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28 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-2023-0010
Bill Number: Z-23-04-12
Council District: 5-Geoff Paddock

Introduction Date: April 25, 2023

Plan Commission
Public Hearing Date: May 8, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.021 acres from R2/Two Family Residential to UC/Urban Corridor

Location: 413 High Street

Reason for Request: To bring the existing commercial property into compliance with the ordinance.

Applicant: Chris Walker

Property Owner: Chris Walker

Related Petitions: none

Effect of Passage: Property will be rezoned to the UC/Urban Corridor zoning district, which is the appropriate district for the existing commercial building.

Effect of Non-Passage: The property will remain zoned R2/Two Family Residential, which does not permit commercial uses. The owner will not be permitted to remodel the building for a new commercial use.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant CHRIS WALKER
Address 415 HIGH STREET
City FT. WAYNE State IN Zip 46808
Telephone 348-1287 E-mail WalkerFWFD@aol.com

Contact Person
Contact Person CHRIS WALKER
Address 415 HIGH STREET
City FT. WAYNE State IN Zip 46808
Telephone 348-1287 E-mail WalkerFWFD@aol.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 413 HIGH STREET
Present Zoning R2 Proposed Zoning UC Acreage to be rezoned 1348 SQ FT (.021)
Proposed density _____ units per acre
Township name WAYNE Township section # _____
Purpose of rezoning (attach additional page if necessary) PROPERTY IS
CURRENTLY TAXED AS A C/I BUILDING (.01) AND WE
WOULD LIKE ZONING TO MATCH USE
Sewer provider CITY Water provider CITY

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.

Christopher P. Walker CHRISTOPHER P. WALKER 3/14/23
(printed name of applicant) (signature of applicant) (date)
CHRISTOPHER P. WALKER Christopher P. Walker 3/14/23
(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

Received <u>3/14/23</u>	Receipt No. <u>142718</u>	Hearing Date <u>05/8/23</u>	Petition No. <u>RE2-2023-0010</u>
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FAUST LAND SURVEYING, LLC

P.O. BOX 509
HUNTERTOWN, IN 46748
260-471-6387
CELL 260-444-8874
faustsurveying@aol.com

Page 1 of 2

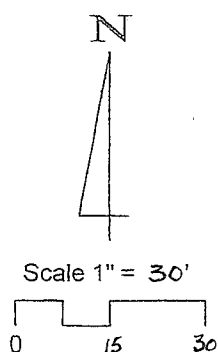
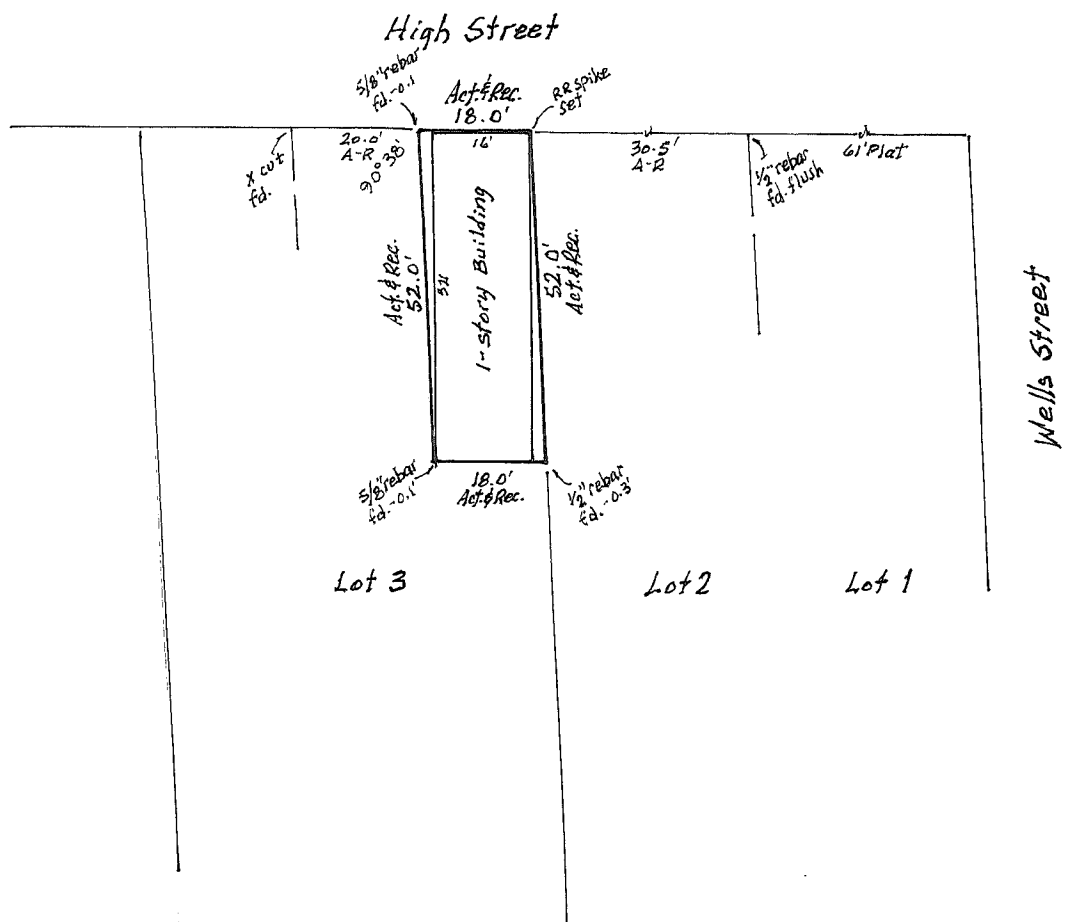
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of SUBJECT County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated. I hereby certify that the survey was wholly performed under my supervision, that I am a registered Land Surveyor in Indiana, and to the best of my knowledge and belief, this Survey was executed according to the survey requirements in 865 IAC 1-12-13, as amended.

DESCRIPTION OF REAL ESTATE

The East 18 feet of the North 52 feet of Lot #3 in McCulloch's Subdivision, an Addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Book W, page 120 in the Office of the Recorder of Allen County, Indiana.

Property address: 413 High Street, Fort Wayne, Indiana 46808



Field work completed on *October 24, 2022*

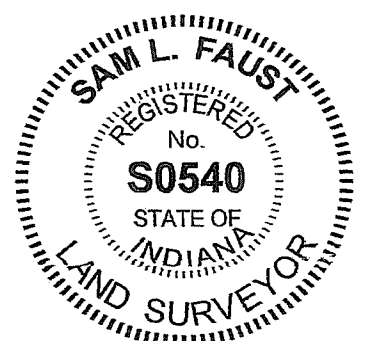
SURVEY NO.: *22-10-9*

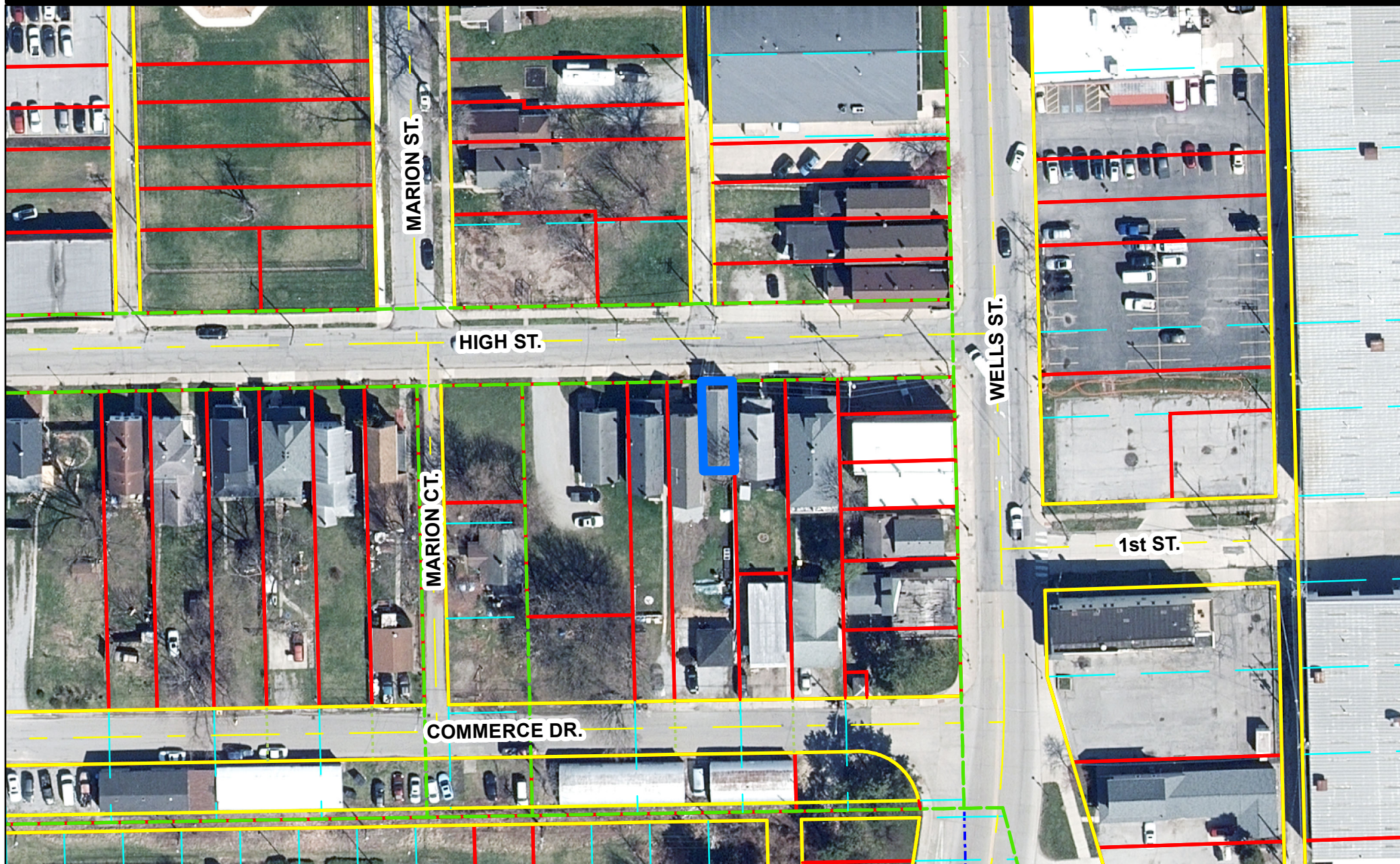
SURVEYED FOR: *Walker*

DATE: *October 26, 2022*

Sam L. Faust

SAM L. FAUST
REGISTERED LAND SURVEYOR NO. S0540





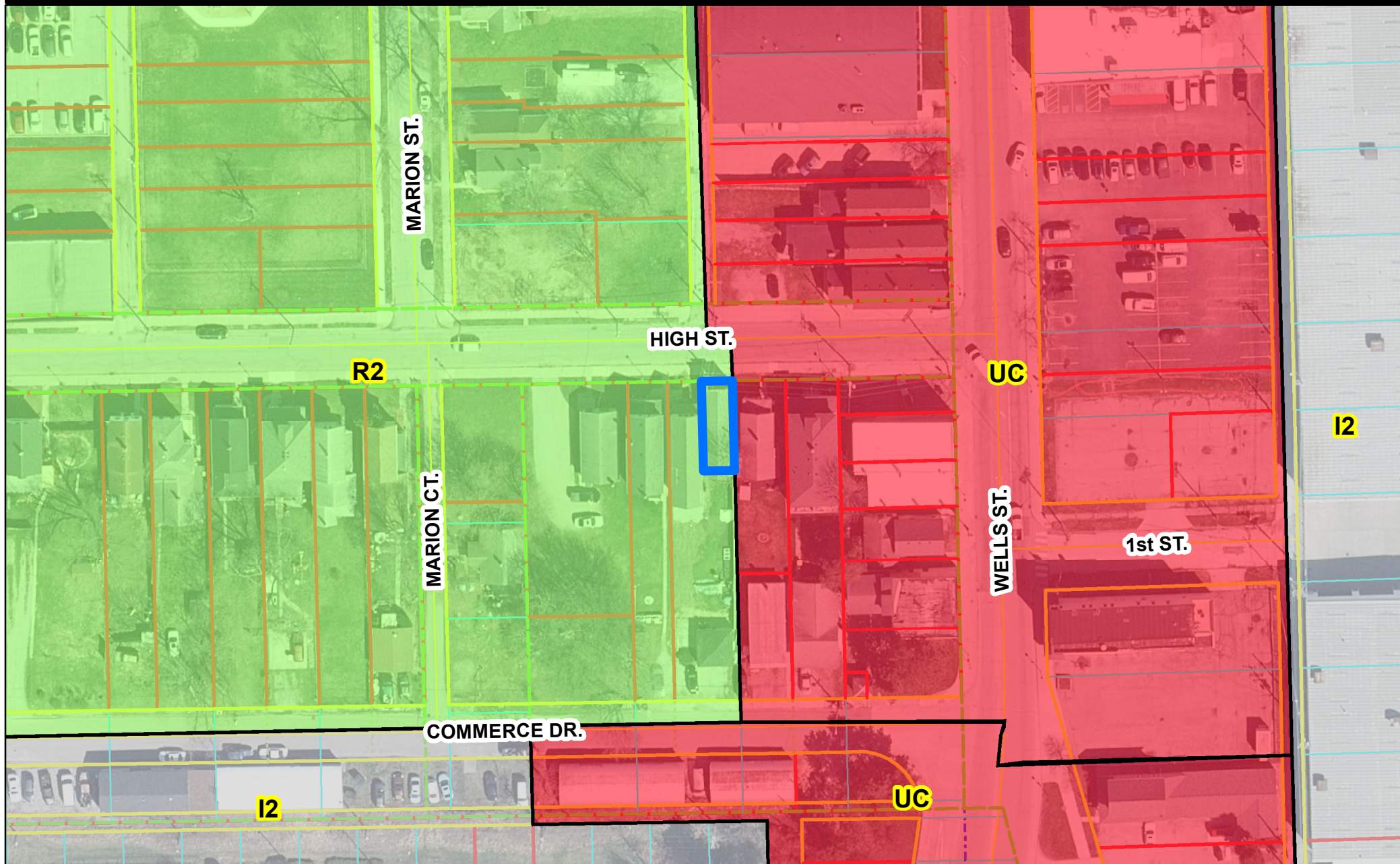
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 4/12/2023

0 50 100 Feet



1 inch = 75 feet



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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
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Photos and Contours: Spring 2009
Date: 4/12/2023

0 50 100 Feet



1 inch = 75 feet

FACT SHEET

Case #REZ-2023-0011	Bill # Z-23-04-12	Project Start: March 2023
APPLICANT:	Skyler Vendrely	
REQUEST:	To rezone property from R1/Single Family Residential to R3/Multiple Family Residential and approve a primary development plan for a two-building, 40-unit apartment development.	
LOCATION:	1411 Reed Road, at the southwest corner of Reed and Lake Avenue (Section 5 of Adams Township)	
LAND AREA:	1.84 acres	
PRESENT ZONING:	R1/Single Family Residential and RP/Planned Residential	
PROPOSED ZONING:	R3/Multiple Family Residential	
COUNCIL DISTRICT:	1 – Paul Ensley	
SPONSOR:	Fort Wayne Plan Commission	

April 10, 2023 Public Hearing

- Nine residents spoke in opposition or with concern.
- Tom Freistroffer was absent.

April 17, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Ryan Neumeister and seconded by Rick Briley to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

7-2 MOTION PASSED

- Karen Richards and Rachel Tobin-Smith voted nay

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
May 2, 2023

PROJECT SUMMARY

The property consists of a residential structure and an accessory residential structure on a 1.83 acre parcel. Historically, the majority of the site has been unimproved.

The petitioner requests a rezoning from R1/Single Family Residential to R3/Multiple Family Residential to permit a multiple family development. The property has split zoning consisting of R1/Single Family Residential to the north and RP/Planned Residential to the south which is where the existing residential structure is located. The surrounding uses consist of metes and bounds residential to the north, south and east. The properties west of the site belong to a single-family subdivision. The property on the northeast corner of Reed Road and Lake Avenue is a multiple family complex zoned RP/Planned Residential.

The applicant will need to discuss the rezoning criteria set forth in state code, but the proposal can 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;

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 original site plan included two multiple-family structures consisting of 20 single bedroom units for a total of 40 single bedroom units. A single access point is shown to Reed Road and a proposed retention pond is located on the north portion of the property. Sidewalks are shown along Reed Road and Lake Avenue which are both required through our ordinance. B-3 landscape code is required along the west and south side of the property which consists of one tree every 30 feet and a continuous solid fence. Parking also meets the Fort Wayne Zoning Ordinance with one space per unit. The Fort Wayne Zoning Ordinance does not consider density as a development standard. Instead, the Fort Wayne Zoning Ordinance considers zoning, building setbacks, landscaping, and required parking. During the public hearing and site committee process, the applicant considered comments received about the plan, and updated it to 32 units, a reduction of 8 units. Additional greenspace was added, by including a courtyard between the two buildings. No waivers were requested for this development.

PUBLIC HEARING SUMMARY:

Presenter: Patrick Hess, representing the applicant, presented the request as outlined above. Most of the site is already zoned for multiple family residential and comprehensive plans (both former and new) encourage compact development to provide a variety of housing choices.

Public Comments:

Diana Englehart, lake Avenue – Concerns include onsite management, crime, children’s safety, strain on fire department.

Rebecca Seward, Caribe Colony– Concerned about too many apartments in the area and crime.

George Simpson, Lake Avenue – Concerned about losing mature trees. The vacant lot is an asset to their community.

Lisa Moore, Pine Valley Drive – Area is very pleasant with no sidewalks. Too much traffic on Lake and Reed.

Brad Maxwell, Caribe Blvd – Feels this will be an impact on the community.

Ron Kaiser, Reed Road – Area doesn't need more asphalt.

John Reining – Concerned about traffic and lane improvements.

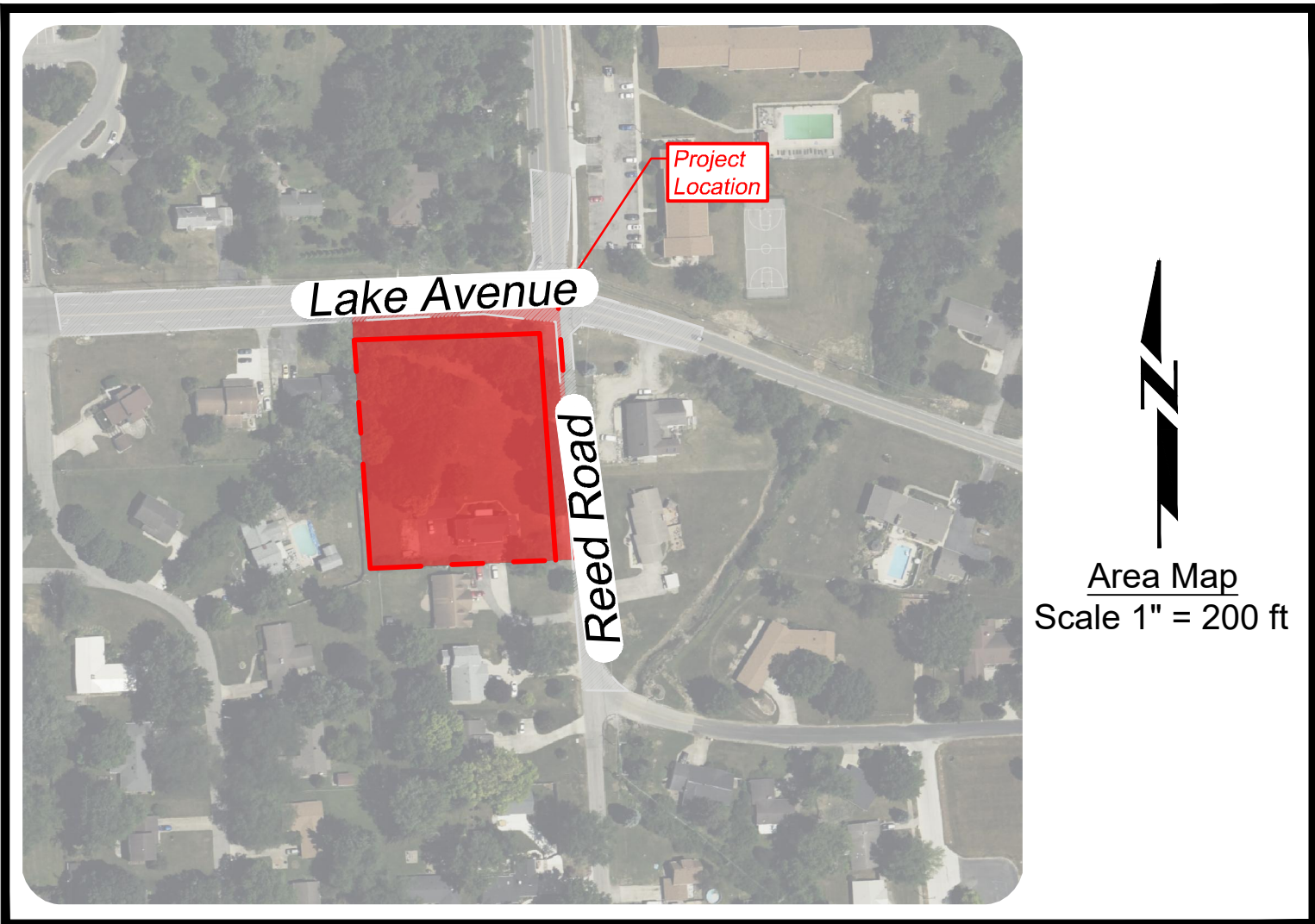
Larry Brown, Maysville Road – Concerns include traffic, number of apartment complexes, policing problems.

Kraig Bradmiller, Pine Valley Drive – Would like to see an updated plan.

Closing Comments:

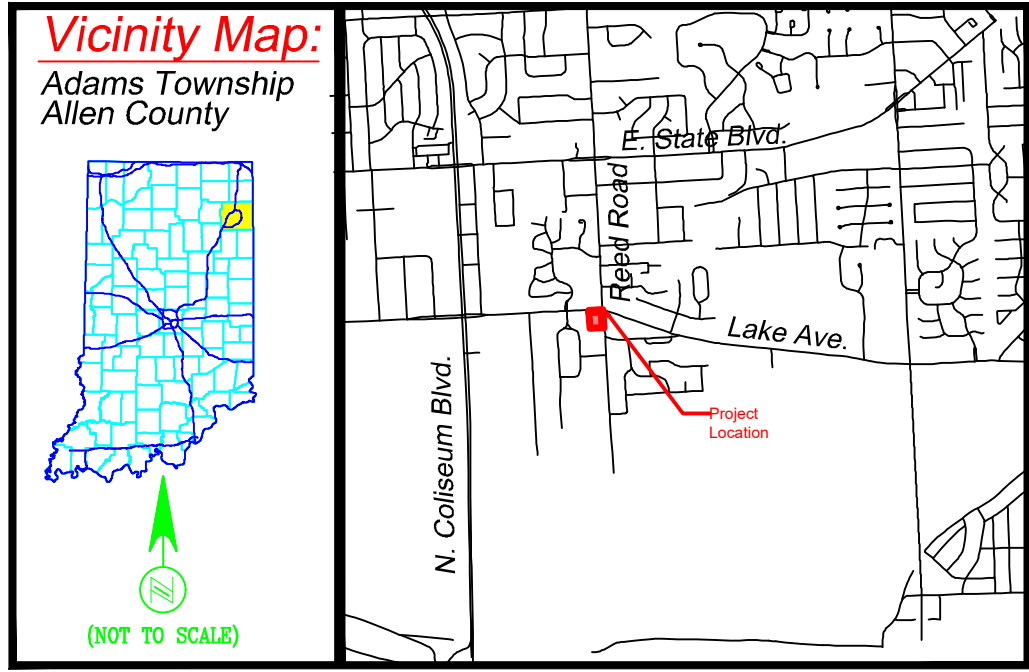
Mr. Vendrely has 10 rental units in Fort Wayne and plans to hire a manager for all the units. He intends to be a good neighbor. City Traffic Engineering has approved the primary plans.

The updated plan was submitted following the public hearing, showing 8 fewer units and expanded green space.



Primary Development Plan Reed Road Apartments

A Site Located in Section 5, Township 30 North, Range 13 East.
Adams Township



Project Jurisdiction Summary:
Sanitary Sewer Utility:
Fort Wayne Utilities
200 E. Berry Street
Suite 250
Fort Wayne, IN 46802
(260) 427-5064

Water Utility:
Fort Wayne Utilities
200 E. Berry Street
Suite 250
Fort Wayne, IN 46802
(260) 427-5064

Allen County, Indiana

Drainage Approval:
Fort Wayne Utilities
200 E. Berry Street Suite 140
Fort Wayne, IN 46802
(260) 427-5064

Planning/development Approval:
Allen County Department of Planning Services
200 E. Berry Street
Suite 150
Fort Wayne, IN 46802
(260) 449-7607

Traffic, Street & Right-of-way Approval:
City Of Fort Wayne
200 E. Berry Street
Suite 280
Fort Wayne, IN 46802
(260) 449-7369



Legal Descriptions:

A tract of land described in the conveyance to Daniel E. Purvis, Jr. & Cynthia C. Purvis in Allen County Document No. 860055715, more particularly described as follows:

Part of Lot I of a Subdivision of the Fractional Section 5, Township 30 North, Range 13 East, in Allen County, Indiana, as recorded in Deed Record 31, page 436, in the Office of the Recorder of Allen County, Indiana, in particular described as follows:

Beginning at the Northeast corner of said Lot 1, being the Northeast corner of said Section 5, Township 30 North, Range 13 East; thence West along the North line of said Lot 1 a distance of 250 feet to the East line of GREENVALE ADDITION to the City of Fort Wayne, Indiana, as recorded in Plat Book 21, pages 131 and 132, extended North; thence South along the East line of said GREENVALE ADDITION, a distance of 585 feet to the Northwest corner of Lot 10 in said GREENVALE ADDITION; thence East along the North line of Lots 10 and 11 and said line extended East, a distance of 250 feet to the East line of said Lot I of the Subdivision of Fractional Section 5, Township 30 North, Range 13 East; thence North along the East line of said Lot I of the Subdivision of Section 5, Township 30 North, Range 13 East, a distance of 585 feet to the place of beginning, except such part thereof lying within established legal highways. Subject to easements, restrictions, and zoning ordinances, if any, visible or of record.

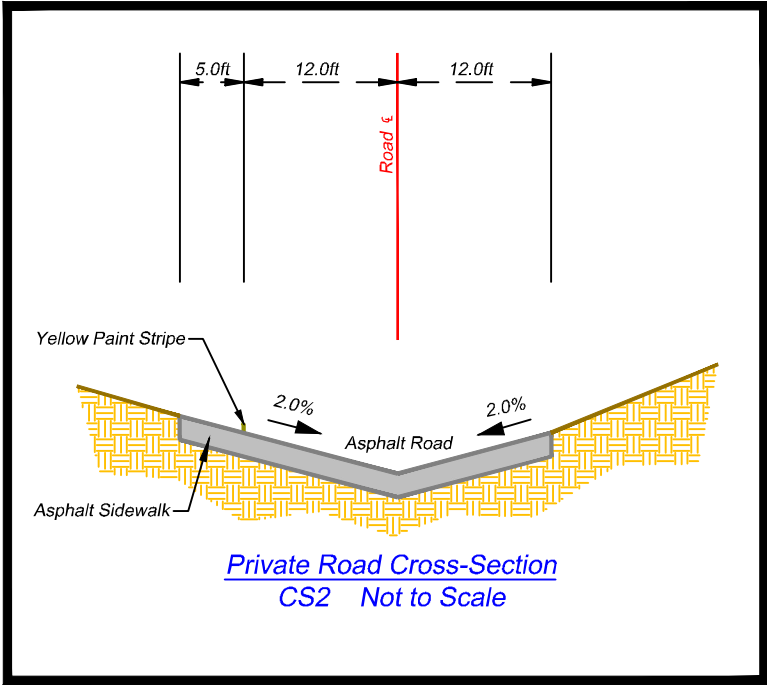
EXCEPTING THEREFROM the 0.517 Acre tract of land described in the conveyance to Skylar Vendrely in Allen County Document No. 2022059629;

ALSO EXCEPTING THEREFROM the 0.488 Acre tract of land described in the conveyance to Ollie F. Snyder in Allen County Document No. 2020022464 (see also Doc. No. 890025060); and

ALSO EXCEPTING THEREFROM the 0.517 Acre tract of land described in the conveyance to Cathleen A. Distelrath in Allen County Document No. 2010017094

Said tract containing 1.84 Acres, more or less, net after removing said exceptions.

Legend	
	Existing Contours
	Water Line
	Storm Line
	Sanitary Line
	Building Line
	Esmt Line
	Storm Str
	Sanitary Manhole
	Pavement
	Sidewalk



Developer:
Daniel Jr. & Cynthia Purvis
2819 Cliffwood Ln.
Fort Wayne, IN 46825

Area Schedule		
Bldg Type	Number of Units	Total Area
Building Unit	1 BR-40	15,120 sf

Engineer:
DABEC
D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrownengineering.com

Revisions	
Date:	Description:
03/06/2023	
As Noted	
Job No.	Sheet No.
----	1 of 1



SIDE ELEVATION



FRONT ELEVATION

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

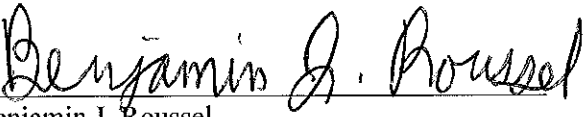
Rezoning Petition REZ-2023-0011

PROPOSAL:	Rezoning Petition REZ-2023-0011– Reed Road Apartments
APPLICANT:	Skyler Vendrely
REQUEST:	To rezone property from R1/Single Family Residential to R3/Multiple Family Residential.
LOCATION:	1411 Reed Road, at the southwest corner of Reed and Lake Avenue (Section 5 of Adams Township)
LAND AREA:	1.84 acres
PRESENT ZONING:	R1/Single Family Residential and RP/Planned Residential
PROPOSED ZONING:	R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0011 be returned to Council, with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. Existing multiple family uses and RP/Planned Residential zoning which permits multiple family uses are adjacent to the proposed development. This proposal is located within the Conceptual Development Map within the Comprehensive Plan.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The area has been historically residential and several multiple family complexes have developed in close proximity to the site.
3. Approval is consistent with the preservation of property values in the area. The site has historically been underdeveloped with most of the site vacant. The surrounding area has already been developed. This proposal will allow reinvestment within the northeast quadrant of Fort Wayne.
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. The rezoning is consistent with adjacent residential zoning.

Based upon the foregoing findings, the site committee recommends approval, on April 17, 2023.


Benjamin J. Roussel
Executive Director
Secretary to the Commission