

#REZ-2022-0050

BILL NO. Z-22-10-04

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-02 (Sec. 8 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 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:

4646 W. Jefferson

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana,
more particularly described as follows, to-wit:
Commencing at the intersection of the East line of Lot Number 27 in Edsall's
Subdivision with the Northerly right-of-way line of U.S. Highway Number 24 as it
presently exists; thence Northeasterly, on and along said Northerly right-of-way line,
being a line 40.0 feet (measured at right angles) Northwesterly of and parallel to the
centerline thereof, a distance of 305.0 feet; thence Northwesterly by a deflection
angle left of 90° 00' a distance of 20.0 feet to the true point of beginning; thence
Northeasterly and parallel to said Northerly right-of-way line, 200.0 feet; thence
Northwesterly by an interior angle of 90° 00' a distance of 258.33 feet; thence
Southwesterly and parallel to said Northerly right-of-way line, 200.0 feet; thence
Southeasterly by an interior angle of 90° 00', 258.33 feet to the true point of
beginning, containing 1.186 acres of land.

4656 W. Jefferson

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana,
more particularly described as follows, to-wit: Commencing at the intersection of the
East line of Lot Number 27 in Edsall's Subdivision with the Northerly right-of-way
line of U.S. Highway Number 24 as it presently exists; thence Northeasterly on and
along said Northerly right-of-way line, being a line 40.0 feet (measured at right
angles) Northwesterly of and parallel to the centerline thereof, a distance of 305.0
feet; thence Northwesterly by a deflection angle left of 90° 00' a distance of 20.0
feet; thence Northeasterly and parallel to said Northerly right-of-way line, 200.0 feet;
thence Northwesterly by an interior angle of 90° 00' a distance of 258.33 feet to the
true point of beginning; thence continuing Northwesterly on the last-described
course, 220.5 feet; thence Westerly, by an interior angle of 128° 50' a distance of
106.1 feet to the East line of Lot Number 26 in said Edsall's Subdivision; thence
Southerly, by an interior angle of 90° 00' on and along the East line of said Lot
Number 26, being established by survey monuments found, 310.7 feet to the

Northeast corner of said Lot Number 27 in Edsall's Subdivision; thence Southerly, by a deflection angle left of $03^{\circ} 42'$, on and along the East line of said Lot Number 27, being established by survey monuments found, 16.8 feet to a point situated 378.6 feet Northerly from the intersection of said East line with the Northerly right-of-way line of said U.S. Highway Number 24; thence Easterly, by a deflection angle left of $90^{\circ} 00'$ a distance of 106.5 feet; thence Northwesterly, by an interior angle of $54^{\circ} 52'$ a distance of 30.0 feet; thence Northeasterly by a deflection angle right of $90^{\circ} 00'$ and parallel to the Northerly right-of-way line of U.S. Highway Number 24 a distance of 200.0 feet to the point of beginning, containing 1.231 acres of land.

4660 W. Jefferson

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of Lot Number 27 in Edsall's Subdivision at a point situated 378.6 feet Northerly of the point of intersection of said East line with the Northerly right-of-way line of U.S. Highway Number 24 as it presently exists; thence Northerly, on and along the East line of said Lot Number 27, a distance of 16.8 feet to the Northeast corner of said Lot Number 27; thence Northerly, by a deflection angle right of 03 degrees 42 minutes, on and along the East line of Lot Number 26 in said Edsall's Subdivision, a distance of 123.5 feet; thence Southeasterly, by an interior angle of 38 degrees 50 minutes, a distance of 171.2 feet; thence Westerly, by an interior angle of 54 degrees 52 minutes, a distance of 106.5 feet to the point of beginning, containing 0.173 acres of land.

4666 W. Jefferson

Part of LaGro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the point of intersection of the East line of Lot Number 27 in Edsall's Subdivision with the Northerly right-of-way line of U.S. Highway Number 24 as it presently exists, said Northerly right-of-way line being situated 40.0 feet (Measured at right angles) Northwesterly of the centerline of said U.S. Highway Number 24; thence Northerly, on and along the East line of said Lot Number 27, a distance of 378.6 feet to a point situated 16.8 feet Southerly of the Northeast corner of said Lot Number 27; thence Easterly, by an interior angle of 90 degrees 00 minutes, a distance of 106.5 feet; thence Southeasterly, by a deflection angle right of 54 degrees 52 minutes, a distance of 248.33 feet to the aforesaid Northerly right-of-way line of U.S. Highway Number 24; thence Southwesterly, by an interior angle of 90 degrees 00 minutes, on and along said Northerly right-of-way line, a distance of 305.0 feet to the point of beginning, containing 1.332 acres of land.

Common Drive

Parcel No. 02-12-08-180-009.000-074

Part of the Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the intersection of the East line of Lot Number 27 in Edsall's Subdivision with the northwesterly right-of-way line of U.S. Highway Number 24 as

1 it presently exists; thence northeasterly on and along said northerly right-of-way line,
2 being a line 40.0 feet (measured at right angles) northwesterly of and parallel to the
3 centerline thereof, a distance of 305.0 feet; thence northwesterly by a deflection
4 angle left of $90^{\circ} - 0'$, a distance of 57.0 feet to the true point of beginning; thence
5 northeasterly by a deflection angle right of $90^{\circ} - 0'$, a distance of 200.0 feet; thence
6 northwesterly by a deflection angle to the left of $90^{\circ} - 0'$, a distance of 26.0 feet ;
7 thence southwesterly by a deflection angle left of $90^{\circ} - 0'$, a distance of 200.0 feet;
8 thence southeasterly by a deflection angle left of $90^{\circ} - 0'$, a distance of 26.0 feet to
9 the true point of beginning.

10 and,

11 Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana,
12 more particularly described as follows, to-wit:

13 Commencing at the intersection of the East line of Lot Number 27 in Edsall's
14 Subdivision with the northerly right-of-way line of U.S. Highway Number 24 as it
15 presently exists; thence northeasterly, on and along said Northerly right-of-way line,
16 being a line 40.0 feet (measured at right angle) northwesterly of and parallel to the
17 centerline thereof, a distance of 625.0 feet to the southwesterly line of Park West
18 Drive; thence northwesterly by an interior angle of $90^{\circ} - 0'$ along the southwesterly
19 line of Park west Drive a distance of 57.0 feet to the true of point of beginning.
20 Thence continuing northwesterly along the southwesterly line of Park West Drive a
21 distance of 26.0 feet; thence southwesterly by an interior angle of $90^{\circ} - 0'$, a distance
22 of 120.0 feet; thence southeasterly by an interior angle left of $90^{\circ} - 0'$, a distance of
23 26.0 feet, thence northeasterly by an interior angle $90^{\circ} - 0'$, a distance of 120.0 feet to
24 the true point of beginning.

25 and,

26 Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana,
27 more particularly described as follows, to-wit:

28 Commencing at the intersection of the East line of Lot Number 27 in Edsall's
29 Subdivision in the Lagro Reserve and the northwesterly right-of-way of U.S.
30 Highway Number 24 (being known as the Upper Huntington Road); thence
northeasterly along said northwesterly right-of-way, a distance of 625.00 feet to the
true point of beginning; thence northwesterly with a deflection angle to the left of
 $90^{\circ} - 0'$, a distance of 260.33 feet; thence northeasterly with a deflection angle to the
right of $90^{\circ} - 0'$, a distance of 10.0 feet; thence northwesterly with a deflection angle
to the left of $90^{\circ} - 0'$, a distance of 138.04 feet; thence northeasterly with a deflection
angle to the right of $90^{\circ} - 0'$, a distance of 50.0 feet; thence southeasterly with a
deflection angle to the right of $90^{\circ} - 0'$ a distance of 138.04 feet; thence northeasterly
with a deflection angle to the left of $90^{\circ} - 0'$, a distance of 10.0 feet; thence
southeasterly with a deflection angle to the right of $90^{\circ} - 0'$ a distance of 260.33 feet
to the northwesterly right-of-way of U.S. Highway 24; thence southwesterly with a
deflection angle to the right of $90^{\circ} - 0'$ along the northwesterly right-of-way of U.S.
Highway 24, a distance of 70.0 feet to the true point of beginning.

and

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana,
more particularly described as follows, to-wit:

Commencing at the intersection of the East line of Lot Number 27 in Edsall's Subdivision with the northerly right-of-way of U.S. Highway Number as it presently exists; thence northeasterly, on and along said northerly right-of-way line, being a line 40.0 feet (measured at right angles) northwesterly of and parallel to the centerline thereof of a distance of 505.0 feet; thence northwesterly by a deflection angle of $90^{\circ} - 0'$, a distance of 278.33 feet to the true point of beginning; thence northeasterly by a deflection angle right of $90^{\circ} - 0'$, a distance of 130.0 feet to the southwesterly line of Park West Drive; thence northwesterly by an interior angle of $90^{\circ} - 0'$ along the southwesterly line of Park West Drive, a distance of 20.0 feet; thence southwesterly by an interior angle of $90^{\circ} - 0'$ a distance of 20.0 feet to the true point of beginning.

and,

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the intersection of the East line of Lot Number 27 in Edsall's Subdivision in the Lagro Reserve and the northwesterly right-of-way of U.S. Highway Number 24 (being known as the Upper Huntington Road); thence northeasterly along said northwesterly right-of-way, a distance of 695.0 feet to the northeasterly line of Park West Drive; thence northwesterly with a deflection angle to the left of $90^{\circ} 0'$, along the northeasterly line of Park West Drive a distance of 260.33 feet; thence southwesterly with a deflection angle to the left of $90^{\circ} - 0'$, a distance of 10.0 feet; thence northwesterly by a deflection angle to the right of $90^{\circ} 0'$, a distance of 18.0 feet to the true point of beginning; thence northeasterly by a deflection angle to the right of $90^{\circ} 0'$, a distance of 255.0 feet; thence northwesterly with a deflection angle to the left of $90^{\circ} 0'$, a distance of 20.0 feet; thence southwesterly by a deflection angle to the left of $90^{\circ} 0'$, a distance of 255.0 feet thence southeasterly by a deflection angle to the left of $90^{\circ} 0'$, a distance of 20.0 feet to the true point of beginning.

and,

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the intersection of the East line of Lot Number 27 in Edsall's Subdivision with the northerly right-of-way of U.S. Highway Number 24 as it presently exists; thence northeasterly, on and along said northerly right-of-way line, being a line 40.0 feet (measured at right angles) northwesterly of and parallel to the centerline thereof a distance of 505.0 feet; thence northwesterly by a deflection angle left of $90^{\circ} - 0'$, a distance of 278.33 feet to the true point of beginning; thence southwesterly by a deflection angle left of $90^{\circ} - 0'$, a distance of 200.0 feet; thence northwesterly by an interior angle of $90^{\circ} - 0'$, a distance of 20.0 feet; thence northeasterly by an interior angle of $90^{\circ} - 0'$, a distance of 200.0 feet; thence southeasterly by an interior angle of $90^{\circ} - 0'$ a distance of 20.0 feet to the true point of beginning.

and

Commencing at the point of intersection of the East line of Lot #27 in Edsall's Subdivision in said Lagro Reserve with the Northerly right-of-way line of U.S. Highway #24 as it presently exists; thence Northerly, on and along the East line of

1 said Lot #27, a distance of 395.4 feet to the Northeast corner of said Lot #27; thence
2 Northerly, by a deflection angle right of $03^{\circ} -42'$, on and along the East line of Lot
3 #26 in said Edsall's Subdivision, a distance of 310.7 feet to the true point of
4 beginning; thence continuing Northerly on and along the East line of said lot #26 and
5 the East line of Lot #24 in said Edsall's Subdivision, a distance of 243.9 feet; thence
6 Easterly by an interior angle of $92^{\circ} -03'$ a distance of 459.93 feet; thence
7 Southwesterly, by an interior angle of $36^{\circ} -47'$ and parallel to the Northerly right-of-
8 way line of U.S. Highway #24, a distance of 258.65 feet; thence Southeasterly, by a
9 deflection angle left of $90^{\circ} -00'$, a distance of 81.63 feet; thence Southwesterly, by
10 an interior angle of $90^{\circ} -00'$ and parallel to said Northerly right-of-way line, a
11 distance of 180.0 feet to the Northeasterly line of a certain 1.231 acre tract; thence
12 Northwesterly, by an interior angle of $90^{\circ} -00'$, on and along the Northeasterly line
13 of said 1.231 acre tract, a distance of 100.5 feet to the Northeasterly corner thereof;
14 thence Westerly, by a deflection angle left of $51^{\circ} -10'$, on and along the Northerly
15 line of said 1.231 acre tract, a distance of 106.1 feet to the true point of beginning,
16 containing 2.036 acres of land, more or less, subject to a gas easement over the East
17 14 feet thereof, a utility easement over the North 14 feet thereof, an easement for
18 electrical distribution as recorded in Document #76-31050 in the Office of the
19 Recorder of Allen County, Indiana, and subject to the dedication of Park West Drive
20 as it affects the afore-said Parcel V as recorded in Document Nos. 75-21939 and 76-
21 19481.

22 EXCEPT:

23 Commencing on the Northwesterly right-of-way line of U.S. Highway #24 (being
24 known as Upper Huntington Road, at a point situated 635.0 feet Northeasterly from
25 the point of intersection of said Northwesterly right-of-way line with the East line of
26 Lot #27 in Edsall's Subdivision in said Lagro Reserve; thence Northwesterly, at right
27 angles to said Northwesterly right-of-way line, a distance of 398.33 feet to a point on
28 the Southwesterly line of Park West Drive, a dedicated private easement, said point
29 being the true point of beginning; thence continuing Northwesterly, on the last
30 described course, on and along said Southwesterly right-of-way line, a distance of
100.0 feet; thence Southwesterly and parallel to said Northwesterly right-of-way
line, a distance of 130.0 feet; thence Southeasterly, and parallel to said Southwesterly
right-of-way line, a distance of 100.0 feet; thence Northeasterly and parallel to said
Northwesterly right-of-way line, a distance of 130.0 feet to the true point of
beginning, containing 0.290 acres of land, more or less, subject to a utility easement
over the Northeasterly 14 feet thereof and subject to an easement for electrical
distribution as recorded in Document #76-31050 in the Office of the Recorder of
Allen County, Indiana.

ALSO EXCEPT:

That Part taken for Professional Park West Village found in Plat Book 9 page 124, in
the Office of the Recorder of Allen County, Indiana.

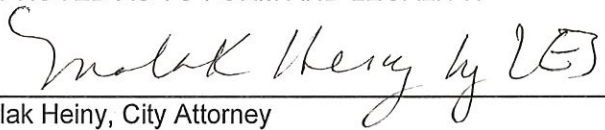
1 and the symbols of the City of Fort Wayne Zoning Map No. F-02 (Sec. 8 of Wayne
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
3 Wayne, Indiana is hereby changed accordingly.

4
5 SECTION 2. If a written commitment is a condition of the Plan Commission's
6 recommendation for the adoption of the rezoning, or if a written commitment is modified and
7 approved by the Common Council as part of the zone map amendment, that written
8 commitment is hereby approved and is hereby incorporated by reference.

9
10 SECTION 3. That this Ordinance shall be in full force and effect from and after its
11 passage and approval by the Mayor.

12 _____
Council Member

13
14 APPROVED AS TO FORM AND LEGALITY:

15 
16 _____
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-2022-0050
Bill Number: Z-22-10-04
Council District: 4-Jason Arp

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 4.42 acres from R3/Multiple Family Residential
to C1/Professional Office and Personal Services

Location: 4646, 4656, 4660 and 4666 West Jefferson Boulevard

Reason for Request: To bring the existing office park into compliance with the zoning
ordinance.

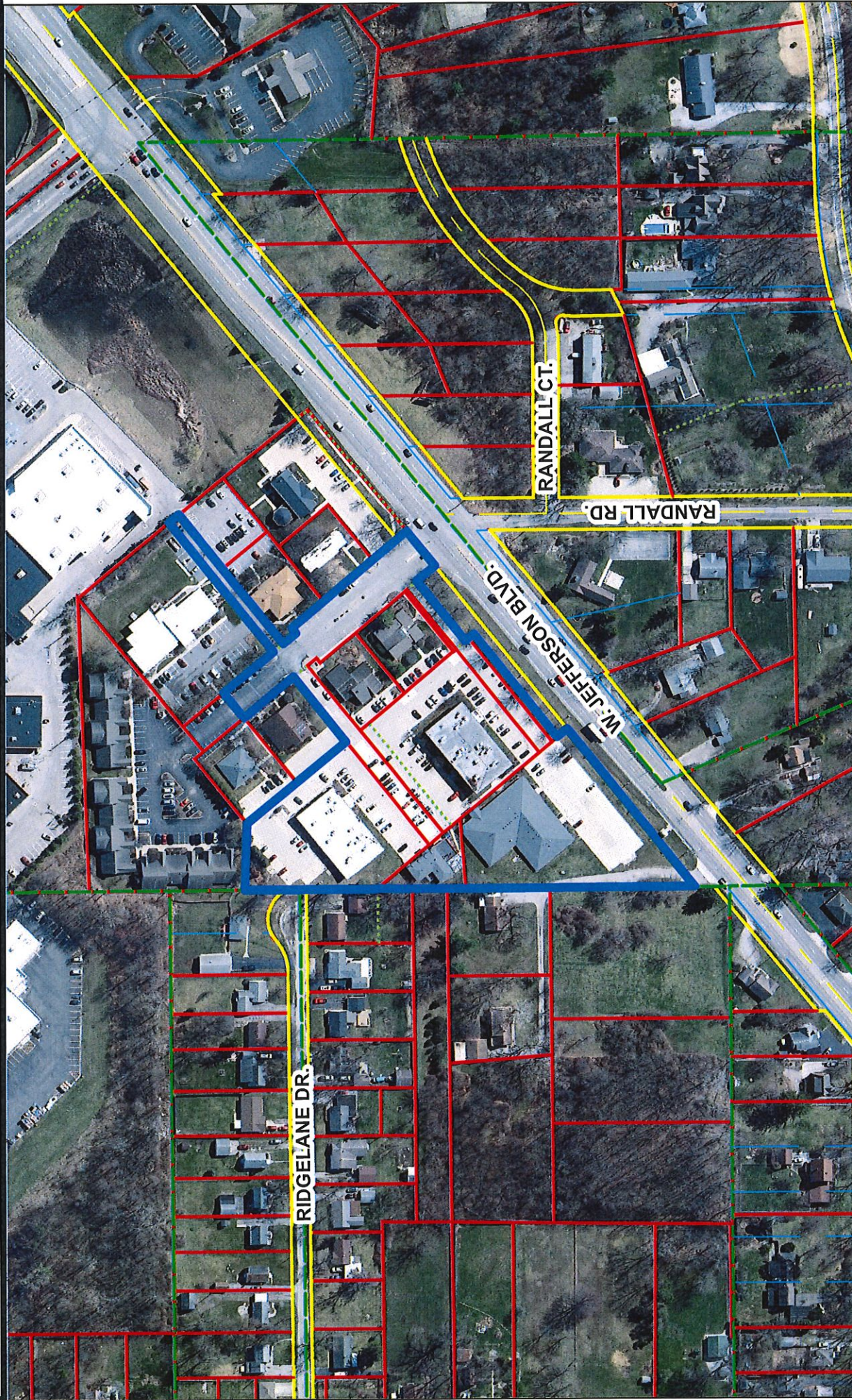
Applicant: LD and Joyce Williams Investments One LLC and 4600 Jefferson Park
West Inc.

Property Owner: LD and Joyce Williams Investments One LLC and 4600 Jefferson Park
West Inc.

Related Petitions: none

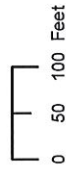
Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal
Services zoning district, which is the appropriate district for the existing
office uses.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family Residential and the
existing uses may remain under the Board of Zoning Appeals approval,
but future development and financing may be hindered.



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.

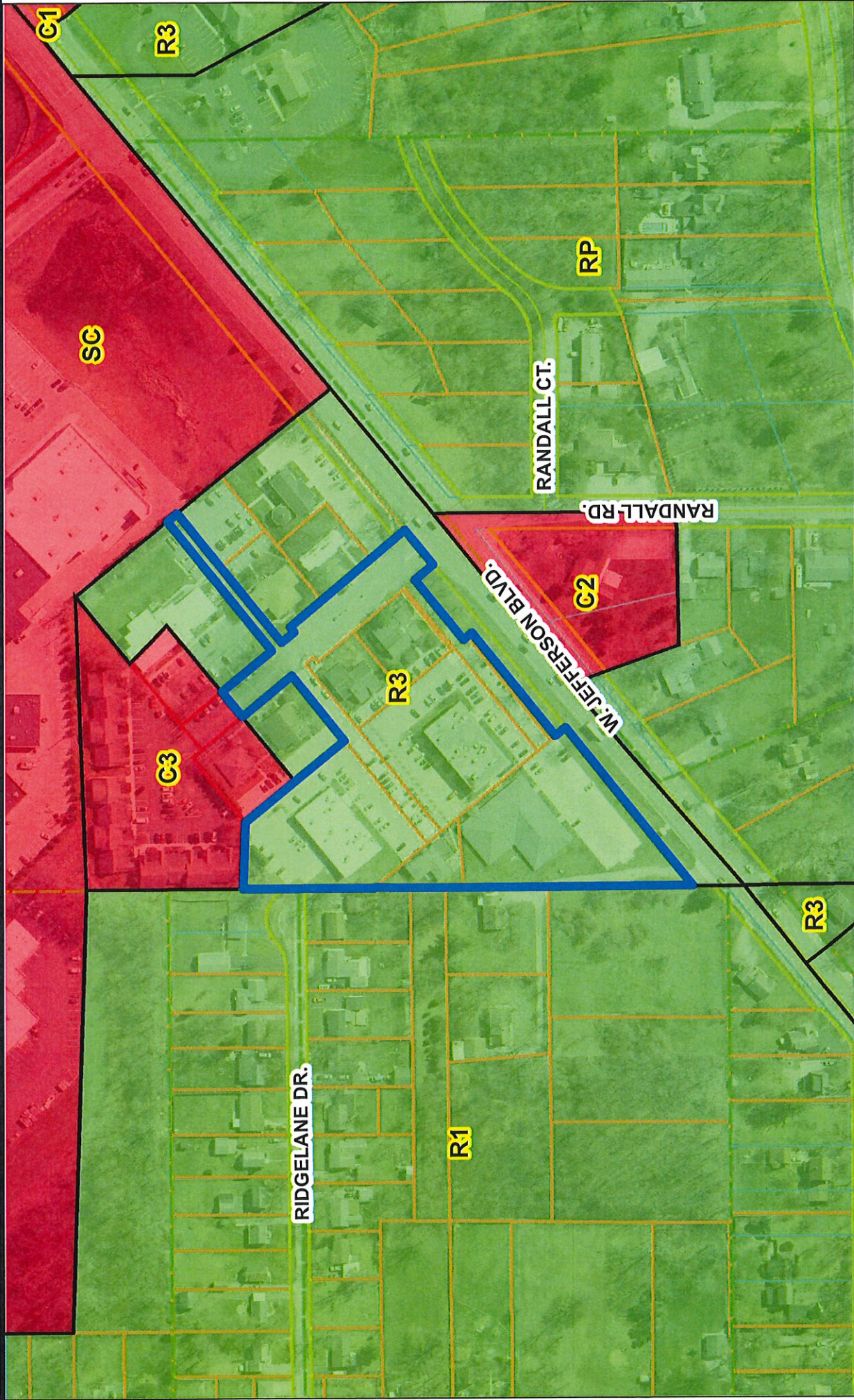
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 9/28/2022



1 inch = 200 feet



Rezoning Petition REZ-2022-0050 - Professional Office Park West



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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

**Department of Planning Services
Rezoning Petition Application**

Applicant LD & Joyce L. Williams Investments One LLC and 4600 Jefferson Park West Inc.
Address c/o Zacher Company, 444 E. Main Street, Suite 202
City Fort Wayne **State** Indiana **Zip** 46802
Telephone 422-8474 **E-mail** joyn@zacherco.com

Contact Person Rothberg Law Firm c/o Thomas B. Trent
Address 505 E. Washington Blvd.
City Fort Wayne **State** Indiana **Zip** 46802
Telephone 422-9454 **E-mail** ttrent@rothberg.com

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 4646, 4656, 4660 and 4666 W. Jefferson Blvd. (plus common drive)
Present Zoning R3 **Proposed Zoning** C1 **Acreage to be rezoned** 4.42 acres
Proposed density Not Applicable **units per acre**
Township name Wayne **Township section #** 0008
Purpose of rezoning (attach additional page if necessary) The subject Property is presently and primarily a series of office complexes. Rezoning the Property will bring the existing use into alignment with the proper zoning district (C1).
Scwer 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 refer to checklist for applicable filing fees and plan/survey submittal requirements.

- Filing 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 persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

LD & Joyce L. Williams Investments One LLC

(printed name of applicant)

[Signature]
(signature of applicant)

9-6-22
(date)

4600 Jefferson Park West Inc.

(printed name of property owner)

[Signature]
(signature of property owner)

9-6-22
(date)

(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.
<u>9-6-22</u>	<u>141382</u>	<u>10-10-22</u>	<u>REZ-2022-0050</u>

REZONING FACT SHEET

Petition #REZ-2022-0050 Z-22-10-04 Project Start: September 2022

APPLICANT:	LD and Joyce L. Williams Investments One LLC and 4600 West Jefferson Park West, Inc.
REQUEST:	Rezone property from R3/Multiple Family Residential to C1/Professional Office and Personal Services
LOCATION:	4646, 4656, 4660, and 4666 W Jefferson Blvd northwest of its intersection with Park West Drive (Section 8 of Wayne Township)
LAND AREA:	4.42 acres
PRESENT ZONING:	R3/Multiple Family Residential
PRESENT ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	4-Jason Arp
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 Rachel Tobin-Smith 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 hosted several professional office buildings constructed in between 1972 and 1986. The site was able to continue with medical uses, often with approval from the Board of Zoning Appeals and with nonconforming provisions in the zoning ordinance.

STAFF DISCUSSION

The petitioner requests a rezoning from R3/Multiple Family Residential to C1/Professional Office and Personal Services to permit existing uses on five western parcels of the Jefferson Park West professional office park. In general, the north side of West Jefferson Boulevard has slowly evolved from residential uses to professional offices and personal services between the Apple Glen Shopping Center and Times Corners. Recent investments in this area include the Parrish Orthodontics building (early 2019) and the new Warehouse Salon on the south side of West Jefferson Boulevard that is currently under construction. To the east is the Apple Glen Shopping Center, while platted residential lots are to the west. All access to the site is obtained from private roadways owned by the applicant off West Jefferson Boulevard, so no access is available into the adjacent, residentially zoned areas.

The current zoning ordinance does not have provisions on professional office and personal services as outright permitted uses in the R3 district. Consequently, several of the structures on the site in question have special uses permitting existing uses. Rezoning these parcels will allow several of the current uses to exist, change, and potentially expand under the potential C1 zoning district. Because C1 is one of the more compatible uses to residential zoning districts (and the proposed rezone is to permit an existing use), no written commitment was provided to staff.

The rezone satisfies 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;

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.

PUBLIC HEARING SUMMARY:

Presenter: Tom Trent, representing the owners, presented the project to the Plan Commission, as outlined above.

Public Hearing Comments:

none