

**CITY OF FORT WAYNE PLAN COMMISSION
BUSINESS SESSION MINUTES
JANUARY 23, 2023**

(The following reflects a synopsis of the City of Fort Wayne Plan Commission monthly public hearing. Actual tape recording of the proceedings before the Plan Commission are available upon request.)

The City of Fort Wayne Plan Commission convened in a Business Meeting on Monday, January 23, 2023 in Room 30 of Citizens Square, Fort Wayne, Indiana. Attendance was as follows.

	Membership Status	Present	Absent
President Connie Haas Zuber	Citizen Member	X	
Vice President Don Schmidt	Citizen Member	X	
Commissioner Thomas Freistroffer	City Council Member		X
Commissioner Ryan Neumeister	Citizen Member	X	
Commissioner Paul Sauerteig	Citizen Member	X	
Commissioner Rick Briley	Park Board Representative	X	
Commissioner Rachel Tobin-Smith	Citizen Member	X	
Commissioner Judi Wire	Board of Public Works Member	X	
Commissioner Patrick Zaharako	City Civil Engineer	X	

Staff members present were Ben Roussel, Executive Director; Michelle Wood, RLA, Senior Land Use Planner; Jacob Rose, Principal Land Use Planner; Nathan Schall, Principal Land Use Planner, and Christian Beebe, Principal Planner Permits and Enforcements.

Ms. Haas Zuber called the meeting to order at 5:30 p.m. and confirmed a quorum was present. The Commission acted on the following items (not necessarily in the order presented).

ADMINISTRATIVE AGENDA

1. Review of the December 2022 Minutes

Mr. Sauerteig moved to accept the minutes as presented. Mr. Briley seconded the motion and it passed unanimously.

PUBLIC HEARING AGENDA

PROPOSAL: Rezoning Petition REZ-2022-0068 – 411 E Paulding Road
APPLICANT: Solar Petroleum, LLC
REQUEST: Rezone property from I1/Limited Industrial to C3/General Commercial to allow conforming status for an existing gas station/Convenience store and to rezone property to the north.
LOCATION: 411 East Paulding Road, northwest corner of its intersection with Lafayette Street (Section 24 of Wayne Township)

Following comments by staff, the Site Committee Report, and general discussion by the Commission, Mr. Zaharako moved the Commission forward a DO PASS recommendation to City Council decision for Rezoning Petition REZ-2022-0068. Ms. Tobin-Smith seconded and the motion passed unanimously.

PROPOSAL: PDP-2022-0048
APPLICANT: Cari Bean of JK O'Donnell's
REQUEST: Approve a primary development plan to approve a new outdoor dining pergola with a waiver to increase allowable size of an accessory structure.
LOCATION: 121 W Wayne Street, 130 feet east of its intersection with S Harrison Street (Section 2 of Wayne Township)

Following comments by staff, the Site Committee Report, and general discussion by the Commission, Mr. Sauerteig moved the Commission to APPROVE Primary Development Plan PDP-2022-0048, JK O'Donnell's. Mr. Briley seconded the motion and it was unanimously approved.

PROPOSAL: Rezoning Petition REZ-2022-0071 and Primary Development Plan PDP-2022-0051 – Schaab Riverfront Plaza
APPLICANT: Schaab Riverfront, LLC
REQUEST: Rezone property from I2/General Industrial to DE/Downtown Edge to approve re-use of a mixed-use commercial building with a parking lot waiver.
LOCATION: 1216 N Harrison Street, east of its intersection with 2nd Street (Section 2 of Wayne Township)

Following comments by staff, the Site Committee Report, and general discussion by the Commission, Mr. Neumeister motioned the Commission forward a DO PASS recommendation to City Council decision for Rezoning Petition REZ-2022-0071. Mr. Sauerteig seconded and the motion passed unanimously.

Following comments by staff, the Site Committee Report, and general discussion by the Commission, Ms. Tobin-Smith moved the Commission to APPROVE Primary Development Plan PDP-2022-0051, Schaab Riverfront Plaza. Mr. Sauerteig seconded the motion and it was unanimously approved.

OTHER BUSINESS

1. Appointment of Plan Commission Legal Counsel for 2023
Governing Board recommendation: Robert Eherenman

Following the Governing Board's recommendation to retain Mr. Eherenman's services for the department's Plan Commission and Boards of Zoning Appeals meetings, Ms. Tobin-Smith moved to approve Mr. Eherenman's reappointment for City Plan Commission. Mr. Zaharako seconded and the motion was approved unanimously.

2. Conflict of Interest Disclosure

Mr. Eherenman has annually informed the Commission that, since he receives a salary and health insurance from the County, he is required to file an annual disclosure statement with the State Ethics Commission. Additionally, his employer, the Haller and Colvin law offices, bills the County as a third-party vendor for litigation. The Uniform Conflict of Interest Disclosure Statement requires the signature of the Plan Commission president.

Ms. Tobin-Smith moved to authorize the Plan Commission president to sign the Disclosure Statement. Mr. Schmidt seconded and the motion unanimously passed.

3. Election of Officers and Board Appointments for 2023

- a. Plan Commission President
(2022 – *Connie Haas Zuber*)

Ms. Tobin-Smith motioned to reappoint Ms. Haas Zuber to the position of President of the Fort Wayne Plan Commission. Mr. Briley seconded the motion and the reappointment was unanimous.

- b. Plan Commission Vice President
(2022 – *Don Schmidt*)

Ms. Wire moved to elect Mr. Sauerteig to the position of Vice President of the Plan Commission. Mr. Briley seconded and the motion was unanimously approved.

- c. Plan Commission Secretary
(2022 – *Ben Roussel*)

Mr. Zaharako motioned for Mr. Roussel to be reappointed as Plan Commission Secretary. Mr. Sauerteig seconded the motion and it passed unanimously.

- d. Urban Transportation Advisory Board Appointment
(2022 – *Judi Wire*)

Ms. Wire's reappointment to the Urban Transportation Advisory Board was motioned by Ms. Tobin-Smith and seconded by Mr. Sauerteig. The recommendation received unanimous support.

- e. Subdivision Control Committee Appointments
(2022 – *Paul Sauerteig, Patrick Zaharako, Nathan Schall*)

Following Ms. Tobin-Smith's motion and Ms. Wire's second, Mr. Sauerteig, Mr. Zaharako and Mr. Schall received unanimous approval for reappointment to the Subdivision Control Committee.

4. Appointment of 2023 Design Review Committee - 1 yr. appointment
Please confirm appointees as a slate, or make nominations:

Connie Haas Zuber, Chair
Ted Kucinsky, Downtown Improvement District
Dan Ernst, ASLA
Megan Crites, AIA
Thomas Offerle, PE
John Riley, AIA
Aimee Shimisaki

Alternate Members:

Adam Weesner, AIA
Greg Wehling, AIA

Ms. Tobin-Smith moved to confirm the 2023 Design Review Committee and Alternate Members as a slate. Mr. Zaharko seconded, and the motion passed unanimously.

5. Appointment of Zoning Hearing Officer for 2023
(2022 – Patrick Rew)

Mr. Sauerteig motioned to approve Mr. Rew's re-appointment as Zoning Hearing Officer for 2023. Mr. Zaharako seconded and the Commission gave unanimous support.

Alternate Zoning Hearing Officer for 2023
(2022 – Bryan McMillan)

In full agreement with Ms. Tobin-Smith's motion and Mr. Sauerteig's second, the Plan Commission voted to approve Mr. McMillan's reappointment as Alternate Zoning Hearing Officer for 2023.

6. Contract for Legal Services with the City of Fort Wayne

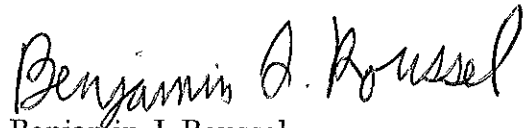
Ms. Tobin-Smith motioned to approve and Mr. Sauerteig seconded the department's Contract for Legal Services with the City of Fort Wayne. The Plan Commission supported the motion unanimously.

ADJOURNMENT

Next Public Hearing: February 13, 2023 at 5:30 p.m. in Room 035 Garden Level,
Citizens Square, 200 E Berry, Fort Wayne, IN

Next Business Meeting: February 20, 2023 at 5:30 p.m. in Room 030 Garden Level,
Citizens Square, 200 E Berry, Fort Wayne, IN

There being no further business, the meeting adjourned at 6:08 p.m.



Benjamin J. Roussel
Executive Director, Department of Planning Services
Secretary, Fort Wayne Plan Commission

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

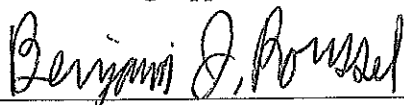
Rezoning Petition REZ-2022-0068

APPLICANT: Solar Petroleum, LLC
REQUEST: Rezone property from I1/Limited Industrial to C3/General Commercial to allow conforming status for an existing gas station/Convenience store and to rezone property to the north.
LOCATION: 411 East Paulding Road, northeast corner of its intersection with Lafayette Street (Section 24 of Wayne Township)
LAND AREA: 1.047 acres
PRESENT ZONING: I1/Limited Industrial
PROPOSED ZONING: C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2022-0068 be returned to Council, with a “Do Pass with a written commitment” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The existing gas station and convenience store have served this neighborhood for decades. The area is heavily developed with commercial and industrial uses. The purpose of the rezoning is to allow an existing use to comply with the zoning ordinance and allow for improvements.
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 use on the property is existing and is not proposed to change. A proposed written commitment prohibiting all but existing C3 uses will protect surrounding property owners from new intensive or incompatible uses.
3. Approval is consistent with the preservation of property values in the area. This proposal does not increase the intensity of the existing use, and allows for the property to be maintained, expanded and/or improved, allowing for investment when desired or necessary.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.
5. Plan Commission requests the following language to be added to the written commitment:
When the north parcel (412 Southview Avenue), is redeveloped or utilized in part for improvements to the gas station parcel (411 East Paulding), P-2 screening and buffering, or a solid board fence will be installed on the east property line, adjacent to the single family house at 420 Southview Avenue. If the property ceases to be used residentially, landscaping will be required per the zoning ordinance standards for the district.

These findings approved by the Fort Wayne Plan Commission on January 23, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Primary Development Plan PDP-2022-0048 – JK O'Donnell's Pergola

APPLICANT: Cari Bean of JK O'Donnell's
REQUEST: Approve a primary development plan to approve a new outdoor dining pergola with a waiver to increase allowable size of an accessory structure.
LOCATION: 121 W Wayne Street, 130 feet east of its intersection with S Harrison Street (Section 2 of Wayne Township)
LAND AREA: Approximately 0.06 acres
PRESENT ZONING: DC/Downtown Core

Pursuant to I.C. 36-7-4-1405, the Commission shall review a development plan to determine if the development plan:

- (1) is consistent with the comprehensive plan; and
- (2) satisfies the development requirements specified in the Zoning Ordinance under sections 1402 and 1403 of I.C. 36-7-4.

The Plan Commission finds that the proposed development satisfies the following stated Objectives of the Fort Wayne Comprehensive Plan:

- LU3.** Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
- LU6.** Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.
- LU6.C** Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.
- LU6.D** Support carefully planned, coordinated, compatible mixed-use development.
- LU8.** Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.
- LU14.** Enhance the use and presence of the three rivers.
- ED5.** Treat downtown Fort Wayne as one of the most important economic development locations.
- H3.** Build on the assets and stabilize existing neighborhoods.
- H6.** Promote mixed uses along with proximity of uses.

The project site is within the conceptual development map growth area and is currently served by public infrastructure. The site is within the Downtown Core zoning district and received a "Do Pass" recommendation from the downtown Design Review Committee.

§157.301(4)(a)(i) states that:

After public hearing on the Primary Development Plan, the Commission shall approve or deny the application. The Commission shall approve the Primary Development Plan if it determines that the application meets the development requirements of the applicable zoning district. Pursuant to I.C. 36-7-4-1402 and 1403, the Fort Wayne Zoning Ordinance sets forth the development requirements that must be satisfied before the Commission may approve a development plan.

The Plan Commission finds that the Primary Development Plan of JK O'Donnell's Pergola meets the following development requirements as set forth in §157.404:

- (1) §157.404(D) Access
- (2) §157.404(E) Airport Overlay Districts
- (3) §157.404(G) Easements

- (4) §157.404(H) Floodplain
- (5) §157.404(I) Landscape standards
- (6) §157.404(J) Lot standards
- (7) §157.404(K) Natural Site Features
- (8) §157.404(L) Landscape standards
- (9) §157.404(M) Parking
- (10) §157.404(N) Pedestrian Circulation
- (11) §157.404(O) Residential impact mitigation
- (12) §157.404(P) Sanitary Sewer
- (13) §157.404(Q) Signs
- (14) §157.404(R) Site Lighting
- (15) §157.404(S) Storm Drainage
- (16) §157.404(T) Street Lighting
- (17) §157.404(U) Vehicle Circulation and Streets
- (18) §157.404(V) Water
- (19) §157.404(W) Zoning district standards

The development plan does not meet *some* of the following development standards of the zoning district chapter of the Fort Wayne Zoning Ordinance (§157.404(W)). The Plan Commission can approve a waiver in development standards if it meets the following 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.

In accordance with I.C. 36-7-1402(b)(4) and §157.405(B)(1) the Plan Commission approves the following waivers:

A waiver of §157.404(W), zoning district standards, to increase the allowable square footage of an accessory structure from 25% to 66% of the gross first floor square footage.

(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 – The waiver helps increase dining options downtown. The applicant went through appropriate channels of approval. This could allow for more patrons who still feel uncomfortable from public health crises to come downtown to dine in open air.

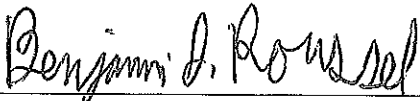
(b) The applicant has submitted adequate evidence to demonstrate that the requested waiver or modification will not have a significant impact on contiguous residential properties – The site is already used for outdoor dining. The site already has a fair amount of pedestrian, vehicular, and dining patron activity.

(c) The failure to grant the requested waiver would result in practical difficulties in the use of the property for the proposed development. – Failure to grant the waiver will default to a about a 1500 square foot pergola, drastically reducing the number of patrons.

Based on the Findings of Fact, the Plan Commission approves the Primary Development Plan of JK O'Donnell's Pergola, subject to the following conditions:

1. Primary approval will be received from all agencies. See comments from individual departments and agencies for secondary submittals.
2. Secondary development plans will be submitted to the Plan Commission via a site plan routing.
3. A waiver to increase the allowable square footage from 25% to 66% of the first-floor square footage is approved.
4. All site and building lighting will use sharp cut-off type fixtures as defined by the Illuminating Engineers Society of North America (IESNA).
5. Signage will meet the standards of the zoning ordinance.

These findings approved by the Fort Wayne Plan Commission on January 23, 2022.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

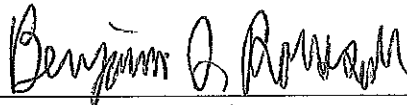
Rezoning Petition REZ-2022-0071

APPLICANT: Schaab Riverfront, LLC
REQUEST: Rezone property from I2/General Industrial to DE/Downtown Edge
LOCATION: 1216 N Harrison Street, east of its intersection with 2nd Street (Section 2 of Wayne Township)
LAND AREA: 0.77 acres
PRESENT ZONING: I2/General Industrial
PROPOSED ZONING: DE/Downtown Edge

The Plan Commission recommends that Rezoning Petition REZ-2022-0071 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 general area is adjacent to downtown zoning districts, and the proposed zoning district provides more compatibility to adjacent residential districts.
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. Permitted uses in the Downtown Edge zoning district allow for more compatibility to residential districts rather than the current General Industrial zoning district.
3. Approval is consistent with the preservation of property values in the area. The purpose of the rezone is to repurpose and restore the existing building, which has been a mainstay on the North Harrison Street corridor for decades.
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.

These findings approved by the Fort Wayne Plan Commission on January 23, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Primary Development Plan PDP-2022-0051 – Schaab Riverfront Plaza

APPLICANT: Schaab Riverfront, LLC
REQUEST: To approve re-use of a mixed-use commercial building with a parking lot waiver.
LOCATION: 1216 N Harrison Street, east of its intersection with 2nd Street (Section 2 of Wayne Township)
LAND AREA: 0.77 acres
PRESENT ZONING: I2/General Industrial
PROPOSED ZONING: DE/Downtown Edge

Pursuant to I.C. 36-7-4-1405, the Commission shall review a development plan to determine if the development plan:

- (1) is consistent with the comprehensive plan; and
- (2) satisfies the development requirements specified in the Zoning Ordinance under sections 1402 and 1403 of I.C. 36-7-4.

The Plan Commission finds that the proposed development satisfies the following stated Objectives of the Fort Wayne Comprehensive Plan:

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

LU14. Enhance the use and presence of the three rivers.

ED5. Treat downtown Fort Wayne as one of the most important economic development locations.

H3. Build on the assets and stabilize existing neighborhoods.

H6. Promote mixed uses along with proximity of uses.

The project site is within the conceptual development map growth area and is currently served by public infrastructure. The site is adjacent to Riverfront, Phase II and is a suitable accompaniment to the ongoing improvements the City is making.

§157.301(4)(a)(i) states that:

After public hearing on the Primary Development Plan, the Commission shall approve or deny the application. The Commission shall approve the Primary Development Plan if it determines that the application meets the development requirements of the applicable zoning district. Pursuant to I.C. 36-7-4-1402 and 1403, the Fort Wayne Zoning Ordinance sets forth the development requirements that must be satisfied before the Commission may approve a development plan.

The Plan Commission finds that the Primary Development Plan of Schaab Riverfront Plaza meets the following development requirements as set forth in §157.404:

- (1) §157.404(D) Access
- (2) §157.404(E) Airport Overlay Districts
- (3) §157.404(G) Easements
- (4) §157.404(H) Floodplain
- (5) §157.404(I) Landscape standards
- (6) §157.404(J) Lot standards
- (7) §157.404(K) Natural Site Features
- (8) §157.404(L) Landscape standards
- (9) §157.404(M) Parking
- (10) §157.404(N) Pedestrian Circulation
- (11) §157.404(O) Residential impact mitigation
- (12) §157.404(P) Sanitary Sewer
- (13) §157.404(Q) Signs
- (14) §157.404(R) Site Lighting
- (15) §157.404(S) Storm Drainage
- (16) §157.404(T) Street Lighting
- (17) §157.404(U) Vehicle Circulation and Streets
- (18) §157.404(V) Water
- (19) §157.404(W) Zoning district standards

The development plan does not meet *some* of the following development standards of the parking chapter of the Fort Wayne Zoning Ordinance (§157.404(M)). The Plan Commission can approve a waiver in development standards if it meets the following 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.

In accordance with I.C. 36-7-1402(b)(4) and §157.405(B)(1) the Plan Commission approves the following waivers:

A waiver of §157.404(M), parking standards, to reduce the required setback from 10' to 0' on the north side of the development site.

(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 – The parking lot is adjacent to city owned property and accompanies ongoing, city-initiated improvements to the riverfront.

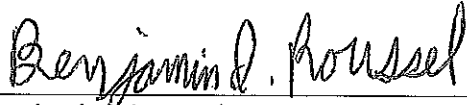
(b) The applicant has submitted adequate evidence to demonstrate that the requested waiver or modification will not have a significant impact on contiguous residential properties – The site will be adjacent to city-owned property, and the Redevelopment department agreed to install a fence to mitigate traffic lights onto residential properties further up North Harrison Street.

(c) The failure to grant the requested waiver would result in practical difficulties in the use of the property for the proposed development. – Given that the parking lot fits into a historic area of the city, parking remains tight as-is, and this is the only parking until the Pepsi site is redeveloped across the street.

Based on the Findings of Fact, the Plan Commission approves the Primary Development Plan of Schaab Riverfront Plaza, subject to the following conditions:

1. Approval of Rezoning Petition REZ-2022-0071 and vacation of the public alley will be received from Common Council.
2. Primary approval will be received from all agencies. See comments from individual departments and agencies for secondary submittals.
3. Secondary development plans will be submitted to the Plan Commission via a site plan routing.
4. A waiver to reduce the setbacks from 10' to 0' for parking a parking lot setback along the north property line of the development site. A 6' privacy fence will be installed in lieu of landscaping screening and buffering.
5. All site and building lighting will use sharp cut-off type fixtures as defined by the Illuminating Engineers Society of North America (IESNA). Final lighting locations and cut-sheets of all fixtures will be submitted, subject to staff review and approval with the submittal of the secondary development plan. A photometric plan will be submitted with the site plan routing to show that no light will emanate onto adjacent properties.
6. Dumpsters will be screened with a masonry wall, solid board or solid PVC fence.
7. Accessory structures on the rooftop, like pergolas, fireplaces, and other elements on a rooftop deck, can be included without DRC approval but will need SITE permits through the Department of Planning.
8. Signage will meet the standards of the zoning ordinance.
9. Any dumpster screening will be constructed with either a wood or a vinyl fence or masonry structure and will include a gate. If no gate is proposed, additional landscaping will be provided, coordinated with staff.

These findings approved by the Fort Wayne Plan Commission on January 23, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission