

1 **#REZ-2023-0033**

2 **BILL NO. Z-23-06-35**

3
4 **ZONING MAP ORDINANCE NO. Z-_____**

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. K-18 (Sec. 34 of Washington Township)**

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the area described as follows is hereby designated a C2 (Limited
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 Lots Numbered Thirty-Two (32) and Thirty-Three (33) in Lillie Place addition to the City of
13 Fort Wayne, according to the Plat thereof, recorded in Plat Record 4, page 10, of the records
14 in the Office of the Recorder of Allen County, Indiana.

15 Excepting therefrom:

16 A part of Lot Number 32, Lillie Place Addition to the City of Fort Wayne, as recorded in
17 Plat Record 4, page 10, in the Office of the Recorder, Allen County, Indiana, as follows:

18 Beginning at the Southwest corner of said lot as it now exists; thence Northerly a distance of
19 10 feet on and along the East right-of-way line of St. Mary's Avenue; thence Southeasterly
20 to a point on the North right-of-way line of State Boulevard, a distance of 14.14 feet; thence
21 Westerly on and along said line, a distance of 10 feet to the point of beginning, said in
22 previous deed to contain 50 square feet or 0.00115 acres, more or less.

23 and the symbols of the City of Fort Wayne Zoning Map No. K-18 (Sec. 34 of Washington
24 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
25 Wayne, Indiana is hereby changed accordingly.

26 SECTION 2. If a written commitment is a condition of the Plan Commission's
27 recommendation for the adoption of the rezoning, or if a written commitment is modified and
28 approved by the Common Council as part of the zone map amendment, that written
29 commitment is hereby approved and is hereby incorporated by reference.
30

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-2023-0033
Bill Number: Z-23-06-35
Council District: 3-Tom Didier

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 0.35 acres from R3/Multiple Family Residential to C2/Limited Commercial

Location: 1020 West State Boulevard

Reason for Request: To allow the existing commercial structure to be reused as a convenience store.

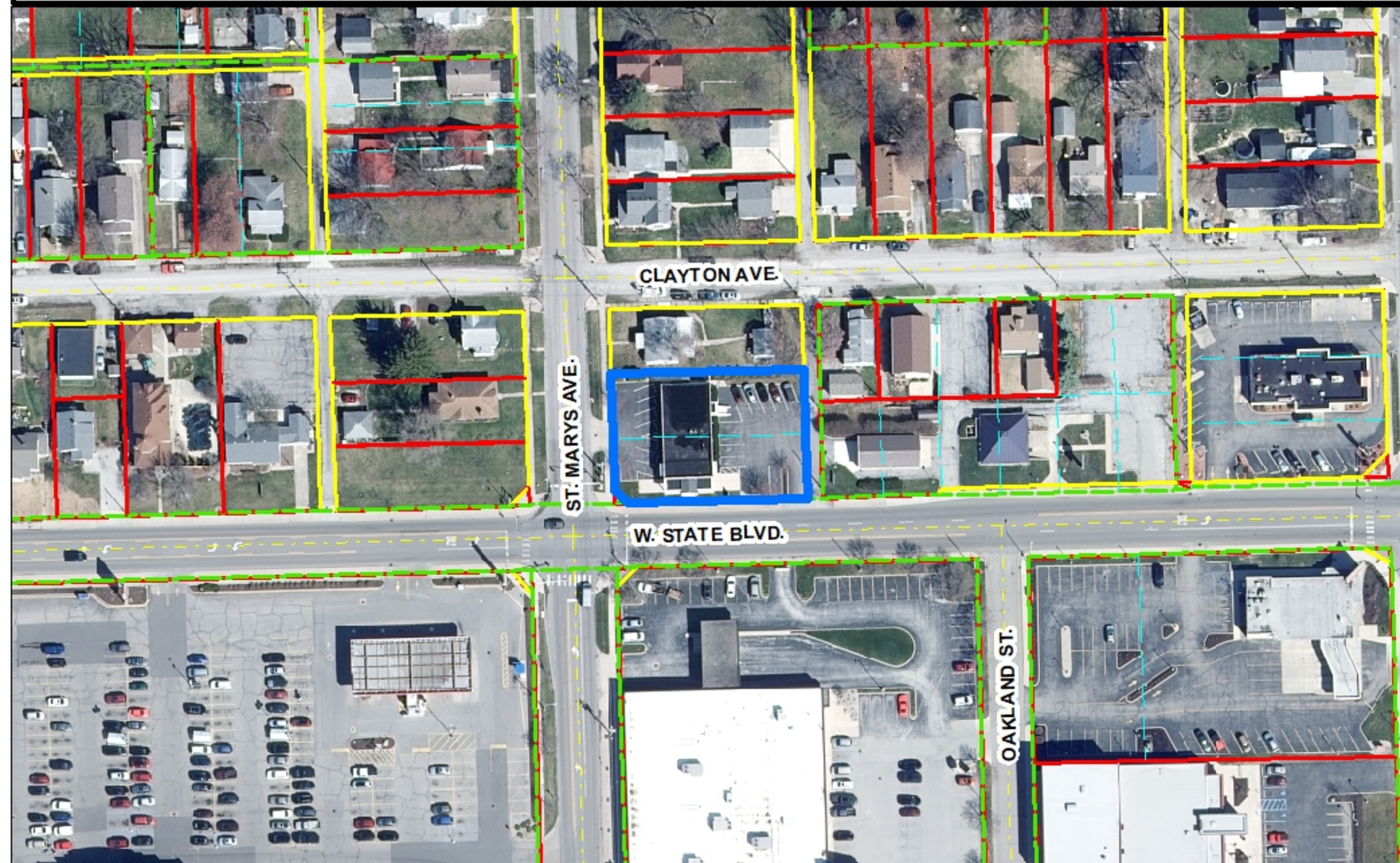
Applicant: Jujhar Singh

Property Owner: Jujhar Singh

Related Petitions: none

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which permits retail and light commercial uses.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family Residential, which does not permit commercial uses. The existing commercial structure will remain non-conforming.



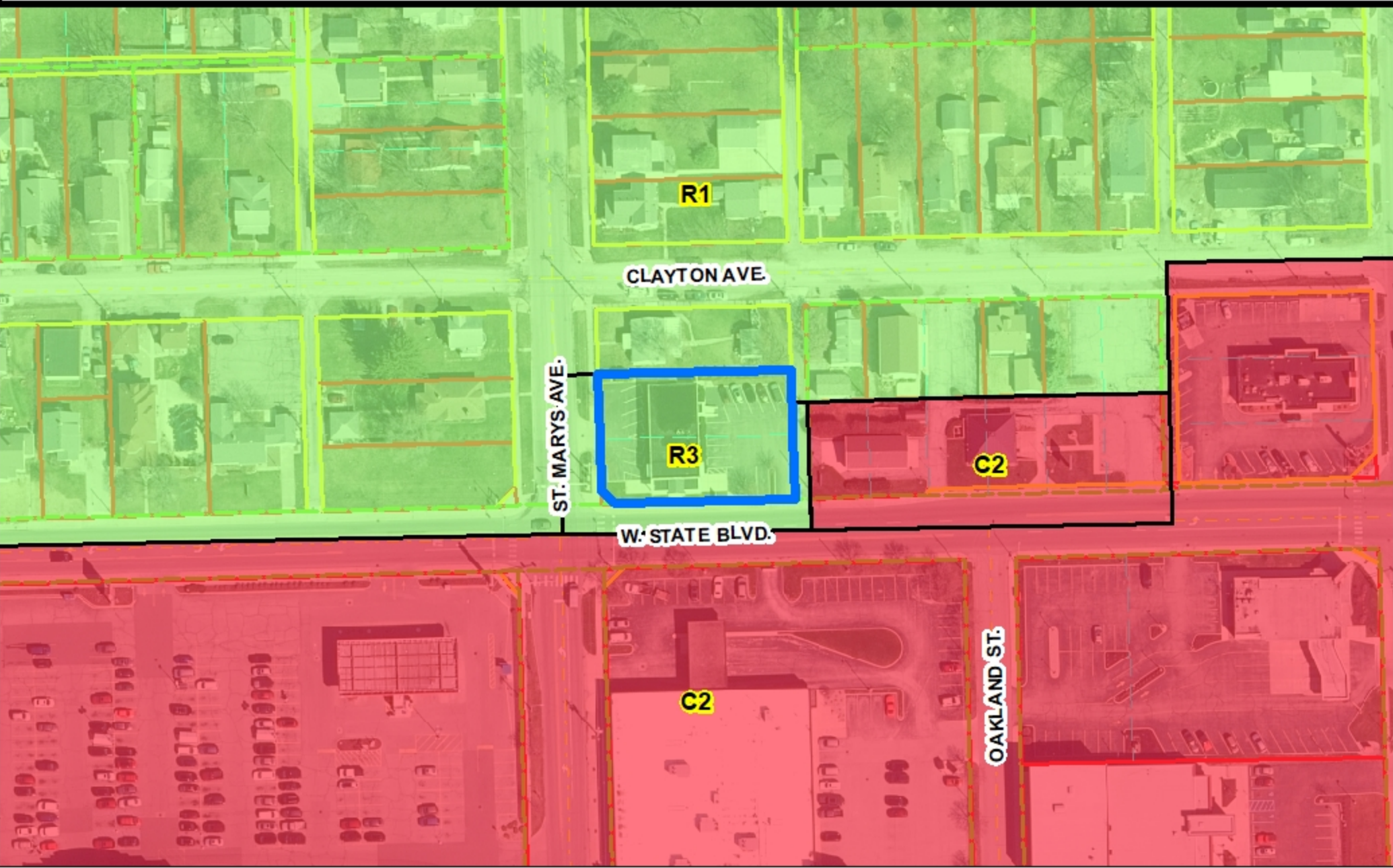
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 6/22/2023

0 50 100 Feet

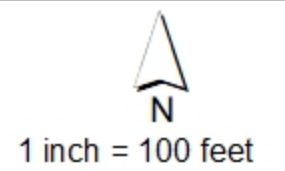


1 inch = 100 feet



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North American Datum 1983
State Plane Coordinate System, Indiana East
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Date: 6/22/2023



Department of Planning Services Rezoning Petition Application

Applicant
Applicant Jujhar Singh
Address 14818 Autumn View Way
City Fishers State Indiana Zip 46037
Telephone 929-313-0005 E-mail jpstrucking84@gmail.com

Property Ownership
Property Owner Jujhar Singh
Address 14818 Autumn View Way
City Fishers State Indiana Zip 46037
Telephone 929-313-0005 E-mail jpstrucking84@gmail.com

Contact Person
Contact Person Logan Stevens
Address 301 W. Jefferson Blvd., Ste. 200
City Fort Wayne State Indiana Zip 46802
Telephone 260-423-9411 E-mail stevens@carsonllp.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 1020 W. State Blvd. Township and Section Washington - 34
Present Zoning R3 Proposed Zoning C2 Acreage to be rezoned 0.34
Purpose of rezoning (attach additional page if necessary) (please see attached)

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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

Jujhar Singh
(printed name of applicant)

Jujhar Singh
(signature of applicant)

06-05-2023
(date)

Jujhar Singh
(printed name of property owner)

Jujhar Singh
(signature of property owner)

06-05-2023
(date)



Received	Receipt No.	Hearing Date	Petition No.
6-6-23	143386	7-10-23	REZ 2023-0083

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7667 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org

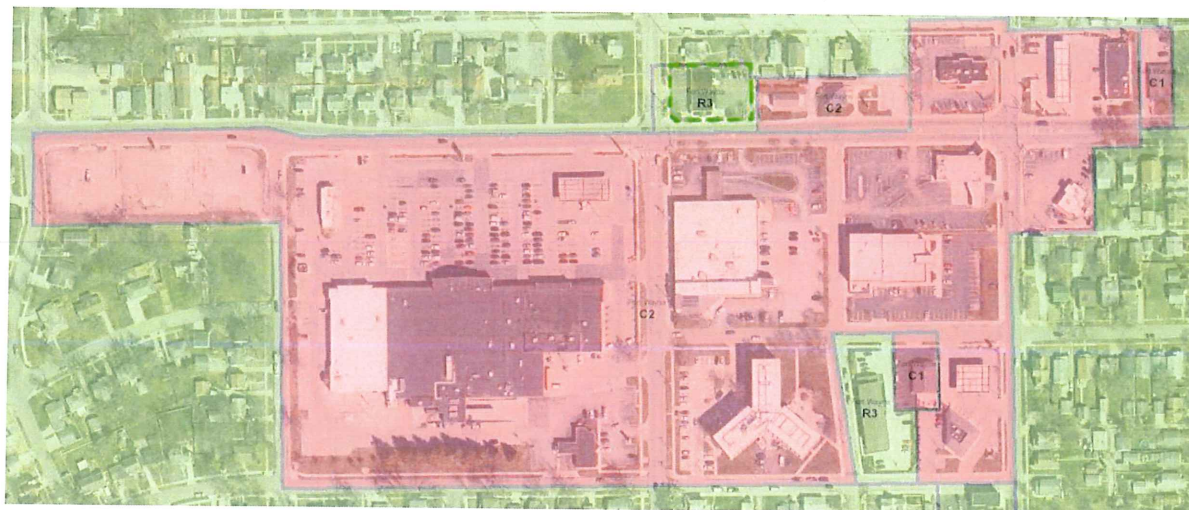


Rezoning Petition Application

Request

Petitioner, Jujhar Singh, respectfully requests to rezone property located at 1020 W. State Blvd., Fort Wayne, Indiana 46802. Petitioner desires to establish a convenience store to sell food, candy, beverages, household goods, limited tobacco products, and related goods; however, there will be no sales of gasoline.

Currently, the property is zoned R3. Within recent history, the property has been used for commercial purposes as a credit union. Petitioner purchased the property under the erroneous belief that a convenience store was permissible in the location where the real estate is located. The property was marketed as commercial property, was being used for commercial purposes, and is located in an area with other commercial establishments.



The Petitioner does not desire to make any significant alterations to the structure of the building, parking lot, vegetation, or sidewalk. The impact of the rezoning is expected to be nominal given the historic use of the property for commercial purposes. The visual appearance of the building and surrounding area will remain relatively the same. Therefore, Petitioner is only seeking to rezone the real estate to align with the historical use of the property. The Petitioner believes rezoning is appropriate with regards to (1) the Comprehensive Plan; (2) the current conditions and the character of current structures and uses in the district; (3) the most desirable use for which the land in the district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth.

The Comprehensive Plan:

The rezoning of the property from R3 to C2 aligns with the objectives and goals outlined in the All In Allen Comprehensive Plan. The Comprehensive Plan emphasizes the need for sustainable economic development and recognizes the importance of providing convenient services to the community. By allowing for the establishment of a convenience store, the rezoning supports the Comprehensive Plan's vision of creating vibrant and accessible commercial areas that meet the needs of residents in the area.

Current conditions and the character of current structures and uses in the district:

The area where the property is located has existing commercial activity. The property has been used for commercial purposes. Petitioner believes the current conditions and character of the area indicates a demand for a convenience store, with easy and quick access to the traditional goods sold by convenience stores.

The most desirable use for which the land in the district is adapted:

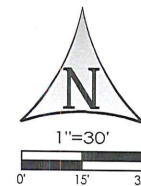
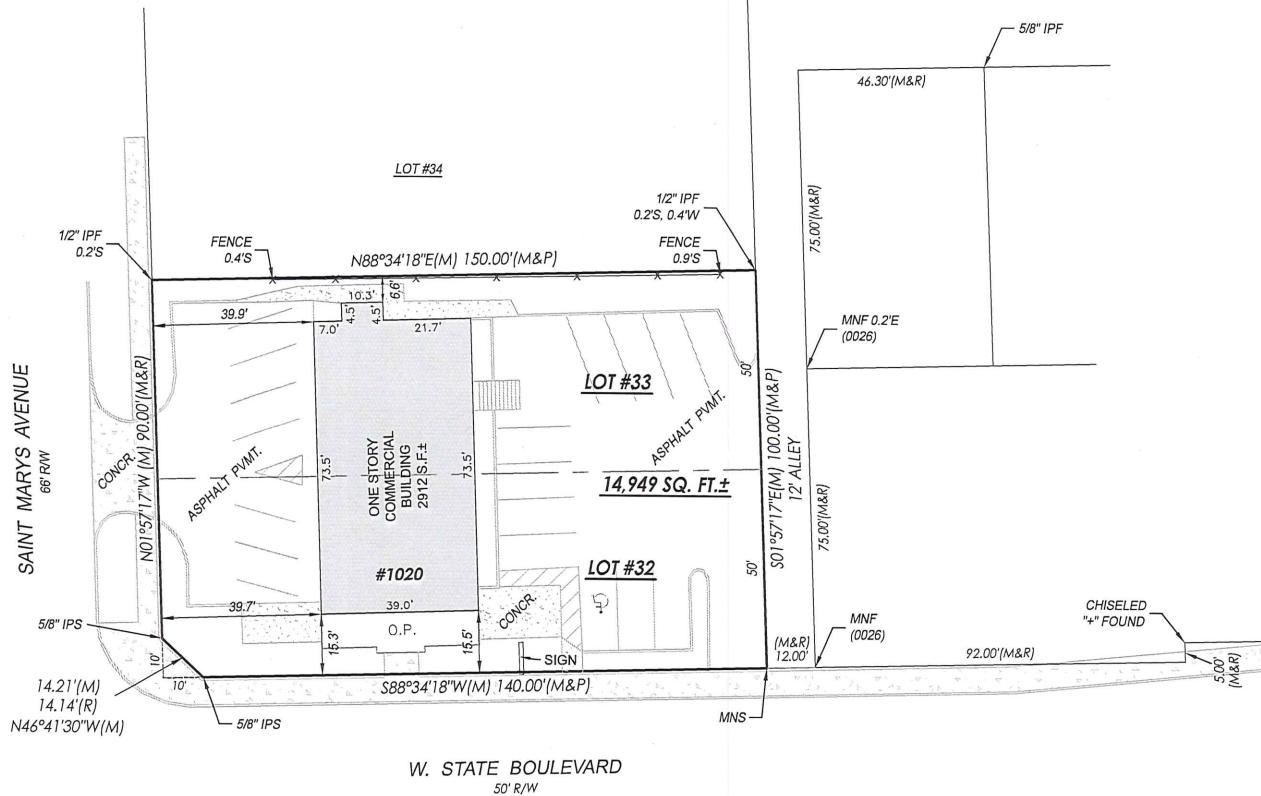
Considering the location and surrounding developments, Petitioner believes the most desirable use for the land is a commercial establishment like a convenience store. The property is ideally situated to provide essential goods to the residents in the area. This type of land use fosters convenience, promotes walkability, and reduces the need for residents to travel longer distances for everyday necessities.

The conservation of property values throughout the jurisdiction:

Rezoning the property for a convenience store can help conserve and enhance property values in the area. The structure and visual appearance of the property is not expected to change. The intent is to change from one commercial use to another, maintaining economic activity in the area, which supports growth and property values.

Responsible development and growth:

The rezoning of the property aligns with the principles of responsible development and growth. By providing easy access to essential goods, a convenience store promotes a more efficient community. It encourages residents to rely less on distant commercial centers, reducing traffic congestion and attracting more development. This type of development supports the long-term viability and livability of the community while fostering a responsible approach to growth.



LEGEND

IPF Iron Pin (Rebar) Found
 PF Pipe Found
 RRF Railroad Spike Found or (S) Set
 PKF P.K. Nail Found or (S) Set
 MNF Mag Nail Found or (S) Set
 IPS 5/8" rebar set w/cap stamped "DSI FIRM #0027"
 (M) Measured (P) Plotted
 (R) Recorded (C) Calculated
 All monuments are at grade except as noted.
 All Property line distances are recorded dimensions, except as noted. Monuments found have no documented history except as noted.

CERTIFICATION:

The undersigned does hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief, was executed according to the survey requirements set forth in 865 IAC 1-12.

Date of latest fieldwork: May 31, 2023.



Michael W. Harris

NO. REVISION DESCRIPTION:

DATE:

ABONMARCHÉ-DONOVAN
 229 W. Berry Street, Suite 100
 Fort Wayne, IN 46802
 T 260.218.2500
 abonmarche.com

SINGH

CLIENT:

PLAT OF SURVEY
 1020 W. STATE BLVD.
 FORT WAYNE, IN 46808

PROJECT:

DRAWN BY:

KWH

DESIGNED BY:

MWH

PM REVIEW:

MWH

QA/QC REVIEW:

KWH

DATE:

06/05/2023

ACI JOB #

23-0879

SHEET NO.

1 OF 2

LEGAL DESCRIPTION:

RECORD DESCRIPTION: DOCUMENT NO. 2023020631

Lots Number Thirty-two (32) and Thirty-three (33) in Lillie Place Addition to the City of Fort Wayne, according to the Plat thereof, recorded in Plat Record 4, page 10, of the records in the Office of the Recorder of Allen County, Indiana.

Excepting Therefrom:

A part of Lot Number 32, Lillie Place Addition to the City of Fort Wayne, as recorded in Plat Record 4, page 10, in the Office of the Recorder, Allen County, Indiana, described as follows:

Beginning at the Southwest corner of said lot as it now exists; thence, Northerly a distance of 10 feet on and along the East right-of-way line of St. Mary's Avenue; thence, Southeasterly to a point on the North right-of-way line of State Boulevard, a distance of 14.14 feet; thence Westerly on and along said line, a distance of 10 feet to the point of beginning, said in previous deed to contain 50 square feet or 0.00115 acres, more or less

SURVEYOR'S REPORT:

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;

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

B) Variances in the reference monuments of as much as 0.4 feet exist as shown hereon.

C) No discrepancies in record descriptions and plats.

D) No inconsistencies in lines of occupation.

This survey was performed without the benefit of a commitment for title insurance. 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. Abonmarche-Donovan Surveying 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 Abonmarche Consultants, 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.

The basis of bearings for this survey are Indiana State Plane Coordinate System East Zone GPS Grid bearings. Geodetic Datum: NAD 83.

2) This is a retracement survey of the real estate conveyed to Jujhar Singh in the deed recorded in Document No. 2023020631 in the Office of the Recorder of Allen County, Indiana.

The Southeast and Southwest boundary corners are located 7.5 feet North of the 36+ foot wide pavement of W. State Blvd.

The Southwest and Northwest boundary corners are located 16.2 feet East of the 32.8 foot wide pavement of St. Mary's Ave.

Monuments found East of the Alley were used to establish the boundary lines of this parcel as shown on sheet 1 of this plat of survey.

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

This survey and report do not investigate the possibility of unwritten rights.

It is not the intent of this survey or 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.

ABONMARCHÉ-DONOVAN
229 W. Berry Street, Suite 100
Fort Wayne, IN 46802
T 260.218.2500
abonmarche.com

SINGH

CLIENT:

PLAT OF SURVEY
1020 W. STATE BLVD.
FORT WAYNE, IN 46808

PROJECT:

DRAWN BY: KWH
DESIGNED BY: MWH
PM REVIEW: MWH
QA/QC REVIEW: KWH
DATE: 06/05/2023
ACI JOB #: 23-0879
SHEET NO.

2 OF 2

NO. REVISION DESCRIPTION

DATE:

FACT SHEET

Case #REZ-2023-0033		Bill # Z-23-06-35	Project Start: June 2023
APPLICANT:	Jujhar Singh		
REQUEST:	Rezone property from R3/Multiple Family Residential to C2/Limited Commercial to remodel for a convenience store.		
LOCATION:	1020 West State Blvd, northeast corner of its intersection with Saint Mary's Ave (Section 34 of Washington Township)		
PRESENT ZONING:	R3/Multiple Family Residential		
PROPOSED ZONING:	C2/Limited Commercial		
COUNCIL DISTRICT:	3 – Thomas F. Didier		
SPONSOR:	Fort Wayne Plan Commission		

July 10, 2023 Public Hearing

- One person spoke with concerns.
- Tom Freistroffer, Ryan Neumeister, and Paul Sauerteig were absent.

July 17, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
August 10, 2023

PROJECT SUMMARY

- The commercial structure was built in 1950.
- Historically the property has been zoned residentially with BZA approval for commercial businesses.

The petitioner requests a rezoning from R3/Multiple Family Residential to C2/Limited Commercial to permit commercial uses including a proposed convenience store. The property is located on the northeast corner of the intersection of Saint Mary's Avenue and West State Boulevard. The surrounding area is a mix of residential to the north and west with commercial to the south and east. The existing structure appears to have been built as a commercial building around 1950 according to staff research. Staff found several Board of Zoning Appeals approval of various commercial businesses including insurance offices and a credit union. Most recently staff understands that the property was used for City Trust Federal Credit Union. The applicant is not proposing any expansions and is only interested in zoning the property to use it commercially instead of gaining approval of another use variance by the Board of Zoning Appeals. The property to the east was successfully rezoned in 2009 to C2/Limited Commercial. The applicant is proposing to continue that zoning further west. The existing parking lot has sufficient parking that far exceeds the minimum parking requirement of eight.

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 Community Commercial generalized land use category; similar Primary Uses in this category are High-Intensity Business, Service, & Retail. Adjacent properties are categorized as Community Commercial and Traditional Neighborhood.
- No applicable action steps.

Compatibility Matrix

- This proposed use would fall into C2/Limited Commercial which is considered compatible with the Community Commercial and Traditional Neighborhood.

Other applicable plans: No additional applicable plans.

To date, staff has received no remonstrance against the proposal.

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

1. The Comprehensive Plan: The area where the property is located has existing commercial activity. The property has been used for commercial purposes. Petitioner believes the current conditions and character of the area indicates a demand for a convenience store, with easy and quick access to the traditional goods sold by convenience stores.
2. Current conditions and the character of current structures and uses in the district: The current conditions and character of structures in the district are commercial/retail based; the proposed use will maintain this character and use in conformance with adjacent properties.
3. The most desirable use for which the land in the district is adapted: Considering the location and surrounding developments, Petitioner believes the most desirable use for the land is a commercial establishment like a convenience store. The property is ideally situated to provide essential goods to the residents in the area. This type of land use fosters convenience, promotes walkability, and reduces the need for residents to travel longer distances for everyday necessities.
4. The conservation of property values throughout the jurisdiction: Rezoning the property for a convenience store can help conserve and enhance property values in the area. The structure and visual appearance of the property is not expected to change. The intent is to change from one commercial use to another, maintaining economic activity in the area, which supports growth and property values.
5. Responsible development and growth: The rezoning of the property aligns with the principles of responsible development and growth. By providing easy access to essential goods, a convenience store promotes a more efficient community. It encourages residents to rely less on distant commercial centers, reducing traffic congestion and attracting more development. This type of development supports the long-term viability and livability of the community while fostering a responsible approach to growth.

PUBLIC HEARING SUMMARY:

Presenter: Logan Stevens, representing property owner Jujhar Singh, presented the request as outlined above.

Public Comments:

Jerome Young, Clayton Ave – Concerns that there is no need for another convenience store.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

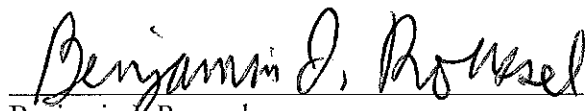
Rezoning Petition REZ-2023-0033

APPLICANT:	Jujhar Singh
REQUEST:	Rezone property from R3/Multiple Family Residential to C2/Limited Commercial to remodel for a convenience store.
LOCATION:	1020 West State Blvd, northeast corner of its intersection with Saint Mary's Ave (Section 34 of Washington Township)
LAND AREA:	0.34 acre
PRESENT ZONING:	R3/Multiple Family Residential
PROPOSED ZONING:	C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2023-0033 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 C2/Limited Commercial zoning will provide the opportunity to redevelop the site while providing additional commercial options along W State Blvd. The Comprehensive Plan categorizes this property as Community Commercial.
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 property is adjacent to C2/Limited Commercial zoning directly to the east. The existing building was constructed as a commercial structure in the 1950's.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the area and is adjacent to C2/Limited Commercial property. The new zoning gives the property owner flexibility to invest in the property commercially.
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 existing C2/Limited Commercial zoning directly to the east as well as along W State Boulevard.

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


Benjamin J. Roussel
Executive Director
Secretary to the Commission