

#REZ-2022-0048

BILL NO. Z-22-10-02

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. N-54 (Sec. 1 of Washington 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:

Land situated in the County of Allen, State of Indiana, is described as follows:

PARCEL 1:

A tract of land in the Northeast Quarter of the Southwest Quarter of Section 1, Township
31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows, to
wit:

Commencing at the Southeast corner of the Northeast Quarter of the Southwest Quarter of
said Section 1; thence West along the South line of the Northeast Quarter of the Southwest
Quarter of said Section 1 a distance of 1226.2 feet to the East right of way line of U.S.
Highway #27; thence North 6 degrees 18 minutes East along the said East right of way line
of U.S. Highway #27, a distance of 160.0 feet to the point of beginning; thence continuing
North 6 degrees 18 minutes East along the said East right of way line of U.S. Highway #27 a
distance of 247.0 feet; thence North 88 degrees 30 minutes East a distance of 245.0 feet;
thence South 6 degrees 18 minutes West a distance of 255.4 feet; thence West a distance
of 245.0 feet to the point of beginning, except the South 10.0 feet for roadway purposes,
and said in previous deed to contain 1.40 acres of land, more or less.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 31 North,
Range 12 East, Allen County, Indiana, and being a part of the land of or formerly owned by
the Mary S. Didrick, Janine M. Didrick Vigil and Anita M. Didrick-Bell (Instrument No. 98-
004852, Office of the Recorder) and being that part of the grantors land lying with the
right of way line depicted on the attached Right of Way Parcel Plat marked Exhibit "B",
described as follows:

Commencing at the Southwest corner of said Section, designated as point "118" on said
plat; thence North 87 degrees 55 minutes 55 seconds East (assumed bearing) 396.305
meters {1,300.21 feet) along the South line of said Section to the Southeast corner of the
Southwest Quarter of the Southwest Quarter of said Section 1; thence North 2 degrees 14
minutes 14 seconds West 465.418 meters (1,526.96 feet) along the East line of said
Quarter-Quarter Section to the prolonged Southern line of the grantors land; thence North

87 degrees 55 minutes 55 seconds East 19.938 meters (65.41 feet) along said prolonged Southern line to the center line of Coldwater Road and the point of beginning of this description; thence North 5 degrees 17 minutes 13 seconds East 71.757 meters (235.42 feet) along said center line to the Northwest corner of the grantors land; thence North 85 degrees 08 minutes 39 seconds East 16.383 meters (53.75 feet) along the Northern line of the grantors land; thence South 6 degrees 25 minutes 58 seconds West 6.337 meters (20.79 feet) to a point designated as "2109" on said plat; thence South 5 degrees 47 minutes 07 seconds West 66.317 meters (217.58 feet) to Southern line of the grantors land; thence South 87 degrees 55 minutes 55 seconds West 15.551 meters (51.02 feet) along said Southern line to the point of beginning and said in previous deed to contain 0.1136 hectares (0.281 acres), more or less. The portion of the above described real estate which is not already embraced within public rights of way said in previous deed to contain 0.0478 hectares (0.118 acres), more or less.

PARCEL II:

The North Ten (10) feet of the following tract of land in the Northeast Quarter of the Southwest Quarter of Section 1, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows, to wit: Commencing at the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 1; thence West along the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 a distance of 981.2 feet to the point of beginning; thence continuing West along the said South line of the Northeast Quarter of the Southwest Quarter of said Section 1 a distance of 245.0 feet to the East right of way line of U.S. Highway #27; thence North 6 degrees 18 minutes East along the East right of way line of U.S. Highway #27 a distance of 160.0 feet; thence East and parallel to the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 a distance of 245.0 feet; thence South 6 degrees 18 minutes West a distance of 160.0 feet to the point of beginning.

ALONG WITH:

The South Ten (10) feet of the following tract of land in the Northeast Quarter of the Southwest Quarter of Section 1, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows, to wit: Commencing at the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 1; thence West along the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 a distance of 1226.2 feet to the East right of way of U.S. Highway #27; thence North 6 degrees 18 minutes East along the East right of way of U.S. Highway #27, a distance of 160.0 feet to the point of beginning; thence continuing North 6 degrees 18 minutes East along the East right of way of U.S. Highway #27 a distance of 247.0 feet; thence North 88 degrees 30 minutes East a distance of 245.0 feet; thence South 6 degrees 18 minutes West a distance of 247.0 feet; thence North 88 degrees 30 minutes East a distance of 245.0 feet; thence South 6 degrees 18 minutes West a distance of 255.4 feet; thence West a distance of 245.0 feet to the point of beginning. Except that portion conveyed to the County of Allen in Document Number 200075370.

and the symbols of the City of Fort Wayne Zoning Map No. N-54 (Sec. 1 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort

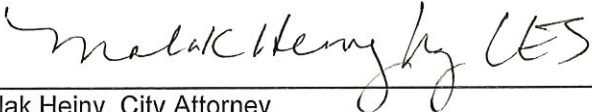
Wayne, Indiana is hereby changed accordingly.

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:



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-2022-0048
Bill Number: Z-22-10-02
Council District: 3-Tom Didier

Introduction Date: October 11, 2022

Plan Commission
Public Hearing Date: October 10, 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 1.19 acres from AR/Low Intensity Residential
to C1/Professional Office and Personal Services

Location: 9326 Coldwater Road

Reason for Request: To allow for the continuing use as a law office as a permitted use.

Applicant: RLP Properties

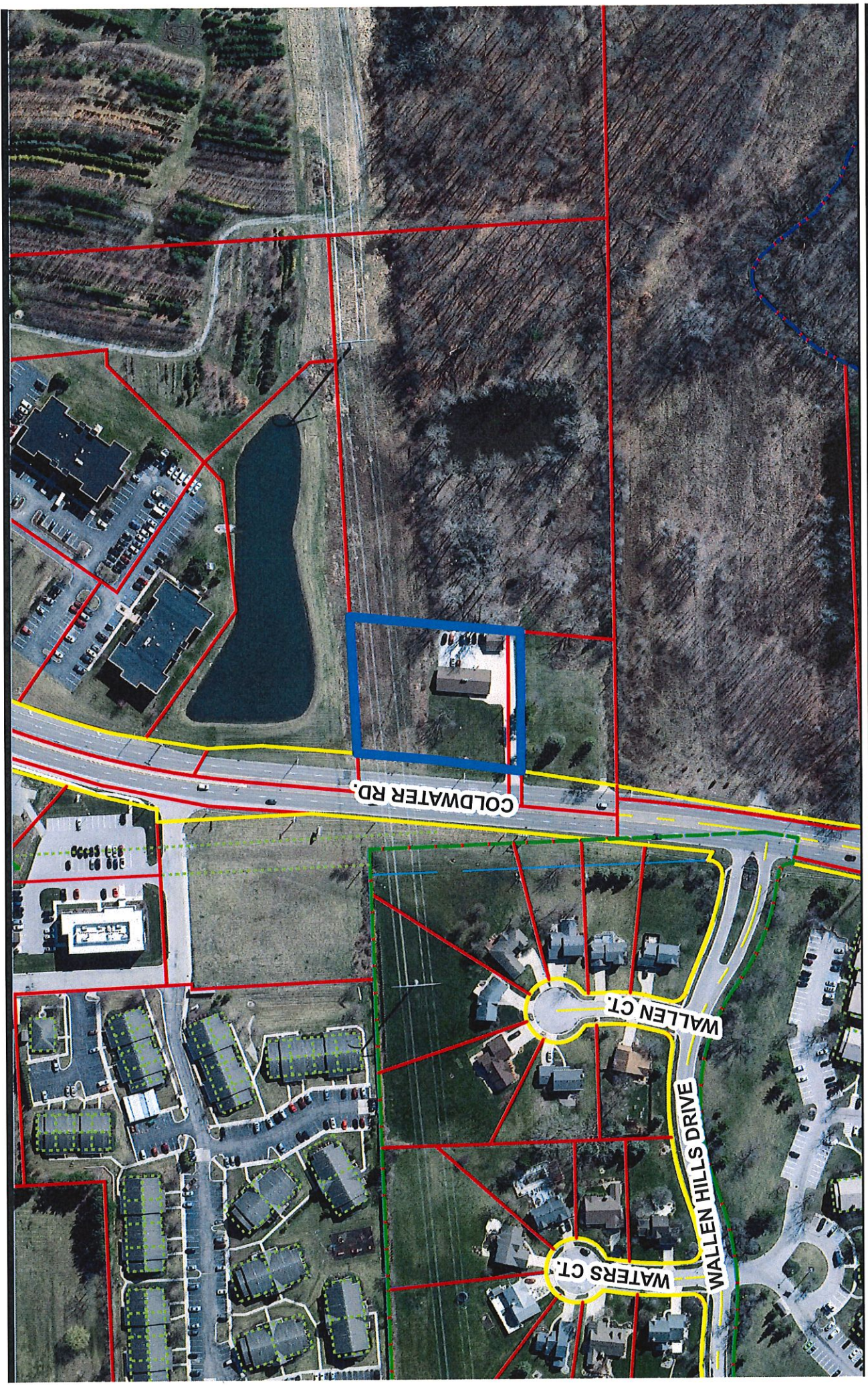
Property Owner: Rex and Sara Patterson

Related Petitions: None

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal
Services zoning district, which will allow the existing business to continue
as a permitted use.

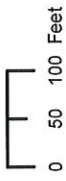
Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential and may
redevelop as such. The existing law office use may continue under a BZA
approval but future expansion and investment may be hindered without
the appropriate zoning.

Rezoning Petition REZ-2022-0048 - 9326 Coldwater Road



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.

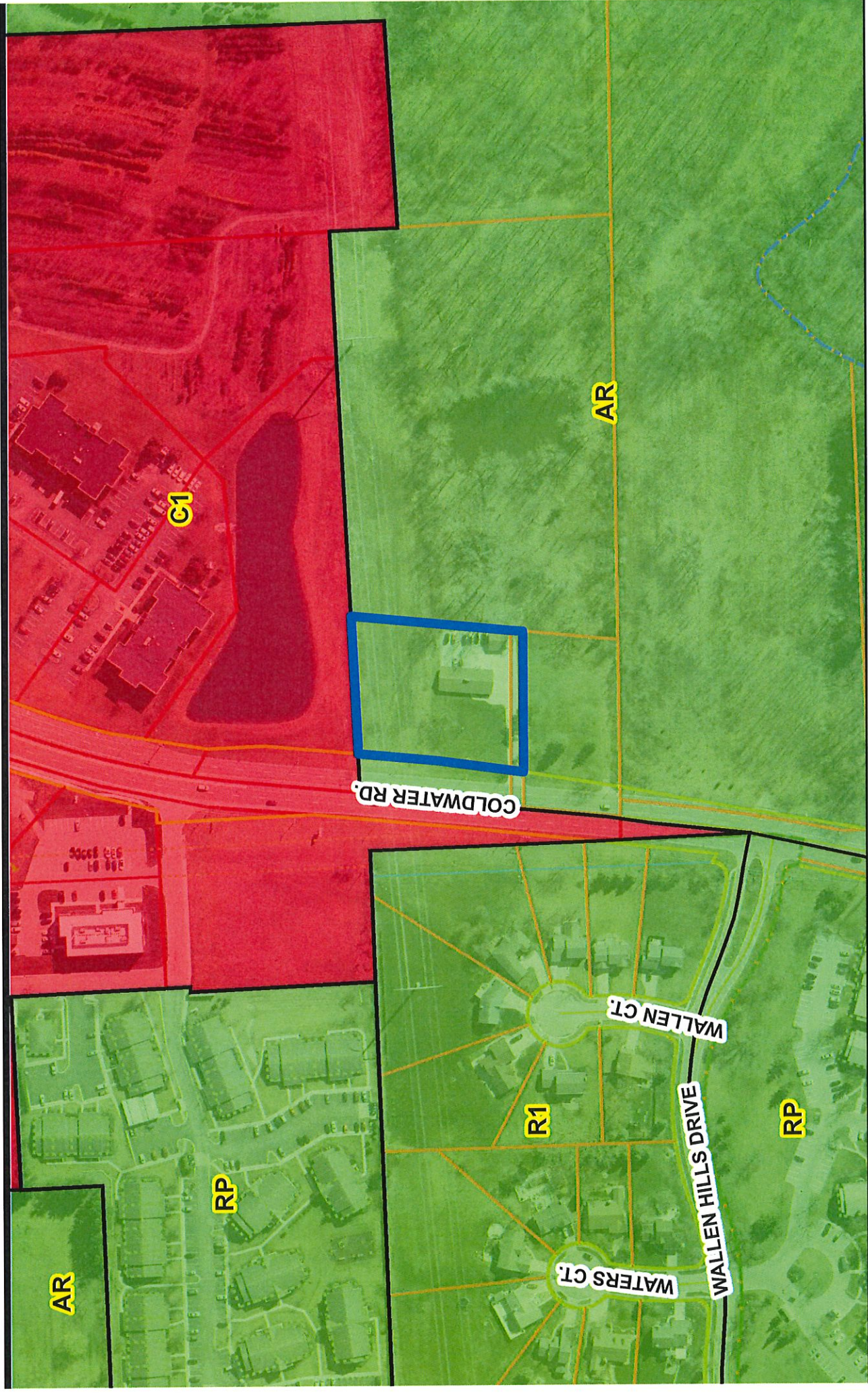
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 9/28/2022



1 inch = 200 feet



Rezoning Petition REZ-2022-0048 - 9326 Coldwater Road



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1 inch = 200 feet

Applicant

Address 9326 Coldwater RoadCity Fort Wayne State Indiana Zip 46825Telephone 260-247-8383 E-mail rexpattersonlaw@gmail.com

Contact Person

Contact Person Rex PattersonAddress 13854 Aslan PassageCity Fort Wayne State Indiana Zip 46845Telephone 260-517-9569 E-mail rex@pattersonlawllc.com*All staff correspondence will be sent only to the designated contact person.*

Request

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning JurisdictionAddress of the property 9326 Coldwater Road, Fort Wayne, INPresent Zoning AR Proposed Zoning C1 Acreage to be rezoned 1.19 acres

Proposed density _____ units per acre

Township name Washington Township section # 073Purpose of rezoning (attach additional page if necessary) This property was renovated and began being used as a professional office in 2014. Since then, its had a C1 variance that was renewed in 2019 when RLP Properties purchased the property for a law office. The office is looking to grow and add on in the near future.Sewer provider Fort Wayne Water provider 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 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.

Rex L. Patterson

(printed name of applicant)

(signature of applicant)

8/30/2022
(date)Rex L. Patterson

(printed name of property owner)

(signature of property owner)

8/30/2022
(date)Sara M. Patterson

(printed name of property owner)

(signature of property owner)

8/30/2022
(date)

(printed name of property owner)

(signature of property owner)

(date)

Received	Receipt No.	Hearing Date	Petition No.
<u>8/31/2022</u>	<u>141317</u>	<u>10/10/22</u>	<u>REZ-2022-0048</u>

REZONING FACT SHEET

Petition #REZ-2022-0048 Z-22-10-02 Project Start: September 2022

APPLICANT:	RLP Properties LLC
REQUEST:	Rezone property from AR/Low Intensity Residential to C1/Professional Office and Personal Services to allow an existing law office.
LOCATION:	9326 Coldwater Road, 350 feet north of its intersection with Wallen Hills Drive (Section 1 of Washington Township)
LAND AREA:	1.19 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECT:	none
SPONSOR:	City of Fort Wayne Plan Commission

10 October 2022 Plan Commission Public Hearing

- No one from the public spoke at the hearing.
- Tom Freistroffer, Paul Sauerteig and Ryan Neumeister were absent.

17 October 2022 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Tom Friestroffer and seconded by Paul Sauerteig to return the ordinance to Common Council with a DO PASS recommendation for their final decision.
- **7-0 MOTION PASSED**
- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
October 26, 2022

PROJECT SUMMARY

SITE HISTORY:

- The site contains one residential structure, built in 1970.
- The site has historically been used for commercial purposes since 2013 through several Board of Zoning Appeals approvals.
- Currently being used as a law office since 2018 through Board of Zoning Appeals Approval.

STAFF DISCUSSION:

The applicant is requesting to rezone the property from AR/Low Intensity Residential to C1/Professional Office and Personal Services to permit the existing law office. In 2018 the Board of Zoning Appeals approved a use variance to permit a law office on site. The applicant wishes to rezone the parcel to permit the use outright. The property is located on the east side of Coldwater which in this location is a 5-lane urban minor arterial. The applicant is not proposing any improvements of the existing structure so a development plan was not required. Historically, the property has been used for commercial uses for almost a decade. Each approval was given by The Board of Zoning Appeals instead of rezoning the parcel. The site is surrounded by floodplain to the north, east, and south which could limit future expansion. Rezoning the site would continue the pattern of commercial development on the east side of Coldwater Road.

PUBLIC HEARING SUMMARY:

Presenter: Rex Patterson, RLP Properties and owner, presented the project to the Plan Commission, as outlined above.

Public Hearing Comments:

none