

1 **#REZ 2024 0049**

2 **BILL NO. Z-25-01-02**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. S-42 (Sec. 17 of St. Joseph Township)**

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

8
9 SECTION 1. That the area described as follows is hereby designated a C1 (Professional
10 Office and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the
11 City of Fort Wayne, Indiana:

12
13 **PARCEL I:**

14 1.25 ACRES OF LAND, MORE OR LESS, AS SAID IN PREVIOUS DEEDS TO
15 CONTAIN, IN DE ROME'S RESERVE, SECTION 17, TOWNSHIP 31 NORTH,
16 RANGE 13 EAST, ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY
 DESCRIBED AS FOLLOWS:

17 COMMENCING AT A POINT IN THE CENTER LINE OF THE EVARD ROAD,
18 SAID POINT BEING LOCATED SOUTH 67 DEGREES 45 MINUTES EAST A
19 DISTANCE OF 337.6 FEET FROM THE INTERSECTION OF THE CENTER
20 LINES OF THE ST. JOE ROAD AND EVARD ROAD; THENCE IN A
21 SOUTHWESTERLY DIRECTION A DISTANCE OF 184.3 FEET; THENCE
22 SOUTH 70 DEGREES 15 MINUTES EAST A DISTANCE OF 291.6 FEET;
23 THENCE NORTH 36 DEGREES 30 MINUTES EAST A DISTANCE OF 179 FEET
 TO THE CENTER LINE OF THE EVARD ROAD; THENCE NORTH 67
 DEGREES 45 MINUTES WEST ALONG THE CENTER LINE OF THE EVARD
 ROAD A DISTANCE OF 339.7 FEEL TO THE PLACE OF BEGINNING.

24 **PARCEL II:**

25 0.57 ACRES OF LAND, MORE OR LESS, AS SAID IN PREVIOUS DEEDS TO
26 CONTAIN, IN DEROME'S RESERVE, SECTION 17, TOWNSHIP 31 NORTH,
27 RANGE 13 EAST, ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY
 DESCRIBED AS FOLLOWS:

1 COMMENCING AT A POINT IN THE CENTER LINE OF THE EVARD ROAD,
2 SAID POINT BEING LOCATED SOUTH 67 DEGREES 45 MINUTES EAST A
3 DISTANCE OF 202.6 FEET FROM THE INTERSECTION OF THE CENTER
4 LINES OF THE ST. JOE AND EVARD ROADS; THENCE SOUTH 20 DEGREES
5 57 MINUTES WEST A DISTANCE OF 189 FEET; THENCE SOUTH 70 DEGREES
6 15 MINUTES EAST A DISTANCE OF 135.0 FEET; THENCE NORTHEASTERLY
7 184.3 FEET TO THE CENTER OF EVARD ROAD; THENCE NORTH 67
8 DEGREES 45 MINUTES WEST, ON AND ALONG THE SAID CENTER LINE OF
9 EVARD ROAD, A DISTANCE OF 135 FEET TO THE POINT OF BEGINNING.

10 and the symbols of the City of Fort Wayne Zoning Map No. S-42 (Sec. 17 of St. Joseph
11 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne,
12 Indiana is hereby changed accordingly.

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

17
18 SECTION 3. That this Ordinance shall be in full force and effect from and after its
19 passage and approval by the Mayor.

20
21 _____
22 Council Member

23 APPROVED AS TO FORM AND LEGALITY:

24
25 _____
26 Malak Heiny, City Attorney
27
28
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2024-0049
Bill Number: Z-25-01-02
Council District: 2 – Russ Jehl

Introduction Date: January 14, 2025

Plan Commission
Public Hearing Date: January 13, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 1.82 acres from R1/Single Family Intensity Residential to C1/Professional Office and Personal Services

Location: 4110 Evard Road

Reason for Request: To allow for parking lot expansion for barber shop and salon within existing house.

Applicant: Mack Four Investments, LLC

Property Owner: Mack Four Investments, LLC

Related Petitions: Primary Development Plan – Mack Four Investments

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services zoning district, which permits a barber shop and salon.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, which will not permit the conversion of the residential property to commercial uses without a variance.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Mack Four Investments LLC
Address 1515 Quail Run
City Fort Wayne State IN Zip 46845
Telephone 260-310-0032 E-mail kyleblack185@gmail.com

Property Ownership
Property Owner Mack Four Investments LLC
Address 4054 & 4110 Evard Rd
City Fort Wayne State IN Zip 46835
Telephone 260-310-0032 E-mail kyleblack185@gmail.com

Contact Person
Contact Person Tod A. Mohr VP Engineering Vision Inc.
Address 5812 Industrial Rd.
City Fort Wayne State IN Zip 46825
Telephone 260-750-2311 E-mail todm@engineeringvision.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 4054 & 4110 Evard Rd Township and Section T31, S17
Present Zoning RP Proposed Zoning C1 Acreage to be rezoned 1.82
Purpose of rezoning (attach additional page if necessary) To renovate the property from a residential rental home, to a small and family owned hair salon and barber shop.
Sewer provider FORT WAYNE Water provider 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

MACK Four Investments LLC/Kyle Black/owner
(printed name of applicant)

MACK Four Investments
(signature of applicant) Kyle Black owner 12/1/24
(date)

MACK Four Investments LLC/Kyle Black/owner
(printed name of property owner)

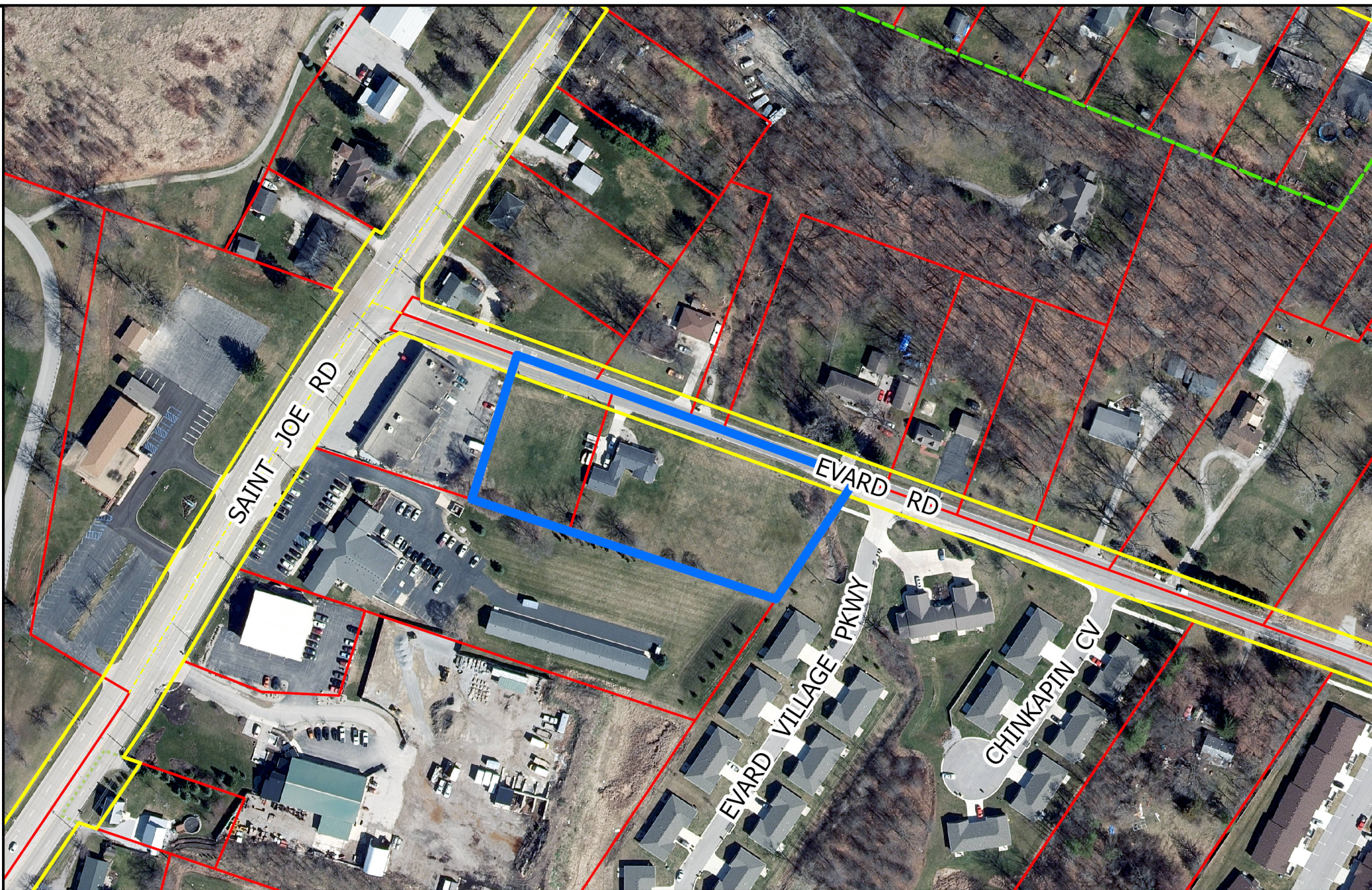
MACK Four Investments
(signature of applicant) Kyle Black owner 12/1/24
(date)



Received	Receipt No.	Hearing Date	Petition No.
<u>Dec/3/24</u>	<u>146777</u>	<u>1/13/25</u>	<u>REZ-2024-049</u>

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



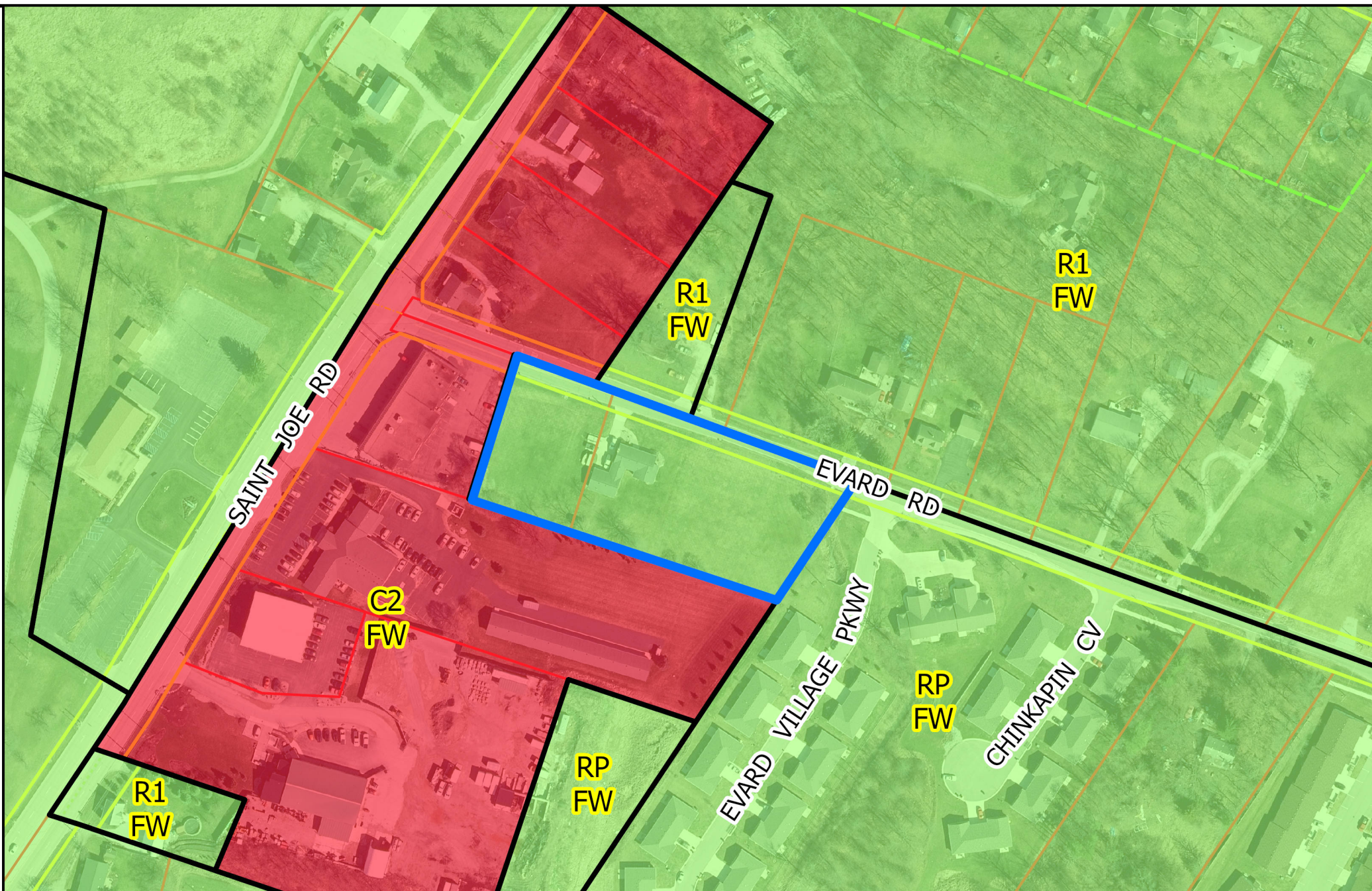


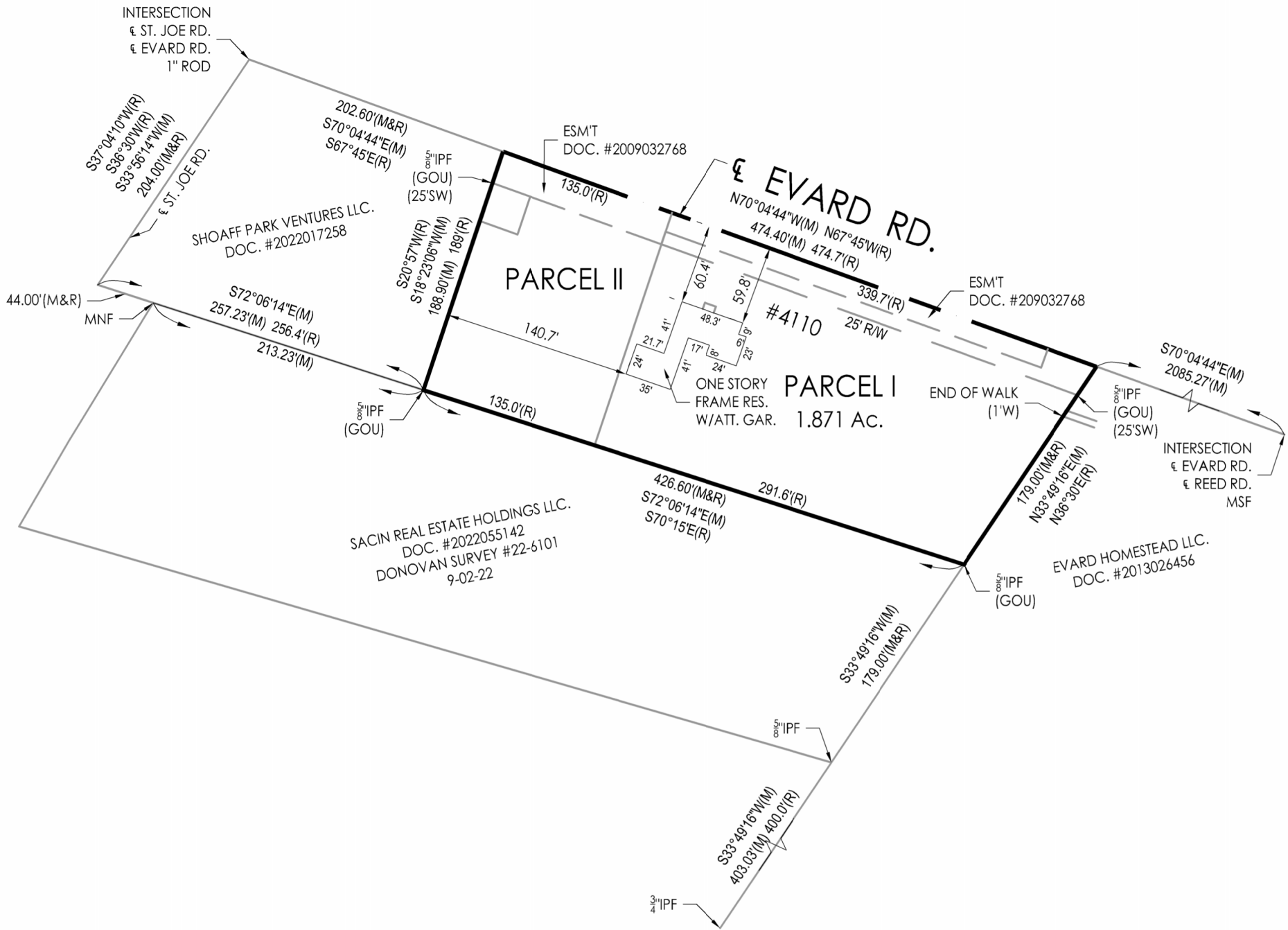
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 12/16/2024

0 125 250 Feet



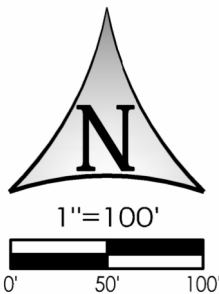




CERTIFICATION:

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: 06-24-24



Michael W. Harris

LEGAL DESCRIPTION:

Parcel I:

1.25 acres of land, more or less, as said in previous deeds to contain, in De Rome's Reserve, Section 17, Township 31 North, Range 13 East, Allen County, Indiana, being more particularly described as follows:

Commencing at a point in the center line of the Evard Road, said point being located South 67 degrees 45 minutes East a distance of 337.6 feet from the intersection of the center lines of the St. Joe Road and Evard Road; thence in a Southwesterly direction a distance of 184.3 feet; thence South 70 degrees 15 minutes East a distance of 291.6 feet; thence North 36 degrees 30 minutes East a distance of 179 feet to the center line of the Evard Road; thence North 67 degrees 45 minutes West along the center line of the Evard Road a distance of 339.7 feet to the place of beginning.

Parcel II:

0.57 acres of land, more or less, as said in previous deeds to contain, in DeRome's Reserve, Section 17, Township 31 North, Range 13 East, Allen County, Indiana, being more particularly described as follows:

Commencing at a point in the center line of the Evard Road, said point being located South 67 degrees 45 minutes East a distance of 202.6 feet from the intersection of the center lines of the St. Joe and Evard Roads; thence South 20 degrees 57 minutes West a distance of 189 feet; thence South 70 degrees 15 minutes East a distance of 135.0 feet; thence Northeasterly 184.3 feet to the center of Evard Road; thence North 67 degrees 45 minutes West, on and along the said center line of Evard Road, a distance of 135 feet to the point of beginning.

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) No variances in the reference monuments.

C) Discrepancies in record descriptions of as much as 0.30 feet, East-West, exist along the North boundary line and as much as 0.10 feet, North-South, exist along the West boundary line, as shown hereon.

D) No inconsistencies in lines of occupation.

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.

2) This is a retracement survey of the real estate conveyed to SAC Properties, LLC, in the deed recorded in Document Number 2015065377 in the Office of the Recorder of Allen County, Indiana.

This parcel is also described in the Commitment for Title Insurance issued by Metropolitan Title of Indiana, LLC, Commitment No.: 4035-244066, and Commitment Date of April 22, 2024.

THEORY OF LOCATION:

The centerline of Evard Road was established between a 1-inch rod located at the intersection of the centerlines of Evard and St. Joe Roads, and a MAG Spike located at the intersection of the centerlines of Evard and Reed Roads. This line controls the location of the North boundary line.

The South boundary line was established between a line of monuments being the Goulloff rebars (GOU) located at the Southeast and Southwest boundary corners and a MAG Nail located at the Northwest corner of the South adjainer.

The West boundary line was established between the Goulloff rebars (GOU) located at the Southwest and Northwest (on the right-of-way line) boundary corners.

The East boundary line was established between the Goulloff rebars (GOU) located at the Southeast and Northeast (on the right-of-way line) along with rebars located at the Southeast corners of the two adjainers to the South.

A survey of the South adjainer by Michael W. Harris, dated September 2, 2022, was used for reference.

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

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.

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 "ABONMARCHE FIRM #0050"

(M)	Measured	(P)	Platted
(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.

FACT SHEET

Case #REZ-2024-0049

Bill # Z-25-01-02

Project Start: January 2025

APPLICANT:	Mack Four Investments, LLC
REQUEST:	To rezone property from RP/Planned Residential to C1/Professional Office and Personal Services and to approve a primary development plan for a parking lot expansion for a barber shop and salon.
LOCATION:	4110 Evard Road, 200 feet east of its intersection of Saint Joe Road (Section 17 of St. Joseph Township)
LAND AREA:	1.82 acres
PRESENT ZONING:	RP/Planned Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	2 – Russ Jehl
SPONSOR:	Fort Wayne Plan Commission

January 13, 2025 Public Hearing

- No residents spoke at the hearing.
- One letter in opposition was received.
- All members were present.

January 27, 2025 Business Meeting

Plan Commission Recommendation: DO PASS,

A motion was made by Karen Richards and seconded by Rick Briley 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:
Michelle Wood, Senior Land Use Planner
February 5, 2025

PROJECT SUMMARY

The petitioner is requesting to rezone the parcel from RP/Planned Residential to C1/Professional Office and Personal Services and to approve a primary development plan for a parking lot expansion for a barber shop and salon. The site is located 200 feet east of the Evard and Saint Joe Road intersection. The site currently consists of a residential home on a metes and bound parcel on 1.82 acres of land. The zoning and uses surrounding the property vary from commercial to the west, south, and northwest to residential to the north and east.

The submitted development plan shows a proposed expansion on the west side of the existing residential structure. A sidewalk is shown along Evard Road. An improved access point to Evard Road is shown in the general area of the existing access point. The parking lot appears to meet current zoning ordinance requirements with the exception of landscaping will be required on the west side of the parking lot. The applicant intends to improve the current structure internally and is not proposing any building expansions at this time. A dry detention basin is proposed on the southwest corner of the site between the parking lot and the southern neighbor.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

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

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 4 – 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.
- Adjacent properties are categorized as Mixed Residential to the south, west, and east. The property to the north is categorized as a Traditional Neighborhood.

Overall Land Use Related Action Steps

- **LUD Goal 1** Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

Compatibility Matrix

- This proposed use is permitted in C1/Professional Office and Personal Services which is considered compatible with Mixed Residential and Traditional Neighborhood.

Other Applicable Plans: none

Below are 5 items the Plan Commission shall pay reasonable regard to set forth by State Code. The applicant submitted answers to the questionnaire following this report.

1. The Comprehensive Plan:
2. 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:
5. Responsible development and growth:

PUBLIC HEARING SUMMARY:

Presenter: Kyle Black, property owner, and part of husband and wife hair stylist team, presented the request as outlined above. They plan to remodel the home interior for barbershop and salon, possibly up to 8 to 10 booths, but only 4 to start. Very low traffic, tasteful signage and lighting.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

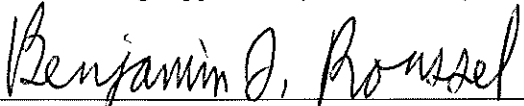
Rezoning Petition REZ-2024-0049 – Mack Four Investments

APPLICANT:	Mack Four Investments, LLC
REQUEST:	To rezone property from RP/Planned Residential to C1/Professional Office and Personal Services for a parking lot expansion for a barber shop and salon.
LOCATION:	4110 Evard Road, 200 feet east of its intersection of Saint Joe Road (Section 17 of St. Joseph Township)
LAND AREA:	1.82 acres
PRESENT ZONING:	RP/Planned Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2024-0049 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 C1/Professional Office and Personal Services zoning will provide the opportunity to redevelop the site while providing additional commercial options along Evard Road. The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
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 commercial zoning to the west. The applicant intends to keep the structure residential in appearance and is not proposing any major façade changes or increase in building footprint. The rezoning is consistent with existing commercial zoning to the west and northwest.
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 developed 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. This portion of Evard Road is adjacent to commercial development to the west. The C1/Professional Office and Personal Services zoning district could act as a buffer between residential districts to the east and a more intense commercial zoning district to the west. The Comprehensive Plan encourages adjacent development in areas already served by infrastructure.

These findings approved by the Fort Wayne Plan Commission on January 27, 2025.


Benjamin J. Roussel
Executive Director
Secretary to the Commission