

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-2023-0030
Bill Number: Z-23-06-32
Council District: 5-Geoff Paddock

Introduction Date: June 27, 2023

Plan Commission
Public Hearing Date: July 10, 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 0.11 acres from R2/Two Family to UC/Urban Corridor

Location: 1705 Wells Street

Reason for Request: To allow for downstairs to be used as a coffee shop, and to match existing corridor zoning district.

Applicant: Nicole Wall

Property Owner: Nicole Wall

Related Petitions: none

Effect of Passage: Property will be rezoned to the UC/Urban Corridor zoning district, which permits a mix of residential and light commercial uses.

Effect of Non-Passage: The property will remain zoned R2/Two Family Residential and may continue as a single or two family home.



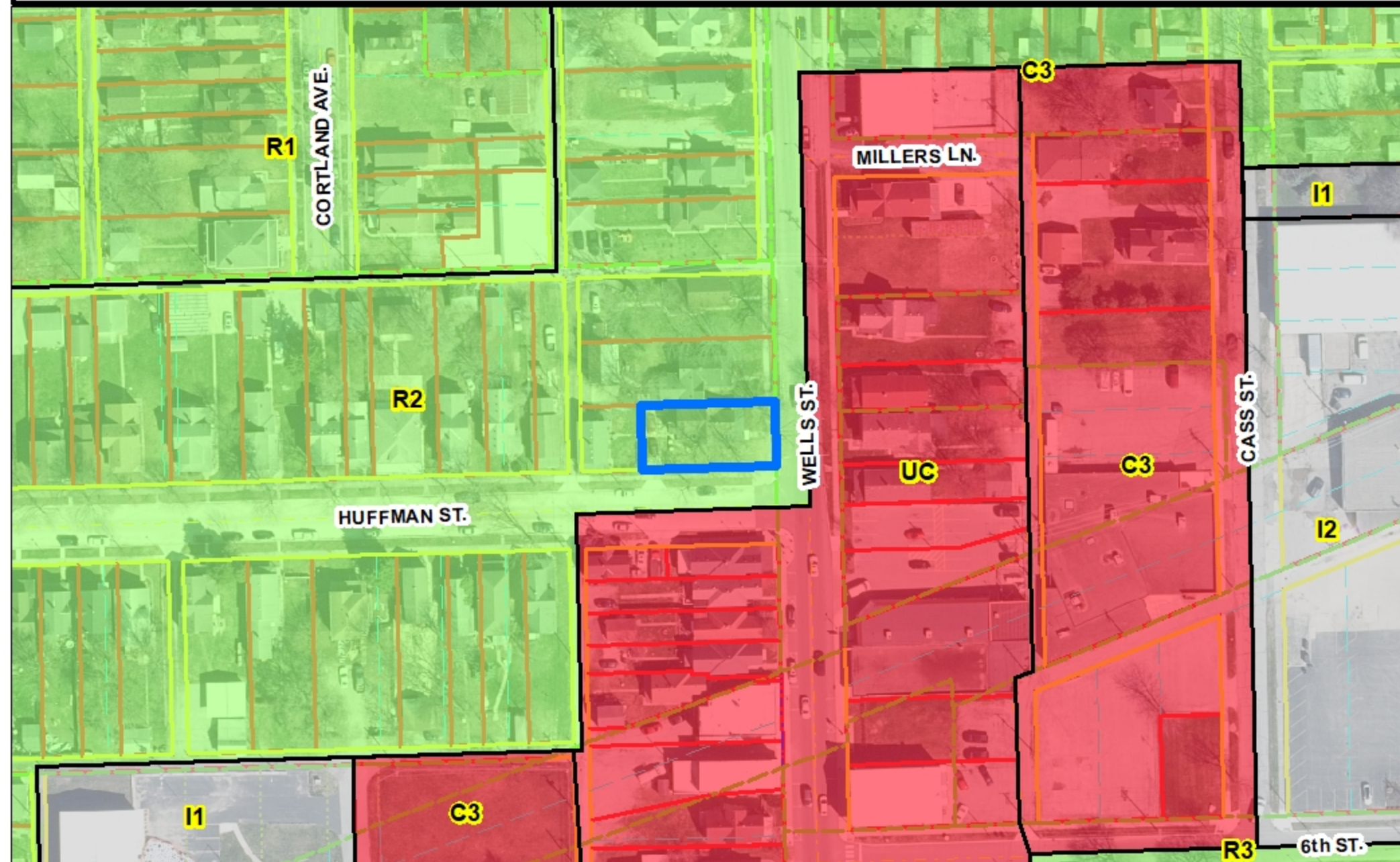
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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/22/2023

0 50 100 Feet



1 inch = 100 feet



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Department of Planning Services Rezoning Petition Application

Applicant
Applicant Nicole S. Wall
Address 8810 Laurel Hurst Pl.
City Fort Wayne State IN Zip 46835
Telephone 260-580-3671 E-mail NikiSWall@gmail.com

Property Ownership
Property Owner Nicole S. Wall
Address 1705 N. Wells St.
City Fort Wayne State IN Zip 46807
Telephone 260-580-3671 E-mail NikiSWall@gmail.com

Contact Person
Contact Person Nicole S. Wall
Address 8810 Laurel Hurst Pl.
City Fort Wayne State IN Zip 46835
Telephone 260-580-3671 E-mail NikiSWall@gmail.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 1705 N. Wells St. Township and Section Wayne/074 Ft Wayne (9145)
Present Zoning R2 Proposed Zoning UC Acreage to be rezoned .11
Purpose of rezoning (attach additional page if necessary) Retail - multi use

Sewer provider City Utilities Water provider City Utilities

Filing Checklist
Applications will not be accepted unless the following filing requirements are submitted with this application.
☐ Filing fee \$1000.00
☐ Surveys showing area to be rezoned
☐ Legal Description of parcel to be rezoned
☐ Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Nicole S. Wall Nhwa 6/6/23
(printed name of applicant) (signature of applicant) (date)
Nicole S. Wall Nhwa 6/6/23
(printed name of property owner) (signature of property owner) (date)



Received <u>6/6/23</u>	Receipt No. <u>143375</u>	Hearing Date <u>7/10/23</u>	Petition No. <u>Re2-2023-0030</u>
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Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



SURVEYOR'S REPORT

Date/Job No.: November 3, 2022 #22-6263
Job for: Book
Legal Description: Part of Lot 3 Huffman's Addition
Address: 1705 N. Wells Street

1) In accordance with Title 865, Article 1, Rule 12, Section 1 through 30, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- A) Degree of Precision and Accuracy;
- B) Variances in the reference monuments;
- C) Discrepancies in record descriptions and plats;
- D) Inconsistencies in lines of occupation;

The acceptable relative positional accuracy of the corners of the subject tract established on this survey is within the specifications for a Suburban Survey as defined in IAC 865.

- 1. No Variances in the reference monuments.
- 2. Discrepancies in record descriptions and plats of 0.3 ft. exists along the North property line of the West adjoiner.
- 3. No Inconsistencies in lines of occupation

The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. *Donovan Surveying, Inc.* should be notified of any additions or revisions that may be required.

The survey has been prepared to facilitate the transfer of this property and is not to be used for other purposes without the written permission of *Donovan Surveying, Inc.* Copies of this survey may be used for archival purposes only. This document is not valid without the original hand and seal and full remittance.

2) Distances between property corners conform to the dimensions on the recorded plat.

A specific type of monument is not called for on the recorded plat of this subdivision. Therefore, none of the survey monuments found can, with any reliability, be called original. Monuments found appear to be in general uniformity with the recorded plat. The boundary lines are established using monuments by common report.

The basis of bearings for this survey are GPS bearings tied to the State Plane Coordinate System, as supplied by Indiana Department of Transportation (INDOT) INCORS network, Geodetic Datum: NAD83

Subsurface and environmental conditions were not examined or considered to be part of this survey.

This survey and report does not investigate the possibility of unwritten rights. It is not the intent of this survey or Professional Surveyor to determine ownership, rights of ownership nor title of the property.

This survey is the opinion of a licensed Professional Surveyor in the State of Indiana as to the actual location of the lines and corners called for on the deed description/plat. This opinion is based on logic, relevant field and research evidence and established Standard of Care

The purpose of this survey is a retracement of a platted lot.

The Southwest and Southeast property corners are located 13.9 ft. North of the 32 ft. wide pavement of Huffman St.
The Northeast and Southeast property corners are located 14.9 ft. West of the 30 ft. wide pavement of Wells. St.

The Northeast property corner is located 50.00 ft. (measured & plat) South of a 3/8-inch iron pin found at the Northeast corner of Lot No. 2.

The Southwest property corner is located 45.00 ft. (measured & plat) East of a 3/8-inch iron pin found at the Southwest corner of Lot No. 3.

The Northwest property corner is located 44.70 ft. measured, 45.00 ft. recorded, East of a 5/8-inch iron pin with C&D Firm No. 0026 cap found at the Northwest corner of Lot No. 3.

A survey dated 1-8-03 by KW Harris on Lot No. 3 was used as a reference.

A survey dated 8-5-76 by JR Donovan on Lot No. 3 was used as a reference.

FACT SHEET

Case #REZ-2023-0030	Bill # Z-23-06-32	Project Start: June 2023
APPLICANT:	Nicole Wall	
REQUEST:	Rezone property from R2/Two Family Residential to UC/Urban Corridor.	
LOCATION:	1705 Wells Street, northwest corner of its intersection with Huffman Street (Section 35 of Washington Township)	
PRESENT ZONING:	R2/Two Family Residential	
PROPOSED ZONING:	UC/Urban Corridor	
COUNCIL DISTRICT:	5 – Geoff Paddock	
SPONSOR:	Fort Wayne Plan Commission	

July 10, 2023 Public Hearing

- Two residents spoke in opposition.
- Two letters in opposition were submitted.
- Tom Freistroffer, Ryan Neumeister, and Paul Sauerteig were absent.

July 17, 2023 Business Meeting

Plan Commission Recommendation: DO NOT PASS

A motion was made by Karen Richards and seconded by Rachel Tobin-Smith to return the Ordinance with a Do Not Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle Wood, Senior Land Use Planner
August 8, 2023

PROJECT SUMMARY

- The residential structure was built prior to 1900.
- Historically the property has been zoned and used residentially.

The petitioner requests a rezoning from R2/Two Family Residential to UC/Urban Corridor to permit mixed uses within the existing structure. The property is located on the northwest corner of Wells Street and Huffman Street. The surrounding zoning districts consist of R2/Two Family Residential to the north and west with UC/Urban Corridor zoning to the south and east. The area features a mix of uses and buildings that are over 100 years old. The current use of the residential structure is a duplex which would also be permitted in the requested UC/Urban Corridor zoning district. The structure is built facing Wells Street and would not meet current Fort Wayne Zoning Ordinance front or side yard setbacks for a duplex in the R2/Two Family Residential zoning district. The current structure would meet development standards for a duplex in the UC/Urban Corridor zoning district.

The applicant intends to use the space for low-intensity retail, as described in the rezoning criteria responses supplied by the applicant, below. Staff notes that parking will need to be addressed. The UC/Urban Corridor zoning district generally does not have a minimum off-street parking requirement. However, when converting a residential structure to a commercial structure adequate parking is required (§157.407 B, 2). The typical number of parking spaces is measured 1 per 400 square feet for the commercial portion. A new parking lot would also need to meet landscaping and setback standards. It is likely that if some or all the building were to be remodeled a parking lot permit would be required to accompany the remodel permit.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Priority Investment Area; the following Goals and Strategies would be applicable:
LUD1 - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas
LUD1.4 - Focus development and redevelopment initiatives and incentives in the Priority Investment Area to address market gaps and build momentum among private sector property owners and developers

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUP4 - Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

Generalized Future Land Use Map

- The project site is located within the Mixed Residential generalized land use category; similar Secondary Uses in this category are Low-Intensity, Neighborhood-Scale Retail; Adjacent properties are categorized as Mixed Residential and Mixed Urban Commercial Corridor.
- The following Action Steps would be applicable and supportive of this proposal:
ED.2.1.4 - Encourage additional investment in mixed-use and urban residential development in and around downtown Fort Wayne, along urban corridors leading to and from downtown, and in Town Centers.

Compatibility Matrix

- This proposed use would fall into UC/Urban Corridor which is considered compatible with the Mixed Residential and Mixed Urban Commercial Corridor.

Other applicable plans: Bloomingdale Spy Run Neighborhood Plan

While much of this area of the Wells Street corridor was rezoned to UC/Urban Corridor, the initial rezoning area stopped south of this block. The west side of the 1700 and 1800 blocks of Wells Street is almost exclusively residential. Even though the existing building setbacks would be more fitting in UC, some other standards may be difficult to meet if more houses are converted for commercial uses on this block. Some of the parcels are deep and reach the alley. As stated above, parking may be difficult to achieve for this property, as the house takes up most of the parcel and there is another structure on the alley.

The applicant submitted the following information related to the rezoning criteria set forth in state code:

1. The Comprehensive Plan: *I currently Airbnb the bottom of the home and it is renovated and I continue to do improvements. The upstairs unit is renovated but I leave it vacant. The plan is to have it merchandised to sell furnishings, local art work, unique finds and pieces. When I say staging, it is easier to also picture and visualize when selling online. I would have by appointment and possibly open hours. I currently do this through Etsy, marketplace and other online channels and will continue to use these avenues as a source. My daughter, Halli Yoder, passed away at 18 this year. She fought a rare cancer for the past 4 years. During those years and a lot of traveling to Cincinnati and Seattle, we would come up with her creative ventures as a way to help her through this. She sold her art and ideas on Etsy and social media and a portion went to pediatric cancer. I started talking to people in Fort Wayne that could help answer zoning questions over a years ago, but we never had time to take the next steps. She would use the upstairs as her apartment when she wanted some freedom and then tell me what she needed done with the bottom for her business plans. I still sell her art, designs, local art, unique finds, and furnishings. I also stage houses for our real estate company and then sell. I was wanting to use this house to be able to merchandise and stage items as I currently use another property and its garage. I do not anticipate needing a lot of parking at all. Her phone has all her notes and plans and we would always have fun planning it. It was just the start of following through on her plans. The most renovation that would look anything like a business was going to be a small wooden sign on the wrap around porch.*
2. Current conditions and the character of current structures and uses in the district: *It is a 2000 ft Victorian home with a wrap-around porch. It is good condition and renovated to some extent inside and out. I have added concrete patio, a privacy sitting area, I would like to continue the concrete to alleviate parking issues. As of now my driveway is usable and my property goes about 8 more feet over where I could put another parking slab. I would need to ask the city if I could adjust the sidewalk as that is what I have been told by contractors. New windows, floor, replaced slab, new fence, all new interior paint and bathroom and kitchen remodels. Preserving the character of the home.*

3. The most desirable use for which the land in the district is adapted: *Very small business and by appointment or limited hours and not much anticipated traffic or parking needed. I do have parking on my property and parking can be added.*
4. The conservation of property values throughout the jurisdiction: *N/A*
5. Responsible development and growth: *As an Airbnb or even a long-term rental which I have had this home be both. I would anticipate LESS parking issues. Why? Because I would not have 3-4 cars always parked for guests and tenants for longer hours. I use my driveway and parking in front of my driveway. It would be one or two cars and my own or one employee for short periods of time and not in evening or night. I do not think that parking would be an issue. I do think that it is more of an issue currently used as. Short term rental and if I decided to use the upstairs also. I purchased a home that had a driveway and an extended lot. The recent survey shows the accuracy of where I would like to add another parking plot which was and is my intent as a short-term rental or as a small business. From observing in the few years I have owned the house, on this street and area, it is multi families living in homes with multi cars that causes the issue of parking. Not renting to multiple tenants with multiple cars would help the issue on this particular corner. The antique store has very little issues with customers needing to park during the day for a short visit to the store.*

PUBLIC HEARING SUMMARY:

Presenter: David Book, husband of the applicant, presented the request. Mr. Book stated that the UC zoning and use as a small retail shop would be better for neighborhood than the current use as a short-term rental, with fewer cars.

Public Comments:

Erica Hoy, 5th Street – Stated that Ophelia’s restaurant is taking up all of the residential parking. Concerned about deliveries and the dumpster location.

Kristin Sheldon, Huffman Street – She stated she and her husband have 5 vehicles and neighbors feud over parking all the time. Worried about kids and traffic.

Letters in opposition were received from Bloomingdale Neighborhood and Wells Street Business Corridor.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

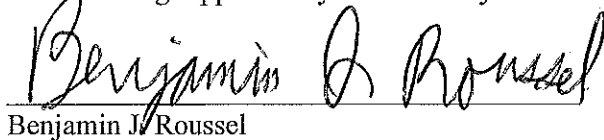
Rezoning Petition REZ-2023-0030

APPLICANT:	Nicole Wall
REQUEST:	Rezone property from R2/Two Family Residential to UC/Urban Corridor.
LOCATION:	1705 Wells Street, northwest corner of its intersection with Huffman Street (Section 35 of Washington Township)
PRESENT ZONING:	R2/Two Family Residential
PROPOSED ZONING:	UC/Urban Corridor

The Plan Commission recommends that Rezoning Petition REZ-2023-0030 be returned to Council, with a “Do Not Pass” recommendation, after considering the following:

1. Approval of the rezoning request will not be in substantial compliance with the City of Fort Wayne Comprehensive Plan and would establish an undesirable precedent in the area.
2. Approval of the request will have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The property is too small for a commercial parking lot to be installed that would meet zoning ordinance standards when it comes to setbacks and landscaping. The UC/Urban Corridor zoning is also typically considered when lots have access to a rear alley. The property does not have access to an alley, forcing traffic onto Huffman, close to the Wells Street corridor.
3. Approval is not consistent with the preservation of property values in the area. This proposal could increase on street parking and overall congestion along Huffman Street. The block in which this parcel is located is exclusively residential.
4. Approval is not consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The lot size may inhibit the adherence to commercial standards and requirements.

These findings approved by the Fort Wayne Plan Commission on July 17, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



July 5, 2023

Plan Commission and City Council,

The Bloomingdale Neighborhood Association supports economic development in the Bloomingdale Neighborhood and is an advocate for small business in Bloomingdale and along the Historic Wells Street corridor.

It does not support however, the request from Nicole Wall to Rezone the property located at 1705 Wells Street from R2/Two Family Residential to UC/Urban Corridor.

(Rezoning Petition REZ-2023-0030 – 1705 Wells Street).

The Fort Wayne Zoning Ordinance specifically states that a “UC district should allow for and encourage mixed uses with a focus on neighborhood oriented commercial and personal service uses at the street level. New development is encouraged to be compatible with the existing historic development patterns by locating buildings close to the street in order to enhance pedestrian activity along the corridor.”

We do not believe 1705 Wells Street fits the description above in the current zoning ordinance.

The building is not close to the street, nor is it at street level.

Additionally, the change from UC/ Urban Corridor on this property could trigger additional zoning change requests to the North. These are also residential structures and currently zoned R1 or R2. We do not want to contribute to the current housing shortage in Bloomingdale and the City of Fort Wayne, by changing the existing zoning for these residential structures along this section of Wells Street.

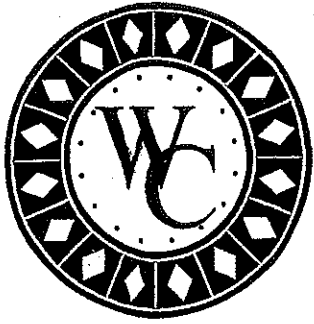
There are already business-ready, vacant occupancies along the Wells Street corridor that are zoned UC/ Urban Corridor that would potentially suit the needs of the applicant.

Parking availability along the Wells Street corridor is already an ongoing issue, and we are working with the City of Fort Wayne to find solutions. We do not want to further contribute to this existing issue by allowing this zoning request.

Sincerely,

Christopher P. Walker

Christopher P. Walker
President
Bloomingdale Neighborhood Association
260-348-1287



Wells
Corridor
Business
Association

1638 Wells Street
Fort Wayne, IN 46808
(260) 426-7859

July 8th, 2023

Plan Commission and City Council,

The Wells Corridor Business Association and the Bloomingdale Neighborhood Association have worked hand in hand to create a vibrant "live, work, and shop" environment for our neighborhood. Both organizations have volunteered many hours to help shape what is now called the Urban Corridor Zoning (UC). The UC zoning was created to provide historic business corridors and "streetcar" business corridors more appropriate zoning to keep the integrity of the businesses in addition to protecting the needs and appearance of surrounding neighborhoods.

Our organizations have worked tirelessly together to achieve this goal. The business association was mindful to protect the neighborhood housing stock. Both associations chose to keep blocks that were strictly homes, residential. This was done to protect our vibrant residential neighborhood.

The Wells Corridor Business Association is not in support of the request to re-zone 1705 Wells Street from residential to Urban Corridor (UC) zoning.

Our reasons are listed below:

1. The Fort Wayne Zoning Ordinance specifically states that a "UC district should allow for and encourage mixed uses with a focus on neighborhood oriented commercial and personal service uses at the street level. New development is encouraged to be compatible with the existing historic development patterns by locating buildings close to the street in order to enhance pedestrian activity along the corridor."

This particular property is not at street level. It is also on a block that is all residential with R2 zoning.

2. The Bloomingdale Neighborhood Association opposes the rezoning as they do not believe it would meet the UC standards and has a lack of parking availability.
3. There are several vacancies along the corridor that the petitioner could consider suitable.

As businesses in the neighborhood, we must respect what the neighborhood feels is best for their community.

Thank you for allowing us to share our support for the Bloomingdale Neighborhood Association.

WCBA Board of Directors

Shawna Nicelley

260-466-0540