

#REZ-2025-0008

BILL NO. Z-25-02-08

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. V30 (Sec. 22 of St. Joseph 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 C3/General
Commercial District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 22, Township 31 North, Range 13 East,
Allen County, Indiana, depicted on Wightman Surveying, Inc. survey #242696,
dated January 3, 2025, and being described as follows:

Commencing at a 3/4" bar held as the Southwest corner of the Southwest
Quarter of said Section 22; thence North 89 degrees 35 minutes 09 seconds East
(assumed deed bearing from the description of a 6.870-acre parcel described in
Document #2024030630 as found in the Office of the Recorder of Allen County,
Indiana), a distance of 1,320.65 feet to the Southeast corner of the West Half of
said Southwest Quarter; thence North 00 degrees 04 minutes 32 seconds West, on
the East line of the West Half said Southwest Quarter, said line being partially
defined by the West line of Maplewood Terrace, Section I, recorded in Plat
Book 27, pages 103-105, a distance of 283.29 feet to the **Point of Beginning** at the
Southeast corner of an 11.291-acre parcel described in Document #207020124;
thence along the Southerly line of said 11.291-acre parcel by the following 6
courses, the first course also being the Northerly line of a 0.43-acre parcel
described in Document #204089182: South 89 degrees 34 minutes 00 seconds
West, 138.08 feet; thence North 00 degrees 04 minutes 32 seconds West, 67.17
feet; thence South 89 degrees 34 minutes 00 seconds West, 264.04 feet to a point
on a curve to the left, having a radius of 138.50 feet and a chord of 61.12 feet
bearing South 76 degrees 49 minutes 09 seconds West; thence Southwesterly, on
said curve, an arc distance of 61.63 feet; thence South 64 degrees 04 minutes 17
seconds West, 48.49 feet to a point on a curve to the right, having a radius of
88.50 feet and a chord of 34.82 feet bearing South 75 degrees 25 minutes 03
seconds West; thence Southwesterly, on said curve, an arc distance of 35.05 feet
to the Southwesterly corner of said 11.291-acre parcel; thence North 15 degrees
10 minutes 22 seconds East, on the Westerly line of said 11.291-acre parcel,
333.61 feet to a 5/8" rebar capped "D&A FIRM" at a Southerly corner of the

aforementioned 6.870-acre parcel; thence continuing North 15 degrees 10 minutes 22 seconds East, on the boundary of said 6.870-acre parcel, 106.22 feet to a 5/8" rebar capped "SAUER" at a Southerly corner of said 6.870-acre parcel; thence North 89 degrees 36 minutes 00 seconds East, on the Southerly line of said 6.870-acre parcel, 423.31 feet to a 5/8" rebar capped "SAU ER" at the Southeasterly corner thereof, being on the East line of the West Half of said Southwest Quarter; thence South 00 degrees 04 minutes 32 seconds East, on said East line, 447.67 feet to the Point of Beginning, **containing 4.421 acres**, more or less, and subject to easements and rights-of-way of record.

and the symbols of the City of Fort Wayne Zoning Map No. V30 (Sec. 22 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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-2025-0008
Bill Number: Z-25-02-08
Council District: 1 – Paul Ensley

Introduction Date: February 25, 2025

Plan Commission
Public Hearing Date: March 10, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 4.421 acres from R1/Single Family Residential, R2/Two Family Residential, and R3/Multiple Family Residential to C3/General Commercial

Location: 6501 Stellhorn Road (Section 22 of St. Joseph Township)

Reason for Request: To permit a storage facility.

Applicant: Schmucker Building Services LLC

Property Owner: Mackids Inc

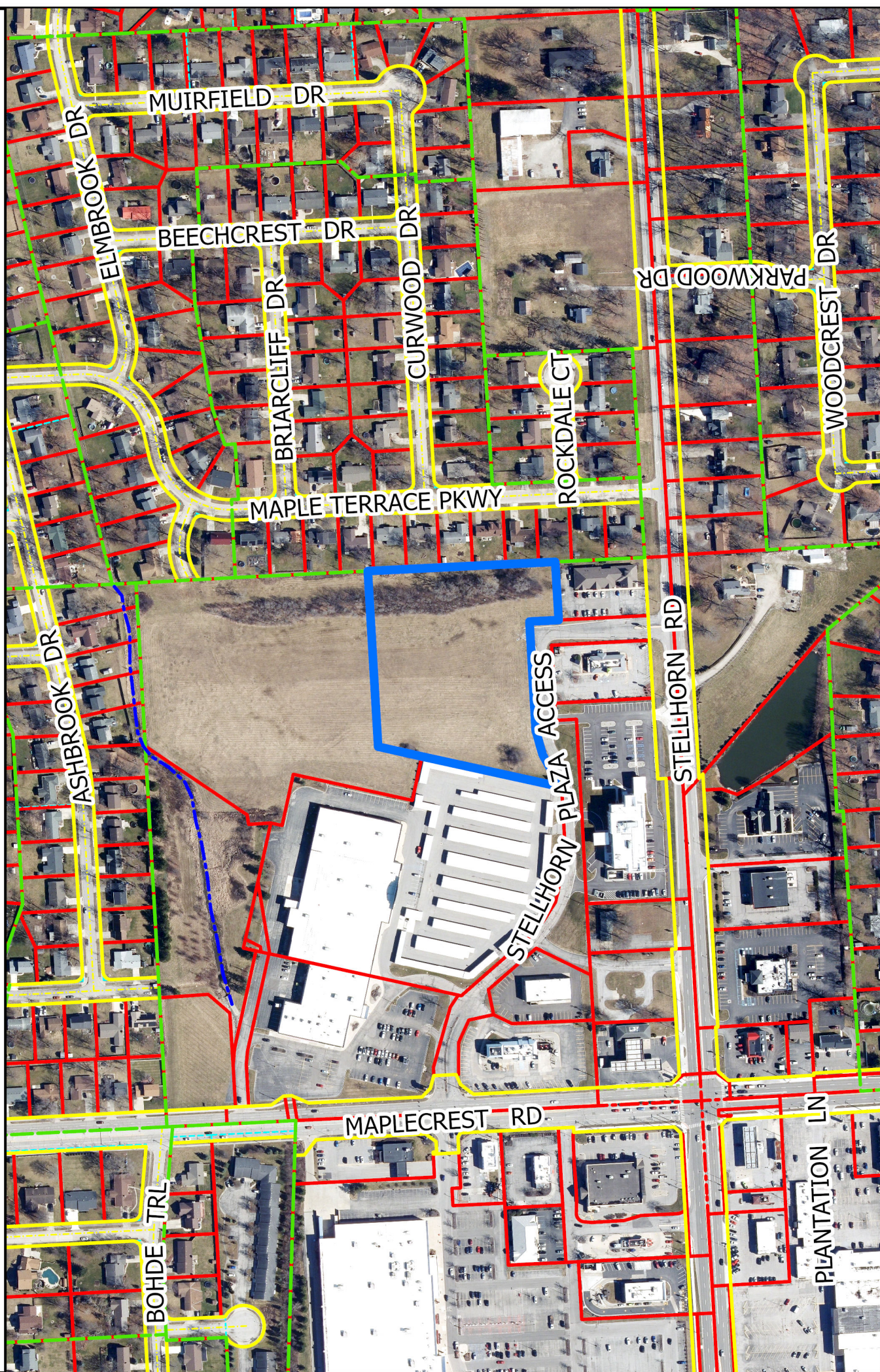
Related Petitions: Primary Development Plan – Stellhorn Toy Shed

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which would permit a storage facility.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, R2/Two Family Residential, and R3/Multiple Family Residential, which does not permit a storage facility. The site may continue with existing uses, and may be redeveloped with single family residential, two family residential, multiple family residential, and similar uses.



Rezoning Petition REZ-2025-0008 and Primary Development Plan PDP-2025-0007 - Stellhorn Toy Shed



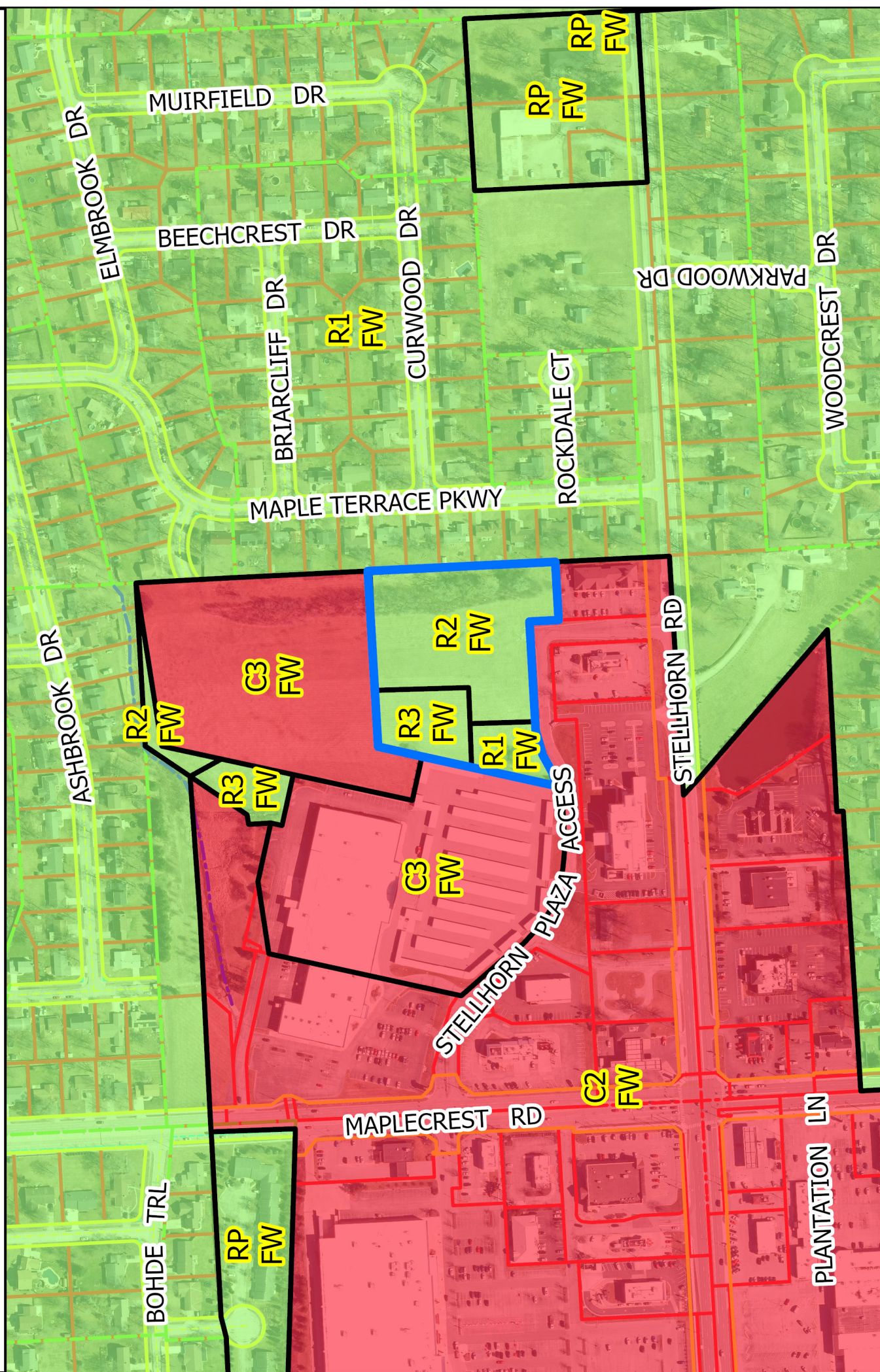
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 2/17/2025





Rezoning Petition REZ-2025-0008 and Primary Development Plan PDP-2025-0007 - Stellhorn Toy Shed



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Department of Planning Services Rezoning Petition Application

Applicant

Applicant Schmucker Building Services LLC

Address 13314 Ehle Road

City New Haven State IN Zip 46774

Telephone 260-310-2211 E-mail jhs4416920@gmail.com

Property
Ownership

Property Owner MackKids, Inc.

Address 1547 N. State St. PMB 199

City Greenfield State IN Zip 46835

Telephone 720.363.1657 E-mail mabrick@msn.com

Contact
Person

Contact Person Susan Trent, Rothberg Law Firm

Address 505 E. Washington Blvd.

City Fort Wayne State IN Zip 46802

Telephone 260.422.9454 E-mail strent@rothberg.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 6501 Stellhorn Road Township and Section St. Joseph, 22

Present Zoning R1, R2 and R3 Proposed Zoning C3 Acreage to be rezoned 4.421

Purpose of rezoning (attach additional page if necessary) To build a condo-ized storage facility consisting of 6 separate buildings.

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

JAMES SCHMUCKER
(printed name of applicant)

James Schmucker
(signature of applicant)

1-31-25
(date)

(printed name of property owner)

(signature of property owner)

(date)



Received	Receipt No.	Hearing Date	Petition No.
2-4-25	147004	3-10-25	RE2-2025-0008

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 Petition Application**

Applicant
 Applicant Schmucker Building Services LLC
 Address 13314 Ehle Road
 City New Haven State IN Zip 46774
 Telephone 260-310-2211 E-mail jhs4416920@gmail.com

Property Ownership
 Property Owner MacKids, Inc.
 Address 1547 N. State St. PMB 199
 City Greenfield State IN Zip 46835
 Telephone 720.363.1657 E-mail mabrick@msn.com

Contact Person
 Contact Person Susan Trent, Rothberg Law Firm
 Address 505 E. Washington Blvd.
 City Fort Wayne State IN Zip 46802
 Telephone 260.422.9454 E-mail strent@rothberg.com

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

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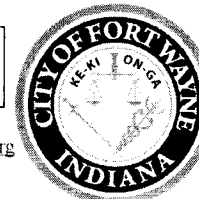
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(printed name of applicant) Marsha Brichacek (signature of applicant) Marsha Brichacek (date) 2/3/2025
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____

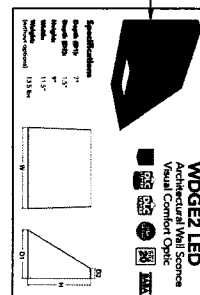


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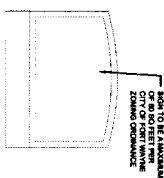
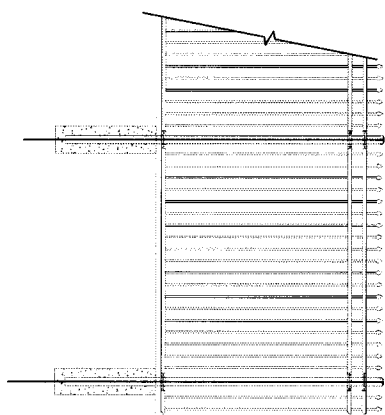


For technical questions concerning the drawings or project, contact:
 Kerry Schaefer
 MSKTD & Assoc.
 (260) 432-9337

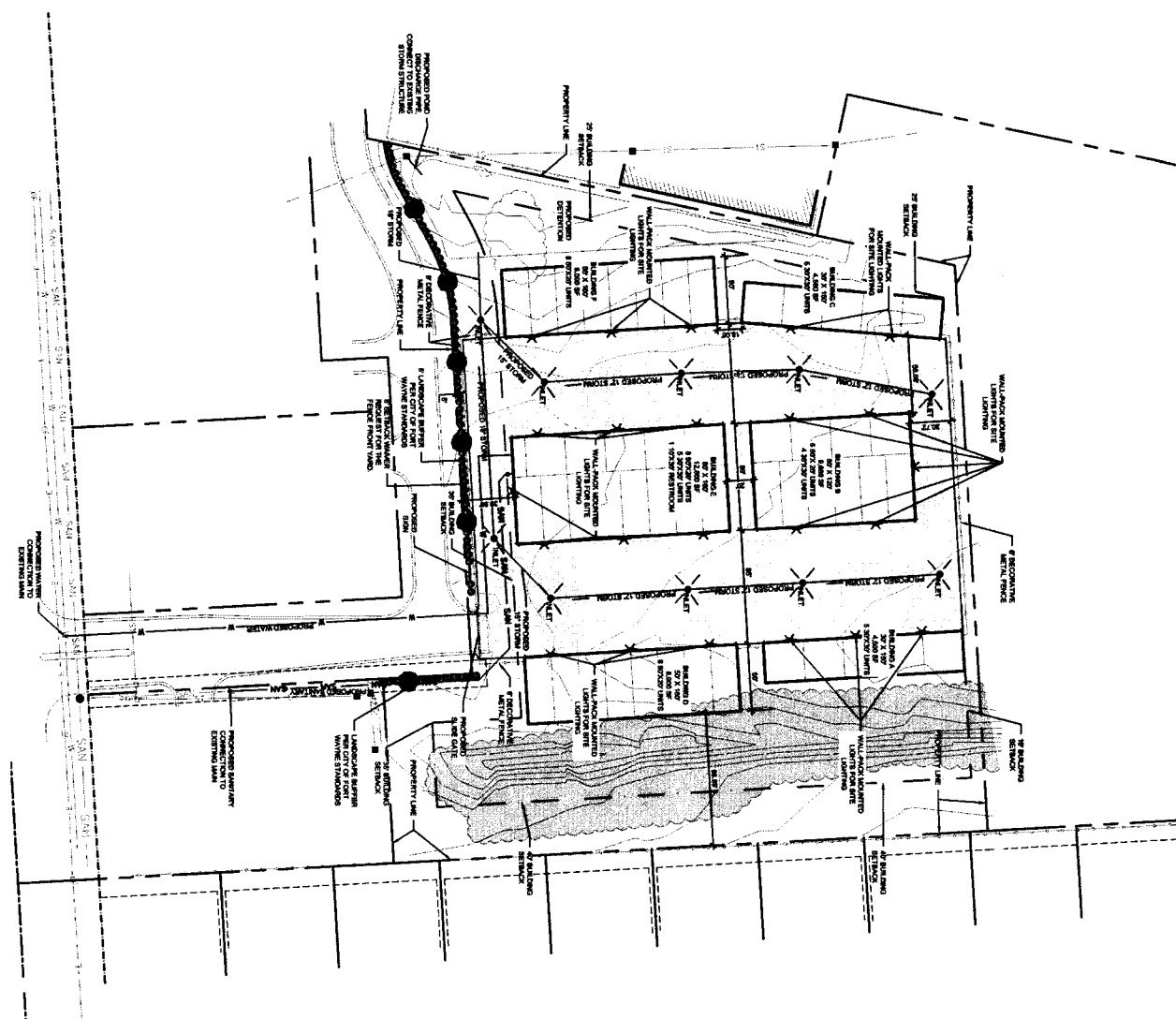


NOTE:
 ALL SITE LIGHTING TO BE FULL CUTOFF FIXTURES

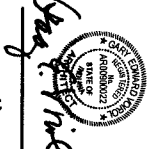
LANDSCAPE LEGEND:
 EXISTING TREES
 PROPOSED TREES
 PROPOSED SHRUBS



Primary Development Plan



MSKTD & Associates
 1515 Lakeshore Blvd.
 Suite 100
 Fort Wayne, IN 46816
 (260) 432-9337
 www.msktd.com



A Project for:
Toy Shed Condos - Stellhorn Rd.
 Developer:
 Schmucker Building Service's LLC
 13314 Ehle Rd
 New Haven IN 46774

PROJECT NO: 17-000025
 DATE: 07-26-25
 SHEET: 01

SHEET NUMBER
C401

17/26/2025 3:31:38 PM

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;

See attached.

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

See attached.

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

See attached.

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

See attached.

- (5) Responsible development and growth.

See attached.

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*



1. Comprehensive Plan.

Approval of the rezoning request is in substantial compliance with the *All in Allen* Comprehensive Plan (the “Plan”) , and does not establish an undesirable precedent in the area, for the following reasons:

First, the Plan defines generalized future land use and development using a total of twenty (20) generalized land use categories, one of which is “Community Commercial”. According to the Generalized Future Land Use Map (NE quadrant), found on **page 68** of the Plan, the location of the proposed Project Site, 6501 Stellhorn Road (the “Project Site”), is categorized as “Community Commercial”. The Land Use Compatibility Matrix, found on **page 213** of the Plan, indicates that a C3 zoning district is compatible with the “Community Commercial” land use category.

Second, the Future Growth and Development Map, found on **page 55** of the Plan, indicates that the Project Site is in an Urban Infill Area. **Page 54** of the Plan, observes that “development in Urban Infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.” The Project Site is located on vacant ground of approximately 4 acres in a commercial area already served by infrastructure.

- Goal 1 of the Plan encourages compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

The Plan notes that infill development is desirable because it leverages existing infrastructure. The Plan also observes that infill development is not as easy to accomplish as greenfield development. Constraints such as parcel size and location along with other site conditions can impact the ease of development and building in an active urban environment. In addition, the Plan notes that Development should be directed toward vacant and underutilized parcels within Fort Wayne.

In this case, the Project Site is contiguous with existing development and served by adequate utility and transportation infrastructure. Moreover, the Project Site is located on a vacant and underutilized, undersized parcel where size constraints are an issue limiting use. The Project Site balances commercial use with the sensitivities of the adjacent residential areas in ways such as limiting the use through a Written Commitment, landscaping, and maintenance of the existing berm as well as limited traffic, operational and security impacts. Thus, only one conclusion can be drawn: the Applicant’s project is in substantial compliance with the Plan and does not establish an undesirable precedent in the area.

2. Current conditions and the character of current structures and uses in the district.

In addition to residential areas, the Project Site is surrounded by moderate to heavy commercial uses, including two (2) gas stations. The Project Site is also adjacent to the following zoning districts: C1, C2 and C3 as well as R1 and R2. In addition, there are numerous adjacent and existing commercial uses including but not limited to sit-down restaurants, fast food, shopping, auto uses, banks, small offices, Planet Fitness, etc. Additionally, immediately adjacent to the West of the Project Site is an existing commercial storage facility. The area, in general, is decidedly mixed-use/commercial with consistent traffic and signalized intersections. The Project Site is underutilized as vacant ground and unlikely to be suitable for residential use in light of the location and size of the parcel and character of development at the Maplecrest Rd./Stellhorn Rd. intersection (the "Intersection").

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

The most desirable use for the Project Site is a general commercial use (as contemplated by the C3 zoning district) with a Written Commitment from the Applicant to substantially limit C3 use to balance residential concerns to the North and East of the Project Site. The C3 zoning district is sought because the Applicant's proposed use is permitted only under said classification. Given the proximity of the Project Site to the existing storage facility, other numerous commercial uses, and the Intersection generally, it is unlikely to be desirable for further residential development.

4. Conservation of property values throughout the jurisdiction.

Given the Project Site's proximity to existing and intense commercial uses including a large existing storage facility, the addition of an additional storage facility conserves the value of commercial property in this area and will bring certainty of limited commercial use to an undeveloped and unproductive small parcel of land sandwiched between residential and commercial uses. Moreover, despite the C3 zoning district requested, the use proposed by the Applicant is not intense.

5. Responsible development and growth.

The proposed storage facility will not seek to impose a use that is immoral or otherwise offensive to the community as a whole, to customers of other local businesses near the Intersection, nor to the residents of the residential community to the North and East. Traffic associated with the Applicant's storage facility is not anticipated to be significant. The most desirable use for which the land in the district is adapted is very clearly the limited use proposed by the Applicant.