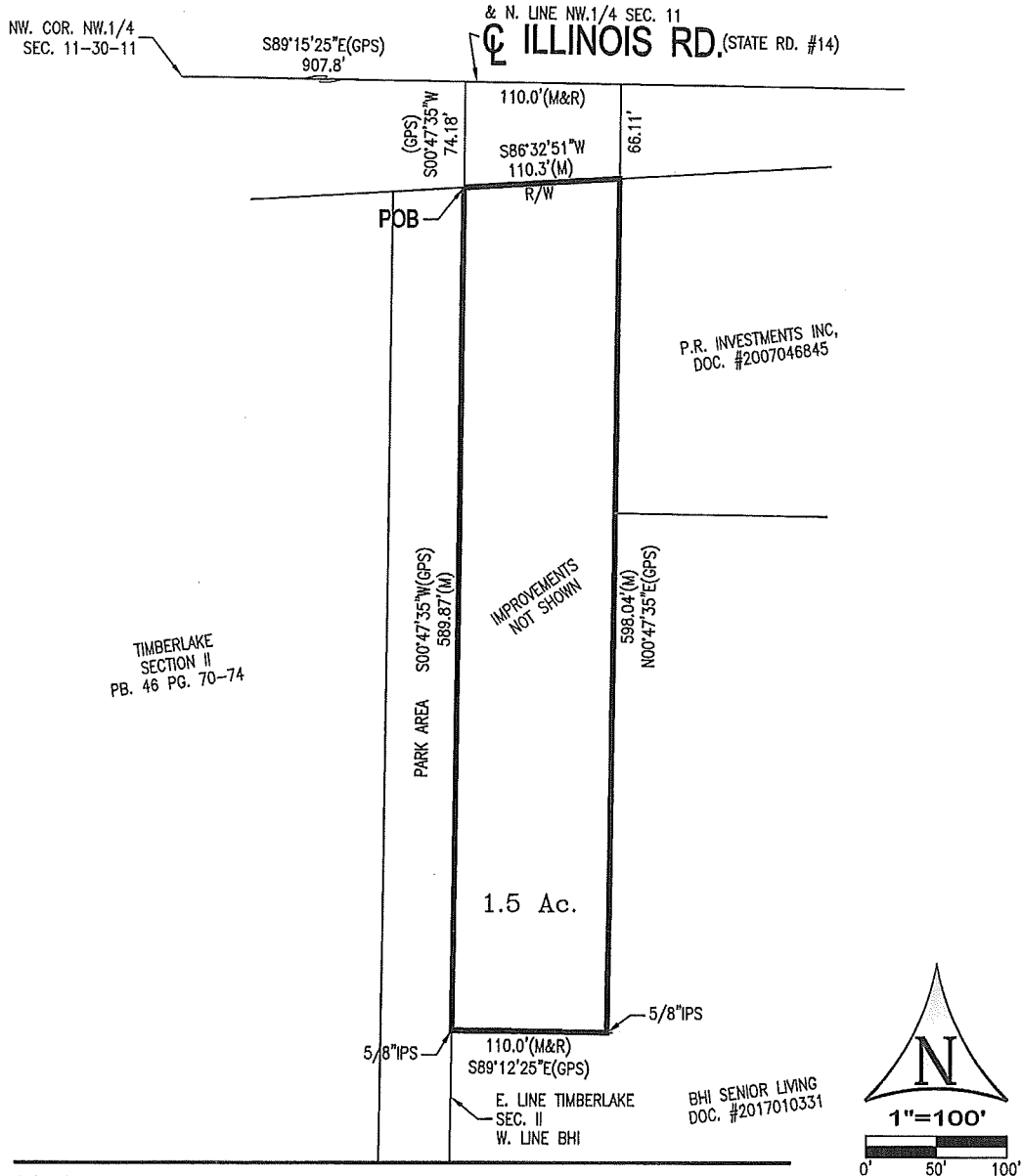
3521 LAKE AVENUE, SUITE 2  
FORT WAYNE, INDIANA 46805  
260.424.7418  
www.donovan-eng.com

GREGORY L. ROBERTS PLS S0548 IN

KENNETH W. HARRIS PLS 29500021 IN

MICHAEL W. HARRIS PLS 21100018 IN

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET!



Job No.:  
Job for: BHI - REZONING

Date: 11-20-19

## LEGEND

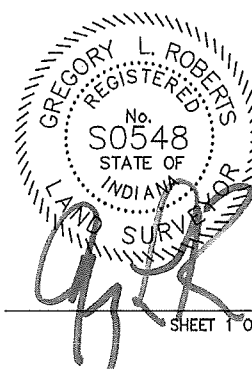
IPF	Iron Pin (Rebar) Found
PF	Pipe Found
RRF	Railroad Spike Found
PKF	P.K. Nail Found
MNF	Mag Nail Found
MNS	Mag Nail Set
IPS	5/8" rebar set w/cap stamped "DEI FIRM #0027"
(M)	Measured (P) Platted
(R)	Recorded (C) Calculated

All monuments are at grade except as noted.  
All Property line distances are recorded  
dimensions, except as noted. Monuments found  
have no documented history except as noted.

\\LOIS\Data Library\AutoCAD\Notes & Bounds\Sec 11-30-11, 1.5 Ac, Illinois Road.dwg.  
11/22/2019 3:20:17 PM

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief  
was executed according to the requirements set forth in 865 IAC 1-12.

Date of latest field work:



SHEET 1 OF 2

# PLAT OF SURVEY

## DONOVAN ENGINEERING, INC.

3521 LAKE AVENUE, SUITE 2  
FORT WAYNE, INDIANA 46805  
260.424.7418

www.donovan-eng.com

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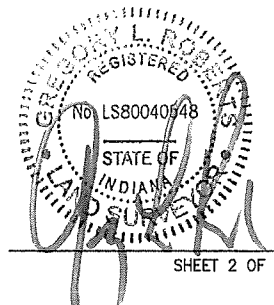
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Date of latest field work:

\\LOIS\Data Library\AutoCAD\Metes & Bounds\Sec 11-30-11, 1.5 Ac, Illinois Road.dwg  
11/22/2019 3:20:02 PM

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 865 IAC 1-12.



SHEET 2 OF 2



**BarrettMcNagney**  
ATTORNEYS AT LAW

Alison V. Podlaski  
(260) 423-8904  
[avp@barrettlaw.com](mailto:avp@barrettlaw.com)

November 27, 2019

**Via Hand Delivery**

Michelle Wood  
Allen County Department of Planning Services  
Citizen's Square, Suite 150  
Fort Wayne, Indiana 46802

Re: 9123 Illinois Road Rezoning Application

Dear Michelle:

This firm and the undersigned represents BHI Senior Living, Inc. d/b/a The Towne House (the "Applicant") with respect to its application to rezone 1.5 acres of land consisting of the property located at 9123 Illinois Road and additional land to the south thereof (the "Property"), from the current AR/Low Intensity Residential and RP/ Planned Residential zoning districts to a C1/Professional and Personal Services zoning district.

The Applicant is the owner and operator of The Towne House, a nonprofit continuing care retirement community founded in 1965, which is located on St. Joe Center Road. The Towne House provides continuing care retirement facilities with a wide range of services and amenities, and a continuum of on-site health care.

The Applicant recently rezoned the land located south and east of the Property on Illinois Road to be developed as Prairie Landing — a community serving active adults in the 55+ age range. The Applicant plans to use the existing home on the Property as a sales office in connection with the Prairie Landing development on a temporary basis, after which point the Property will be redeveloped for C1 commercial uses.

Enclosed with this letter are the following items:

1. Rezoning application form;
2. Four (4) copies of the legal description and survey of the Property;
3. A flash drive containing electronic versions of the survey and the legal description of the Property in Word format; and
4. Required filing fee for the application.





As always, we look forward to working with you and your staff and thank you in advance for your attention to the enclosed application. It is our understanding that the application will be heard by the City of Fort Wayne Plan Commission at a public hearing scheduled for 5:00 p.m. on January 13, 2020, in Room 35 of Citizens Square. Should you have any questions or need any additional information concerning this project prior to that time, please do not hesitate to contact the undersigned

Very truly yours,

BARRETT MCNAGNY, LLP

A handwritten signature in cursive script, reading "Alison Podlaski".

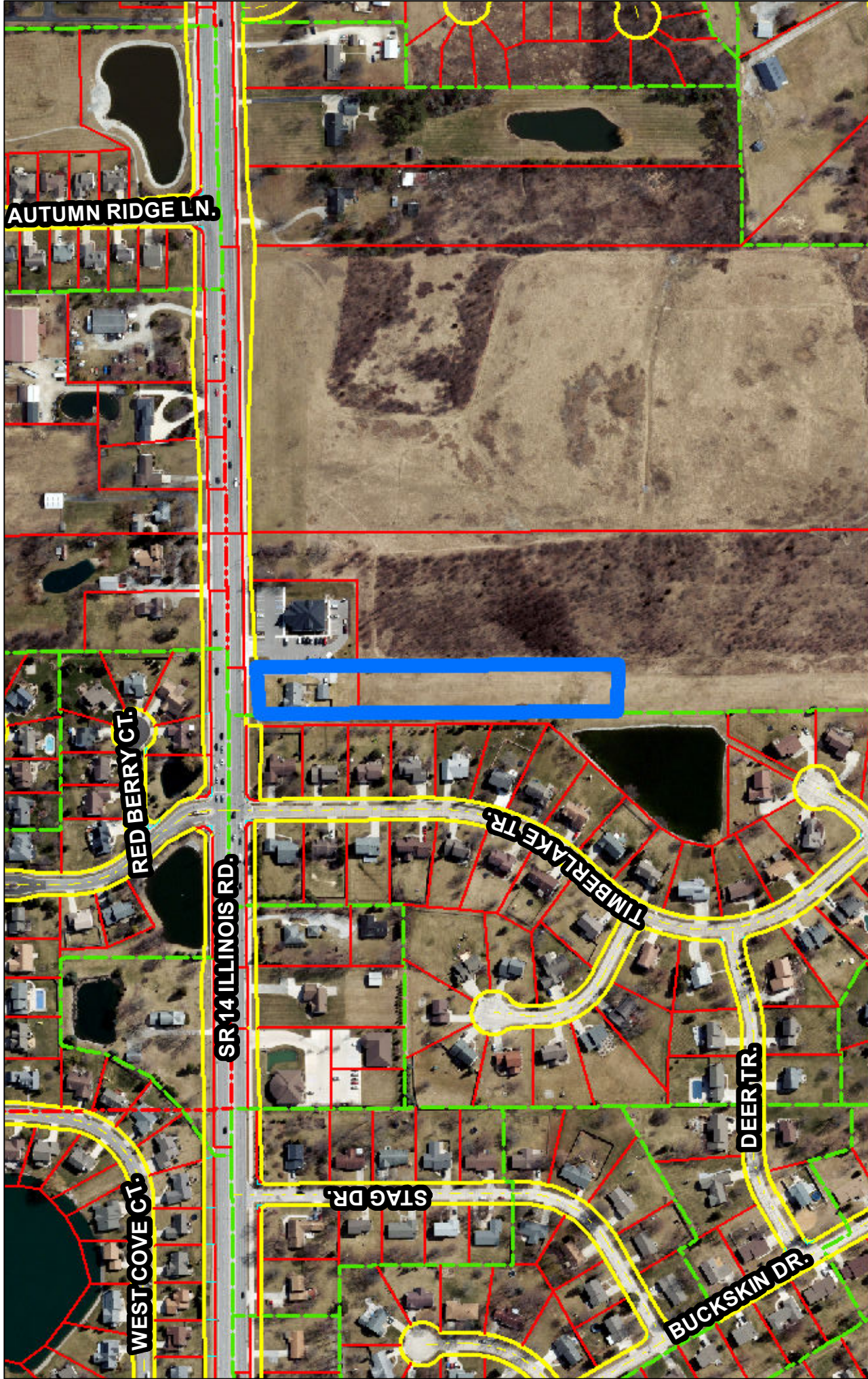
Alison V. Podlaski

AVP/leh: 2477847

Enclosures

cc: Thomas M. Niezer  
Dan Carr





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: 12/27/2019



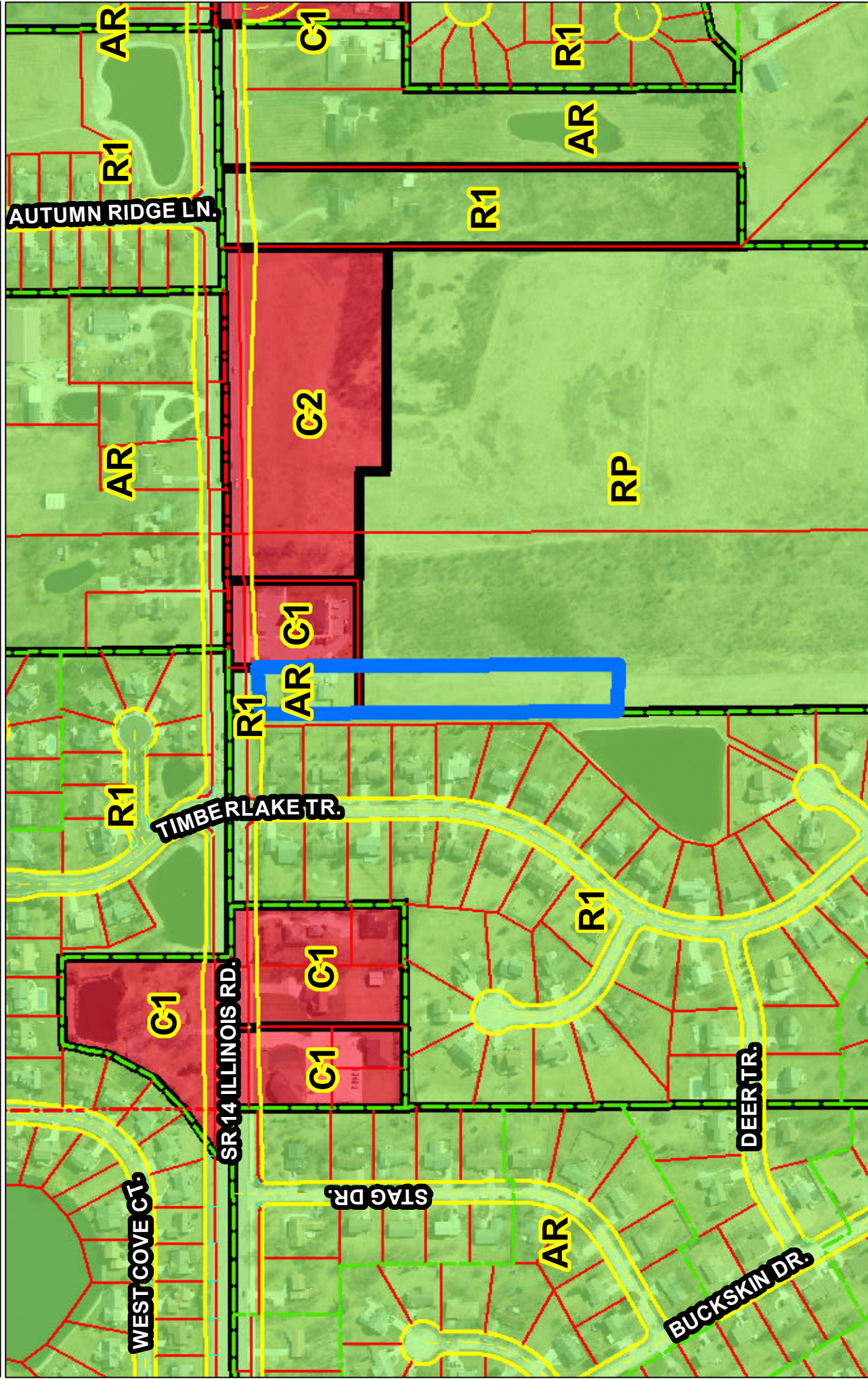
1 inch = 300 feet







Rezoning Petition REZ-2019-0082 (9123 W SR 14)



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