

1 **#REZ-2022-0041**

2 **BILL NO. Z-22-07-23**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. CC-27 (Sec. 27 of Aboite Township)**

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the area described as follows is hereby designated a BTI
10 (Business, Technology and Industrial Park) District under the terms of Chapter 157 Title XV
11 of the Code of the City of Fort Wayne, Indiana:

12 LEGAL DESCRIPTION - from Document #206048453

13 Part of the Southwest ¼ of the Southwest ¼ of Section 27, Township 30 North,
14 Range 11 East, Allen County, Indiana being more particularly described as follows,
15 to-wit:

16 Commencing at a point on the North line of the Southwest ¼ of the Southwest ¼ of
17 Section 27, Township 30 North, Range 11 East, said point being situated 610.1 feet
18 West of the Northeast corner of the Southwest ¼ of the Southwest ¼ of said Section
19 27; thence continuing West along the North line of the Southwest ¼ of the Southwest
20 ¼ of said Section 27, a distance of 114.0 feet; thence South along the East line of the
21 West 8.98 chains of the Southwest ¼ of the Southwest ¼ of said section 27, a
22 distance of 773.5 feet to a point on the North R/W line of the Upper Huntington
23 Road as presently established; thence Northeasterly along the North R/W line of said
24 road a distance of 118.3 feet; thence North parallel to the East line of the West 8.98
25 chains of the Southwest ¼ of the Southwest ¼ of said section 27, a distance of 744.5
26 feet to the point of beginning, containing 1.99 acres of land, more or less.

27 Together with:

28 A part of the West 8.98 chains of the Southwest ¼ of the Southwest ¼ of Section 27,
29 Township 30 North, Range 11 East, Allen County, Indiana, lying North of the Upper
30 Huntington Road, being described as follows:

31 Commencing at a point on the East line of the West 8.98 chains of the Southwest ¼
32 of the Southwest ¼ of said Section 27, said point being situated 592.68 feet East of
33 and 514.5 feet South of the Northwest corner of the Southwest ¼ of the Southwest ¼
34 of said section; thence West parallel to the North line of the Southwest ¼ of the
35 Southwest ¼ of said section a distance of 146.0 feet; thence South parallel to the East
36 line of the West 8.98 chains a distance of 298.0 feet to a point on the North R/W line

1 of the Upper Huntington Road; thence Northeasterly along the North R/W line of
2 said road a distance of 151.0 feet to a point of intersection with the East line of the
3 West 8.98 chains; thence North along the preceding line a distance of 259.0 feet to
the point of beginning, containing 0.93 of an acre of land more or less.

4 LEGAL DESCRIPTION - from Document #2010034035

5 The South 220.5 feet of the North 367.5 feet of the West 8.98 chains (592.68 feet) of
6 the Southwest Quarter of the Southwest Quarter of Section 27, Township 30 North,
7 Range 11 East, Allen County, Indiana.

8 Excepting therefrom that portion of the above described real estate conveyed to the
9 County of Allen by Warranty Deed recorded as Document Number 86-20640, more
particularly described as follows:

10 A part of the Southwest Quarter of Section 27, Township 30 North, Range 11 East,
Allen County, Indiana, more particularly described as follows:

11 Commencing at the Northwest corner of the said Southwest Quarter of Section 27;
12 thence South 01 degrees 16 minutes 00 seconds East (all bearings in this description
13 are based on the West line of the said Southwest Quarter having an assumed bearing
14 of North 01 degree 16 minutes 00 seconds West) on and along the West line of the
15 said Southwest Quarter of Section 27, a distance of 1,467.40 feet to the point of
16 beginning; thence North 89 degrees 56 minutes 00 seconds East distance of 35.01
17 feet; thence South 01 degree 16 minutes 00 seconds East a distance of 220.50 feet;
18 thence South 89 degrees 56 minutes 00 seconds West a distance of 35.01 feet to the
West line of the said Southwest Quarter of Section 27; thence North 01 degree 16
19 minutes 00 seconds West on and along the West line of the said Southwest Quarter
20 of Section 27, a distance of 220.50 feet to the point of beginning, and containing 0.18
21 acre more or less of which 0.13 acre more or less is presently being used as public
22 right-of-way.

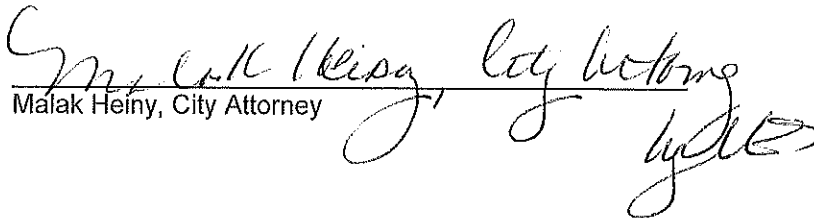
23
24 and the symbols of the City of Fort Wayne Zoning Map No. CC-27 (Sec. 27 of Aboite
25 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
26 Wayne, Indiana is hereby changed accordingly.

27 SECTION 2. If a written commitment is a condition of the Plan Commission's
28 recommendation for the adoption of the rezoning, or if a written commitment is modified and
29 approved by the Common Council as part of the zone map amendment, that written
30 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:


Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0041
Bill Number: Z-22-07-23
Council District: 4-Jason Arp

Introduction Date: July 26, 2022

Plan Commission
Public Hearing Date: August 8, 2022 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 5.74 acres from AR/Low Intensity Residential
to BTI/Business, Technology and Industrial Park.

Location: 10728 W US 24 and 7021 Homestead Road

Reason for Request: To allow for the construction of seven mini storage units.

Applicant: 8018 LLC

Property Owner: Mark Beckstedt

Related Petitions: Primary Development Plan, Southwest Storage

Effect of Passage: Property will be rezoned to the BTI/Business, Technology and Industrial
Park district, which will allow for mini storage, as well as other permitted
low intensity industrial development.

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential, which
would not permit any commercial or industrial uses, but would allow the
continuation of single family homes and low-intensity agricultural uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant 8018 LLC
Address 315 LANE 650B SNOW LAKE
City FREMONT State INDIANA Zip 46737
Telephone 260-413-7079 E-mail 1469ab@gmail.com

Contact Person
Contact Person MICHAEL J. HOFFMAN, ESQ. (#33860-02) of BEERS MALLERS, LLP
Address 110 WEST BERRY STREET, SUITE 1100
City FORT WAYNE State INDIANA Zip 46802
Telephone 260-426-9706 E-mail mjhoffman@beersmallers.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 10720 US 24 WEST, FORT WAYNE, IN 46804 and 7021 HOMESTEAD ROAD, FORT WAYNE, IN 46804
Present Zoning AR Proposed Zoning BTI Acreage to be rezoned 5.74
Proposed density 7 STORAGE BUILDINGS units per acre
Township name ABOITE Township section # 27
Purpose of rezoning (attach additional page if necessary) TO PROVIDE APPROPRIATE ZONING FOR A STORAGE UNIT DEVELOPMENT.
Sewer provider N/A Water provider N/A

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 Ordinances 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.

8018 LLC by: MARK H. BECKSTEDT, Its Member

(printed name of applicant)

(signature of applicant)

(date)

8018 LLC by: MARK H. BECKSTEDT, Its Member

(printed name of property owner)

(signature of property owner)

(date)

MARK H. BECKSTEDT

(printed name of property owner)

(signature of property owner)

(date)

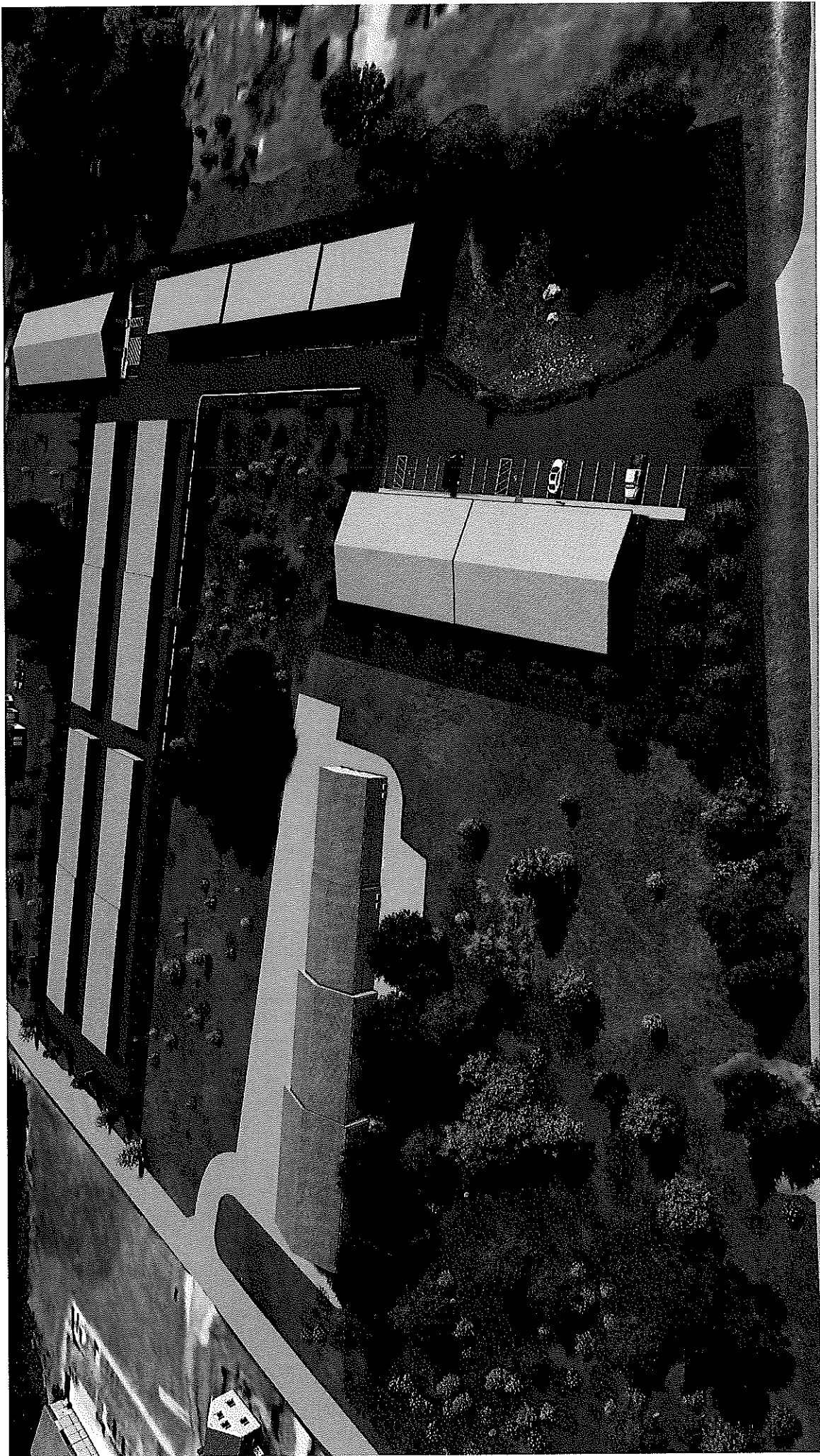
(printed name of property owner)

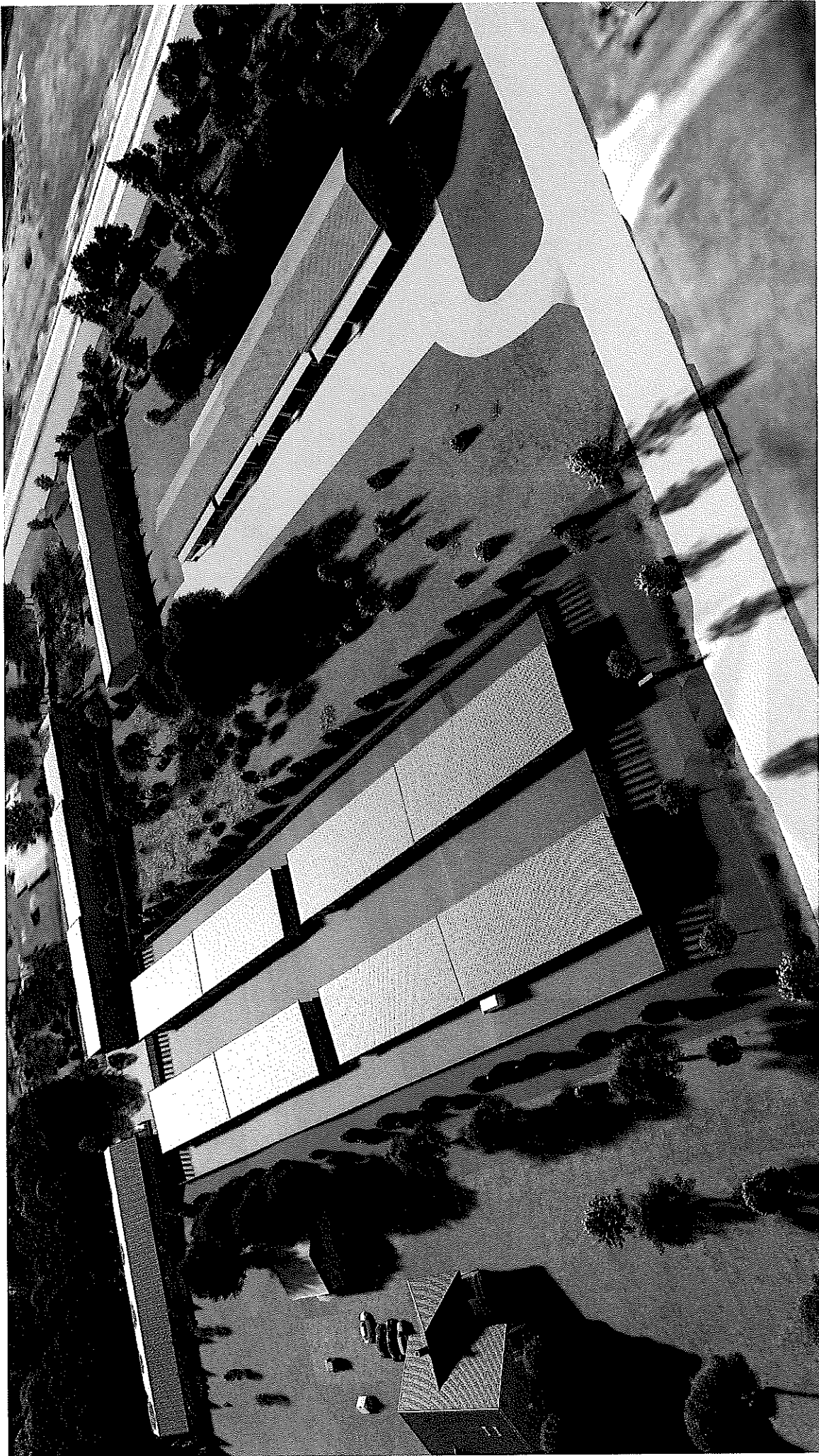
(signature of property owner)

(date)

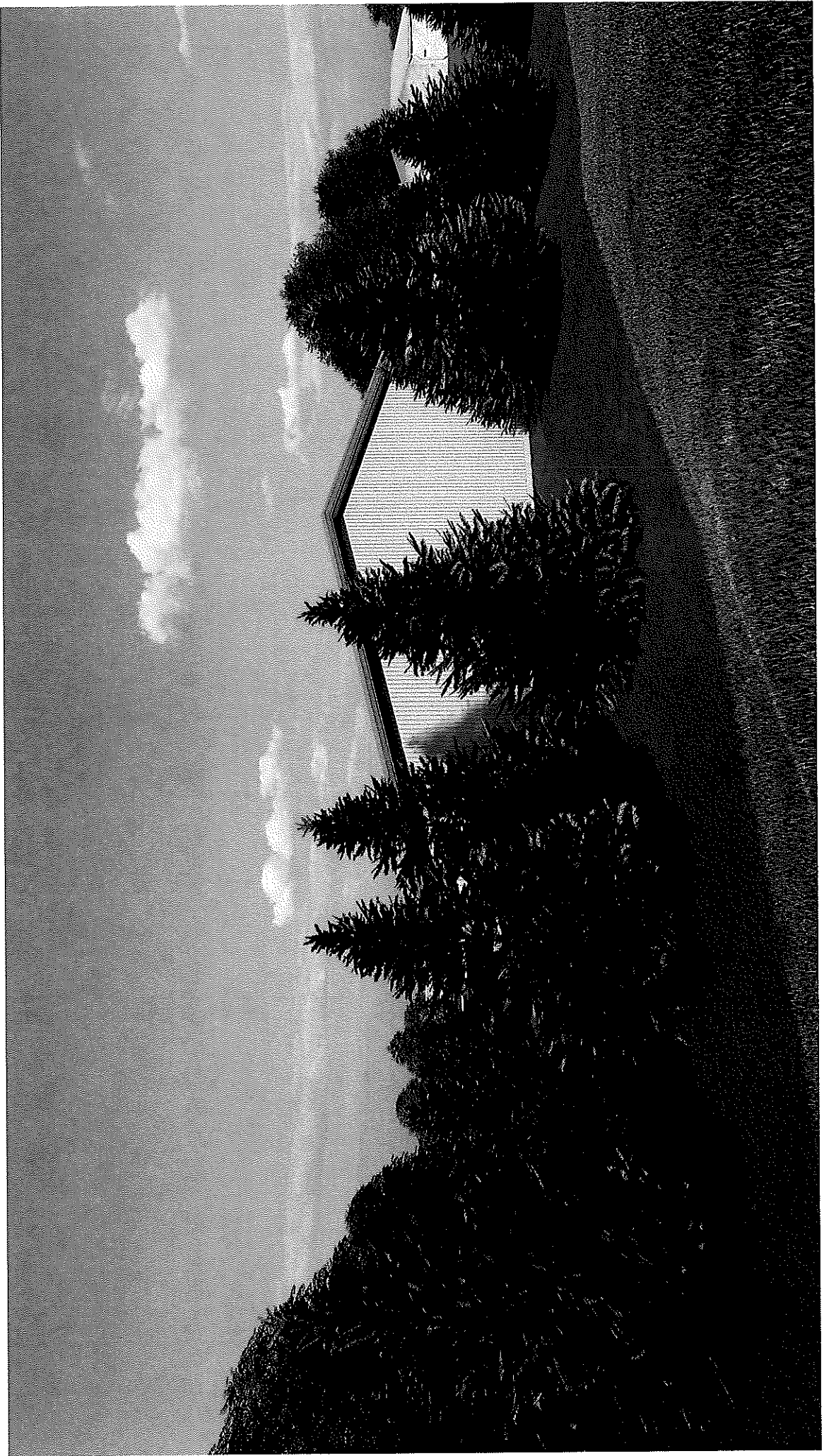
Received	Receipt No.	Hearing Date	Petition No.
7-5-22	140809	8-11-22	REZ-2022-0041

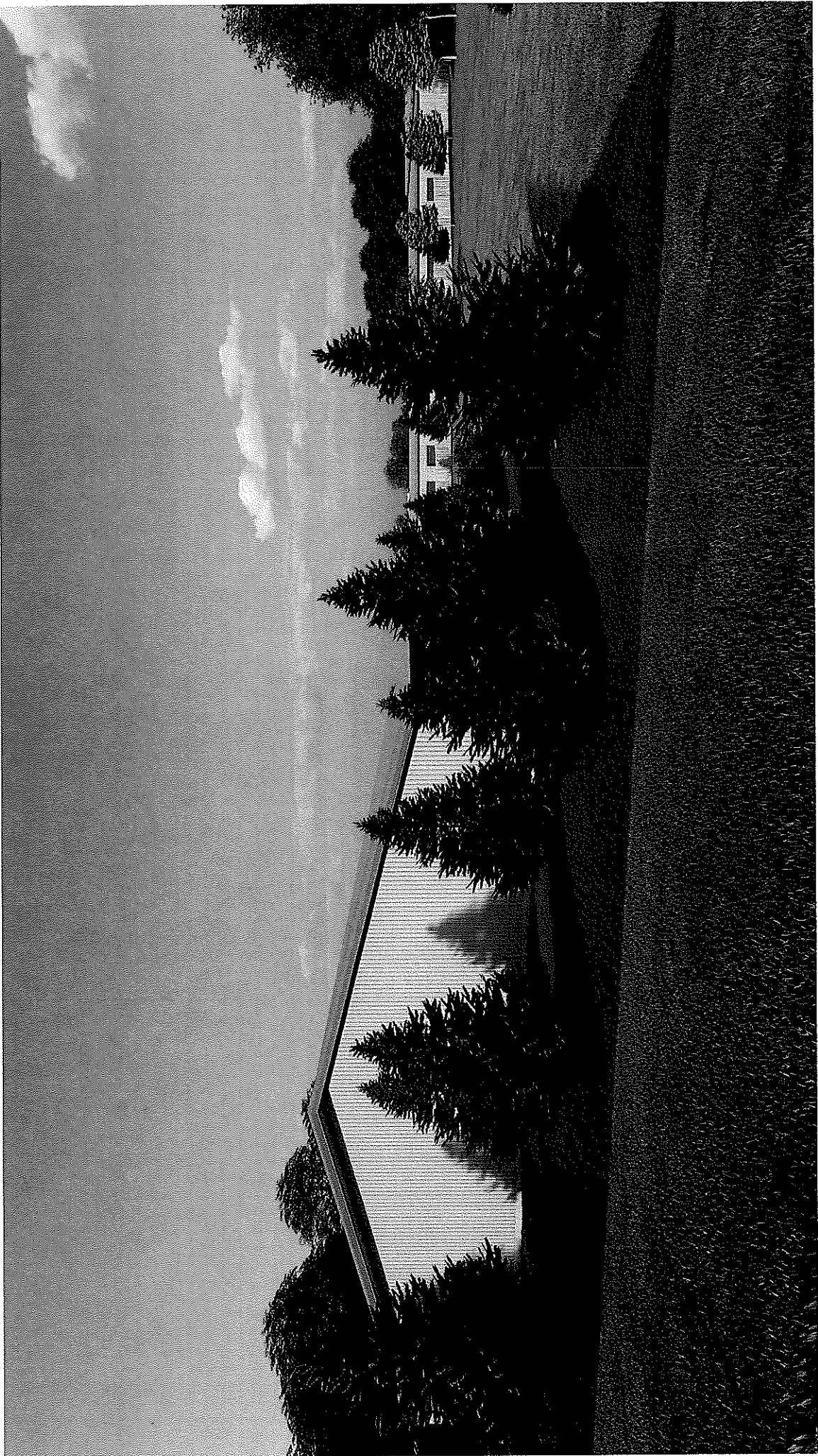




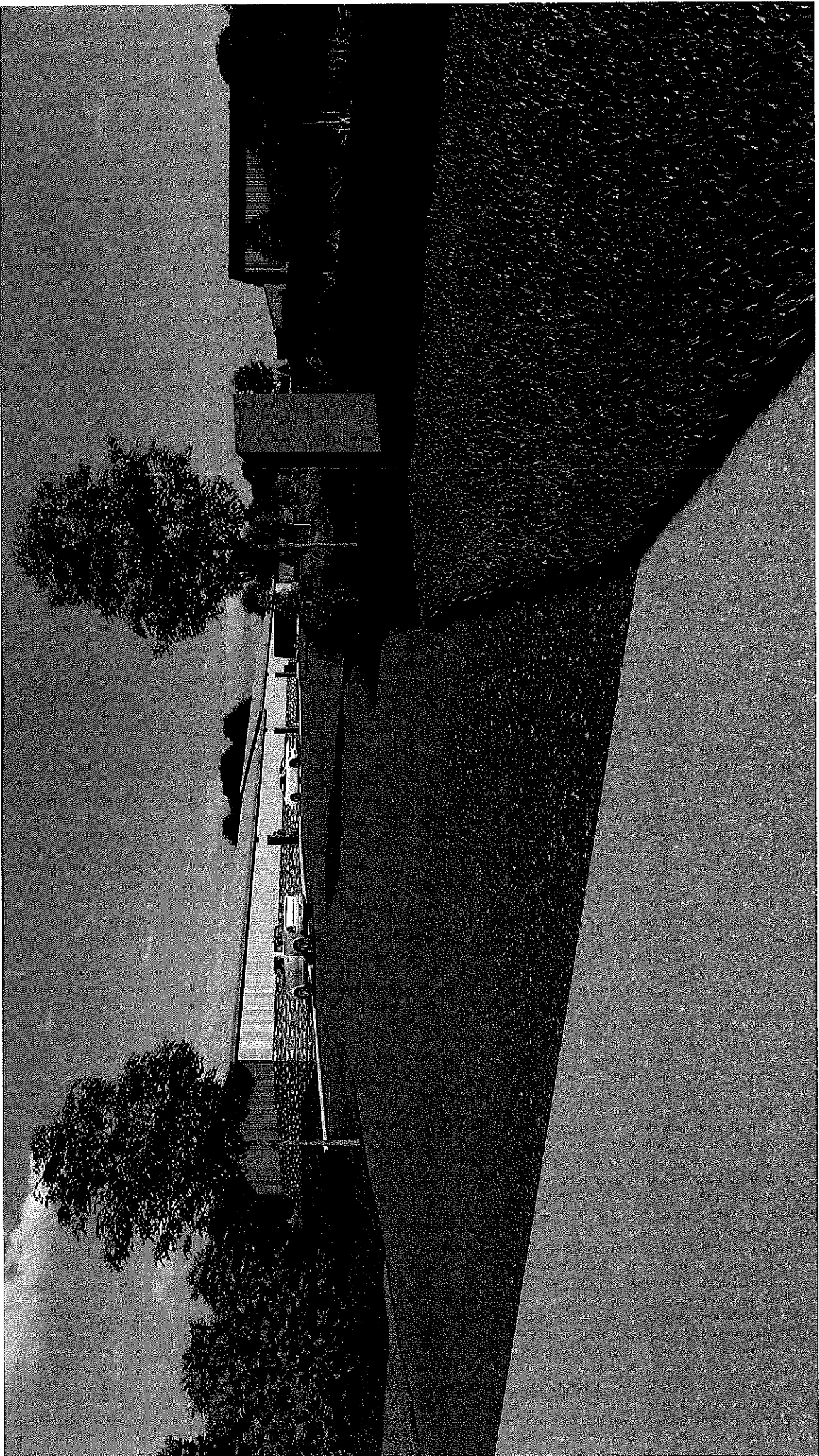














REZONING FACT SHEET

Petition #REZ-2022-0041 Z-22-07-23 Project Start: July 2022	
PROPOSAL:	Rezoning Petition REZ-2022-0041 and Primary Development Plan PDP-2022-0026 – Southwest Storage
APPLICANT:	Southwest Storage
REQUEST:	To rezone property from AR/Low intensity Residential to BTI/Business, Technology, and Industrial Park and to approve a primary development plan to allow a self-storage development.
LOCATION:	10728 US 24 West and 7021 Homestead Road, 500 feet east from the intersection of US 24 West and Homestead Road (Section 27 of Aboite Township)
LAND AREA:	5.74 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	BTI/Business, Technology
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECT:	Primary Development Plan, Southwest Storage
SPONSOR:	City of Fort Wayne Plan Commission

8 August 2022 Plan Commission Public Hearing

- Four residents spoke their concerns at the hearing (two also submitting letters).
- One additional letter of opposition was received.
- Connie Haas Zuber, Tom Freistroffer, Rachel Tobin-Smith and Ryan Neumeister were absent.

15 August 2022 Business Meeting

Plan Commission Recommendation: Do Pass w/Written Commitment

- A motion was made by Tom Freistroffer and seconded by Rick Briley to return the ordinance to Common Council with a DO PASS recommendation with a Written Commitment for their final decision.
- **7-0 MOTION PASSED**
- Connie Haas Zuber and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
September 8, 2022

PROJECT SUMMARY

The site is currently 2 separate parcels. Both historically have been residential since the 1970's and prior to that both were agricultural fields.

The petitioner requests a rezoning from AR/Low Intensity Residential to BTI/Business Technology and Industrial Park, to permit a self-storage development. The subject property is currently two separate parcels that have been zoned residentially for decades and utilized as single-family residential properties. The surrounding properties have a mixture of uses. The properties to the north and east are single family residential uses. The property to the south consists of US 24, a commercial office condo, and a multiple family complex proposal that has been currently tabled. The properties on the west side of Homestead Road consists of industrial and commercial uses.

The applicant has also submitted a written commitment that limits approved uses on the property to only a self-storage development. The written commitment also proposes an increase in landscaping features along the north side nearest the single-family subdivision. Finally, the commitment also proposes a height restriction to light poles to 20 feet with sharp cut off fixtures to minimize light pollution. Staff supports the written commitment as proposed.

The applicant is not proposing to connect to City Water or Aqua Indiana Sewer. The applicant explained in an email:

"The city does have a water main along the Homestead Road frontage on the west side of Homestead. Aqua Indiana does have pressure sewer line along the north side of US 24. There is a small lift station on the SW corner of our property. It may be debatable with Aqua whether that is theirs or the condo association's, but I do not believe Aqua would allow additional users to connect to it in either case. But they did allow that and others east of us to have private grinder pump stations connected to their pressure force main."

With a sufficient Written Commitment, the proposal could be supported 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;
- 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.
- 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 applicant is proposing 7 storage units across the 5.74-acre parcel. The property has access from both Homestead Road and US 24. The total square footage of the development is 72,060 square feet. Three of the seven buildings are proposed to have heated storage. There is no office proposed for this development. Parking for a self-storage unit development is calculated by the square footage of the office. Since no office is being proposed no parking is required. The plan proposes approximately 60 parking spaces adjacent to the heated storage buildings.

Landscaping for this development consists of a mixture of shrubs, evergreen trees, and privacy fencing. The applicant stated in the submitted documents that the neighboring residents to the north prefer a replacement of

the shrub component of the code with a second row of evergreen trees. The applicant has included the proposed landscape plan within the draft written commitment. The applicant has not requested any development standard waivers.

PUBLIC HEARING SUMMARY:

Presenter: Michael Hoffman, representing the applicant, presented the project to the Plan Commission, as outlined above.

Public Hearing Comments:

Steve Johnson, President of Forest Ridge – opposed to project. Currently they look over an empty field. 17 additional cars a day is still added traffic. Concerned about maintenance of the site and the commercial cut onto US 24.

Fred Warner, speaking for his brother who lives east of the site – Concerns include: whether traffic flow from one entrance to the other; whether there is 24-hour access; stormwater maintenance; and traffic at the intersection.

Ethan Yoder, Braeburn Court – Concerns include: precedent of BTI zoning; incompatible use; future IU Health traffic using Homestead; architectural control; excessive parking; inexperienced trailer drivers; INDOT review.

Ronald Cousino, Uncas Trail – Not totally opposed to the project but concerned about neighborhood safety.

Closing Comments:

A keycard will be required to enter the non-climate controlled area, and each of the climate controlled buildings. There will be daily in-person monitoring of the site. The commercial cut onto US 24 is already installed and designed by INDOT. BTI zoning is more palatable than C3, as it allows no outdoor uses and the Written Commitment will restrict all other industrial uses. After the hearing, the applicant supplied proof that trailers can turn around in the lots, and agreed to add more brick wherever facades are visible outside of the development.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

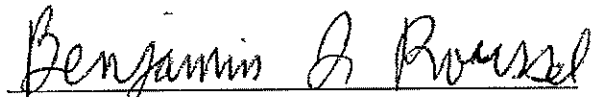
Rezoning Petition REZ-2022-0041

PROPOSAL:	Rezoning Petition REZ-2022-0041— Southwest Storage
APPLICANT:	Southwest Storage
REQUEST:	To rezone property from AR/Low intensity Residential to BTI/Business, Technology, and Industrial Park.
LOCATION:	10728 US 24 West and 7021 Homestead Road, 500 feet east from the intersection of US 24 West and Homestead Road (Section 27 of Aboite Township)
LAND AREA:	5.74 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	BTI/Business, Technology

The Plan Commission recommends that Rezoning Petition REZ-2022-0041 be returned to Council with a “Do Pass” recommendation, with a Written Commitment, 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 site is near commercial and industrial development and will provide infill development using existing infrastructure.
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 neighborhood.
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 indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on August 15, 2022.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

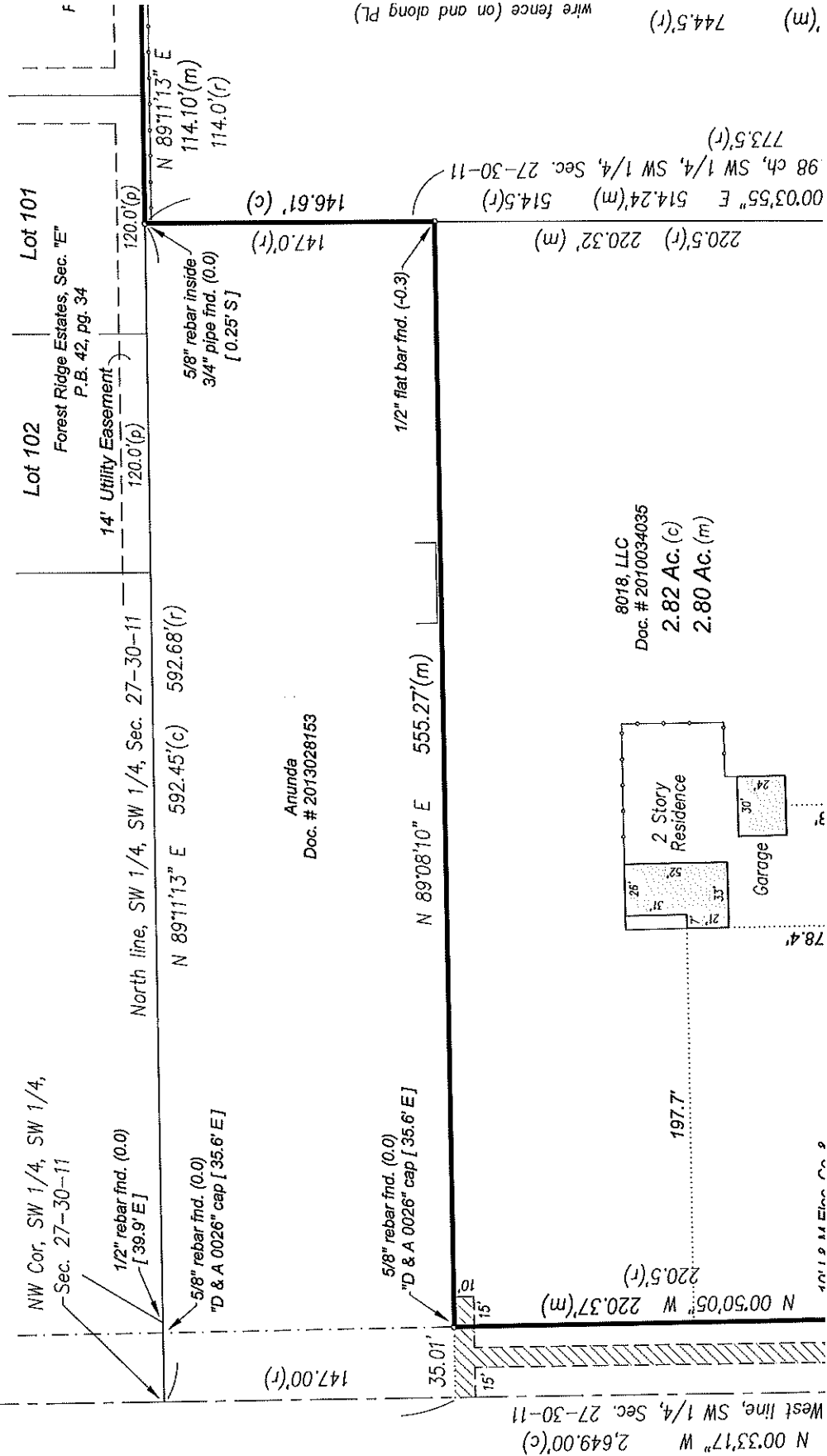
(legal description)
Together with:

NW Cor, SW 1/4,
Sec. 27-30-11
P.K. nail find. (-0.1)

Part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 30 North, Range 11 East, Allen County, Indiana being more particularly described as follows, to-wit:

Commencing at a point on the North line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 30 North, Range 11 East, said point being situated 610.1 feet West of the Northeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 27; thence continuing West along the North line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 27, a distance of 114.0 feet; thence South along the East line of the West 8.98 chains of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said section 27, a distance of 773.5 feet to a point on the North R/W line of the Upper Huntington Road as presently established; thence Northeasterly along the North R/W line of said road a distance of 118.3 feet; thence North parallel to the East line of the West 8.98 chains of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said section 27, a distance of 744.5 feet to the point of beginning, containing 1.99 acres of land, more or less.

Commencing at a Southwest $\frac{1}{4}$ of sec South of the North West parallel to the of 146.0 feet; the feet to a point on the North R/W line of the West 8 line of the West 8 the point of beginning



LEGAL DESCRIPTION - from Document #206048453

Part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 30 North, Range 11 East, Allen County, Indiana being more particularly described as follows, to-wit:

RKT OPER
10930 US
EXISTING

Commencing at a point on the North line of the Southwest $\frac{1}{4}$ of Section 27, Township 30 North, Range 11 East, said point being situated 610.1 feet West of the Northeast corner of the Southwest $\frac{1}{4}$ of said Section 27; thence continuing West along the North line of the Southwest $\frac{1}{4}$ of said Section 27, a distance of 114.0 feet; thence South along the East line of the West 8.98 chains of the Southwest $\frac{1}{4}$ of said Section 27, a distance of 773.5 feet to a point on the North R/W line of the Upper Huntington Road as presently established; thence Northeasterly along the North R/W line of said road a distance of 118.3 feet; thence North parallel to the East line of the West 8.98 chains of the Southwest $\frac{1}{4}$ of said Section 27, a distance of 744.5 feet to the point of beginning, containing 1.99 acres of land, more or less.

Together with:

A part of the West 8.98 chains of the Southwest $\frac{1}{4}$ of Section 27, Township 30 North, Range 11 East, Allen County, Indiana, lying North of the Upper Huntington Road, being described as follows:

Commencing at a point on the East line of the West 8.98 chains of the Southwest $\frac{1}{4}$ of said Section 27, said point being situated 592.68 feet East of and 514.5 feet South of the Northwest corner of the Southwest $\frac{1}{4}$ of said section; thence West parallel to the North line of the Southwest $\frac{1}{4}$ of said section a distance of 146.0 feet; thence South parallel to the East line of the West 8.98 chains a distance of 298.0 feet to a point on the North R/W line of the Upper Huntington Road; thence Northeasterly along the North R/W line of said road a distance of 151.0 feet to a point of intersection with the East line of the West 8.98 chains; thence North along the preceding line a distance of 259.0 feet to the point of beginning, containing 0.93 of an acre of land more or less.

LEGAL DESCRIPTION - from Document #2010034035

The South 220.5 feet of the North 367.5 feet of the West 8.98 chains (592.68 feet) of the Southwest Quarter of the Southwest Quarter of Section 27, Township 30 North, Range 11 East, Allen County, Indiana.

Excepting therefrom that portion of the above described real estate conveyed to the County of Allen by Warranty Deed recorded as Document Number 86-20640, more particularly described as follows:

A part of the Southwest Quarter of Section 27, Township 30 North, Range 11 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the said Southwest Quarter of Section 27; thence South 01 degrees 16 minutes 00 seconds East (all bearings in this description are based on the West line of the said Southwest Quarter having an assumed bearing of North 01 degree 16 minutes 00 seconds West) on and along the West line of the said Southwest Quarter of Section 27, a distance of 1,467.40 feet to the point of beginning; thence North 89 degrees 56 minutes 00 seconds East distance of 35.01 feet; thence South 01 degree 16 minutes 00 seconds East a distance of 220.50 feet; thence South 89 degrees 56 minutes 00 seconds West a distance of 35.01 feet to the West line of the said Southwest Quarter of Section 27; thence North 01 degree 16 minutes 00 seconds West on and along the West line of the said Southwest Quarter of Section 27, a distance of 220.50 feet to the point of beginning, and containing 0.18 acre more or less of which 0.13 acre more or





