### **ORDINANCE 22-1403**

### AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL CONSIDERING A REQUEST TO REZONE 4213 CARL 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,** the Allen County Department of Planning Services serves as the Land Use staff for the City; and,

**WHEREAS,** petitioner JAB Rentals/James A. Brooks, Sr. filed Rezoning Petition REZ-2021-0069 with the Allen County Department of Planning Services; and,

**WHEREAS,** the Allen County Plan Commission held a public hearing on this Petition on the 13<sup>th</sup> day of January, 2022; and,

**WHEREAS,** the Allen County Plan Commission held a business meeting on the 20<sup>th</sup> day of January 2022, and after deliberating, the Plan Commission adopted Findings of Fact for this Petition resolving to recommend the 0.20 acres of real estate referenced in the Petition be reclassified R2/Two Family Residential;

**WHEREAS,** the Allen County Plan Commission, pursuant to I.C. Section 36-7-4-605(a)(2), by a vote of 8-0, 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-2021-0069 as attached hereto.

Adopted and Ordained this 7th day of February, 2022.

ORD. 22-1403

### 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

Ву:	Michael Voirol, Councilman	YEA	NAY	ABS				
Ву:	Michael Martin, Councilman	YEA	NAY	ABS				
Ву:	Tonya Thompson, Councilman	YEA	NAY	ABS				
Ву:	Dean Gerig, Councilman	YEA	NAY	ABS				
Ву:	Daniel Watts, Councilman	YEA	NAY	ABS				
<u>ATTEST</u> :								
By:	Timothy Cummins, Clerk-Treasurer							
The foregoing ordinance passed by the Council is signed and approved () / not approved () by me on the same date.								
By:								
Joseph Kelsey, Mayor for the City of Woodburn								

### REZONING FACT SHEET

Petition #REZ-2021-0069

Project Start: December 2021

APPLICANT:

JAB Rentals - James A. Brooks, Sr.

REQUEST:

To rezone property from R1/Single Family Residential to R2/Two

Family Residential

LOCATION:

The address of the property is 4213 Carl Street, located just north

of 4209 Carl Street (Section 29 of Maumee Township).

LAND AREA:

Approximately .2 acres

PRESENT ZONING:

R1/Single Family Residential

### 17 January 2022 Plan Commission Public Hearing

- No one spoke in support or opposition.
- Jeff Sorg was absent.

### 24 January 2022 Business Meeting

### Plan Commission Recommendation: Do Pass

- A motion was made by James Wolff and seconded by David Bailey to return the ordinance to the Woodburn City Council for their final decision.
- Jeff Sorg was absent.
- 8-0 MOTION PASSED

Fact Sheet Prepared by:

Michelle B. Wood, Senior Land Use Planner

February 4, 2022

### PROJECT SUMMARY

The applicant seeks Plan Commission approval of a Rezone and a Primary Development Plan to rezone a small portion of land to R2/Two-Family Dwelling to allow construction of a duplex. Today, the site consists of an unimproved lot. The property is surrounded by R1/Single Family Residential zoning, although the property directly to the south is a duplex. The property which is located within the City of Woodburn is proposing to connect to their sewer and water.

### **STAFF COMMENTS:**

The submitted site plan shows a duplex with 8 parking spaces. Access is through the alley on the north side. The plan shows a sidewalk connecting to the duplex to the south that is also owned by the applicant. Since the proposed structure is a duplex there are no landscaping or buffering standards for the building or parking lot. The applicant did not apply for any waivers and appears to meet all of the Woodburn Zoning Ordinance. Regarding stormwater retention, staff has received correspondence from The City of Woodburn saying: "They have no issues with the owner building a duplex at this property without a retention pond. Our storm system is sufficient to handle any runoff that will occur from the building of a duplex at this property."

The proposed zoning will allow more housing choices in Woodburn and the property is adjacent to an existing duplex. With required setbacks equal to single family development and provisions for adequate parking, this proposal should not have a negative impact on surrounding properties.

### PUBLIC HEARING SUMMARY:

<u>Presenter</u>: Mr. Hofer, the applicant's attorney, presented the project to the Plan Commission, as outlined above. Mr. Hofer stated that their client intends to construct a duplex on the property. Their client also owns an existing duplex to the south and lives on a parcel further south. The City of Woodburn stated that their storm system is sufficient with the proposed duplex.

Public Comments:

No one spoke in support or opposition.

**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 to Title 3 of the Allen County Code (the Zoning Ordinance) on December 7, 2021 which it designated subsequently as Rezoning Petition REZ-2021-0069; 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 January 13, 2022; 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 recommending that the proposed map amendment Do Pass approximately 0.20 acres to R2/Two 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-2021-0069; 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;

ADOPTED THIS 20th day of January 2022.

Benjamin J. Roussel

Executive Director, ACDPS

Secretary to the Allen County Plan Commission

Date of Signature

### **ALLEN COUNTY PLAN COMMISSION • FINDINGS OF FACT**

### Rezoning Petition REZ-2021-0069

APPLICANT:

JAB Rentals - James A. Brooks, Sr.

REQUEST:

To rezone property from R1/Single Family Residential to R2/Two Family

Residential.

LOCATION:

The address of the property is 4213 Carl Street, located just north of 4209 Carl

Street (Section 29 of Maumee Township).

LAND AREA:

Approximately .2 acres

PRESENT ZONING:

RI/Single Family Residential

PROPOSED ZONING:

R2/Two Family Residential

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;

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

the conservation of property values throughout the jurisdiction; and (4)

responsible development and growth. (5)

The Plan Commission recommends that Rezoning Petition Rezoning Petition REZ-2021-0069 be returned to the Town Council of Woodburn with a recommendation of "Do Pass" for the reasons stated below:

Approval of the rezoning request will be in substantial compliance with the Allen County Comprehensive 1. Plan, and should not establish an undesirable precedent in the area. The surrounding properties along the Carl Street are utilized as single family residential and two family residential.

Approval of the request will not have an adverse impact on the current conditions in the area, or the character 2. of current structures and uses in the area. This area along Carl Street is adjacent to an existing duplex. The original zoning was established over 50 years ago. There have been no development proposals for this site.

Approval is consistent with the preservation of property values in the area. The existing infrastructure is 3. available to serve the existing residential subdivision with residential uses.

Approval is consistent with responsible development and growth principles based on existing uses and 4. infrastructure in the area. This proposal will continue the existing trend of residential uses in this area. Furthermore, the current zoning prohibits some new residential uses that would be compatible with surrounding land uses.

These findings approved by the Allen County Plan Commission on January 20, 2022.

Benjamin J. Roussel

**Executive Director** 

Secretary to the Commission





1 inch = 100 feet

© 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: 12/30/2021

any error or omission in this map.

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1 inch = 100 feet

© 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: 12/30/2021

been employed in the compilation of this map.

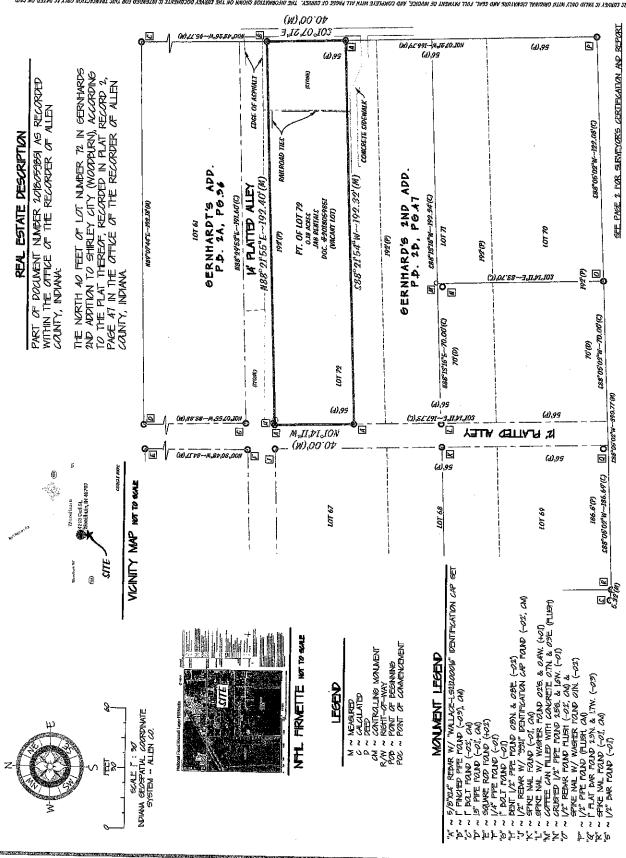
Allen County does not warrant or guarantee
the accuracy of the information contained herein
and disclaims any and all liability resulting from
any error or omission in this map.

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# PROFESSIONAL SURVEYOR'S REPORT CONTINUED

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PROTESSIONAL SURVEYOR'S REPORT

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THE PLAT OF GENTHARDS AND ADDITION TO SHELEY CITY, AS RECORDED IN PLAT BOOK 45, PARE 47 WITHIN THE OFFICE OF THE RECARDER OF ALEN COUNTY, INDIANA.

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# PROFESSIONAL SURVEYOR'S CERTIFICATION

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JAP RENTALS, LLC

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I, AKELA D. WALLACE, AFTRM UNDER THE PENALTIES FOR FESURY, THAT I HAVE TAKEN REGANDLE. CARE TO REDACT EACH GOCIAL GECIRITY NIMEER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

### LEGAL DESCRIPTION

## 4213 Carl Street, Woodburn, IN 46797

Part of Document Number 2018059851 as recorded in the Office of the Recorder of Allen County, Indiana:

The North 40 feet of Lot Number 72 in Gernhards 2nd Addition to Shirley City (Woodburn), according to the plat thereof, recorded in Plat Record 2, page 47 in the Office of the Recorder of Allen County, indiana.

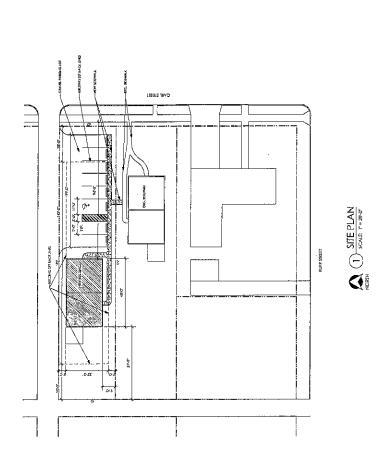
DEANNET. CLUNR DAVE: 11/09/23

2164

SITE PLAN 4513 CARL STREET







### Department of Planning Services Rezoning Petition Application

		Applicant JAB Rentals, LLC by sole member James A. Brooks, Sr.			
	Аррйсапt	Address 4203 Carl Street			
	'ndd	City Woodburn	State IN	Zip 46797	
	₹	City Woodburn Telephone 260.444.9387	E-mail cbrooks9:	I@ymail.com	
	Contact Person	Contact Person Alan K. Hofe Address 203 W. Wayne Sui City Fort Wayne Telephone 260.444.9906 All staff correspondence	te 315		rson.
	•	■ Allen County Planning Jurisdiction □ City of Fort Wayne Planning Jurisdiction  Address of the property 4213 Carl Street, Woodburn, IN 46797  Present Zoning R-1 Proposed Zoning R-2 Acreage to be rezoned 18			
		Proposed density one duplex		19 0000	
	Request		(		units per acre 29
	Re	Purpose of rezoning (attach add			
		Sewer provider Town of Wood	dburn Wate	r provider Town of W	oodburn
	Filing Requirements	Applications will not be accepted uni Please refer to checklist for applicab  Applicable filing fee Applicable number of surve	le filing fees and plan/surv	zy submittal requirements.	
	F. Fedu	Legal Description of parcel	to be rezoned		ea)
	≃	Rezoning Questionnaire (orig	ginal and 10 copies) County Re	ezonings Only	
	nore than 50 percent of the and Subdivision Control edures and policies related y/our knowledge; and that and a public notice fee of				
	JAB Renta	is, LLC by sole memberJames A. Brooks, S	ir. James A. Bie	sch	/2-6-2/ (date)
	(printed na	me of property owner)	(signature of property ow	ner)	12-6-2/ (date)
lic	(printed na	me of property owner) $R_{\rm C}$ 136029 p.	(signature of property own	ner) 091 REZ-	(date) 2021 - 0669.