

ORDINANCE 20-1379

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL REZONING 22329 MAIN STREET WITHIN THE WOODBURN CITY LIMITS

WHEREAS, the City Council of the City of Woodburn (the “City”), State of Indiana, pursuant to Indiana Code Section 36-7 et. seq., as amended, has authority to plan for and regulate the use and zoning of real property located within its municipal boundaries; and,

WHEREAS, the Allen County Plan Commission serves as the Plan Commission for the City; and,

WHEREAS, petitioners Lynn and Roselyn Rorick filed Rezoning Petition REZ-2019-0067 with the Allen County Department of Planning Services; and,

WHEREAS, the Allen County Plan Commission held a public hearing on this Petition on the 12th day of December, 2019; and,

WHEREAS, the Allen County Plan Commission held a business meeting on the 16th day of January 2020, and after deliberating, the Plan Commission adopted Findings of Fact for this Petition resolving to recommend the 0.13 acres of real estate referenced in the Petition be reclassified R1/Single Family Residential;

WHEREAS, the Allen County Plan Commission, pursuant to I.C. Section 36-7-4-605(a)(2), by a vote of 6-0, certified the proposed rezoning with a DO PASS recommendation to the Woodburn City Council;

NOW THEREFORE, BE IT ORDAINED by the Woodburn City Council that, as the legislative body of the City of Woodburn, Indiana, the City Council concurs with the Plan Commission’s recommendation and hereby approves Rezoning Petition REZ-2019-0067 as attached hereto.

Adopted and Ordained this 3rd day of February, 2020.

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: Michael Voirol YEA X NAY _____ ABS _____
Michael Voirol, Councilor

By: Michael Martin YEA X NAY _____ ABS _____
Michael Martin, Councilor

By: Tonya Thompson YEA X NAY _____ ABS _____
Tonya Thompson, Councilor

By: Dean Gerig YEA X NAY _____ ABS _____
Dean Gerig, Councilor

By: Daniel Watts YEA X NAY _____ ABS _____
Daniel Watts, Councilor

ATTEST:

By: Timothy Cummins
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved (X) / not approved () by me on the same date.

By: Joseph Kelsey
Joseph Kelsey, Mayor for the City of Woodburn

COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq. and Allen County Code Title 3, both as amended, and adopts the following resolution.

**Resolution of the
Allen County Plan Commission
Regarding Zoning Map Amendment**

WHEREAS the Allen County Department of Planning Services received a proposed map amendment on November 5, 2019 which it designated subsequently as Rezoning Petition REZ-2019-0067; and,

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed map amendment in *The Journal Gazette* according to law; and,

WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed map amendment on December 12, 2020; and,

WHEREAS the Allen County Plan Commission considered the petition in light of comprehensive plan and the zoning ordinance requirements; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session, that a resolution and proposed ordinance be sent to the City Council of Woodburn, State of Indiana, recommending that the proposed map amendment DO PASS 0.13 acres to R1/Single Family Residential;

BE IT FURTHER RESOLVED that the Allen County Plan Commission's Findings of Fact setting forth its reasons for this recommended action be included with the resolution and proposed ordinance resolving Rezoning Petition REZ-2019-0067; and,

BE IT FINALLY RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the City Council of Woodburn, State of Indiana;

ADOPTED THIS 16th day of January 2020.



Kimberly R. Bowman, AICP
Executive Director, ACDPS
Secretary to the Allen County Plan Commission



Date of Signature

The land referred to in this Commitment is described as follows:
Situate in Allen County, State of Indiana:

The East 47 feet of Lot Number 18 in Knoblauch's Subdivision to the Town of Woodburn, as recorded in Plat Record 2, page 43.

REZONING FACT SHEET

Petition #REZ-2019-0067		Project Start: November 2019	
APPLICANT:	Lynn and Roselyn Rorick		
REQUEST:	To rezone property from C3/General Commercial to R1/Single Family Residential to permit the existing single family residence.		
LOCATION:	The address of the subject property is 22329 Main Street (Section 20 of Maumee Township).		
LAND AREA:	Approximately 0.13 acres		
PRESENT ZONING:	C3/General Commercial		
PROPOSED ZONING:	R1/Single Family Residential		

12 December 2019 Public Hearing

- No one spoke at the public hearing with concerns.
- City of Woodburn submitted a letter in opposition to the proposal, which was rescinded with a letter of support.
- James Wolffe was absent.


16 January 2020 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Tom Harris and seconded by Adam Day to return the ordinance to the City of Woodburn for their final decision.
- Richard Beck, Jeff Sorg and James Wolff were absent.
- **6-0 MOTION PASSED**

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
January 22, 2020

Reviewed By:



Kimberly R. Bowman, Executive Director
Secretary to the Commission

PROJECT SUMMARY

The applicant is proposing to rezone property to C3/General Commercial to bring the existing single family residential with a detached garage into compliance with the Zoning Ordinance. The existing C3/General Commercial zoning is original zoning and no longer permits single family residential after the Ordinance change in 2018.

Staff has no concern with the rezoning proposal. The change in zoning will make the use conforming to the Ordinance. Despite the location of this house being along Main Street in downtown Woodburn, there are mixed land uses along this road from single family to commercial. Zoning the house to residential is appropriate and should not have a negative impact on adjacent properties. If desired, the City of Woodburn can rezone the property back to commercial in the future. Currently it is in the best interest of the property owner to have the appropriate zoning for the current use.

PUBLIC HEARING SUMMARY:

Presenter: Lynn Rorick, property owner, presented the request as outlined above.

Public Comments:

None

Other:

The City of Woodburn originally submitted a letter of opposition to the proposal. Following the public hearing, the City discussed the proposal with the applicant and Department of Planning Services staff, and have since submitted a letter to DPS stating support.

ALLEN COUNTY PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2019-0067

APPLICANT:	Lynn and Roselyn Rorick
REQUEST:	To rezone property from C3/General Commercial to R1/Single Family Residential to permit the existing single family residence.
LOCATION:	The address of the subject property is 22329 Main Street (Section 20 of Maumee Township).
LAND AREA:	Approximately 0.13 acres
PRESENT ZONING:	C3/General Commercial
PROPOSED ZONING:	R1/Single Family Residential
PROPOSED WATER:	City of Woodburn
PROPOSED SEWER:	City of Woodburn

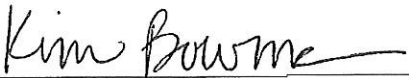
In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The Plan Commission recommends that Rezoning Petition REZ-2019-0067 be returned to the City Council of Woodburn with a recommendation of "Do Pass" after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the Allen County Comprehensive Plan, and should not establish an undesirable precedent in the area. The proposed rezoning is compatible with zoning districts in the general area.
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. Any future plans on the site will be reviewed with the Zoning Ordinance, which will ensure compatible development.
3. Approval is consistent with the preservation of property values in the area. The proposed land use is consistent with the adjacent development, and this rezoning will allow for the use to be permitted by the Zoning Ordinance.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

These findings approved by the Allen County Plan Commission on January 16, 2020.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant

Applicant LYNN E & ROSELYN A. ROSICK
Address 5030 SAMSON RD
City MONTICELLO State IN Zip 46773
Telephone 260-385-6835 E-mail ROCKREALTY@gmail.com

Contact Person

Contact Person LYNN ROSICK
Address 5030 SAMSON RD
City MONTICELLO State IN Zip 46773
Telephone 260-385-6835 E-mail ROCKREALTY@gmail.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 22329 MAIN ST
Present Zoning C-3 Proposed Zoning RS-1 Acreage to be rezoned _____
Proposed density _____ units per acre
Township name MAUMEE Township section # _____
Purpose of rezoning (attach additional page if necessary) FOR FHA MORTGAGE
REAL ESTATE SALE FOR RESIDENCE
Sewer provider WOODBURN Water provider WOODBURN

Filing Requirements

Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- ☐ Applicable filing fee
- ☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
- ☐ Legal Description of parcel to be rezoned
- ☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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 Allen County Plan Commission 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 I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

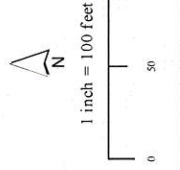
<u>LYNN E ROSICK</u> (printed name of applicant)	<u>[Signature]</u> (signature of applicant)	<u>11-4-19</u> (date)
<u>ROSELYN A. ROSICK</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>11-4-19</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received	Receipt No.	Hearing Date	Petition No.
11-4-19	132488	12-12-19	REZ-2019-0067



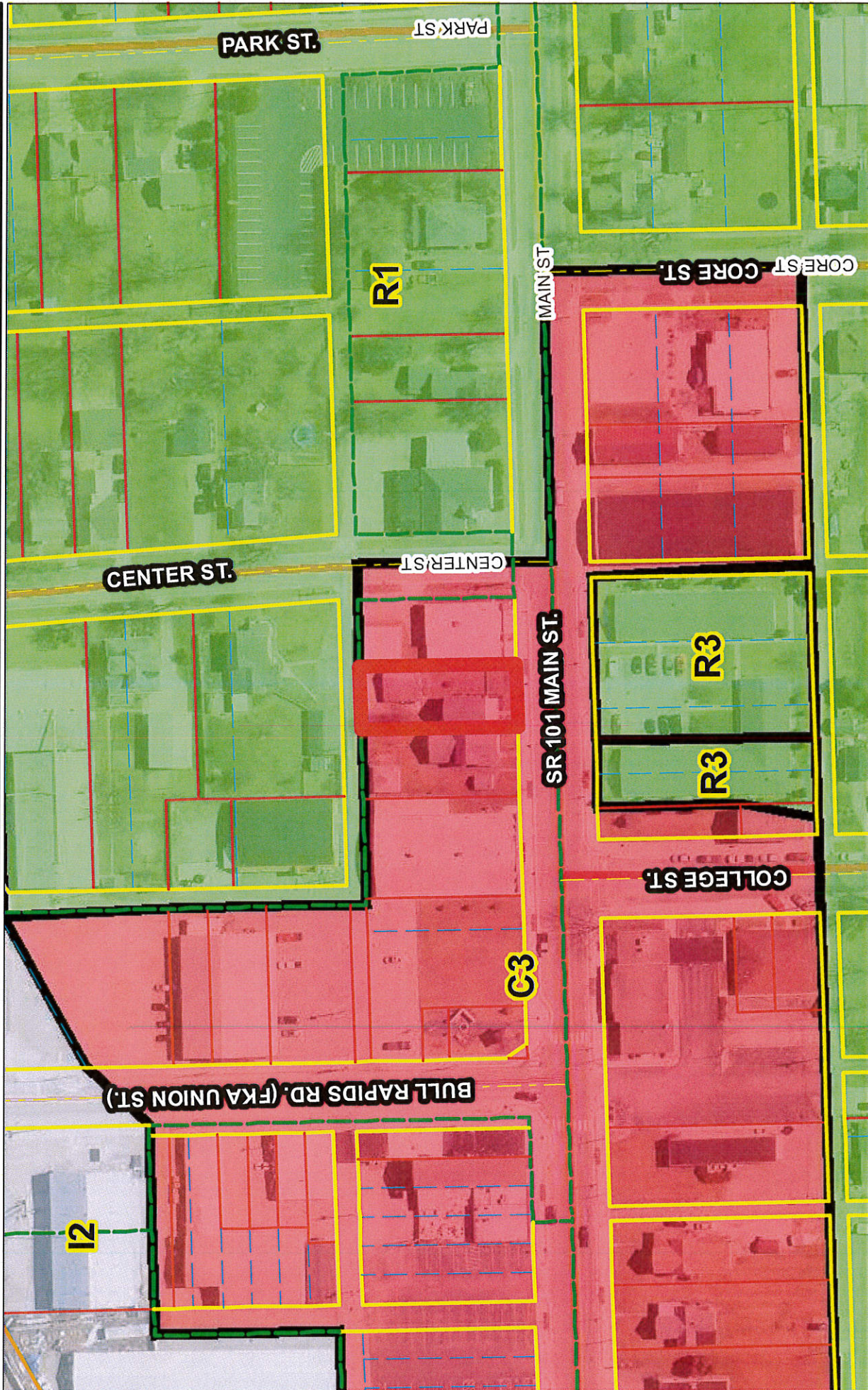
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 1/24/2019





Rezoning Petition REZ-2019-0067 (22329 Main St)



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
Photo Aerial Coverage by 2/09/9
Date: 1/24/2019