

#REZ-2021-0061

BILL NO. Z-21-11-13

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. D-07 (Sec. 18 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 an RP
(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

The North 291 feet of the East 208 feet of Lot Number 1 in Rousseau's Third Garden
Addition to the City of Fort Wayne, Allen County, Indiana, according to the plat thereof,
recorded in Plat Record 6, Page 65, in the Office of the Recorder of Allen County, Indiana,
excepting the South 95.5 feet of said North 291 feet and except the East 25 feet thereof
appropriated for the opening of Getz Road, reference being had to Commissioners Record 7
Page 241, in the Office of the Auditor of Allen County, Indiana. Also known as the North
195.5 feet of the East 208 feet except the East 25 feet, of Lot Number 1 in Rousseau's Third
Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County,
Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. D-07 (Sec. 18 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.

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

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0061
Bill Number: Z-21-11-13
Council District: 4-Jason Arp

Introduction Date: November 23, 2021

Plan Commission
Public Hearing Date: December 6, 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 0.82 acres from R1/Single Family Residential to RP/Planned Residential.

Location: 2920 Getz Road

Reason for Request: To allow for a ten-unit townhome development.

Applicant: New World Enterprise, LLC

Property Owner: New World Enterprise, LLC

Related Petitions: Primary Development Plan, Getz Road Development

Effect of Passage: Property will be rezoned to the RP/Planned Residential zoning district, which will allow the site to be redeveloped into a multiple family residential project.

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

Department of Planning Services
Rezoning Petition Application

REZ - 2021 - 0061

Applicant
Applicant NEW WORLD ENTERPRISE, LLC
Address 3633 HERON PRESERVE TRL
City FORT WAYNE State IN Zip 46814
Telephone 260-485-7077 Fax _____ E-mail mohsin4u@msn.com

Property Ownership
Property Owner NEW WORLD ENTERPRISE, LLC
Address 2920 GETZ ROAD
City FORT WAYNE State IN Zip 46804
Telephone 260-452-4592 Fax _____ E-mail mohsin4u@msn.com

Contact Person
Contact Person RAFIK ELSHERIF
Address 1220 RUSTON PASS
City FORT WAYNE State IN Zip 46825
Telephone 260-416-8600 Fax _____ E-mail relsherif@az-engineering.net

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 2920 Getz Road
Present Zoning R1 Proposed Zoning RP Acreage to be rezoned 0.821
Proposed density _____ units per acre
Township name Wayne Township section # 18
Purpose of rezoning (attach additional page if necessary) DEVELOPMENT OF
TOWNHOMES, CONSISTS OF SEMI ATTACHED RESIDENTIAL
UNITS WITH GRAGE AT THE MAIN FLOOR
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 contact staff 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.

NEW WORLD ENTERPRISE, LLC
(printed name of applicant)

Mohsin Hasnein
(signature of applicant)

11-02-2021
(date)

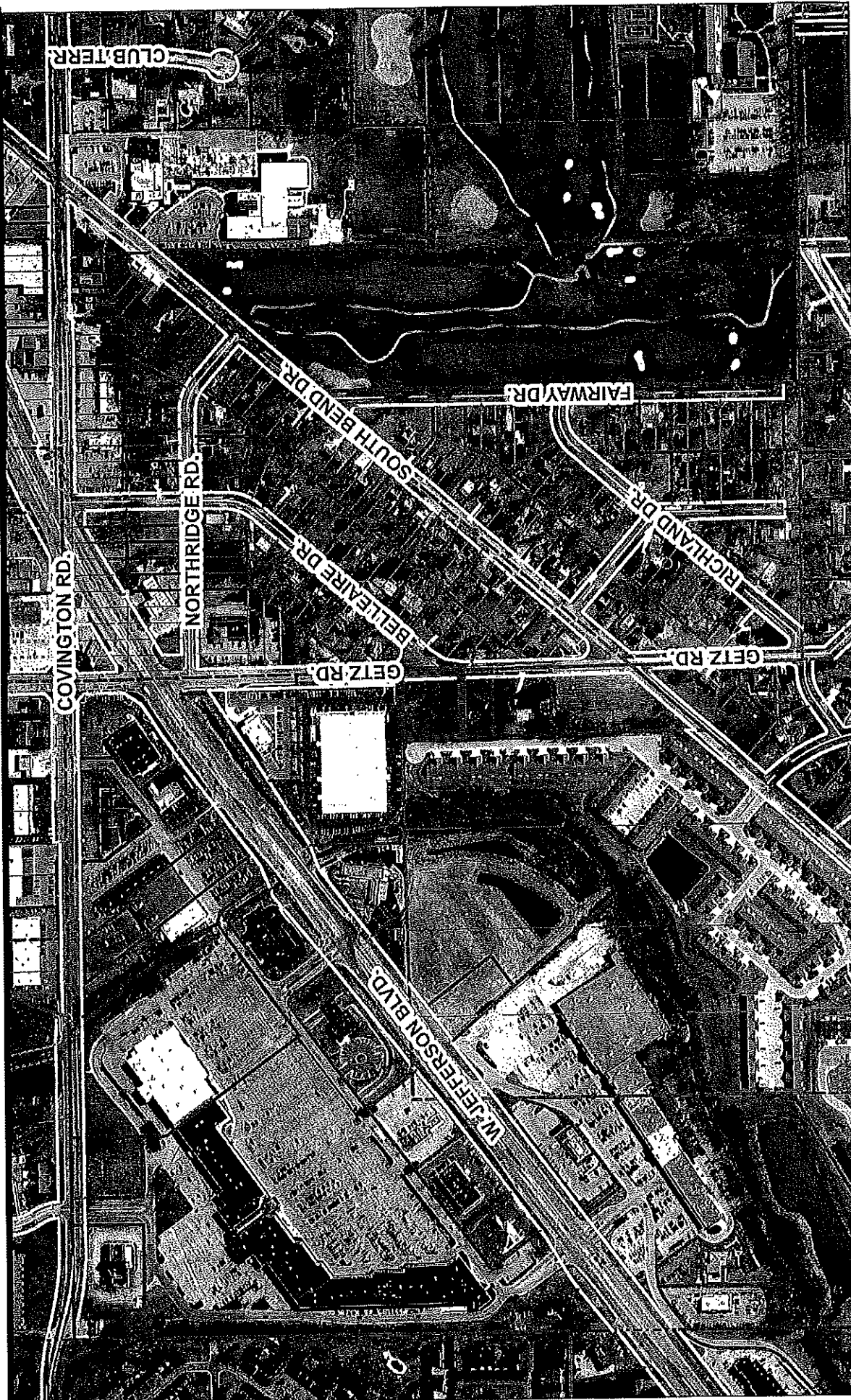
NEW WORLD ENTERPRISE, LLC
(printed name of property owner)

Mohsin Hasnein
(signature of property owner)

11-02-2021
(date)



REZ-2021-0061 and PDP-2021-0044 2920 Getz Road Development



Although aerial imagery 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 11/17/2021



1 inch = 400 feet





REZ-2021-0061 and PDP-2021-0044 2920 Getz Road Development

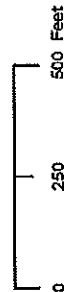


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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/17/2001



1 inch = 400 feet



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PROPOSED SITE PLAN

2920 GETZ ROAD - FRIELMILK

GENERAL NOTES:

- As such, it is in accordance with the requirements of the Manufacturer's standards for verification.

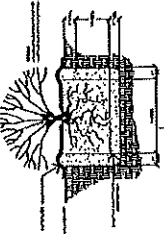
SETBACKS

- [illegible]

PROPOSED TOWNHOMES

- | Q. UNITS | # REPLICATES | CLARKE SPACES |
|----------|--------------|---------------|
| 2 | 2 | 2 |
| 3 | 2 | 1 |

PLANTING AND LANDSCAPE

[illegible]

Definition Birth Seed Size
Apparent seed magnitude (mm) LBS

Year	Value	Year	Value
1990	100	1995	100
1991	100	1996	100
1992	100	1997	100
1993	100	1998	100
1994	100	1999	100
2000	100	2000	100
2001	100	2001	100
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2000

[illegible]

Country	Year	Value
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China	2099	1.0
China	2100	1.0

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

	1	2	3	4	5
City/State					
Nearest Airport					
Bed Rooms					
Bathrooms					
Other Remarks					

9

100

.....

[illegible]

The site plan illustrates the proposed development area, bounded by existing property lines. Key features include:

- Proposed Improvements:** Indicated by dashed lines and hatched areas, showing new structures, parking lots, and access roads.
- Existing Infrastructure:** Shown as solid lines and hatched areas, including existing buildings, parking lots, and access roads.
- Access Roads:** Labeled "ACCESS ROAD" and "NEW ACCESS ROAD", showing the proposed road network connecting the development to the surrounding area.
- Parking Lots:** Labeled "PARKING LOT" and "NEW PARKING LOT", showing the proposed parking areas for the development.
- Structures:** Labeled "STRUCTURE" and "NEW STRUCTURE", showing the proposed building footprints.
- Utilities:** Labeled "UTILITY LINE" and "NEW UTILITY LINE", showing the proposed utility infrastructure.

The plan also includes various other details such as "EXISTING PROPERTY LINE", "PROPOSED IMPROVEMENTS", "ACCESS ROAD", "NEW ACCESS ROAD", "PARKING LOT", "NEW PARKING LOT", "STRUCTURE", "NEW STRUCTURE", "UTILITY LINE", and "NEW UTILITY LINE". The overall layout shows a well-defined development area with clear boundaries and internal circulation paths.

FACT SHEET

Case #REZ-2021-0061 Bill # Z-21-11-13 Project Start: December 2021	
APPLICANT:	New World Enterprise, LLC
REQUEST:	To rezone the property from R1/Single Family Residential to RP/Planned Residential; and approve a primary development plan for a 10-unit multiple family residential complex.
LOCATION:	The address of the subject property is 2920 Getz Road (Section 18 of Wayne Township).
LAND AREA:	Approximately 0.82 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	RP/Planned Residential
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECT:	Primary Development Plan, Getz Road Development
SPONSOR:	City of Fort Wayne Plan Commission

December 6, 2021 Public Hearing

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

December 13, 2021 Business Meeting

- Plan Commission Recommendation: **DO PASS**
- A motion was made by Paul Sauerteig and seconded by Don Schmidt to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

6-0 MOTION PASSED

- Tom Freistroffer, Justin Shurley, and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
January 5, 2022

PROJECT SUMMARY

- Site contained a structure that was demolished between 2009 and 2012.
- Board of Zoning Appeals history for the site includes requests for a real estate office (1987), an interior design office (1988, renewal in 1993), and for various commercial uses (2009).

The applicant is petitioning to rezone about 0.82 acres of land from R1/Single Family Residential to RP/Planned Residential to accommodate a 10-unit townhome development. The site sits about 800 feet south of the intersection with Getz and West Jefferson Boulevard. North of the site is The Jefferson Crossing strip mall, which includes Mitchell's and the Franciscan Thrift Store. East and south of the site are large lot residential homes, and to the west is a multiple family complex devoted to senior citizens which has access off South Bend Drive.

The site once contained a structure that received several Board of Zoning approvals for commercial uses. The proposal of Planned Residential can provide connectivity and protection between the West Jefferson Boulevard corridor and the low-intensity residential development to the Southeast. Adequate infrastructure and utilities are available to the site.

The proposed rezone meets the following goals and objectives of the Comprehensive Plan:

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.

LU6 - Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU8 - Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

H3.B - Identify appropriate locations for compatible infill housing that would replace vacant or underutilized sites in existing neighborhoods.

H4 - Provide housing choice within neighborhoods.

H6 - Promote mixed uses along with proximity of uses.

The site sits within the Conceptual Development Map of the Comprehensive Plan (Map 1.13).

In association with the rezone, the applicant proposes a multiple-family building that contains 10 units in a townhouse-style layout. The proposal consists of two multiple family buildings that run parallel to each other. Each building will consist of attached 2-story units with primary entrances and a garage. The backs of the units will face the perimeter of the parcel.

Zoning Ordinance development standards for the RP zoning district are met with this proposal. Because the structures are two stories, the perimeter setback for the primary structure is 30 feet. Certain elements, like a patio, may encroach into the 30-foot setback. Sidewalks are included on the proposal, as the Walk Fort Wayne plan identifies the site as a pedestrian generating area.

The site contains many mature trees, and the applicant requests to retain most of the trees as an alternate to the 6-foot fence. This proposal meets the intent of the City of Fort Wayne Zoning Ordinance. The applicant has committed to installing new shade trees every 30 feet around the structures per the Ordinance. The applicant can work with the City of Fort Wayne Parks Department on the street trees requirement along Getz Road.

PUBLIC HEARING SUMMARY:

Presenter: Rafik El Sherif presented the case that a former home was struck by lightning, and that the site will be rezoned to accommodate 2-story townhomes with a single garage.

Public Comments:

- No public comments

Rebuttal:

- No rebuttal.

Site Committee:

- The Site Committee recommended either curbing or landscaping between the proposed sidewalk and the parking lot.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

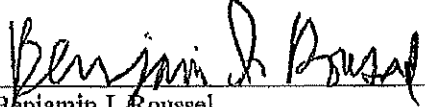
Rezoning Petition REZ-2021-0061

APPLICANT: New World Enterprise, LLC
REQUEST: To rezone the property from R1/Single Family Residential to RP/Planned Residential
LOCATION: The address of the subject property is 2920 Getz Road (Section 18 of Wayne Township).
LAND AREA: Approximately 0.82 acres
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: RP/Planned Residential

The Plan Commission recommends that Rezoning Petition REZ-2021-0061 be returned to Council, 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 proposal promotes housing choice within the Southwest quadrant of Fort Wayne. This proposal is located within the Conceptual Development Map within the Comprehensive Plan and meets the following criteria of the land use section:
LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
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.
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 site will revitalize a site formerly housing a structure with myriad uses. Today, the site is vacant between a shopping center and a historic single-family subdivision.
3. Approval is consistent with the preservation of property values in the area. Staff does not anticipate depreciation of property values with the rezone and associated development plan.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by appropriate agencies will ensure minimal impact to surrounding properties and will be supplied be adequate infrastructure.

These findings approved by the Fort Wayne Plan Commission on December 13, 2021.


Benjamin J. Roussel
Executive Director
Secretary to the Commission

Department of Planning Services
Rezoning Petition Application

REZ - 2021 - 0061

Applicant
Applicant NEW WORLD ENTERPRISE, LLC
Address 3633 HERON PRESERVE TRL
City FORT WAYNE State IN Zip 46814
Telephone 260-485-7077 Fax _____ E-mail mohsin4u@msn.com

Property Ownership
Property Owner NEW WORLD ENTERPRISE, LLC
Address 2920 GETZ ROAD
City FORT WAYNE State IN Zip 46804
Telephone 260-452-4592 Fax _____ E-mail mohsin4u@msn.com

Contact Person
Contact Person RAFIK ELSHERIF
Address 1220 RUSTON PASS
City FORT WAYNE State IN Zip 46825
Telephone 260-416-8600 Fax _____ E-mail relsherif@az-engineering.net

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 2920 Getz Road

Present Zoning R1 Proposed Zoning RP Acreage to be rezoned 0.821

Proposed density _____ units per acre

Township name Wayne Township section # 18

Purpose of rezoning (attach additional page if necessary) DEVELOPMENT OF

TOWNHOMES, CONSISTS OF SEMI ATTACHED RESIDENTIAL

UNITS WITH GRAGE AT THE MAIN FLOOR

Sewer provider CITY OF FORT WAYNE Water provider CITY OF FORT WAYNE

*Applications will not be accepted unless the following filing requirements are submitted with this application.
Please contact staff 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.

NEW WORLD ENTERPRISE, LLC
(Printed name of applicant)

Mohsin Hasnein
(signature of applicant)

11-02-2021
(date)

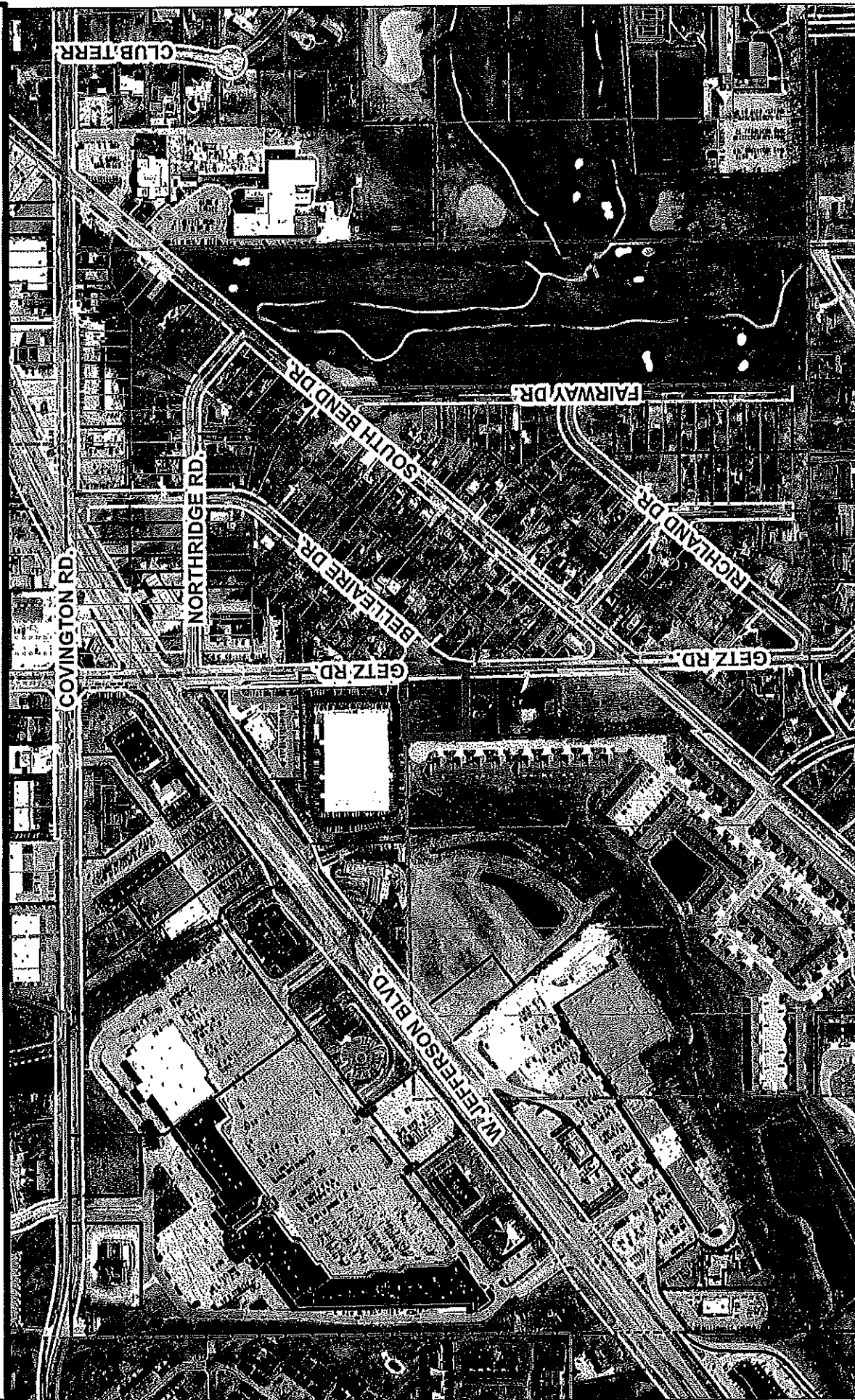
NEW WORLD ENTERPRISE, LLC
(Printed name of property owner)

Mohsin Hasnein
(signature of property owner)

11-02-2021
(date)

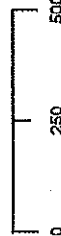


REZ-2021-0061 and PDP-2021-0044 2920 Getz Road Development



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: 11/17/2021



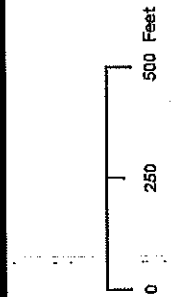
1 inch = 400 feet



REZ-2021-0061 and PDP-2021-0044 2920 Getz Road Development

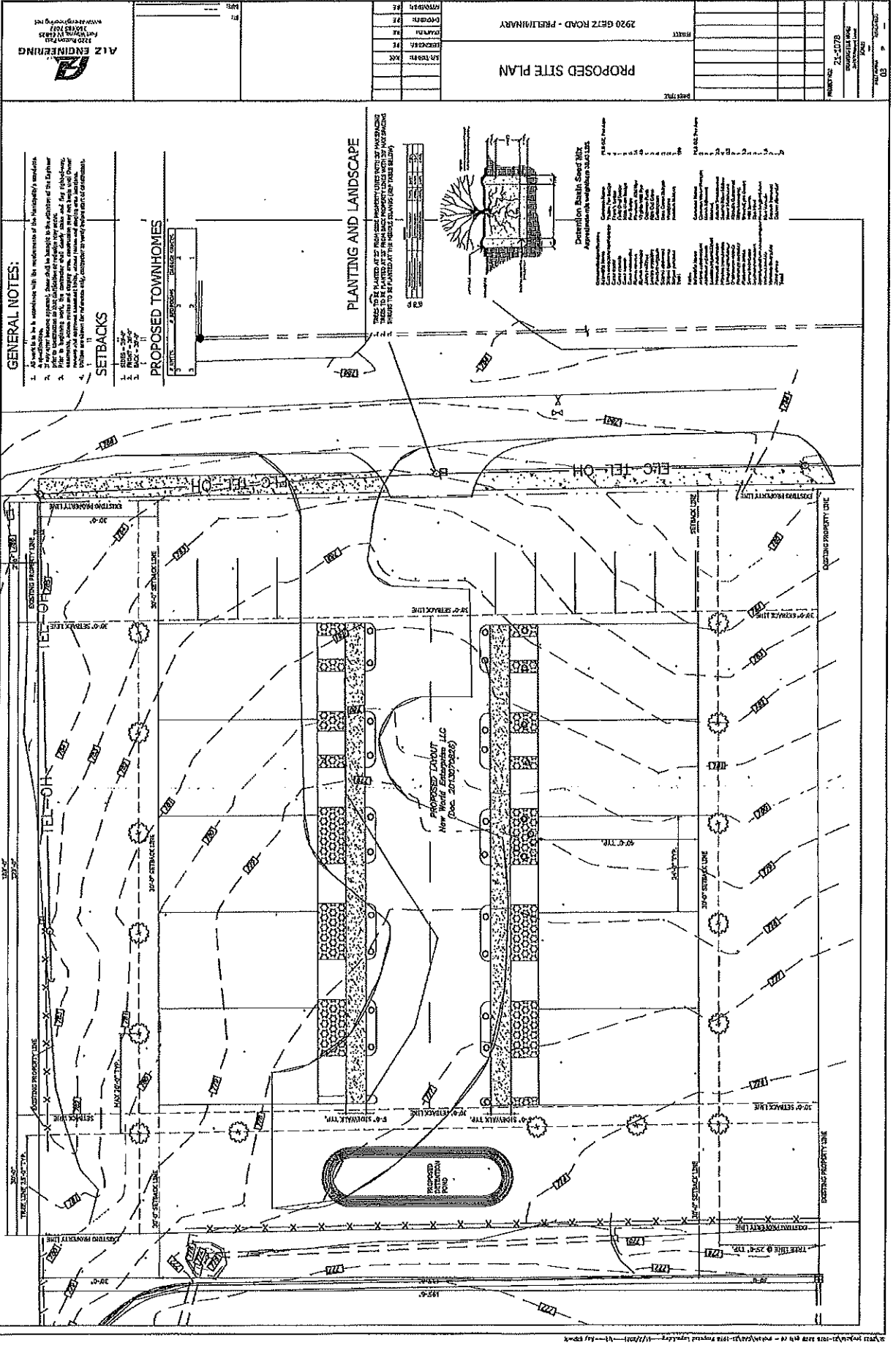


1 inch = 400 feet



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GENERAL NOTES:

1. All work to be in accordance with the requirements of the Municipality's standards.
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6. All work to be in accordance with the requirements of the Municipality's standards.
7. All work to be in accordance with the requirements of the Municipality's standards.
8. All work to be in accordance with the requirements of the Municipality's standards.
9. All work to be in accordance with the requirements of the Municipality's standards.
10. All work to be in accordance with the requirements of the Municipality's standards.

SETBACKS

1. 30'-0" SETBACK
2. 10'-0" SETBACK
3. 5'-0" SETBACK

PROPOSED TOWNHOMES

1. 30'-0" SETBACK
2. 10'-0" SETBACK
3. 5'-0" SETBACK

PLANTING AND LANDSCAPE

PLANTING AND LANDSCAPE

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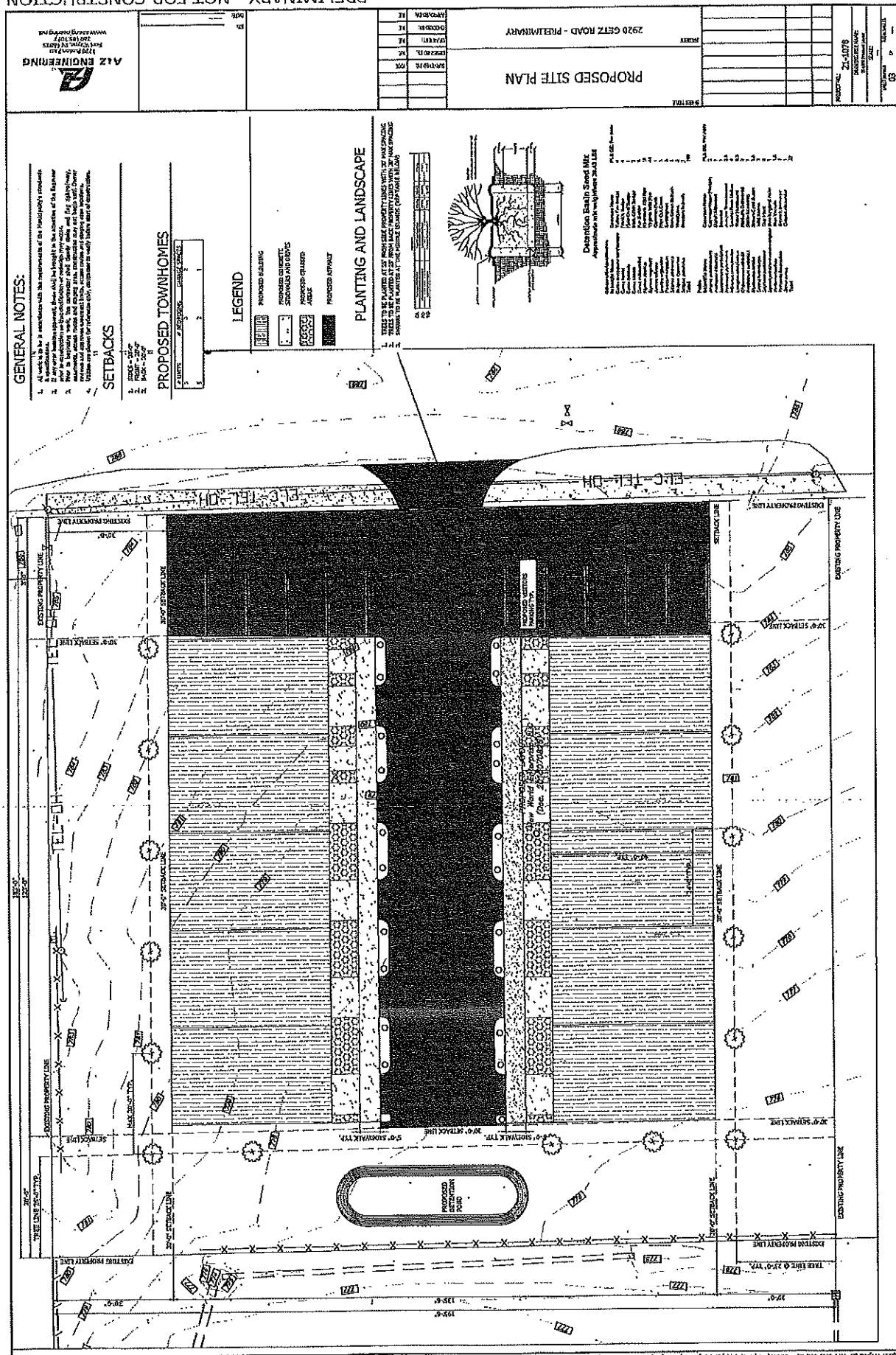
PLANTING AND LANDSCAPE

PLANTING AND LANDSCAPE

PLANTING AND LANDSCAPE

PLANTING AND LANDSCAPE

PLANTING AND LANDSCAPE



GENERAL NOTES:

1. All work shall be in accordance with the requirements of the International Building Code.
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SETBACKS

30' SETBACK
10' SETBACK
20' SETBACK

PROPOSED TOWNHOMES

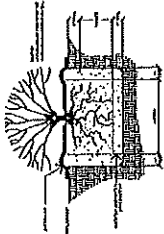
1. 30' SETBACK
2. 10' SETBACK
3. 20' SETBACK

LEGEND

- PROPOSED BUILDING
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED GRASS
- PROPOSED DRIVEWAY

PLANTING AND LANDSCAPE

1. All work shall be in accordance with the requirements of the International Building Code.- 2. All work shall be in accordance with the requirements of the International Building Code.
- 3. All work shall be in accordance with the requirements of the International Building Code.
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- 10. All work shall be in accordance with the requirements of the International Building Code.



Definitions: Bush Seed Mix

Appropriate with vegetation 200' dia

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