

#REZ-2024-0002

BILL NO. Z-24-01-17

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. B-11 (Sec. 13 of Aboite 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 C2 (Limited
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 30 NORTH, RANGE 11 EAST, ABOITE
CIVIL TOWNSHIP, ALLEN COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK,
INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER LS21900003 OF ON THE MARK LAND
SURVEYING, LLC, SURVEY NO. 23.0156, DATED DECEMBER 22, 2023, AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ROSEWOOD DRIVE
WITH THE PRESENT NORTHERN RIGHT OF WAY LINE OF ABOITE CENTER ROAD, SAID POINT OF
COMMENCEMENT BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE ALLEN
COUNTY BOARD OF COMMISSIONERS AS RECORDED IN DOCUMENT NUMBER 2008014873 IN THE
OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA AND ALSO BEING THE SOUTHWEST CORNER
OF THE LANDS OF LONG TERM CARE INVESTMENTS IV, LLC AS RECORDED IN DOCUMENT NUMBER
2013052701 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA;

THENCE SOUTH 86 DEGREES 23 MINUTES 57 SECONDS EAST 239.31 FEET ALONG ABOITE CENTER
ROAD AT THE POINT OF CURVATURE OF A NONTANGENT CURVE, CONCAVE TO THE SOUTH, HAVING
A RADIUS OF 900.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 20.35 FEET, HAVING A CENTRAL ANGLE OF 1 DEGREE
17 MINUTES 45 SECONDS, AND A CHORD OF 20.35 FEET BEARING SOUTH 85 DEGREES 44 MINUTES
59 SECONDS EAST AT THE POINT OF TANGENCY OF SAID CURVE;

THENCE NORTH 20 DEGREES 34 MINUTES 7 SECONDS WEST 24.61 FEET;

THENCE NORTH 3 DEGREES 31 MINUTES 20 SECONDS EAST 5.48 FEET AT THE POINT OF CURVATURE
OF A NONTANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 120.00 FEET;

1 THENCE NORTHEASTERLY ALONG SAID CURVE 86.52 FEET, HAVING A CENTRAL ANGLE OF 41
2 DEGREES 18 MINUTES 40 SECONDS, AND A CHORD OF 84.66 FEET BEARING NORTH 24 DEGREES 10
3 MINUTES 40 SECONDS EAST AT THE POINT OF TANGENCY OF SAID CURVE;

4 THENCE NORTH 44 DEGREES 50 MINUTES 1 SECOND EAST 28.85 FEET AT THE POINT OF CURVATURE
5 OF A NONTANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 200.00 FEET;

6 THENCE NORTHEASTERLY ALONG SAID CURVE 115.24 FEET, HAVING A CENTRAL ANGLE OF 33
7 DEGREES 0 MINUTES 54 SECONDS, AND A CHORD OF 113.66 FEET BEARING NORTH 28 DEGREES 19
8 MINUTES 34 SECONDS EAST TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP
9 SET FLUSH AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

10 THENCE CONTINUING ALONG SAID CURVE 23.54 FEET TO A 5/8 INCH REBAR WITH "MARK
11 LS21900003" IDENTIFICATION CAP SET FLUSH AT THE POINT OF TANGENCY OF SAID CURVE, AND AT
12 THE POINT OF CURVATURE OF A NONTANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A
13 RADIUS OF 180.00 FEET;

14 THENCE NORTHEASTERLY ALONG SAID CURVE 188.50 FEET, HAVING A CENTRAL ANGLE OF 60
15 DEGREES 0 MINUTES 0 SECONDS, AND A CHORD OF 180.00 FEET, BEARING NORTH 35 DEGREES 14
16 MINUTES 40 SECONDS EAST TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP
17 SET FLUSH AT THE POINT OF TANGENCY OF SAID CURVE, AND AT THE POINT OF CURVATURE OF A
18 NONTANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 220.00 FEET;

19 THENCE NORTHEASTERLY ALONG SAID CURVE 142.28 FEET, HAVING A CENTRAL ANGLE OF 37
20 DEGREES 3 MINUTES 21 SECONDS, AND A CHORD OF 139.82 FEET, BEARING NORTH 46 DEGREES 53
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22 SET FLUSH AT THE POINT OF TANGENCY OF SAID CURVE;

23 THENCE NORTH 28 DEGREES 21 MINUTES 34 SECONDS EAST 35.28 FEET TO A 5/8 INCH REBAR
24 FOUND 0.1 FEET BELOW GRADE AT THE SOUTHWESTLY LINE OF AN EXISTING 0.800 ACRE TRACT OF
25 LAND DESCRIBED IN INSTRUMENT NUMBER 2019038999 IN THE OFFICE OF THE RECORDER OF
26 ALLEN COUNTY, INDIANA;

27 THENCE SOUTH 50 DEGREES 57 MINUTES 59 SECONDS EAST 260.13 FEET ALONG SAID
28 SOUTHWESTLY LINE TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET
29 FLUSH AT THE RIGHT-OF-WAY OF JEFFERSON BOULEVARD AND THE POINT OF CURVATURE OF A
30 NONTANGENT CURVE, CONCAVE TO THE NORTHWEST;

 THENCE SOUTHWESTERLY ALONG SAID CURVE 373.55 FEET, HAVING A CENTRAL ANGLE OF 1
 DEGREE 6 MINUTES 56 SECONDS, AND A CHORD OF 373.55 FEET, BEARING SOUTH 36 DEGREES 1
 MINUTE 36 SECONDS WEST TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP
 SET FLUSH AT THE POINT OF TANGENCY OF SAID CURVE;

 THENCE NORTH 50 DEGREES 57 MINUTES 59 SECONDS WEST 268.43 FEET TO THE POINT OF
 BEGINNING, CONTAINING 2.381 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS OF RECORD.

1 and the symbols of the City of Fort Wayne Zoning Map No. B-11 (Sec. 13 of Aboite
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 SECTION 3. That this Ordinance shall be in full force and effect from and after its
10 passage and approval by the Mayor.

11 _____
12 Council Member
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14 APPROVED AS TO FORM AND LEGALITY:
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16 _____
17 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-2024-0002
Bill Number: Z-24-01-17
Council District: 4 - Dr. Scott Myers

Introduction Date: January 23, 2024

Plan Commission
Public Hearing Date: February 12, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 2.381 acres from C1/Professional Office and Personal Services to C2/Limited Commercial

Location: 4100 block of Sage Bluff Xing, 350 feet east of its intersection with Aboite Center Road (Section 13 of Aboite Township)

Reason for Request: To allow for a new hotel

Applicant: Landon Grogg of A&Z Engineering, Inc.

Property Owner: JDRB LLC

Related Petitions: Primary Development Plan - Courtyard by Marriott West Jefferson

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which will allow for a new hotel and similar uses.

Effect of Non-Passage: The property will remain zoned C1/Professional Office and Personal Services, which does not permit hotels. The site may be redeveloped with professional office and personal services and similar uses.

Department of Planning Services Rezoning Petition Application

Applicant
 Applicant Landon Grogg (A&Z Engineering, LLC)
 Address 1220 Ruston Pass
 City Fort Wayne State Indiana Zip 46825
 Telephone (260) 485-7077 E-mail lgrogg@az-engineering.net

Property Ownership
 Property Owner JDRB, LLC
 Address 3221 Covington Lake Dr.
 City Fort Wayne State Indiana Zip 46804
 Telephone _____ E-mail _____

Contact Person
 Contact Person AJ Patel (FWS Hospitality, LLC)
 Address 121 S Doctor M.L.K. Jr Blvd
 City South Bend State Indiana Zip 46601
 Telephone (574) 320-2784 E-mail apatel@jskhospitality.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 7324 W Jefferson Blvd Township and Section Aboite, 13
 Present Zoning C1 Proposed Zoning C2 Acreage to be rezoned 2.381
 Purpose of rezoning (attach additional page if necessary) For construction of a new Courtyard by Marriott hotel Facility.

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 (please complete attached document)

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

(printed name of applicant)

Daniel Biehl

(printed name of property owner)

(signature of applicant)
 DocuSigned by:

[Signature]

(signature of property owner)

(date)

1/5/2024

(date)



Received	Receipt No.	Hearing Date	Petition No.
1.8.24	144677	2.12.24	REZ-2024-0002

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



Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

- (1) The Comprehensive Plan;

This project represents the construction of a proposed hotel facility on an under utilized vacant lot along a heavy trafficked roadway corridor. This project promotes the development of a vacant lot, and permits the development of a new hotel facility that will be of adequate size and capacity that is needed for the current market.

- (2) Current conditions and the character of current structures and uses in the district;

The current district is zoned as C1. The facility to the west of the proposed hotel site is a 53,400 sqft, 1 story, health and rehab center/ nursing home that was built in 2014 and is in very good condition. To the north of the proposed hotel site, there is a 4,300 sqft, 1 story, general office building that was built in 2020 and is in very good condition.

- (3) The most desirable use for which the land in the district is adapted;

Commercial

- (4) The conservation of property values throughout the jurisdiction;

The proposed hotel facility is a Courtyard by Marriott, which is constructed, maintained, managed and held to the national and global high standards of the Marriott name. The proposed hotel will provide travelers such as clients and out of town employees for all the businesses along W. Jefferson Blvd a relatively close place to stay when visiting Fort Wayne. The construction of a new hotel in the jurisdiction will only help improve the values of the surrounding properties.

- (5) Responsible development and growth.

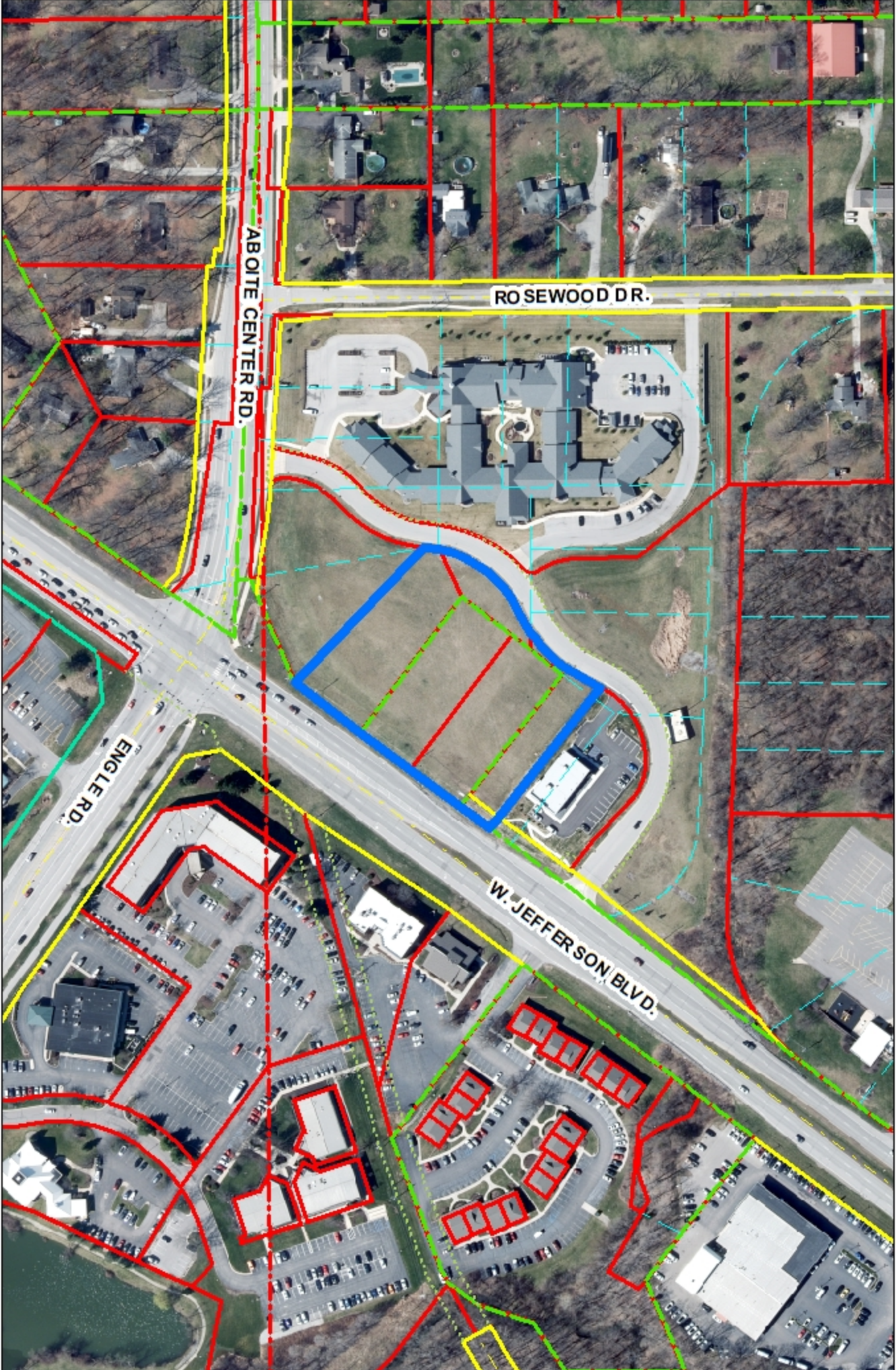
The proposed hotel will be constructed to meet current industry standards of a 4 story, +/- 100 room facility. The site will be utilized to the fullest with the proposed building and parking lot. If in the future the development is determined to need to expand due to market needs, the property owner, developer and engineer/architect will go through all the correct channels with the City of Fort Wayne and Allen County and all the Zoning Ordinances to get any additional development and growth request for the site approved.

COMPLETE FILING TO INCLUDE:

- ☒ Filing Fee
- ☒ Complete application signed by property owner*
- ☒ Legal description (in Word document format)*
- ☒ Boundary/Utility Survey*
- ☒ Rezoning Criteria *
- ☐ Written Commitment (if applicable)*

**All documents may be digital*





0 50 100 Feet



1 inch = 200 feet

As shown, this map is not a warranty, representation, or guarantee.

It is the responsibility of the user to verify the accuracy of the information contained herein.

Any error or omission in this map is the responsibility of the user.

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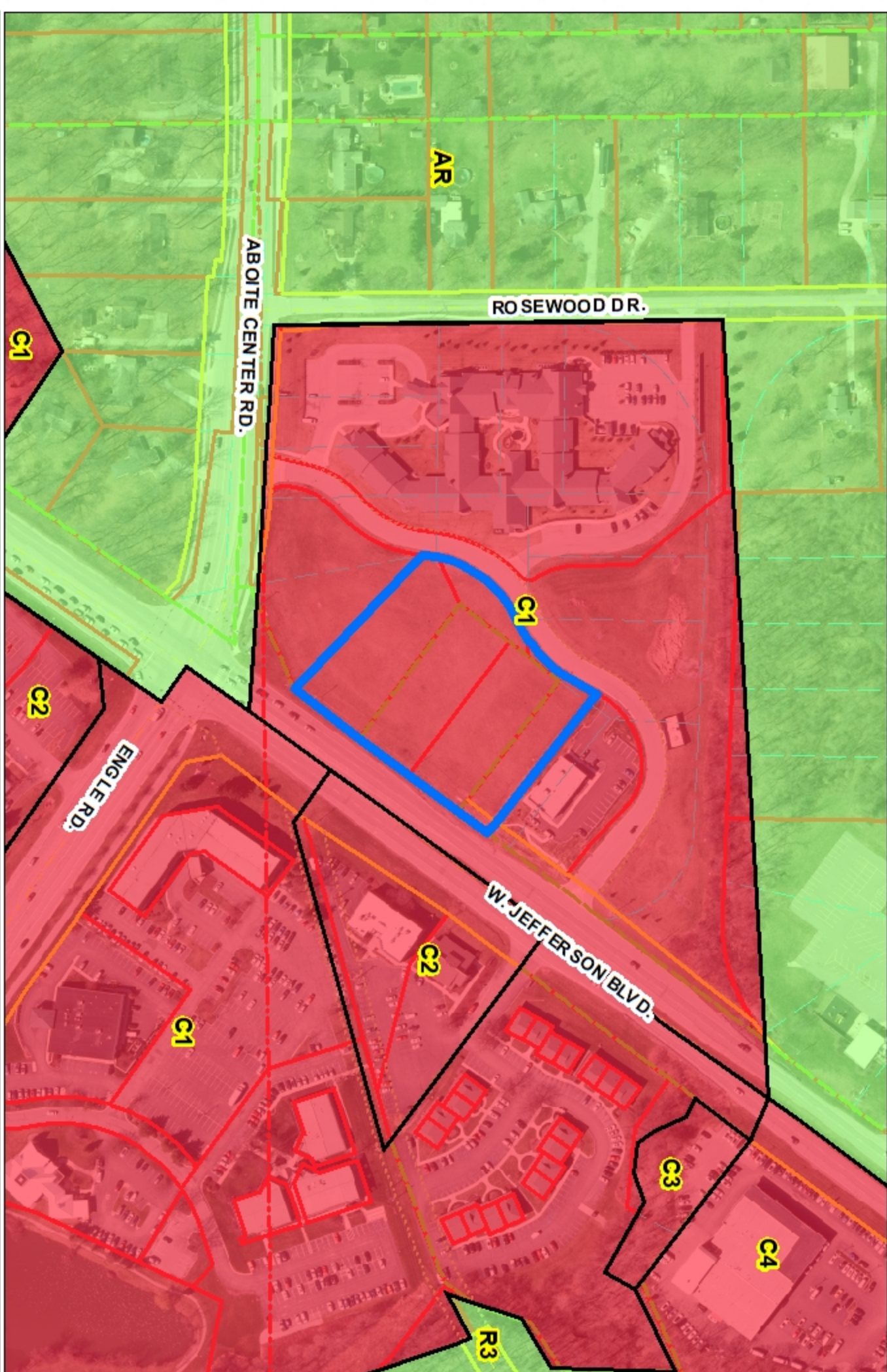
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Although strict accuracy standards have

been employed in the compilation of this map.

the accuracy of the information contained therein.

and declines any and all liability resulting from the use of the information in this report.

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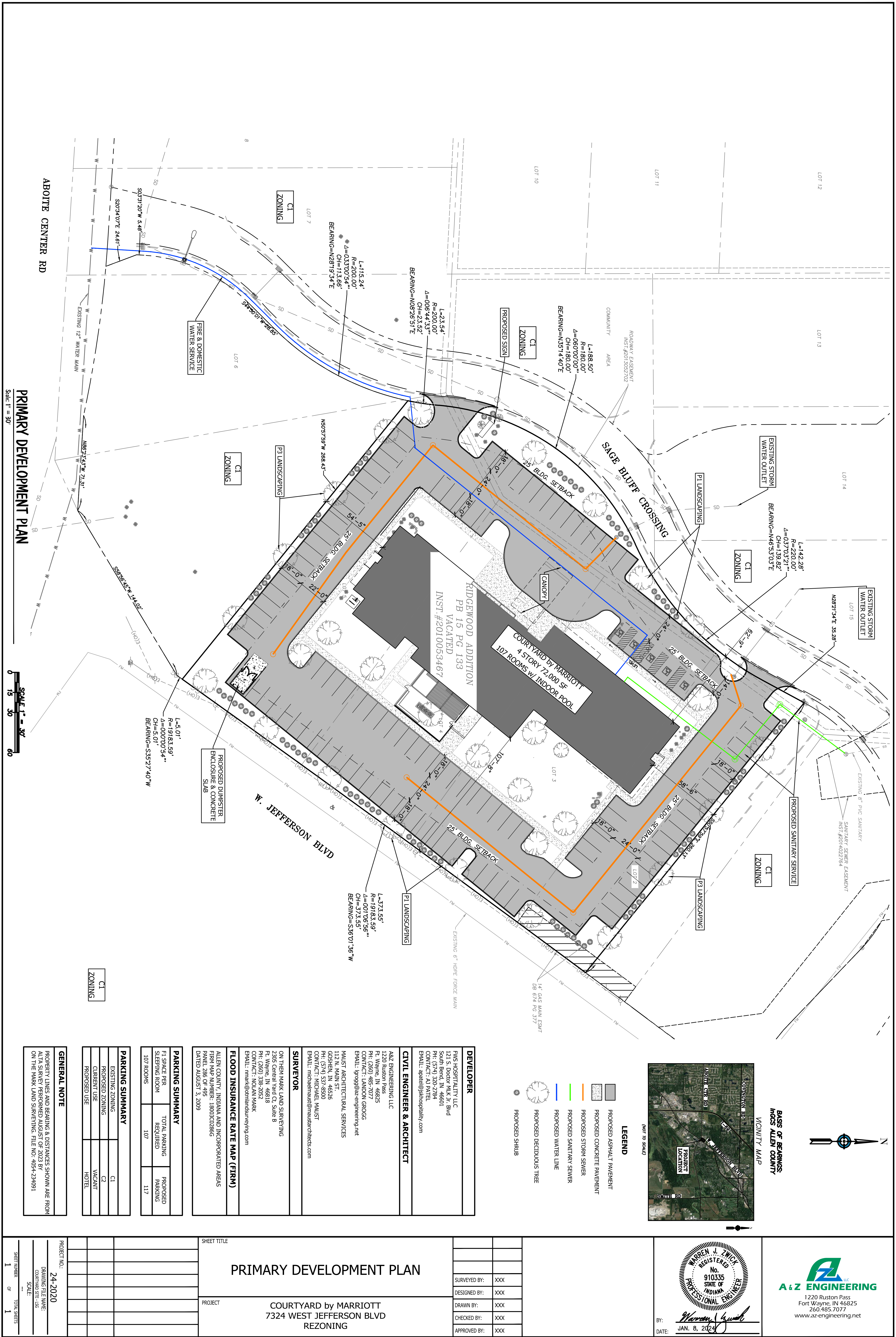
[illegible]

North American Churn: 1985

Abstract The authors used a 2nd-order system to describe the

Date: 1/10/2024

1 inch = 200 feet



TITLE COMMITMENT - SCH. B - FILE #4054-234091

ITEM 1 - ANY DEFENSE, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART 1-REQUIREMENTS ARE MET. (SUBJECT TO)

OR OVERLAPPING IN IMPROVEMENTS. (SUBJECT TO)

ITEM 3 - ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORD BUT WHICH COULD BE ASCERTAINED BY AN ACCURATE SURVEY OF THE LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION OF THE LAND. (SUBJECT TO)

RECORDS (SUBJECT TO)

ITEMS 5-18 - NOT SURVEY ITEMS

ITEM 19 - EASEMENT FOR DISTRIBUTION AS DISCLOSED BY INSTRUMENT NO. 2009027523. (DEPICTED ON SURVEY - NOT IN SUBJECT AREA)

ITEM 20 – EASEMENT FOR INGRESS–EGRESS AS DISCLOSED BY INSTRUMENT NO. 2010024768. (CANNOT DRAW – ILLEGAL PLAT AND LEGAL DESCRIPTION THE SAME AS ITEM 21)

ITEM 21 – EASEMENT FOR SANITARY SEWER AS DISCLOSED BY INSTRUMENT NO. 2010024769. (DEPICTED ON SURVEY – NOT IN SUBJECT AREA)

ITEM 22 -- EASEMENT FOR DISTRIBUTION AS DISCLOSED BY INSTRUMENT NO. 2012007506. (DEPICTED ON SURVEY -- NOT IN SUBJECT AREA)

ITEM 23 – TERMS, CONDITIONS AND PROVISIONS OF RIGHT OF ENTRY DATED OCTOBER 1, 2010, RECORDED OCTOBER 22, 2010, IN INSTRUMENT NO. 2010052014. (DOES NOT EFFECT – DOCUMENT IS LISTED AS BEING FOR A 6 MONTH TIME PERIOD)

ITEM 24 - TERMS, CONDITIONS AND PROVISIONS OF WATER CONTRACT NO. 8725 RECORDED IN INSTRUMENT NO. 88-31956, ASSIGNED BY INSTRUMENT NO. 95-52283. (SUBJECT TO)

ITEM 25 - TERMS, CONDITIONS AND PROVISIONS OF EASEMENT FOR GAS MAINS RECORDED IN DEED BOOK 674, PAGE 377, (DEPICTED ON SURVEY - IN SURVEY AREA)

ITEM 26 - GENERAL ORDINANCE NO. G-35-07 RECORDED NOVEMBER 2, 2007 AS INSTRUMENT NO. 2007061232.
(DELETED ON SURVEY)

ITEM 27 – EASEMENTS, IF ANY, FOR PUBLIC UTILITIES OR FACILITIES INSTALLED IN ANY PORTION OF THE VACATED STREET, HEREIN DESCRIBED PRIOR TO THE VACATION THEREOF, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO REPAIR, MAINTAIN, REPLACE AND REMOVE THE SAME. (SUBJECT TO)

ITEM 28 - EASEMENT FOR POLE LINES, CONDUITS AND MAINTENANCE PURPOSES GRANTED TO INDIANA MICHIGAN POWER COMPANY AS RECORDED JUNE 3, 2009 IN INSTRUMENT NO. 2009027523. (DEPICTED ON SURVEY - SAME AS ITEM 19)

ITEM 29 - TERMS, CONDITIONS AND PROVISIONS OF EASEMENTS FOR DRIVEWAYS RECORDED IN DEED RECORD 719, PAGE 453 AND INSTRUMENT NO. 72-9073. (DOES NOT EFFECT - DRIVEWAY EASEMENT DESCRIBED OVER EXISTING BUILDING TO THE WEST)

ITEM 30 - RESTRICTIONS AND ANY OTHER ITEMS, COVENANTS AND CONDITIONS DISCLOSED BY INSTRUMENT RECORDED IN PLAT RECORD 15, PAGE 35, AS AMENDED IN PLAT RECORD 15, PAGE 133 AND IN MISCELLANEOUS RECORD 105, PAGE 453, AS MODIFIED BY FORT WYNN FIVE PLAN COMMISSION FINDING OF FACTS RECORDED OCTOBER 29, 2010 AS INSTRUMENT NO. 2010053467, AND ANY SUBSEQUENT INSTRUMENTS PERTINENT THERETO. (DEFICIED ON SURVEY)

ITEM 31 – TERMS, CONDITIONS AND PROVISIONS OF WRITTEN COMMITMENT DATED APRIL 30, 2013, RECORDED MAY 1, 2013, IN INSTRUMENT NO. 2013024458. (SUBJECT TO)

ITEM 32 – TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT FOR RIDGEWOOD PROFESSIONAL PARK DATED SEPTEMBER 11, 2013, RECORDED SEPTEMBER 11, 2013, IN INSTRUMENT NO. 2013052702. (DEPICTED ON SURVEY – NOT IN SURVEY AREA)

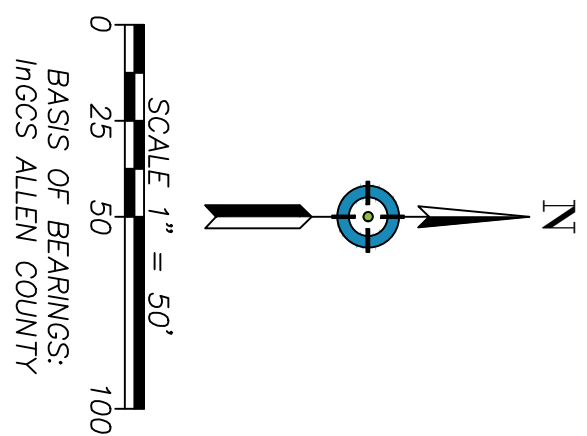
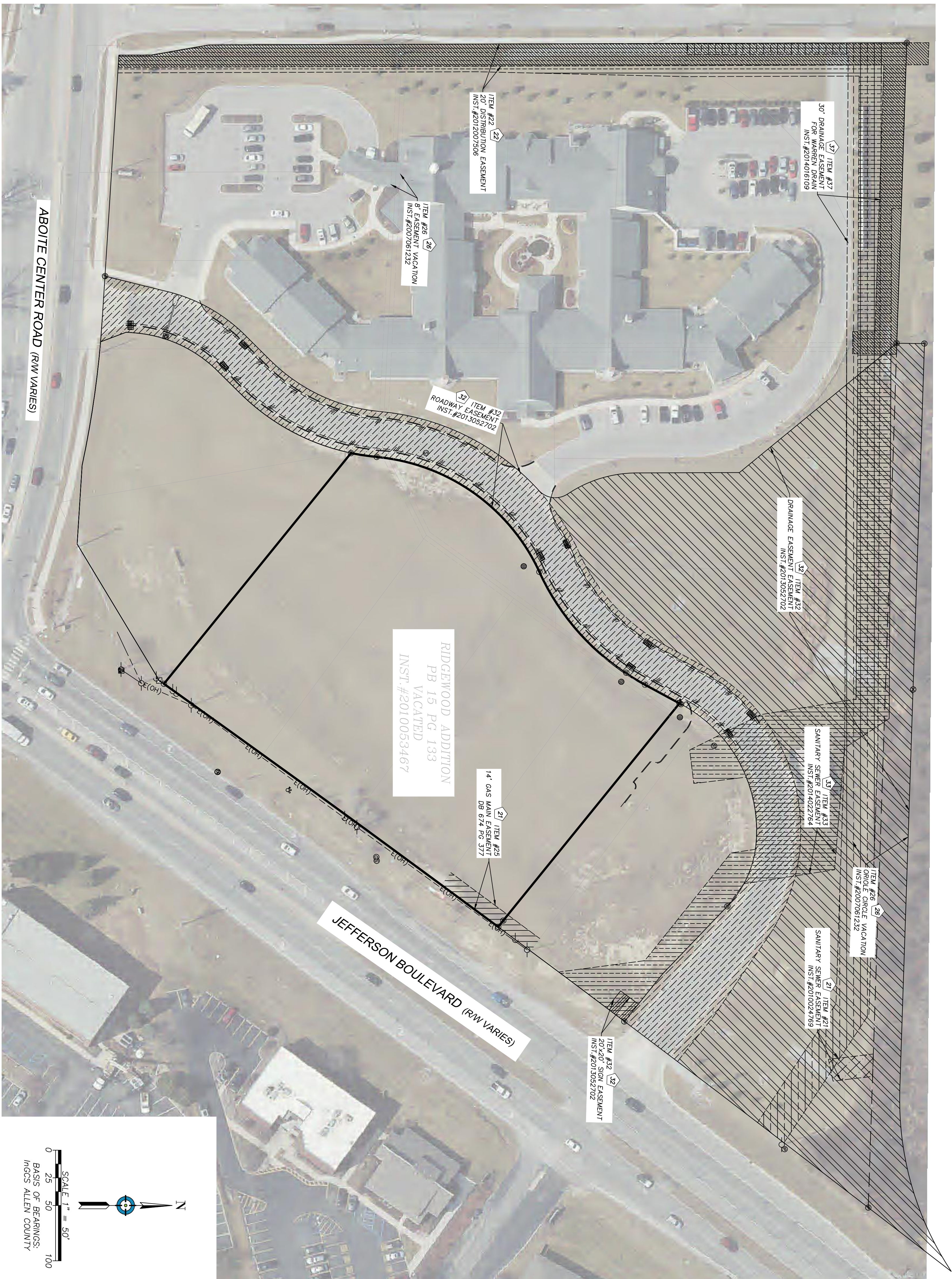
ITEM 33 – TERMS, CONDITIONS AND PROVISIONS OF SANITARY SEWER EASEMENT AGREEMENT DATED MAY 16, 2014, RECORDED MAY 23, 2014, IN INSTRUMENT NO. 2014022764. (DEPICTED ON SURVEY – NOT IN SURVEY AREA)

ITEM 34 – TERMS, CONDITIONS AND PROVISIONS OF DECLARATION OF COVENANTS AND RESTRICTIONS FOR RIDGEWOOD PARK DATED AUGUST 8, 2019, RECORDED OCTOBER 28, 2019, IN INSTRUMENT NO. 2019055383. (SUBJECT TO)

ITEM 35 - NOT SURVEY ITEM

ITEM 36 - RIGHTS OF THE PUBLIC, THE STATE OF INDIANA AND THE MUNICIPALITY IN AND TO THAT PART OF THE LAND, IF ANY, TAKEN OR USED FOR ROAD PURPOSES, INCLUDING UTILITY RIGHT OF WAY. (SUBJECT TO)

ITEM 37 - RIGHTS OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS, LATERALS, AND LEGAL DRAINS AND DITCHES, IF ANY. (DEPICTED ON SURVEY - NOT IN SURVEY AREA)



REV	DATE	

PART OF THE SOUTHWEST
QUARTER, SECTION 13,
TOWNSHIP 30 NORTH, RANGE 11
EAST, ABOITE CIVIL TOWNSHIP,
ALLEN COUNTY, INDIANA

SCHEDULE B PART II EXCEPTIONS
JDRB, LLC
7324 W JEFFERSON BLVD, FORT WAYNE, IN 46804

PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 30 NORTH, RANGE 11 EAST, ABOITE CIVIL TOWNSHIP, ALLEN COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER LS21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 23.0156, DATED DECEMBER 22, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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FACT SHEET

Case #REZ-2024-0002

Bill # Z-24-01-17

Project Start: January 2024

PROPOSAL:	Rezoning Petition REZ-2024-0002 – Courtyard Marriott West Jefferson
APPLICANT:	Landon Grogg of A&Z Engineering, Inc.
REQUEST:	To rezone property from C1/Professional Office and Personal Services to C2/Limited Commercial to permit a hotel
LOCATION:	4100 block of Sage Bluff Crossing, 350 feet east of its intersection with Aboite Center Road (Section 13 of Aboite Township)
LAND AREA:	2.381 acre
PRESENT ZONING:	C1/Professional Office and Personal Services
PROPOSED ZONING:	C2/Limited Commercial
COUNCIL DISTRICT:	4 - Dr. Scott Myers
SPONSOR:	Fort Wayne Plan Commission

February 12, 2024 Public Hearing

- Three people spoke in support or with concerns.
- Karen Richards and Rachel Tobin-Smith were absent.

February 19, 2024 Business Meeting

Plan Commission Recommendation: DEFER FOR 30 DAYS

A motion was made by Ryan Neumeister and seconded by Paul Sauerteig to Defer for 30 days.

7-0 MOTION PASSED

- Karen Richards and Rachel Tobin-Smith were absent.

March 18, 2024 Business Meeting

Plan Commission Recommendation: Do Pass with a Written Commitment

A motion was made by Patrick Zaharako and seconded by Rachel Tobin-Smith to return the Ordinance with a Do Pass recommendation, with a Written Commitment, to Common Council for their final decision.

6-3 MOTION PASSED

- All members were present.
- Paul Sauerteig, Karen Richards, and Scott Myers voted Nay.

Fact Sheet Prepared by:

Karen Couture, Associate Land Use Planner

March 25, 2024

PROJECT SUMMARY

This site is located near the northwest corner of West Jefferson Boulevard and Aboite Center Road. The site has followed the gradual development pattern of West Jefferson corridor from estate sized residential lots to varying commercial development. The site was rezoned in 2007 for a medical office park. This site was also a part of the Ridgewood subdivision that was vacated entirely in 2010. Today, the site contains an assisted living facility and a physical therapy office. The other side of West Jefferson Boulevard consists mostly of 2 to 3-story office buildings. The other side of Aboite Center Road contains low-intensity residential lots. An analysis with the comprehensive plan is provided in this report. In addition to the rezoning petition, the applicant submitted a primary development plan for a new hotel. Since the petitioned C2 district limits height and square footage of structures, the applicant included two waiver petitions to accommodate the sizing of a competitive hotel. The first is a height waiver for 55 feet and the square footage is for up to 75,000 square feet.

The applicant utilized Sage Bluff Crossing, a private street, for its primary access. In addition to vehicular access, NIRCC requested a sidewalk run along West Jefferson Boulevard, which the applicant included in revised plans. Parking exceeds the minimum count (117 spaces vs 107 minimum spaces), and no shared parking is proposed among other lots. Despite the increased height, the proposal does meet residential mitigation impact standards. The plan shows that all elements of the structure, including the canopy, exceed the 25-foot setback requirement, and no projection standards are needed to fit the building onto the site. The applicant is also aware of the prominent slope of the lot and intends to break up the parking lot on different levels and use retaining walls in other areas.

As mentioned, the applicant requested two waiver requests:

1. To increase the maximum square footage of a building in the C2 district from 22,000 square feet to 75,000 square feet.
2. Increase maximum allowable height from 40' to 55' (the applicant identified that the increased height can accommodate four stories).

The Plan Commission will determine the validity of waiver requests by considering the following three criteria:

- (a) The waiver or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the Comprehensive Plan;
- (b) The applicant has submitted adequate evidence to demonstrate that the requested waiver or modification will not have a significant impact on contiguous residential properties; and
- (c) The failure to grant the requested waiver would result in practical difficulties in the use of the property for the proposed development.

The applicant's responses to these requests are included in the packet.

COMPREHENSIVE PLAN REVIEW:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area.
The following Goal would be applicable:
LUD 1 - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas
LUD 1.1 - Explore new zoning classifications, updated development regulations, and other tools to encourage compatible infill development and redevelopment.
LUD 1.3 - Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities.

Overall Land Use Policies

- Staff determined the following Land Use Policy would be applicable and supportive of this request:
LUD Policy 6 - Transform key suburban corridors over time into mixed use areas with housing, neighborhood-oriented retail, public spaces, walkable public realms, and transit services.

Generalized Future Land Use Map

- The project site is located within the Office and Business Park land use category.

Land Use Related Action Steps

- There are no applicable land use related action steps associated with this site.

Compatibility Matrix

- This proposed use would fall into C2/Limited Commercial, which is considered compatible with Office and Business Park.

Other applicable plans: none

PUBLIC HEARING SUMMARY:

Presenter: Landon Grogg, engineer representing the applicant, presented the request as outlined above.

Public Comments:

Jennifer Thum (3636 Rosewood Dr): Not opposed to growth; keep waivers in-line with comp plan; C1 more compatible; concerns with traffic; safety; signage; hours of operation; height; other hotels very close. HOA against it.

John Hoffman: (no address): Concerned about height; nearby buildings are not five stories.

Dan McAfee (4020 Rosewood Dr): Concerns with property values; traffic; lighting; noise/traffic all hours.

Closing Comments:

AJ Patel (part owner): Demand study showed need, wouldn't build otherwise. Losing a floor not financially feasible. Interior roads will help with traffic. Michael Blanton (VP Operations): Airport approved height; façade will be the same front and back; 12 employees per shift. Landon Grogg (project engineer): Reached out to neighbors and didn't hear back. Site was planned for existing detention size.

PLAN COMMISSION ACTION:

February 19, 2024 Business Meeting: Following discussion, the Plan Commission voted to defer action on the item for 30 days. Requested information included further investigation into the soil suitability of the site and how it would affect the final grades and whether the hotel could be feasibly built.

March 18, 2024 Business Meeting: The applicant provided information that shows the site will likely be lowered, at least to match Sage Bluff Crossing and the Steppin' Up site next door. The owner is committed to developing the site, as they are already contracted with Courtyard by Marriott. A written commitment was provided to ensure there would be a maximum of 4 stories, and to limit C2 retail uses to hotel and restaurant, without a drive-through.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

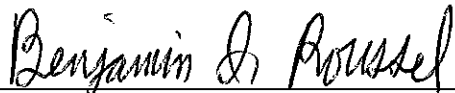
Rezoning Petition REZ-2024-0002

APPLICANT:	Landon Grogg of A&Z Engineering, Inc.
REQUEST:	To rezone property from C1/Professional Office and Personal Services to C2/Limited Commercial
LOCATION:	4100 block of Sage Bluff Crossing, 350 feet east of its intersection with Aboite Center Road (Section 13 of Aboite Township)
LAND AREA:	2.381 acres
PRESENT ZONING:	C1/Professional Office and Personal Services
PROPOSED ZONING:	C2/Limited Commercial

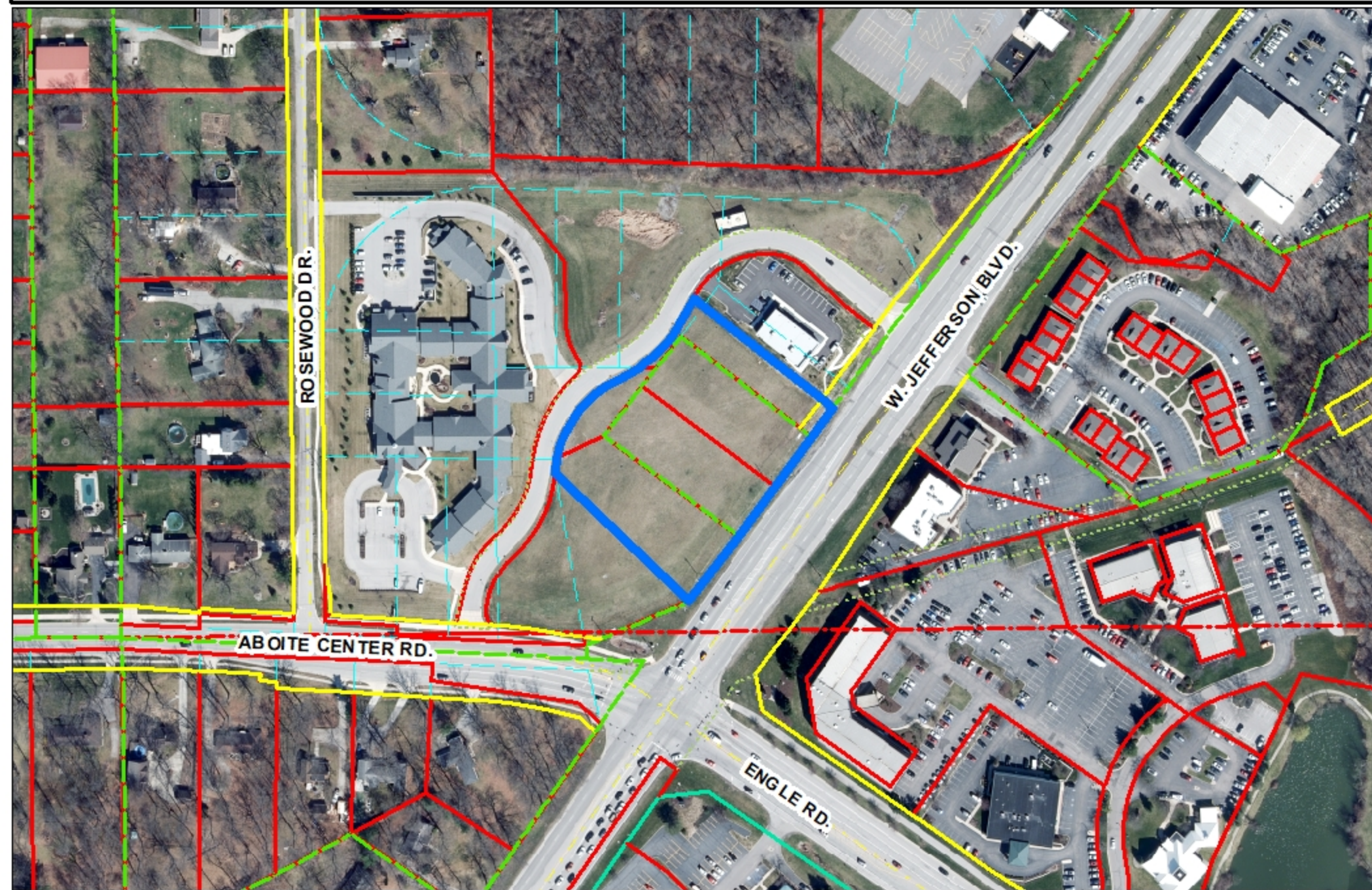
The Plan Commission recommends that Rezoning Petition REZ-2024-0002 be returned to Council, with a “Do Pass” recommendation with a Written Commitment after considering the following:

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. C2 is considered “compatible” with the business and office park generalized future land use category. The area on question has frontage along a major artery in Southwest Fort Wayne, and this zoning district is better suited in this area rather than a collector or local street.
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 current character consists of professional uses and mixed residential uses. Hotels are currently part of the character of this mixed use area.
3. Approval is consistent with the preservation of property values in the area. The zoning district change can engender property investment and can be a good accompaniment to surrounding uses and provides another short-term housing option for Lutheran Hospital and other destinations in Southwest Fort Wayne.
4. Approval is consistent with responsible development and growth principles based on existing uses in the area. The comprehensive plan identifies this site as an infill growth opportunity and utilities are already provided to the site. Agency review will verify that impacts are mitigated at the site routing level.

These findings approved by the Fort Wayne Plan Commission on March 18, 2024.

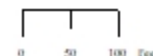


Benjamin J. Roussel
Executive Director
Secretary to the Commission

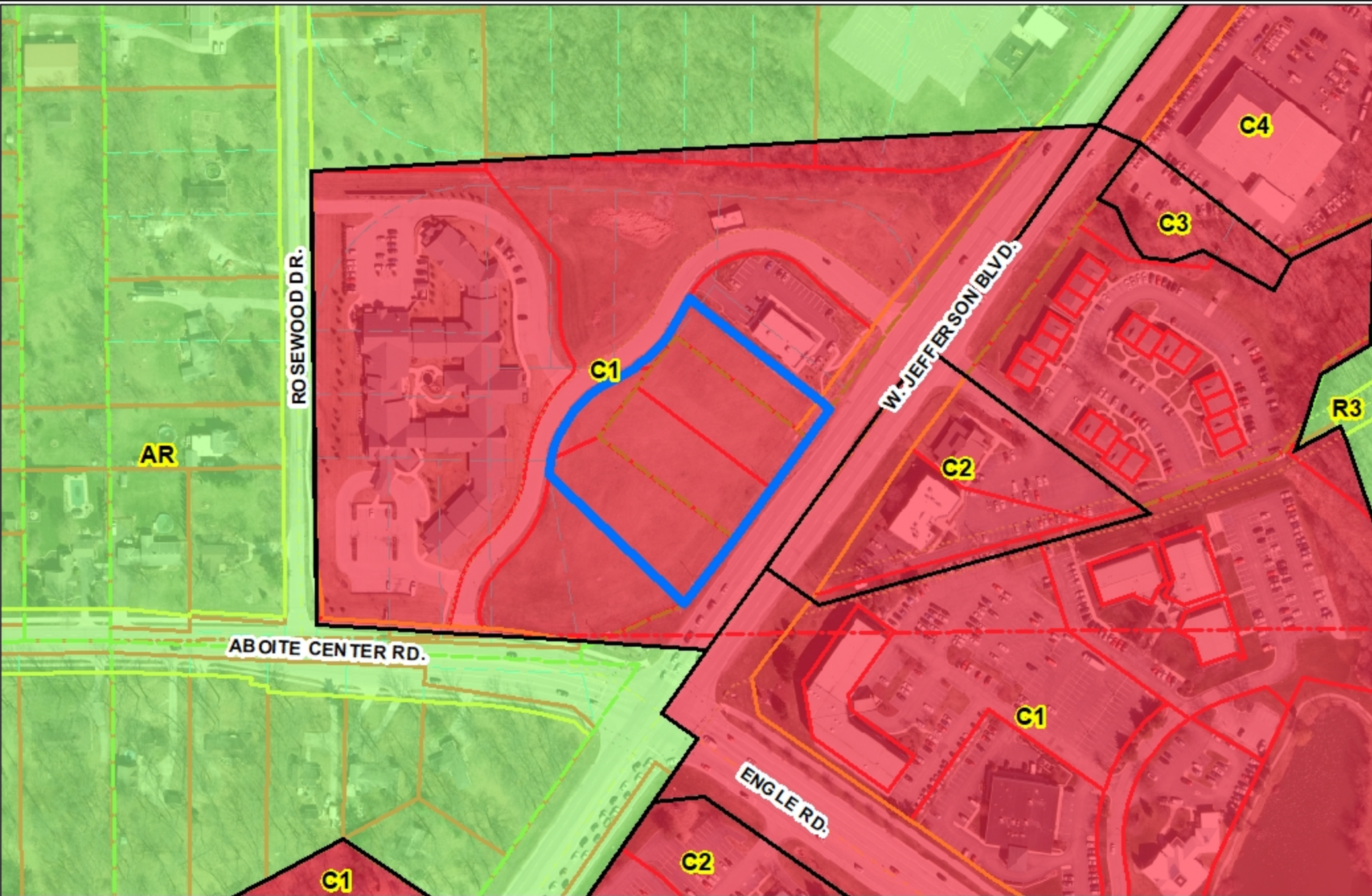


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

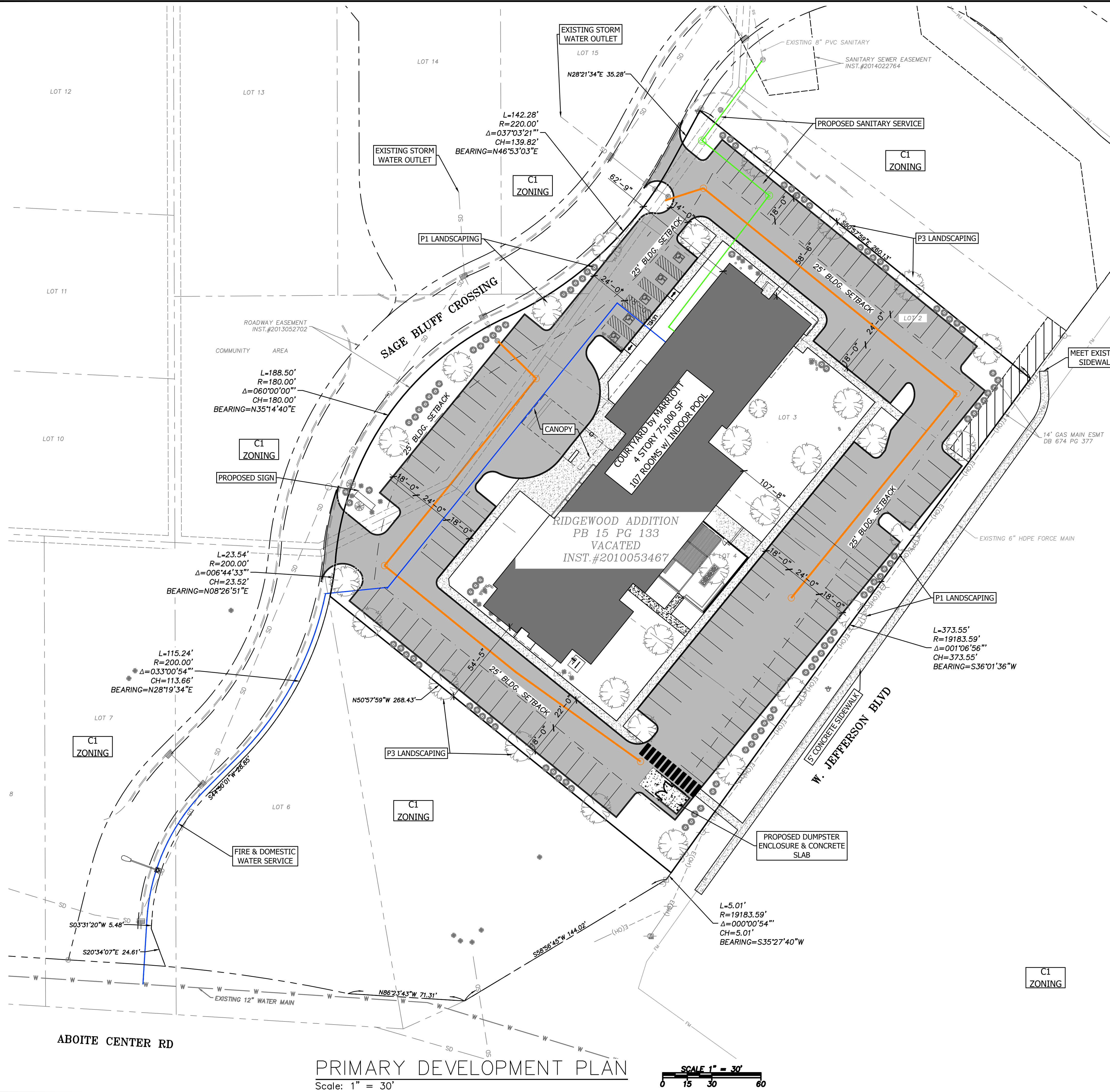
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 1/10/2024



1 inch = 200 feet

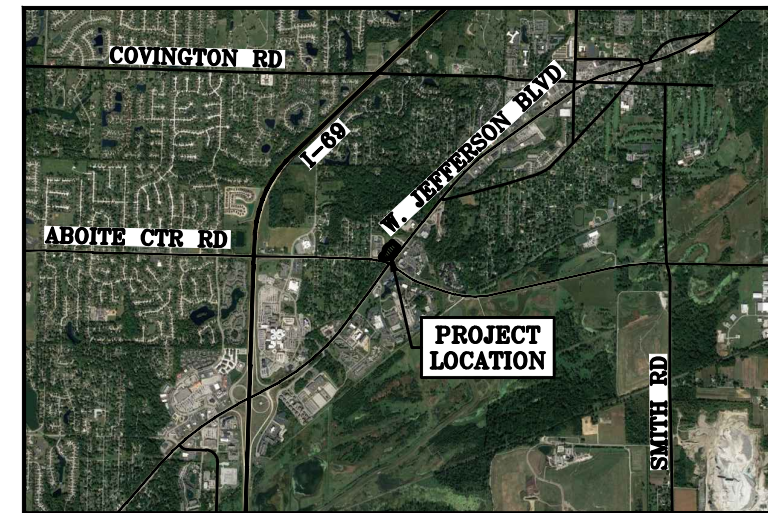


S:\2024 Projects\24-2020 FWS Hospitality - W. Jefferson Rezoning\CAD\COURTYARD SITE - LSG.dwg-----2/5/2024-----LandonGrogg



BASIS OF BEARINGS:
INGCS ALLEN COUNTY

VICINITY MAP



(NOT TO SCALE)

LEGEND

- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- PROPOSED DECIDUOUS TREE
- PROPOSED SHRUB

DEVELOPER

FWS HOSPITALITY LLC
121 S. Doctor MLK Jr. Blvd
South Bend, IN 46601
PH: (574) 320-2784
CONTACT: AJ PATEL
EMAIL: apatel@fwhospitality.com

CIVIL ENGINEER & ARCHITECT

A&Z ENGINEERING LLC
1220 Ruston Pass
Ft. Wayne, IN 46825
PH: (260) 485-7077
CONTACT: LANDON GROGG
EMAIL: lgrogg@az-engineering.net

MAUST ARCHITECTURAL SERVICES
112 N. MAIN ST.
GOSHEN, IN 46526
PH: (574) 537-8500
CONTACT: MICHAEL MAUST
EMAIL: michaelmaust@maustarchitects.com

SURVEYOR

ON THEM MARK LAND SURVEYING
2305 Central Yard Ct, Suite B
Ft. Wayne, IN 46818
PH: (260) 338-2052
CONTACT: NOLAN MARK
EMAIL: nmark@otmlandsurveying.com

FLOOD INSURANCE RATE MAP (FIRM)

ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
FIRM MAP NUMBER: 18003C0286G
PANEL 286 OF 495
DATED AUGUST 3, 2009

PARKING SUMMARY

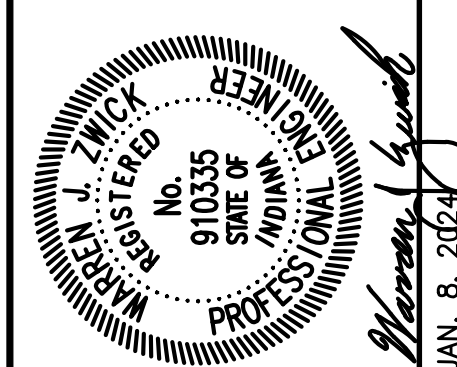
F1 SPACE PER SLEEPING ROOM	TOTAL PARKING REQUIRED	PROPOSED PARKING
107 ROOMS	107	116

PARKING SUMMARY

EXISTING ZONING	C1
PROPOSED ZONING	C2
CURRENT USE	VACANT
PROPOSED USE	HOTEL

GENERAL NOTE

PROPERTY LINES AND BEARING & DISTANCES SHOWN ARE FROM ALTA SURVEY PERFORMED AUGUST OF 2023 BY ON THE MARK LAND SURVEYING. FILE NO: 4054-234091



BY: *Landon Grogg*

DATE: JAN. 8, 2024

PRIMARY DEVELOPMENT PLAN

COURTYARD BY MARIOTT
7324 WEST JEFFERSON BLVD
REZONING

PROJECT NO.:

24-2020

DRAWING FILE NAME:
COURTYARD SITE - LSG

SCALE:

SHEET NUMBER TOTAL SHEETS
1 OF 1

FOR REZONING PURPOSED ONLY



COURTYARD
BY MARRIOTT

COURTYARD
BY MARRIOTT



Department of Planning Services
Application for Waiver of Required Design Standards

Project Name Courtyard by Marriott W. Jefferson Blvd.
Project Address 7324 W. Jefferson Blvd., Fort Wayne, IN, 46804
Applicant Landon Grogg (A&Z Engineering)
Address 1220 Ruston Pass
City Fort Wayne State IN Zip 46825
Telephone (260) 485-7077 Fax (260) 485-7071 E-mail lgrogg@az-engineering.net

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction

Description of Requested Waiver(s) Request for a waiver from the maximum building size of 22,000 square feet as shown in section 157.213(B) of the Fort Wayne Zoning Ordinance. The proposed building will be 75,000 square feet.

How will granting the waiver request(s) be in conformance with the purposes and intent of the ordinance and with the objectives and policies of the comprehensive plan? This project represents the construction of a proposed hotel facility on an under utilized vacant lot along a heavy trafficked roadway corridor. With granting of this waiver, the project promotes the development of the vacant lot, and permits the development of a new hotel facility that will be of adequate size and capacity that is needed for the current market in the Fort Wayne area.

Will granting the waiver request(s) result in a significant impact on contiguous residential properties? There are no contiguous residential properties for this proposed site.

How will failure to grant the waiver request(s) result in practical difficulties in the use of the property for the proposed development? The current industry standards for a new hotel are to construct a facility that consists of 4 stories and has +/- 100 rooms. These types of buildings are more energy efficient, more efficient with commercial land used per room, and also minimized the distance traveled by guests from the hotel rooms to the other amenities the hotels offer. If the waiver is not granted, FWS Hospitality may terminate the project.


Signature of Applicant

Landon Grogg
Printed Name

1/24/2024
Date

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this ____ day of _____, 2024 by FWS Hospitality, an Limited Liability Corporation (the “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 2.381 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (the “Real Estate”); and

WHEREAS, Declarant submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from C1/Professional Offices and Personal Services to C2/Limited Commercial, bearing number REZ-2024-0002 (the “Petition”), which Petition has been approved by the City of Fort Wayne Plan Commission (the “Plan Commission”) and the Fort Wayne Common Council (“City Council”); and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon approval of the Petition by the Plan Commission and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. **Prohibited Uses.** **Except for the Permitted Uses specifically allowed in Paragraph 2 below, and** subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:
 - 1) C2 Limited Commercial Specific Permitted Uses listed in Section 157.213 (C) of the Fort Wayne Zoning Ordinance
 - 2) All C2 Limited Commercial Special Uses listed in Section 157.213 (D) of the Fort Wayne Zoning ordinance.
2. **Permitted Uses.** **The following uses shall be permitted on the Real Estate:**
 - 1) Any use permitted in a C1/Professional Office & Personal Services zoning district; and

- 2) **The following specific uses permitted in a C2/Limited Commercial zoning district: **Hotel and Restaurant, excluding drive-through****
- 3) **Other Commitments:** Declarant agrees constructing a hotel facility with a maximum number of four (4) stories.
- 4) **Permits.** No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
- 5) **Binding Effect, Modification, and Termination.** This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may only be modified or terminated by the Declarant or its successors proving to the Plan Commission that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination.
- 6) **Recording.** Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
- 7) **Enforcement.** Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any

successor commission or enforcement official having zoning jurisdiction over the Real Estate.

- 8) Last Deeds of Record. The most recent deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number(s) _____.
- 9) Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
- 10) Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
- 11) Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

“DECLARANT”

By: _____
Printed Name:
Title:

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2024, personally appeared _____ and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by: Nathan W Schall

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. _____.

When Recorded, mail to: _____.

Formatted: Left, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: Not at -1"

7324 W. Jefferson Blvd. Rezoning Petition Questions/Concerns

1. The height of the proposed building
 - a. The proposed height of the building is 52'-1". The waiver request is to allow for a 55' building to allow for some variance during construction.
2. The elevation of the site compared to W. Jefferson Blvd.
 - a. From the Allen County GIS contours, W. Jefferson Blvd. has an approximate elevation of 784. At the highest point the site has a max elevation of 796, which is 12-ft higher than W. Jefferson Blvd.
 - b. From the Allen County GIS contours, Sage Bluff Crossing has elevations that are between 788 and 794. The site is an average between 0-ft to 6-ft higher than Sage Bluff Crossing.
 - c. The site will be leveled out and graded below the 796 elevation but will be held to the Sage Bluff Crossing elevations since the drive approaches will be off of Sage Bluff Crossing and it is not economically feasible to remove that material from the site.
3. Traffic generated by the hotel.
 - a. The intersections of Sage Bluff Crossing/Aboite Center Rd, Sage Bluff Crossing/W. Jefferson Blvd and Aboite Center Rd/W. Jefferson Blvd should have been designed and constructed per the Traffic Impact Study that was generated for the Commercial Park that the vacant lot (proposed site) is part of.
 - b. On average, the type of hotel facility that is being proposed on average only sees a 65% to 70% occupancy.
 - c. With a hotel, you do not get a regular influx of vehicles entering and exiting the property as you would with a commercial building.
 - d. There was concern for vehicles using Rosewood Dr to access W. Jefferson Blvd if they turned onto Aboite Center Rd. Signs are proposed to be installed to help direct traffic to W Jefferson Blvd to help reduce the impacts to Rosewood Dr.
4. Concern for noise and smoking generated by the hotel
 - a. The Courtyard by Marriott caters to high end corporate and business personnel. Typically, guests stop by the hotel to drop off their luggage and other belonging and then go to their meetings and then return to the hotel to sleep.
 - b. The Courtyard by Marriott is a smoke free facility.
5. Impacts to wetlands by the development of the proposed hotel facility.
 - a. There is one documented/identified wetland near the proposed site, which is located within the detention pond north of the site. The detention pond and storm sewer were designed, sized and constructed to accommodate the storm water runoff generated by the entire commercial park. The plan is to tie into the existing storm sewer system that was adequately sized for the proposed site to be

developed and there would be no construction work performed within the detention pond to where the wetland would be impacted.

6. The current address is off W. Jefferson Blvd.
 - a. The address will be changed to a Sage Bluff Crossing Address
7. The site should remain zoned a C1 because other commercial businesses that fit the qualifications for a C1 site can utilize the site better than the proposed hotel facility.
 - a. The commercial park was established around 2009 and this property has sat vacant since then. There has been ample amount of time for a C1 business to purchase and develop the site, but no one has really shown interest until now.
8. There are already enough Marriott facilities.
 - a. There is a Residence Inn by Marriott and a Fairfield Inn & Suites by Marriott located approximately a half mile southwest of the proposed site. The Marriott partners with and operates many different types of hotel facilities that accommodate many different types of clientele.
 - b. As stated before, the proposed hotel facility will cater to high-end corporate and business personal were as the other hotel facilities in the area do not directly target them.
 - c. There is only one other Courtyard by Marriott in Fort Wayne and it is located downtown. If Marriott did not see the need to construct another Courtyard by Marriott in the greater Fort Wayne area, they would not be signing off on this project.

Michelle Wood

From: Landon Grogg <lgrogg@az-engineering.net>
Sent: Friday, March 1, 2024 2:35 PM
To: Michelle Wood; Nathan W. Schall
Cc: AJ Patel
Subject: 7324 W Jefferson Blvd - Plan Commission Decision
Attachments: 5.2_191007_ILP Drawings.pdf; 2.6_190604_Soil Report.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon, Michelle and Nathan:

AJ and the rest of the FWS Hospitality team have reached out to the real estate broker and current property owner to see if the property owner would be willing to get soil boring samples performed for the site. At this time, the property owner is not going to participate and pay for obtaining soil borings.

However, we did obtain the soils report for the Steppin' Up Physical Therapy property at 4025 Sage Bluff Crossing, located next to the property that we are trying to get rezoned. The soils report and the development plan for the Steppin' Up site revealed that, prior to construction, the site had very similar elevations to 7324 W Jefferson Blvd. The soil borings for Steppin' Up were taken at elevations that ranged from 793 to 797 and show the vegetation/topsoil thickness to be between +/-2" and +/-9".

AJ and his team anticipate the 7324 W Jefferson Blvd site to have a similar soil composition to the Steppin' Up/4025 Sage Bluff Crossing site.

FWS Hospitality is committed to the development of 7324 W Jefferson Blvd if the rezoning is approved. Moreover, they do not plan to abandon the project if poor soils are present because they always build a contingency for poor soils into their construction budget. Should poor soils be encountered during the design/engineering phase and during construction, those soils will be removed from the site and engineered fill will be brought back in to construct the facility.

It should also be noted that FWS Hospitality's parent company, JSK Hospitality, has developed over 30 hotels and currently has 15 hotels in their portfolio. FWS Hospitality has already acquired the Courtyard franchise for Fort Wayne, so they are committed to this development regardless of obstacles or additional expenses- assuming Rezoning to C2 is obtained. If they encounter additional expenses in site work, JSK Hospitality is ready to absorb those costs.

They appreciate your help and support of this project. Feel free to reach out to AJ or me if you have any questions.

Thanks and have a great weekend!

Landon Grogg, EI
VP, Engineer

A&Z Engineering, LLC | 1220 Ruston Pass, Fort Wayne, IN 46825

p 260.485.7077 | m 260.573.6917 | az-engineering.net | [Facebook](#) | [LinkedIn](#)