

#REZ-2021-0064

BILL NO. Z-21-11-14

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. A-06 (Sec. 2 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 an RP
(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

Recorder's Document #95-055642

1 acre in square form in the southeast corner of the east 1/2 of the southeast 1/4 of Section
2, Township 30 North, Range 11 East, Allen County, Indiana.

**Except that real estate conveyed to the State of Indiana as described in Recorder's
Document #207032107 as follows:**

A part of the East Half of the Southeast Quarter of Section 2, Township 30 North, Range 11
East, Allen County, Indiana, and being that part of the grantors' land lying within the right-of-
way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B",
described as follows: Beginning at a point on the east line of said section North 1 degree 08
minutes 26 seconds East 40.01 feet (12.195 meters) from the southeast corner of said
section, said southeast corner being designated as point "507" on said parcel plat, which
point of beginning is on the north boundary of S.R. 14 (also known as Illinois Road); thence
North 89 degrees 49 minutes 46 seconds West 208.94 feet (63.685 meters) along the
boundary of said S.R. 14 to the southwest corner of the grantors' land; thence North 1
degree 08 minutes 26 seconds East 21.03 feet (6.410 meters) along the west line of the
grantors' land; thence South 86 degrees 58 minutes 01 second East 105.27 feet (32.086
meters) to point "1719" designated on said parcel plat; thence South 89 degrees 49 minutes
46 seconds East 102.69 feet (31.300 meters) to point "1725" designated on said parcel plat;
thence North 83 degrees 26 minutes 00 seconds East 1.02 feet (0.311 meters) to the east
line of said section; thence South 1 degree 08 minutes 26 seconds West 15.90 feet (4.846
meters) along said east line to the point of beginning and containing 0.082 acres (0.0332
hectares), more or less.

and the symbols of the City of Fort Wayne Zoning Map No. A-06 (Sec. 2 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.

**City of Fort Wayne Common Council
DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0064
Bill Number: Z-21-11-14
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 0.72 acres from AR/Low Intensity Residential
to C1/Professional Office and Personal Services.

Location: 8010 Illinois Road (SR 14)

Reason for Request: To allow for a three-building office park development.

Applicant: Dennis Emley

Property Owner: Dennis Emley

Related Petitions: Primary Development Plan, Schoolhouse Lofts – Live/Work Space

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal
Service zoning district, which will allow the site to be redeveloped into a
three-building office park. The existing building will be utilized along
with two new buildings.

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential, and may
be used for a single family house and/or low intensity agricultural
practices. The current Board of Zoning Appeals approval for office uses
in the existing building would remain in effect. No new buildings could
be added for office use.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Dennis Emley
 Address 8010 Illinois Road
 City Fort Wayne State IN Zip 46804
 Telephone (260)436-9039 E-mail donna@edg-dmo.com

Contact Person
 Contact Person Lisa Weaver
 Address 221 West Baker Street
 City Fort Wayne State IN Zip 46802
 Telephone (260)422-7994 E-mail lweaver@martin-riley.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 8010 Illinois Road
 Present Zoning AR-1 Proposed Zoning C-1 Acreage to be rezoned .72
 Proposed density N/A units per acre
 Township name Abolte Township section # 0023011
 Purpose of rezoning (attach additional page if necessary) We would like to add a couple small office buildings to the site to create an office park and maximize site utilization.
 Sewer provider Aqua Indiana 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 do understand and agree, upon execution and submission of this application, that I am the owner(s) of more than 50 percent of the property described in this application; that I 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 own knowledge; and that I agree to pay Allen County the cost of notifying the regulated interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Dennis Emley
 (printed name of applicant)

[Signature]
 (signature of applicant)

10/27/2021
 (date)

Dennis Emley
 (printed name of property owner)

[Signature]
 (signature of property owner)

10/27/2021
 (date)

Donna Emley
 (printed name of property owner)

[Signature]
 (signature of property owner)

10/27/2021
 (date)

[Signature]
 (printed name of property owner)

[Signature]
 (signature of property owner)

(date)

Received <u>11-2-2021</u>	Receipt No. <u>12-6-2021</u>	Hearing Date <u>12-6-2021</u>	Petition No. <u>RE-Z-2021-0064</u>
------------------------------	---------------------------------	----------------------------------	---------------------------------------



REZ-2021-0064 and PDP-2021-0045 Schoolhouse Lofts - A Live/Work Space Settlement

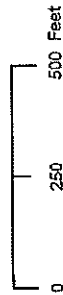


Although strict survey standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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-2021-0064 and PDP-2021-0045 Schoolhouse Lofts - A Live/Work Space Settlement

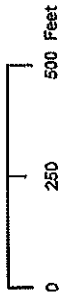


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contour Spring 2009
Date: 11/17/2021



1 inch = 400 feet



New Construction for: **Schoolhouse Lofts** **A Live/Work Space Settlement**

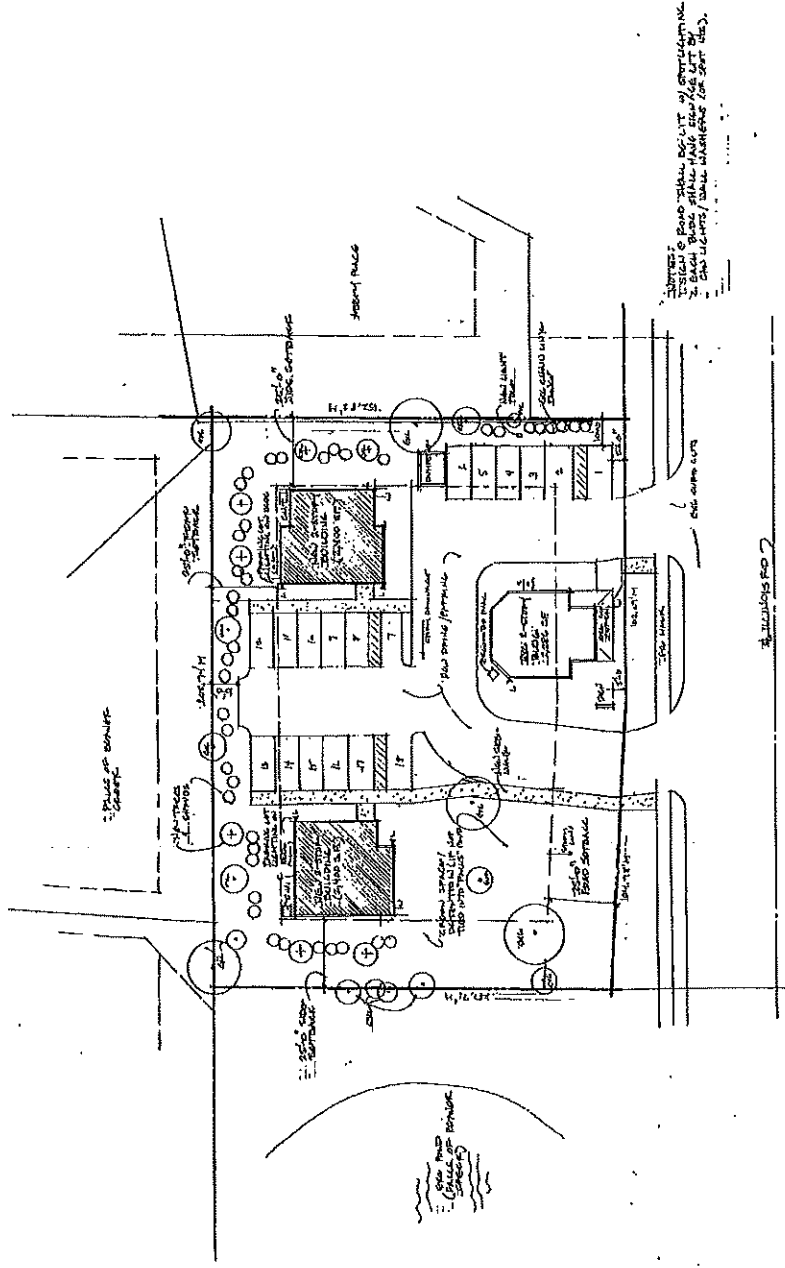
8010 Islands Road



MARTIN
 ARCHITECTS+ENGINEERS
 221 THE COMMONS
 FORT WAYNE, IN 46804
 TEL: 317.434.2000
 FAX: 317.434.2001
 WWW.MARTINAE.COM

DATE: 01/11/05
 BY: JRM
 CHECKED: JRM

C01
 SITE DEVELOPMENT
 PLAN



SITE PLAN (PRIMARY SITE PLAN)

DATE: 01/11/05

LEGEND

1. CENTER LINE OF ROAD	2. CENTER LINE OF RAILROAD	3. CENTER LINE OF CANAL	4. CENTER LINE OF DRAINAGE
5. CENTER LINE OF FENCE	6. CENTER LINE OF UTILITY	7. CENTER LINE OF POWER	8. CENTER LINE OF TELEPHONE
9. CENTER LINE OF WATER	10. CENTER LINE OF SEWER	11. CENTER LINE OF GAS	12. CENTER LINE OF OIL
13. CENTER LINE OF CEMENT	14. CENTER LINE OF BRICK	15. CENTER LINE OF CONCRETE	16. CENTER LINE OF METAL
17. CENTER LINE OF WOOD	18. CENTER LINE OF PLASTER	19. CENTER LINE OF STONE	20. CENTER LINE OF MASONRY
21. CENTER LINE OF CARPENTRY	22. CENTER LINE OF PAINTING	23. CENTER LINE OF DECORATION	24. CENTER LINE OF FURNITURE
25. CENTER LINE OF ELECTRICAL	26. CENTER LINE OF MECHANICAL	27. CENTER LINE OF PLUMBING	28. CENTER LINE OF HEATING
29. CENTER LINE OF COOLING	30. CENTER LINE OF VENTILATION	31. CENTER LINE OF INSULATION	32. CENTER LINE OF SOUND
33. CENTER LINE OF LIGHTING	34. CENTER LINE OF SECURITY	35. CENTER LINE OF PROTECTION	36. CENTER LINE OF DEFENSE
37. CENTER LINE OF OFFENSE	38. CENTER LINE OF RESEARCH	39. CENTER LINE OF DEVELOPMENT	40. CENTER LINE OF INNOVATION
41. CENTER LINE OF DISCOVERY	42. CENTER LINE OF KNOWLEDGE	43. CENTER LINE OF WISDOM	44. CENTER LINE OF TRUTH
45. CENTER LINE OF JUSTICE	46. CENTER LINE OF FAITH	47. CENTER LINE OF HOPE	48. CENTER LINE OF CHARITY
49. CENTER LINE OF LOVE	50. CENTER LINE OF PEACE	51. CENTER LINE OF HARMONY	52. CENTER LINE OF UNITY
53. CENTER LINE OF AGREEMENT	54. CENTER LINE OF COOPERATION	55. CENTER LINE OF ASSISTANCE	56. CENTER LINE OF SUPPORT
57. CENTER LINE OF HELP	58. CENTER LINE OF CARE	59. CENTER LINE OF COMPASSION	60. CENTER LINE OF MERCY
61. CENTER LINE OF KINDNESS	62. CENTER LINE OF GENTLENESS	63. CENTER LINE OF PATIENCE	64. CENTER LINE OF FORGIVENESS
65. CENTER LINE OF LONG-SUFFERING	66. CENTER LINE OF BENEVOLENCE	67. CENTER LINE OF GOODNESS	68. CENTER LINE OF RIGHTEOUSNESS
69. CENTER LINE OF CLEANLINESS	70. CENTER LINE OF ORDER	71. CENTER LINE OF DECENCY	72. CENTER LINE OF MODesty
73. CENTER LINE OF TEMPERANCE	74. CENTER LINE OF SELF-CONTROL	75. CENTER LINE OF RESTRAINT	76. CENTER LINE OF DISCIPLINE
77. CENTER LINE OF ORDERLYNESS	78. CENTER LINE OF SYSTEMATICNESS	79. CENTER LINE OF METHODICALNESS	80. CENTER LINE OF ORGANIZEDNESS
81. CENTER LINE OF EFFICIENCY	82. CENTER LINE OF EFFECTIVENESS	83. CENTER LINE OF PRODUCTIVITY	84. CENTER LINE OF PROFICIENCY
85. CENTER LINE OF SKILLFULNESS	86. CENTER LINE OF CAPABILITY	87. CENTER LINE OF ABILITY	88. CENTER LINE OF POTENTIAL
89. CENTER LINE OF POSSIBILITY	90. CENTER LINE OF OPPORTUNITY	91. CENTER LINE OF PROSPECT	92. CENTER LINE OF PROSPECTIVE
93. CENTER LINE OF PROSPECTIVE	94. CENTER LINE OF PROSPECTIVE	95. CENTER LINE OF PROSPECTIVE	96. CENTER LINE OF PROSPECTIVE
97. CENTER LINE OF PROSPECTIVE	98. CENTER LINE OF PROSPECTIVE	99. CENTER LINE OF PROSPECTIVE	100. CENTER LINE OF PROSPECTIVE

HATCH LEGEND

1. CENTER LINE OF ROAD	2. CENTER LINE OF RAILROAD	3. CENTER LINE OF CANAL	4. CENTER LINE OF DRAINAGE
5. CENTER LINE OF FENCE	6. CENTER LINE OF UTILITY	7. CENTER LINE OF POWER	8. CENTER LINE OF TELEPHONE
9. CENTER LINE OF WATER	10. CENTER LINE OF SEWER	11. CENTER LINE OF GAS	12. CENTER LINE OF OIL
13. CENTER LINE OF CEMENT	14. CENTER LINE OF BRICK	15. CENTER LINE OF CONCRETE	16. CENTER LINE OF METAL
17. CENTER LINE OF WOOD	18. CENTER LINE OF PLASTER	19. CENTER LINE OF STONE	20. CENTER LINE OF MASONRY
21. CENTER LINE OF CARPENTRY	22. CENTER LINE OF PAINTING	23. CENTER LINE OF DECORATION	24. CENTER LINE OF FURNITURE
25. CENTER LINE OF ELECTRICAL	26. CENTER LINE OF MECHANICAL	27. CENTER LINE OF PLUMBING	28. CENTER LINE OF HEATING
29. CENTER LINE OF COOLING	30. CENTER LINE OF VENTILATION	31. CENTER LINE OF INSULATION	32. CENTER LINE OF SOUND
33. CENTER LINE OF LIGHTING	34. CENTER LINE OF SECURITY	35. CENTER LINE OF PROTECTION	36. CENTER LINE OF DEFENSE
37. CENTER LINE OF OFFENSE	38. CENTER LINE OF RESEARCH	39. CENTER LINE OF DEVELOPMENT	40. CENTER LINE OF INNOVATION
41. CENTER LINE OF DISCOVERY	42. CENTER LINE OF KNOWLEDGE	43. CENTER LINE OF WISDOM	44. CENTER LINE OF TRUTH
45. CENTER LINE OF JUSTICE	46. CENTER LINE OF FAITH	47. CENTER LINE OF HOPE	48. CENTER LINE OF CHARITY
49. CENTER LINE OF LOVE	50. CENTER LINE OF PEACE	51. CENTER LINE OF HARMONY	52. CENTER LINE OF UNITY
53. CENTER LINE OF AGREEMENT	54. CENTER LINE OF COOPERATION	55. CENTER LINE OF ASSISTANCE	56. CENTER LINE OF SUPPORT
57. CENTER LINE OF HELP	58. CENTER LINE OF CARE	59. CENTER LINE OF COMPASSION	60. CENTER LINE OF MERCY
61. CENTER LINE OF KINDNESS	62. CENTER LINE OF GENTLENESS	63. CENTER LINE OF PATIENCE	64. CENTER LINE OF FORGIVENESS
65. CENTER LINE OF LONG-SUFFERING	66. CENTER LINE OF BENEVOLENCE	67. CENTER LINE OF GOODNESS	68. CENTER LINE OF RIGHTEOUSNESS
69. CENTER LINE OF CLEANLINESS	70. CENTER LINE OF ORDER	71. CENTER LINE OF DECENCY	72. CENTER LINE OF MODesty
73. CENTER LINE OF TEMPERANCE	74. CENTER LINE OF SELF-CONTROL	75. CENTER LINE OF RESTRAINT	76. CENTER LINE OF DISCIPLINE
77. CENTER LINE OF ORDERLYNESS	78. CENTER LINE OF SYSTEMATICNESS	79. CENTER LINE OF METHODICALNESS	80. CENTER LINE OF ORGANIZEDNESS
81. CENTER LINE OF EFFICIENCY	82. CENTER LINE OF EFFECTIVENESS	83. CENTER LINE OF PRODUCTIVITY	84. CENTER LINE OF PROFICIENCY
85. CENTER LINE OF SKILLFULNESS	86. CENTER LINE OF CAPABILITY	87. CENTER LINE OF ABILITY	88. CENTER LINE OF POTENTIAL
89. CENTER LINE OF POSSIBILITY	90. CENTER LINE OF OPPORTUNITY	91. CENTER LINE OF PROSPECT	92. CENTER LINE OF PROSPECTIVE
93. CENTER LINE OF PROSPECTIVE	94. CENTER LINE OF PROSPECTIVE	95. CENTER LINE OF PROSPECTIVE	96. CENTER LINE OF PROSPECTIVE
97. CENTER LINE OF PROSPECTIVE	98. CENTER LINE OF PROSPECTIVE	99. CENTER LINE OF PROSPECTIVE	100. CENTER LINE OF PROSPECTIVE

HORIZONTAL & VERTICAL SURVEY CONTROL

Station	Angle	Distance	Elevation
1+00	90°00'00"	100.00	100.00
2+00	90°00'00"	100.00	100.00
3+00	90°00'00"	100.00	100.00
4+00	90°00'00"	100.00	100.00
5+00	90°00'00"	100.00	100.00
6+00	90°00'00"	100.00	100.00
7+00	90°00'00"	100.00	100.00
8+00	90°00'00"	100.00	100.00
9+00	90°00'00"	100.00	100.00
10+00	90°00'00"	100.00	100.00
11+00			

FACT SHEET

Case #REZ-2021-0064		Bill # Z-21-11-14	Project Start: December 2021
APPLICANT:	Dennis Emley		
REQUEST:	To rezone the property from AR/Low Intensity Residential to C1/Professional Office and Personal Services		
LOCATION:	The address of the subject property is 8010 Illinois Road/West State Road 14 (Section 2 of Aboite Township).		
LAND AREA:	Approximately 0.72 acres		
PRESENT ZONING:	AR/Low Intensity Residential		
PROPOSED ZONING:	C1/Professional Office and Personal Services		
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

- Four residents spoke at the hearing with concerns or in opposition.
- Ryan Neumeister, Justin Shurley, and Patrick Zaharako were absent.

December 13, 2021 Business Meeting

- Plan Commission Recommendation: **DO PASS with Written Commitment**
- A motion was made by Don Schmidt and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation with a Written Commitment to Common Council for their final decision.
- 5-1 MOTION PASSED (Rachel Tobin-Smith voted nay)
- 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

- The site has been historically used for residential and office/studio and has been zoned AR/Low Intensity Residential.
- Board of Zoning Appeals approvals have been granted for certain office uses.

The petitioner requests a rezoning from AR/Low Intensity Residential to C1/Professional Office and Personal Services to permit a three-building development including the remodel of an existing building and construction of two new buildings. The property includes a former schoolhouse built in the 1890's. The proposed rezoning and development site is primarily surrounded by platted subdivisions on the north side of Illinois Road (W State Road 14) and commercial uses on the south side of Illinois Road.

The property has had several approvals through the Board of Zoning Appeals from 1995 to 2011. The approvals consisted of allowing a graphic design and marketing business, a duplex, and an art studio. The duplex was approved, but was never constructed. The latest approval in 2011 limited the approval to the existing schoolhouse, meaning any new buildings would need additional approval or rezoning.

There have been several successful rezoning petitions along Illinois Road. Parkview Health was rezoned to C1/Professional Office and Personal Services for medical uses southwest of this site at the intersection of Glencarin Boulevard and Illinois. A rezoning to C2/Limited Commercial was approved west of the site for a restaurant and physical therapy office. Inverness Centre, a mixed-use development exists directly south on Illinois Road. Additional commercial rezoning petitions were approved further east and west of this site, along the corridor.

A written commitment was encouraged to limit uses that may be deemed by the neighbors or the commission as incompatible. 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. 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.

The proposed site plan includes two new two-story buildings each 2,400 square feet. The maximum building height in the proposed zoning district is 40 feet which is the same as what is permitted for the adjacent R1 zoned properties. Parking is proposed east of the existing structure and between the two proposed buildings. The parking number will meet the Zoning Ordinance minimum. A connection between the site and the public walk is also shown on the plans as required. The applicant is proposing to use both existing access cuts to Illinois Road. This section of Illinois Road is INDOT jurisdiction.

The applicant agreed to work with staff and the adjoining property owners on an enhanced landscape plan to ensure compatibility with the adjacent residential properties, and to screen parking areas and headlights. Lighting is required to be full cut-off on the site and light spill on neighboring residential properties is prohibited. No waivers are proposed with the primary development plan. The proposed dumpster meets the required setbacks and will need to be screened appropriately according to the Zoning Ordinance.

PUBLIC HEARING SUMMARY:

Presenter: Glenn Emley presented a live/work settlement intended to be harmonious with the architecture of the building and the surrounding neighborhoods. The goal of the rezone is to retain the 130-year-old schoolhouse and add two live/work buildings compatible to the architecture. About 25% of the parcel will be retained as green space and will have a parklike atmosphere. A maximum of six tenants was proposed.

Public Comments:

- Henry Mazzola, 825 Blackthorn Cove – Mr. Mazzola had concern on compatibility and wanted to retain the “rural character” of the existing parcel. He believes proposed development will interrupt the serenity of the water feature, considered “an oasis” in Fort Wayne.
- Howard Fisette, 1025 Ivy Creek Cove – Mr. Fisette was concerned about the alteration of his existing view and about parking regarding headlights and the number of tenants.
- Steve Mauldin, 7935 Purple Sage Cove – Mr. Mauldin is the president of Falls of Beaver Creek and did not anticipate the north side of SR 14 being developed commercially.
- Laurie Yuszczak, 824 Deer Cliff Cove – Ms. Yuszczak had concerns regarding drainage and landscaping buffering around the site.

Rebuttal:

Mr. Emley stated that the applicants will work with staff regarding landscaping and buffering and was open to including a written commitment with the rezone to restrict uses and include buffering with the project.

Site Committee:

- The Site Committee recommended the inclusion of a written commitment to include restricted uses, enhanced screening and buffering, and architectural compatibility.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2021-0064

APPLICANT: Dennis Emley
REQUEST: To rezone the property from AR/Low Intensity Residential to C1/Professional Office and Personal Services.
LOCATION: The address of the subject property is 8010 Illinois Road/West State Road 14 (Section 2 of Aboite Township).
LAND AREA: Approximately 0.72 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2021-0064 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 C1/Professional Office and Personal Services zoning will provide the opportunity to redevelop the aging structure on the site while providing additional office opportunities in the Southwest quadrant of the City. This proposal is located within the Conceptual Development Map within the Comprehensive Plan.
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. Site plan and architectural review from the Plan Commission and staff will ensure a compatible development that complements the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the property.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments will ensure the required infrastructure is provided to the site.

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**

Applicant
Applicant Dennis Emley
Address 8010 Illinois Road
City Fort Wayne State IN Zip 46804
Telephone (260)436-9039 E-mail donna@edg-dmc.com

Contact Person
Contact Person Lisa Weaver
Address 221 West Baker Street
City Fort Wayne State IN Zip 46802
Telephone (260)422-7994 E-mail lweaver@martin-riley.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 8010 Illinois Road
Present Zoning AR-1 Proposed Zoning C-1 Acreage to be rezoned .72
Proposed density N/A units per acre
Township name Aboite Township section # 0023011
Purpose of rezoning (attach additional page if necessary) We would like to add a couple small office buildings to the site to create an office park and maximize site utilization.
Sewer provider Aqua Indiana 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 submitted 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 parties at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Dennis Emley
(printed name of applicant)

(signature of applicant)

10/27/2021
(date)

Dennis Emley
(printed name of property owner)

(signature of property owner)

10/27/2021
(date)

Donna Emley
(printed name of property owner)

(signature of property owner)

10/27/2021
(date)

(printed name of property owner)

(signature of property owner)

(date)

Received <u>11-2-2021</u>	Receipt No.	Hearing Date <u>12-6-2021</u>	Petition No. <u>PEZ-2021-0064</u>
------------------------------	-------------	----------------------------------	--------------------------------------

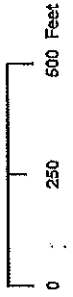


REZ-2021-0064 and PDP-2021-0045 Schoolhouse Lofts - A Live/Work Space Settlement



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.

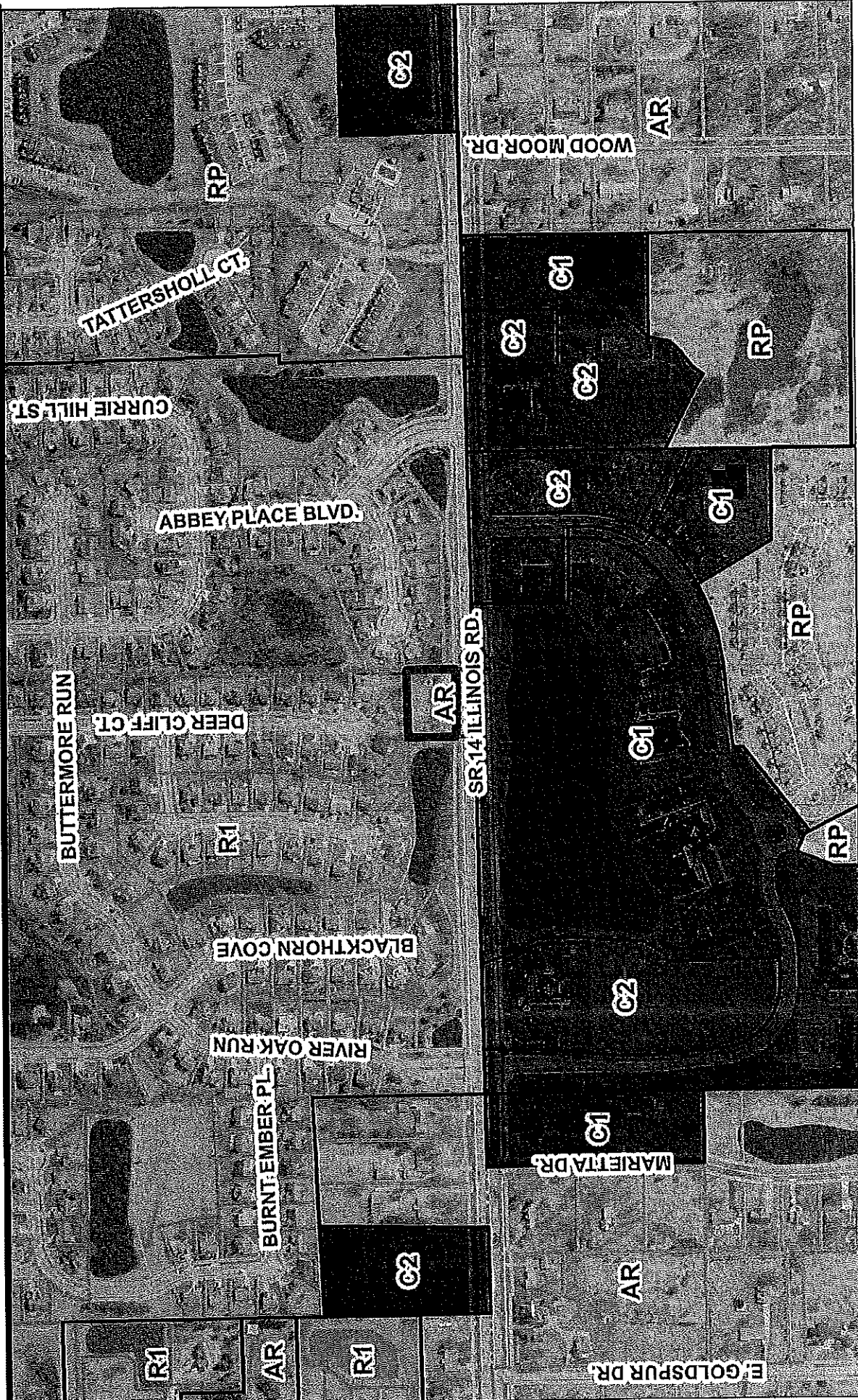
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/17/2021



1 inch = 400 feet



REZ-2021-0064 and PDP-2021-0045 Schoolhouse Lofts - A Live/Work Space Settlement

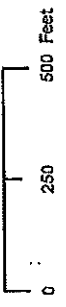


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 11/17/2021



1 inch = 400 feet



For Wayne, IN 46004

8010 Links Road



MARTIN

architects-engineers
3 West Jackson Street
Chicago, Illinois 60604
TEL 312/467-7777
FAX 312/467-0600

[illegible]

10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525
 526
 527
 528
 529
 530
 531
 532

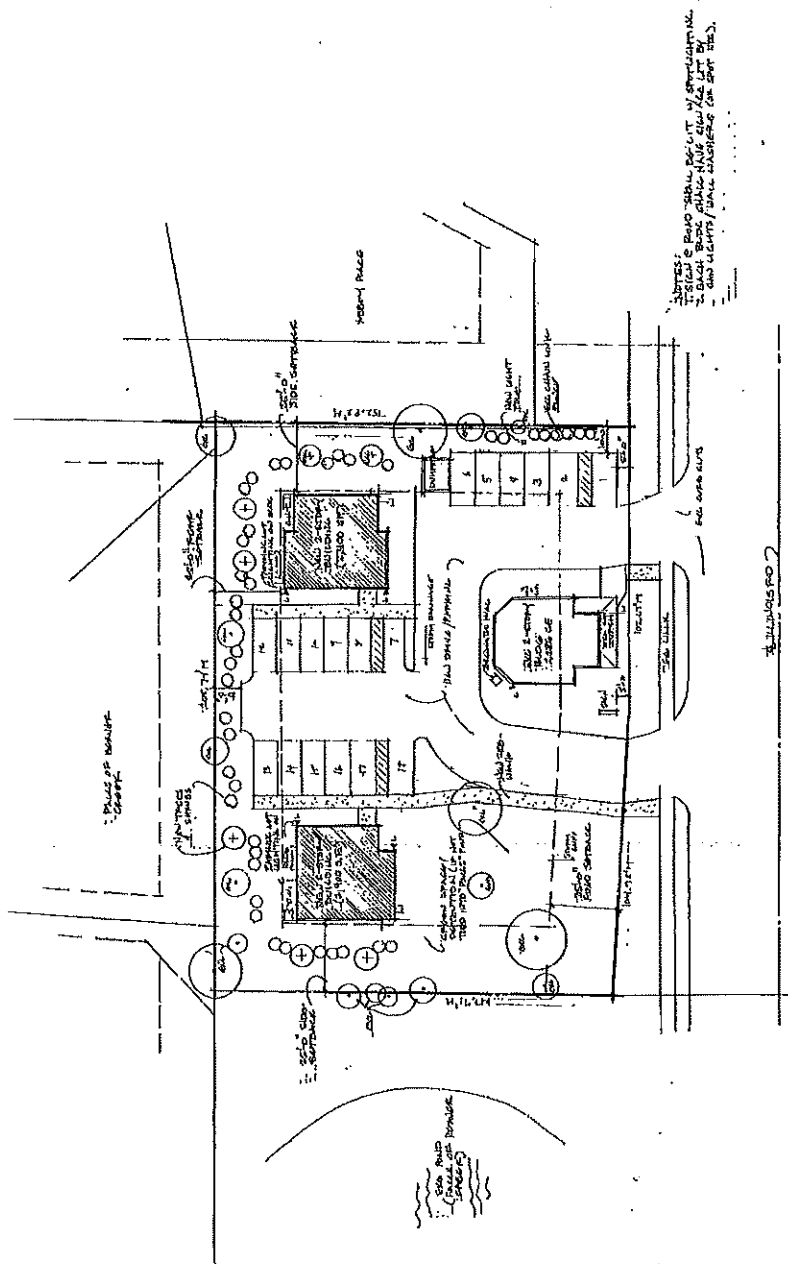
CO1

SITE DEVELOPMENT PLAN

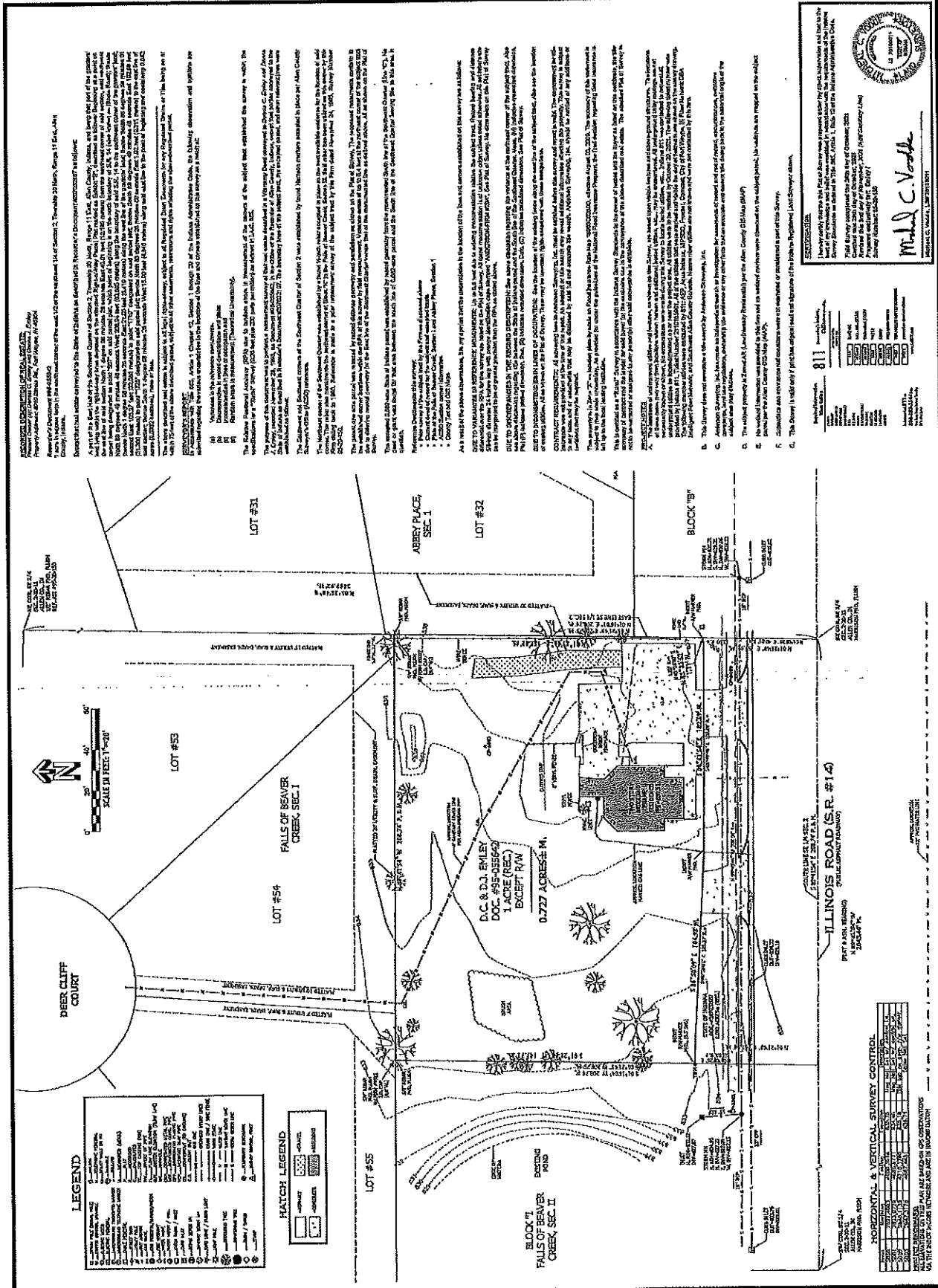
15-00000 SITE PLAN (PRIMARY SITE DEV. PLAN)



... ..



SURVEY
SHEET 1 OF 1



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made as of this ____ day of _____, 202_, by _____. (herein the, "Declarant"), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of record in fee simple of certain real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit "A" (herein, the "Real Estate"); and

WHEREAS, Declarant has submitted a Zoning Map Amendment Application with the City of Fort Wayne Plan Commission ("Plan Commission"), bearing number REZ-2021-0064, as well as a Primary Development Plan PDP-2021-0045 (the "Zoning Application") with respect to the Real Estate; and

WHEREAS, pursuant to the Zoning Application, Declarant has requested the Real Estate be rezoned to C1 pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance"); and

WHEREAS, Declarant, in conjunction with the Zoning Application, has submitted this written commitment to the Plan Commission, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015, for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in C1/Professional Office and Personal Services zoning district shall be prohibited upon the Real Estate:

- a. Adult care center
- b. Adult care home
- c. Assisted living facility
- d. Bank
- e. Campus housing
- f. Fraternity House
- g. Sorority House
- h. Credit Union
- i. Bed and Breakfast
- j. Child Care home (Class 1 or 2)
- k. Correctional services facilities

- l. Hospital
- m. Homeless/emergency shelter
- n. Group residential facilities
- o. Nonprofit private clubs
- p. Nursing Homes
- q. Public Transportation Facility
- r. Religious Institution/School Field
- s. Residential facility for homeless individuals
- t. Zoo

2. Landscaping and Architectural Compatibility. Declarant shall improve the Real Estate with landscape and buffering that adequately screens parking areas from the adjacent residential properties, meets the intent of building façade buffering, and generally aids in the compatibility of this development with the surrounding neighborhood. The proposed buildings shall be complementary to the existing schoolhouse, and compatible with the surrounding neighborhood.

3. Lighting. The Declarant agrees that all new lighting to be installed with low intensity, full cut off fixtures and shall not negatively impact the adjacent residential properties.

5. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

6. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

7. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

8. Amendment or Termination. Modification or amendment of this Commitment may only be made in accordance with I.C. § 36-7-4-1015, as such statute may be amended from time to time.

9. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

10. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

11. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

12. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

13. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

DRAFT

By: _____

Witness's Printed Name

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ who acknowledged the execution of the foregoing instrument.

Printed Name _____

Printed Name _____

EXHIBIT "A"
Legal Description

DRAFT