

#REZ-2023-0012

BILL NO. Z-23-04-13

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-06 (Sec. 5 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 an I1 (Limited
Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Part of the Fractional Southwest Quarter of Section 5, Township 30 North, Range 12 East,
Allen County, Indiana; together with 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 Southwest corner of said Section 5, marked by a cast iron monument;
thence North 00 degrees 27 minutes 49 seconds West (bearings in this description are
based on the INDOT plans for Illinois Road), on and along the West line of said Fractional
Southwest Quarter a distance of 70.00 feet to a #5 rebar at the point of intersection of said
West line with the North right-of-way line of Illinois Road (former State Road #14, Proj. 387
Sec (4) 1963), as established in Deed Record 667, pages 603 and 604, in the Office of the
Recorder of Allen County, Indiana; thence North 00 degrees 27 minutes 49 seconds West,
continuing on and along said West line, a distance of 1003.06 feet to a #4 rebar at the
Northwest corner of a 10.00 acre tract of real estate described in a deed to DeHaven
Holdings, LLC, in Document Number 204011678 in the Office of said Recorder, this being
the true point of beginning; thence North 00 degrees 27 minutes 49 seconds West,
continuing on and along said West line, a distance of 1564.94 feet to the West Quarter
corner of said Section 5, marked by a County witnessed 0.5 inch diameter pipe; thence
South 89 degrees 49 minutes 28 seconds East, a distance of 357.97 feet to a 1 inch diameter
pipe at the point of intersection of said North line with the Southwesterly right-of-way line
of the Pennsylvania Railroad; thence South 72 degrees 13 minutes 15 seconds East, on and
along said Southwesterly right-of-way line, a distance of 146.37 feet to a #4 rebar at the
Northeast corner of a 29.125 acre base tract of real estate described in a deed to Jennifer
DeHaven Bryan in Document Number 2008039129 in the Office of said Recorder; thence
South 00 degrees 26 minutes 57 seconds East, on and along the East line of said 29.125 acre
base tract, a distance of 2513.31 feet to a #5 rebar at the Southeast corner thereof, being a
point on said North right-of-way line of Illinois Road; thence South 89 degrees 33 minutes
00 seconds West, on and along said North right-of-way line, a distance of 59.22 feet to a #4
rebar at the Southeast corner of the said 10.00 acre tract; thence North 00 degrees 30
minutes 08 seconds West, on and along the East line of said 10.00 acre tract, a distance of

1 997.41 feet to a #5 rebar at the Northeast corner thereof; thence South 89 degrees 38
2 minutes 11 seconds West, on and along the North line of said 10.00 acre tract, a distance of
3 436.43 feet to the true point of beginning, containing 19.117 acres of land, subject to all
4 easements of record. This description is based on a survey by Sauer Land Surveying, Inc.,
dated February 11, 2013, and numbered 099-137"A".

5 and the symbols of the City of Fort Wayne Zoning Map No. F-06 (Sec. 5 of Wayne
6 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
7 Wayne, Indiana is hereby changed accordingly.

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

13
14 SECTION 3. That this Ordinance shall be in full force and effect from and after its
15 passage and approval by the Mayor.

16 _____
Council Member

17
18 APPROVED AS TO FORM AND LEGALITY:

19 _____
20 Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0012
Bill Number: Z-23-04-13
Council District: 4-Jason Arp

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 19.12 acres from C3/General Commercial to I1/Limited Industrial

Location: 5250 Illinois Road

Reason for Request: To allow for a 3 building industrial/business park.

Applicant: Khatri LLC

Property Owner: Khatri LLC

Related Petitions: Primary Development Plan, Hummingbird Business Park

Effect of Passage: Property will be rezoned to the I1/Limited Industrial zoning district, which permits light intensity industrial uses.

Effect of Non-Passage: The property will remain zoned C3/General Commercial which permits a variety of commercial uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Khatri LLC (Rakesh Khatri)
Address 14821 Heron Lake Xing
City Fort Wayne State IN Zip 46814
Telephone 260-432-7612 E-mail rakeshk10@gmail.com

Contact Person
Contact Person Derek Simon, PE (MLS Engineering, LLC)
Address 10060 Bent Creek Blvd
City Fort Wayne State IN Zip 46825
Telephone 260-489-8571 x2 E-mail derek@mlswebsite.us

All staff correspondence will be sent only to the designated contact person.

Derek Simon: derek@mlswebsite.us Brett Miller: brett@mlswebsite.us

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property Illinois Rd, Fort Wayne, IN 46804
Present Zoning C3 Proposed Zoning I1 Acreage to be rezoned 19.117 AC
Proposed density 3 units / 19.117 ac = 0.157 units per acre
Township name Wayne Township section # 5
Purpose of rezoning (attach additional page if necessary) _____
This petition is requesting to rezone property from C3 (General Commercial) to
I1 (Limited Industrial).
Sewer provider City of Fort Wayne Water provider City of Fort Wayne

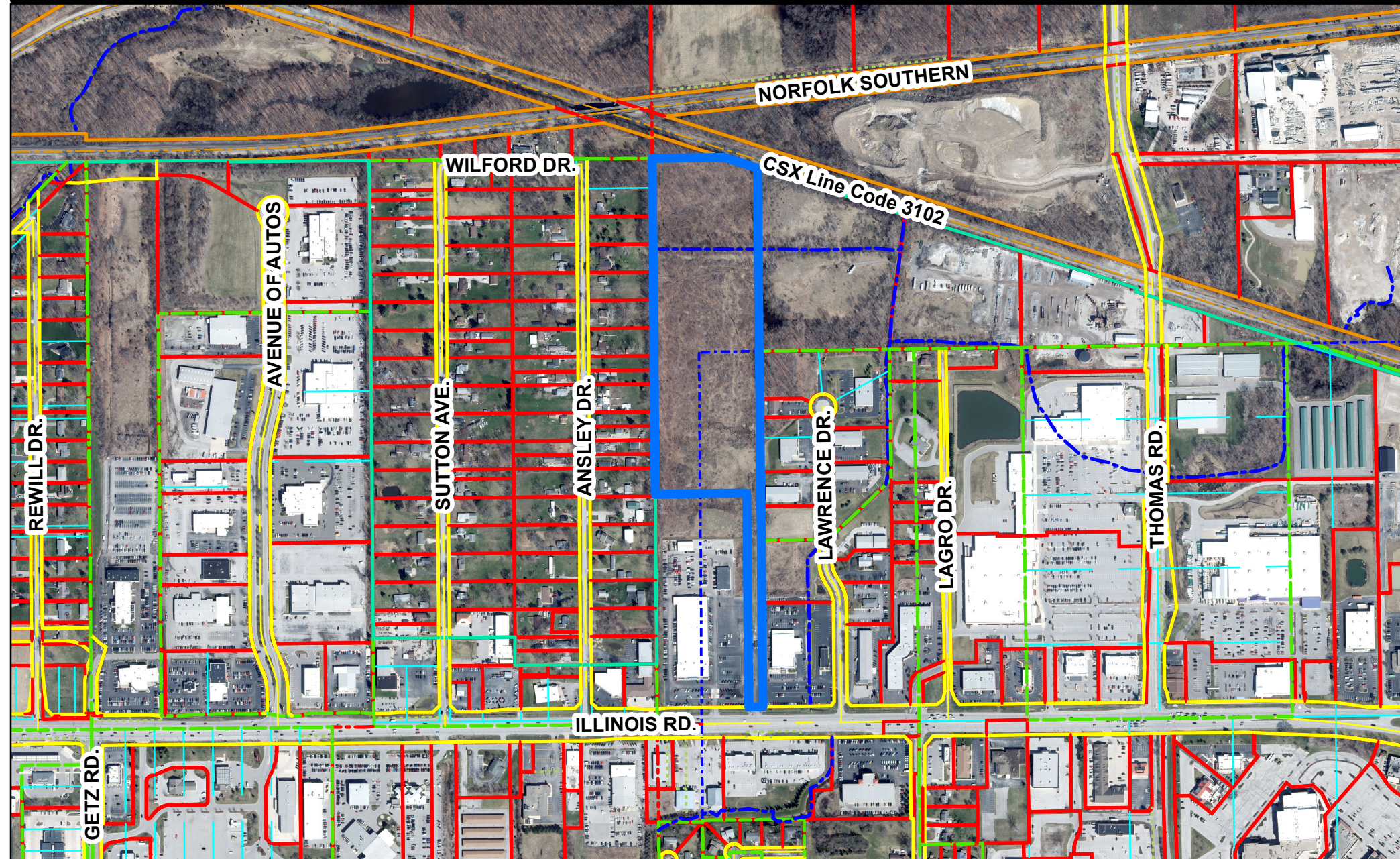
Filing Requirements
*Applications will not be accepted unless the following filing requirements are submitted with this application.
Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- ☒ 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/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.

<u>RAKESH KHATRI</u> (printed name of applicant)	<u>Rakesh Khatri</u> (signature of applicant)	<u>3/28/23</u> (date)
<u>RAKESH KHATRI</u> (printed name of property owner)	<u>Rakesh Khatri</u> (signature of property owner)	<u>3/28/23</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>3-29-23</u>	Receipt No. <u>142824</u>	Hearing Date <u>5-8-23</u>	Petition No. <u>REZ-2023-0012</u>
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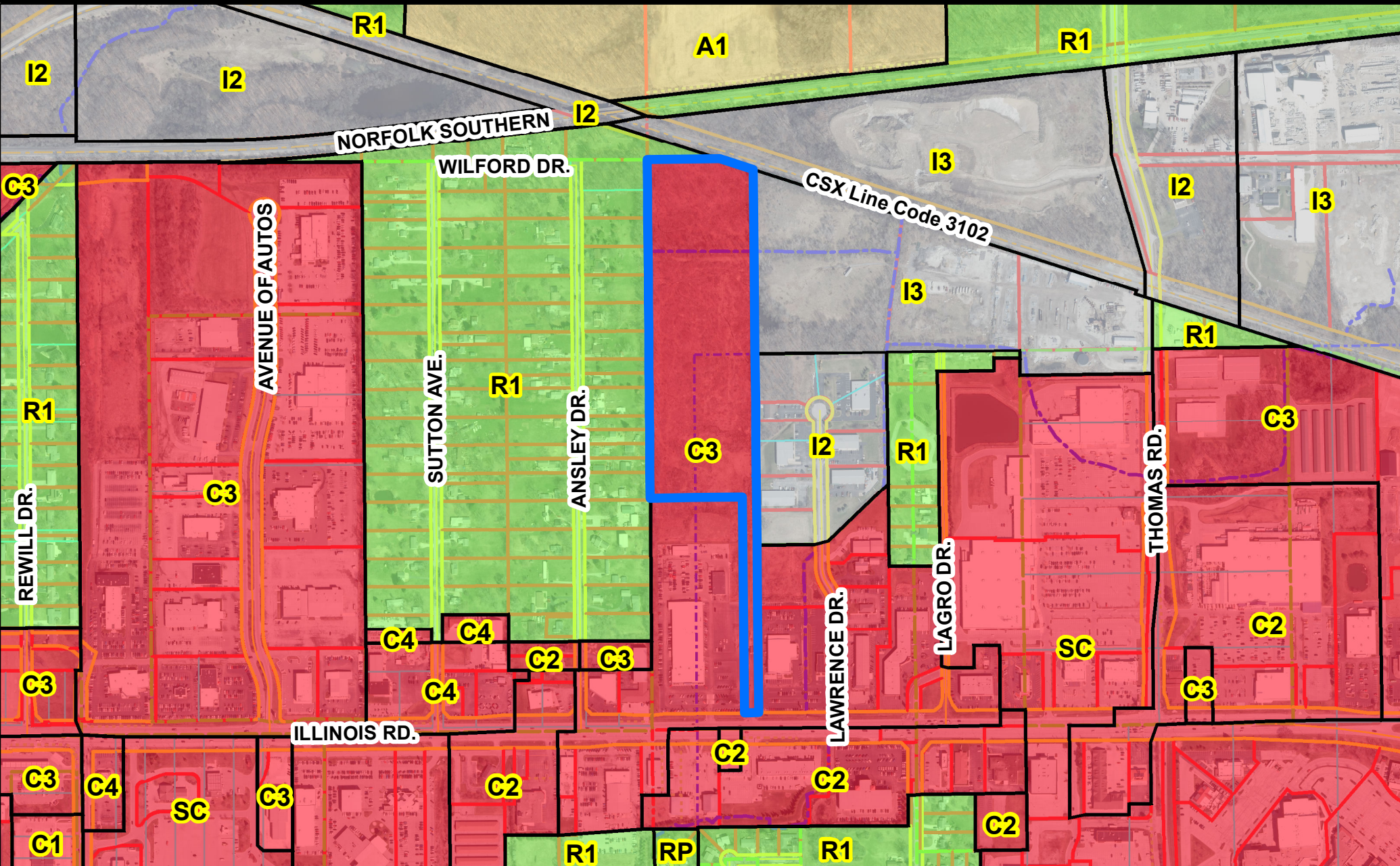
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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

0 500 1,000 Feet



1 inch = 600 feet



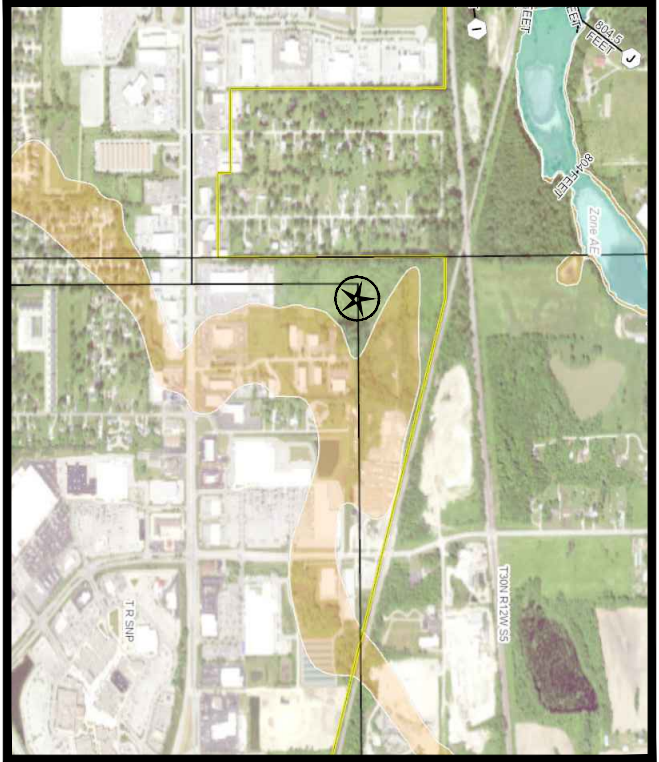
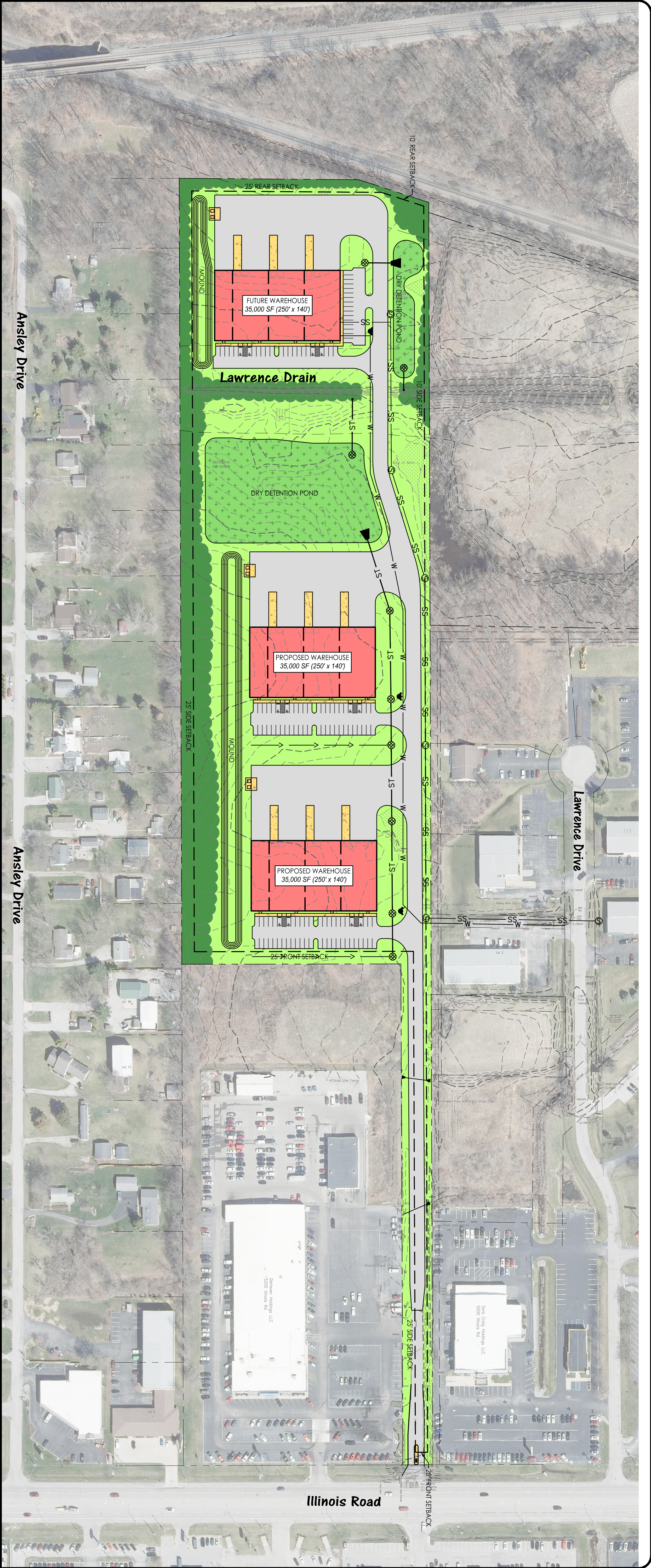
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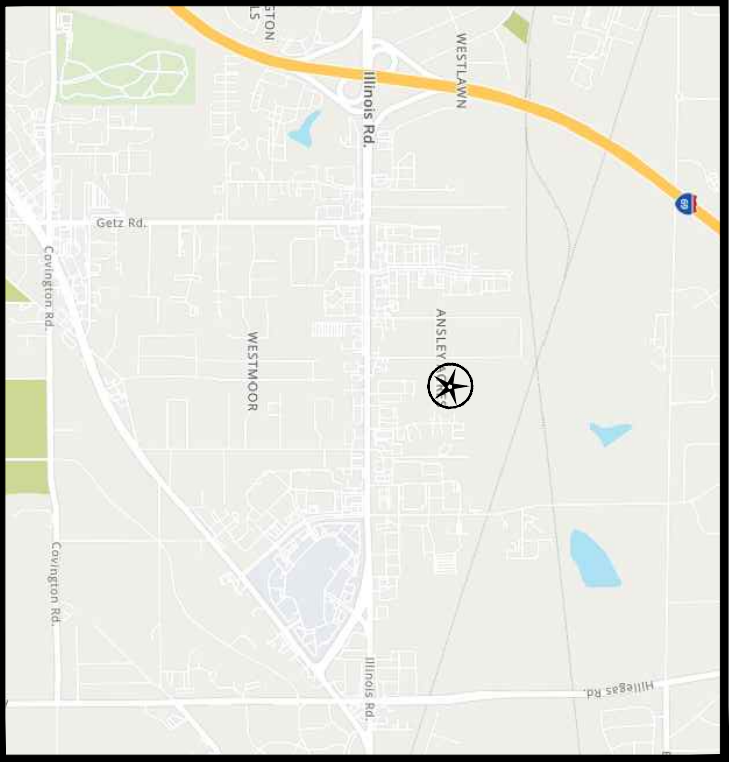
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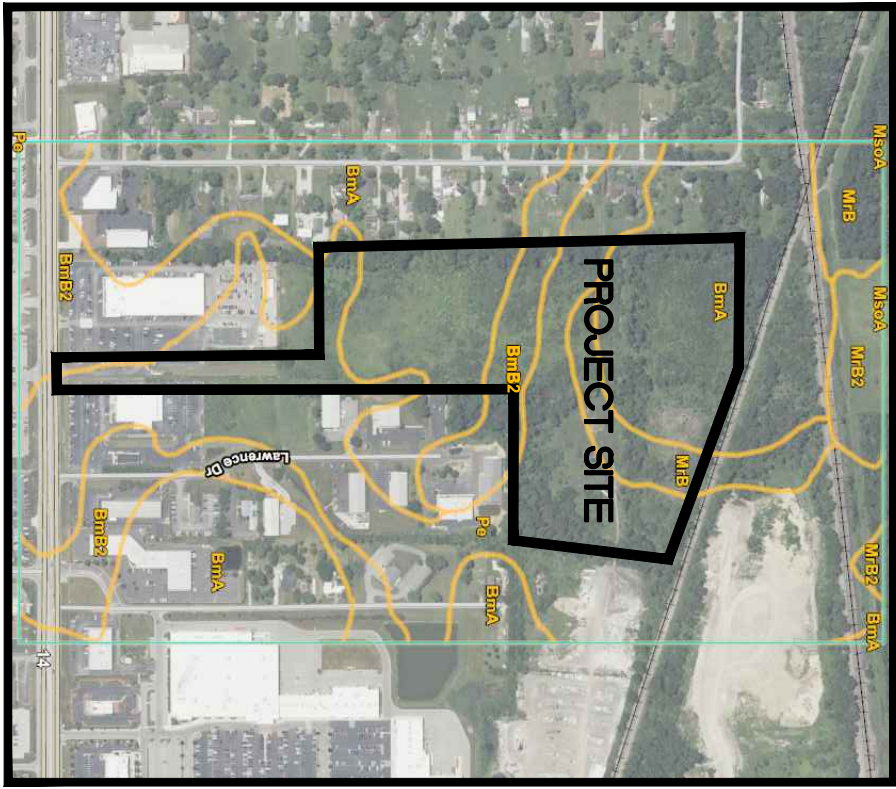
1 inch = 600 feet



⊕ - PROJECT SITE
FLOOD INSURANCE RATE MAP (FIRM)
NOT TO SCALE
AUGUST 3, 2009 / MAP# 18003C0286C



⊕ - PROJECT SITE
PROJECT SITE VICINITY MAP
NOT TO SCALE



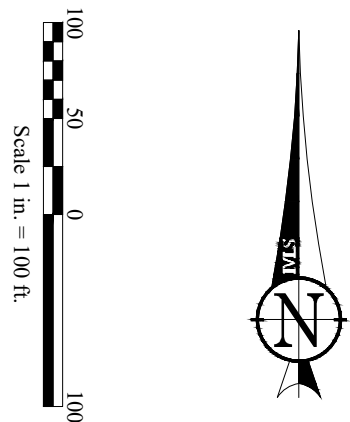
ALLEN COUNTY SOIL SURVEY MAP
NOT TO SCALE

PROJECT SUMMARY			
PARCEL ADDRESS:	TUNOS ROAD, FORT WAYNE, IN 46804	TOTAL LOT ACREAGE:	19.116 ACRES
TOWNSHIP NAME:	WAYNE	TOTAL LOT IMPREVIOUS SURFACE:	8.631 ACRES
TOWNSHIP SECTION:	5	TOTAL LOT COVERAGE:	(8.631 / 19.116 AC.) 100 = 45% LOT COVERAGE
EST. CONSTRUCTION START DATE:	AUGUST 2023	PARKING REQUIREMENTS:	INDUSTRIAL = 1 SPACE PER 1,000 SQ. FT. = 105 SPACES
EST. CONSTRUCTION END DATE:	AUGUST 2025	PARKING PROVIDED:	12 ADA SPACES + 128 STANDARD SPACES = 140 SPACES
CURRENT ZONING CLASSIFICATION:	C3 (GENERAL COMMERCIAL)	LANDSCAPING:	SEE SHEET PDP-2 FOR LANDSCAPE PLAN SHOWING BUFFER YARDS AND MINIMUM PLANTINGS PER ORDINANCE REQUIREMENTS.
PROPOSED ZONING CLASSIFICATION:	I1 (LIMITED INDUSTRIAL)	SITE LIGHTING:	SITE LIGHTING WILL BE DESIGNED TO COMPLY WITH THE ZONING ORDINANCE AND SUBMITTED TO DRS FOR REVIEW AND PERMITTING DURING THE SECONDARY DEVELOPMENT PLAN PROCESS.
CURRENT USE:	UNDEVELOPED	SIGNAGE:	SIGNAGE WILL BE DESIGNED COMPLY WITH THE ZONING ORDINANCE AND SUBMITTED TO DRS FOR REVIEW AND PERMITTING DURING THE SECONDARY DEVELOPMENT PLAN PROCESS.
PROPOSED USE:	INDUSTRIAL WAREHOUSING	GARBAGE COLLECTION:	DUMPSTER ENCLOSURES
NUMBER OF BUILDINGS:	(3) INDUSTRIAL WAREHOUSE BUILDINGS	SANITARY UTILITY SERVICE:	CITY OF FORT WAYNE
TOTAL BUILDING FOOTPRINT:	(3) X 35,000 SQ. FT. = 105,000 SQ. FT.	WATER UTILITY SERVICE:	CITY OF FORT WAYNE
BUILDING HEIGHT:	MAXIMUM HEIGHT = 40 FEET	STORMWATER OUTLET:	DRY DETENTION PONDS WITH OUTLET TO LAWRENCE DRAIN
NUMBER OF TENANTS:	(9) 10,000 SQ. FT. UNITS + (3) 5,000 SQ. FT. UNITS = 12 TENANTS		

PROPOSED FEATURES LEGEND

- = BUILDING
- = ASPHALT PAVEMENT
- = CONCRETE SIDEWALK / PAVEMENT
- = DRY DETENTION POND
- = GRASS
- = EXISTING TREES LEFT UNDISTURBED

- = EXISTING PROPERTY / RIGHT-OF-WAY LINE
- = EXISTING UTILITY EASEMENT
- = BUILDING SETBACK LINE
- = STORM PIPE AND PIPE END SECTION
- = SANITARY PIPE
- = WATER PIPE



Derek J. Simon, PE
Professional Engineer
No. 19100016
State of Indiana

MLS Engineering
ENGINEERING YOUR TOMORROW...TODAY

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10060 Bent Creek Boulevard
Fort Wayne, IN 46825
Phone: (260) 489-8571
www.mlswebsite.us

Monroe Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

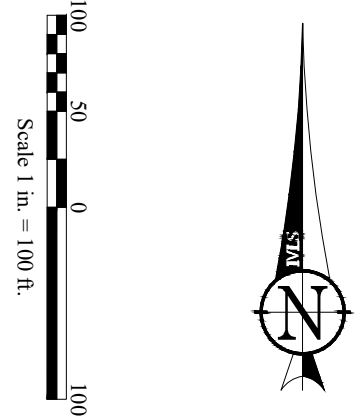
PREPARED FOR:
Khatiri LLC
14821 Heron Lake Xing
Fort Wayne, IN 46814
(260) 432-7612

REVISIONS:			

Hummingbird Business Park
Illinois Road
Fort Wayne, Indiana 46804
Primary Development Plan
Site Plan

Date: 03-28-2023
Design By: ABN
Checked By: DJT
Project No.: 13082420.22
Sheet Number

PDP-1



- PROPOSED FEATURES LEGEND**
- BUILDING FOOTPRINT
 - ASPHALT PAVEMENT
 - CONCRETE SIDEWALK / PAVEMENT
 - DRY DETENTION POND
 - GRASS
 - EXISTING TREES LEFT UNDISTURBED
 - BUILDING SETBACK LINE
 - SHADE TREE
 - EVERGREEN TREE
 - LARGE SHRUB

Derek J. Simon, P.E.
Professional Engineer
No. 16150016
State of Indiana
Derek J. Simon, P.E.

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PREPARED FOR:
Khatiri LLC
14821 Heron Lake Xing
Fort Wayne, IN 46814
(260) 432-7612

REVISIONS:	

Hummingbird Business Park
Illinois Road
Fort Wayne, Indiana 46804
Primary Development Plan
Landscape Plan

Date: 03-28-2023
Design By: ABN
Checked By: DJS
Project No: 13082420.22
Sheet Number

PDP-2

FACT SHEET

Case #REZ-2023-0012		Bill # Z-23-04-13	Project Start: May 2023
APPLICANT:	Khatri LLC		
REQUEST:	To rezone property from C3/General Commercial to I1/Limited Industrial for a 3-structure industrial development		
LOCATION:	5250 Illinois Road, 350 feet west of its intersection Lawrence Drive (Section 5 of Wayne Township)		
LAND AREA:	19.12 acres		
PRESENT ZONING:	C3/General Commercial		
PROPOSED ZONING:	I1/Limited Industrial		
COUNCIL DISTRICT:	4-Jason Arp		
SPONSOR:	Fort Wayne Plan Commission		

May 8, 2023 Public Hearing

- No one from the public spoke at the hearing.
- Paul Sauerteig was absent.

May 15, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Judi Wire and seconded by Karen Richards to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Tom Freistroffer and Paul Sauerteig were absent.

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

PROJECT SUMMARY

Site History:

- The property consists of unimproved field zoned C3/General Commercial.
- A Primary Development Plan was approved in 2017 to allow an assisted living facility, but construction never occurred.

Background:

The petitioner requests a rezoning from C3/General Commercial to I1/limited industrial to permit a 3-structure industrial development. The project site is located behind and north of the DeHaven Chevrolet dealership. The north side of Illinois Road from Ardmore to I-69 has a variety of commercial and industrial uses, as well as small pockets of suburban residential neighborhoods. This parcel is undeveloped, and zoned C3/General Commercial, which can allow higher intensity commercial development with outdoor activity, such as auto sales and repair, boat sales, equipment rental, and uses with outdoor storage and display. The I1/Limited Industrial zoning district focuses on light industrial uses performed indoors, with limited outdoor storage or display. The I1/Limited Industrial district can be considered a buffer between heavier industrial districts and business and residential districts. In cases where the proposed use is considered *potentially* compatible, the Comprehensive Plan recommends mitigation efforts such as landscaping, setbacks, and building design.

The site plan includes three 35,000 square foot structures. There is an approximate 1000-foot drive that accesses Illinois Road. The applicant intends to build two of the spec buildings with a potential to build a third further north on the site. All three proposed buildings have separate parking areas and dumpsters. The site is large enough that all three buildings are at least 100 feet from the residential neighborhood to the west. The plan appears to meet all development standards except for a proposed alternate landscape plan. The applicant intends to keep the existing tree line along the west side of the property that is adjacent to a residential subdivision. The plan also includes a proposed 5-foot-tall mound along the tree line, with evergreens planted every 20 feet. The Lawrence Drain bisects the property near the proposed dry detention pond.

Comprehensive Plan Review:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 7 – Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings.

Generalized Future Land Use Map

- The project site is located within the Regional Commercial generalized land use category.
- Similar Primary Land Uses in this category are Moderate Multiple-User Business and Service.

- Adjacent properties are categorized as Regional Commercial, Production Center, and Suburban Neighborhood

Compatibility Matrix

- This proposed use is permitted in I1/Limited Industrial which is considered compatible with Regional Commercial, Production Center and potentially compatible with Suburban Neighborhood.

Other applicable plans: none

Staff received no remonstrance against the proposal.

PUBLIC HEARING SUMMARY:

Presenter: Josh Neal, representing the developer Dr. Khatri, presented the request as outlined above. A neighborhood meeting was held with 6 attendees. They will keep as many trees along the south property line as possible, as well as install a mound with evergreen trees. They have found an unmet demand for this product.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

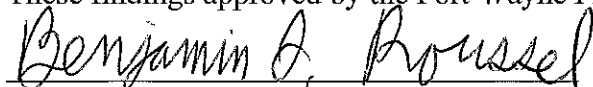
Rezoning Petition REZ-2023-0012

APPLICANT: Khatri LLC
REQUEST: To rezone property from C3/General Commercial to I1/Limited Industrial for a 3-structure industrial development with an alternative landscape plan.
LOCATION: 5250 Illinois Road, 350 feet west of its intersection Lawrence Drive (Section 5 of Wayne Township)
LAND AREA: 19.117 acres
PRESENT ZONING: C3/General Commercial
PROPOSED ZONING: I1/Limited Industrial

The Plan Commission recommends that Rezoning Petition REZ-2023-0012 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. The property is being rezoned to a less intensive district that eliminates the potential of outdoor storage or automotive uses. Existing industrial zoning districts are located to the east of this parcel and creates a buffer between I3/Heavy Industrial to the east and R1/Single Family Residential to the west.
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 applicant is proposing to introduce mounding along the west side of the property adjacent to the residential zoning. The rest of the site is similar in character to commercial and industrial sites to the east and to the south.
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 in the southwest 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 industrial zoning adjacent to the east.

These findings approved by the Fort Wayne Plan Commission on May 11, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission