

1 **#REZ-2013-0187**

2 **BILL NO. Z-13-12-28**

3  
4 **ZONING MAP ORDINANCE NO. Z- 10-14**

5 **AN ORDINANCE amending the City of Fort Wayne**  
6 **Zoning Map No. Z-30 (Sec. 24 of St. Joseph Township)**

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

9 SECTION 1. That the area described as follows is hereby designated an R3  
10 (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of  
11 the City of Fort Wayne, Indiana:

12 Part of the Southwest Quarter of Section 24, Township 31 North, Range 13 East,  
13 Allen County, Indiana, being more particularly described as follows, to-wit:

14 Commencing at the Northwest corner of the Southwest Quarter of Section 24,  
15 Township 31 North, Range 13 East, being reference by a Harrison Marker; thence  
16 South 00 degrees 00 minutes 00 seconds West (assumed bearing and basis of all  
17 bearing in this description), along the West line of said Southwest Quarter, being  
18 within the right-of-way of Wheelock Road, a distance of 1676.81 feet to a South line  
19 of an existing tract as described in Document Number 2011057831 in the Office of  
20 the Recorder of Allen County, Indiana also being the POINT OF BEGINNING;  
21 thence North 88 degrees 01 minutes 25 seconds East, a distance of 370.00 feet along  
22 said South line to a East line of said Document Number 2011057831; thence North  
23 00 degrees 00 minutes 00 seconds East along said East line and being parallel with  
24 the West line of said Southwest Quarter, a distance of 250.00 feet to a North line of  
25 an existing tract as described in Document Number 2011059462 in said Office;  
26 thence North 88 degrees 01 minutes 25 seconds East, a distance of 537.54 feet along  
27 said North line; thence South 00 degrees 00 minutes 00 seconds West, a distance of  
28 400.08 feet; thence South 38 degrees 45 minutes 00 seconds West, a distance of  
29 38.20 feet; thence South 51 degrees 15 minutes 00 seconds East, a distance of  
30 106.38; thence South 48 degrees 34 minutes 10 seconds East, a distance of 61.00 feet  
to an East line of said Document Number 2011059462; thence South 00 degrees 46  
minutes 36 seconds East, a distance of 175.00 feet along said East line to a  
Southwesterly line of said Document Number 2011059462; thence South 37 degrees  
52 minutes 24 seconds West, a distance of 92.00 feet along said Southwesterly line;  
thence South 38 degrees 58 minutes 24 seconds West, a distance of 361.25 feet  
continuing along said Southwesterly line to the South line of said Document Number  
2011059462; thence South 88 degrees 15 minutes 11 seconds West, a distance of  
730.80 feet along said South line to the West line of said Southwest Quarter; thence  
North 00 degrees 00 minutes 00 seconds East, along said West line and within said  
right-of-way, a distance of 239.22 feet to the South line of an existing tract as

1 described in Document Number 2007065982 in said Office; thence North 88 degrees  
2 10 minutes 00 seconds East, a distance of 363.00 feet along said South line to the  
3 East line of said Document Number 2007065982; thence North 00 degrees 00  
4 minutes 00 seconds East, a distance of 240.00 feet along said East line to the North  
5 line of an existing tract as described in Document Number 790020663 in said Office;  
6 thence South 88 degrees 10 minutes 00 seconds West, a distance of 363.00 feet along  
7 said North line to the West line of said Southwest Quarter; thence North 00 degrees  
8 00 minutes 00 seconds East, along said West line, a distance of 327.03 feet to the  
9 point of beginning, containing 18.167 acres of land, subject to legal right-of-way for  
10 Wheelock Road, and subject to all easements of record.

11 and the symbols of the City of Fort Wayne Zoning Map No. Z-30 (Sec. 24 of St. Joseph  
12 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
13 Wayne, Indiana is hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and effect from and after its  
15 passage and approval by the Mayor.



\_\_\_\_\_  
Council Member

16 APPROVED AS TO FORM AND LEGALITY:



\_\_\_\_\_  
Carol T. Helton, City Attorney

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City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance:       Zoning Map Amendment  
Case Number:             REZ-2013-0187  
Bill Number:             Z-13-12-28  
Council District:         1-Tom Smith

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Introduction Date:        December 17, 2013

Plan Commission  
Public Hearing Date:      January 6, 2014

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

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Synopsis of Ordinance:    To rezone approximately 18.17 acres from AR-Low Intensity Residential to R3-Multiple Family Residential.

Location:                 Northeast corner of Wheelock and Maysville Roads.

Reason for Request:      The applicant wishes to construct a 137-unit single-story apartment development.

Applicant:                JR Parent

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Related Petitions:        Primary Development Plan, Yellow Retirement of Wheelock, and Maysville Corners, REZ-2013-0192

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Effect of Passage:        The current farmed ground will be rezoned to allow multiple family development.

Effect of Non-Passage:    Property will remain AR and may continue to be used for agriculture or may be developed with low intensity single family homes.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant JR Parent  
 Address P.O. Box 11311  
 City Fort Wayne State IN Zip 46865  
 Telephone 260-493-3000 Fax \_\_\_\_\_ E-mail jparent@yellowretirement.com

**Property Ownership**  
 Property Owner J-J Parent Corp. PARENT INVESTMENT ASSOCIATES, LLC  
 Address P.O. Box 11311  
 City Fort Wayne State IN Zip 46865  
 Telephone 260-493-3000 Fax \_\_\_\_\_ E-mail jparent@yellowretirement.com

**Contact Person**  
 Contact Person Cliff Patterson / MLS Engineering, LLC  
 Address 217 Airport North Office Park  
 City Fort Wayne State IN Zip 46825  
 Telephone 260-489-8571 Fax 260-489-8570 E-mail cliff@mlswebsite.us

*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 NE Corner - Wheelock & Maysville Roads  
 Present Zoning AR Proposed Zoning R3 & CM2 Acreage to be rezoned CM2-5.819 Ac. R3- 18.166 Ac.  
 Proposed density 7.54 D.U. Acre units per acre  
 Township name St. Joseph Township section # 24  
 Purpose of rezoning (attach additional page if necessary) R3-Allows a 137 Unit multi-family project. CM2-Allows a Drive-thru & Dine-in Restaurants and a 66 room two-story hotel.  
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff 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.

JR Parent \_\_\_\_\_ 12/3/13  
 (printed name of applicant) (signature of applicant) (date)  
 JR Parent \_\_\_\_\_ 12/3/13  
 (printed name of property owner) (signature of property owner) (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.
12/4	113798	1/6/14	

RC2-2013-0197



This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

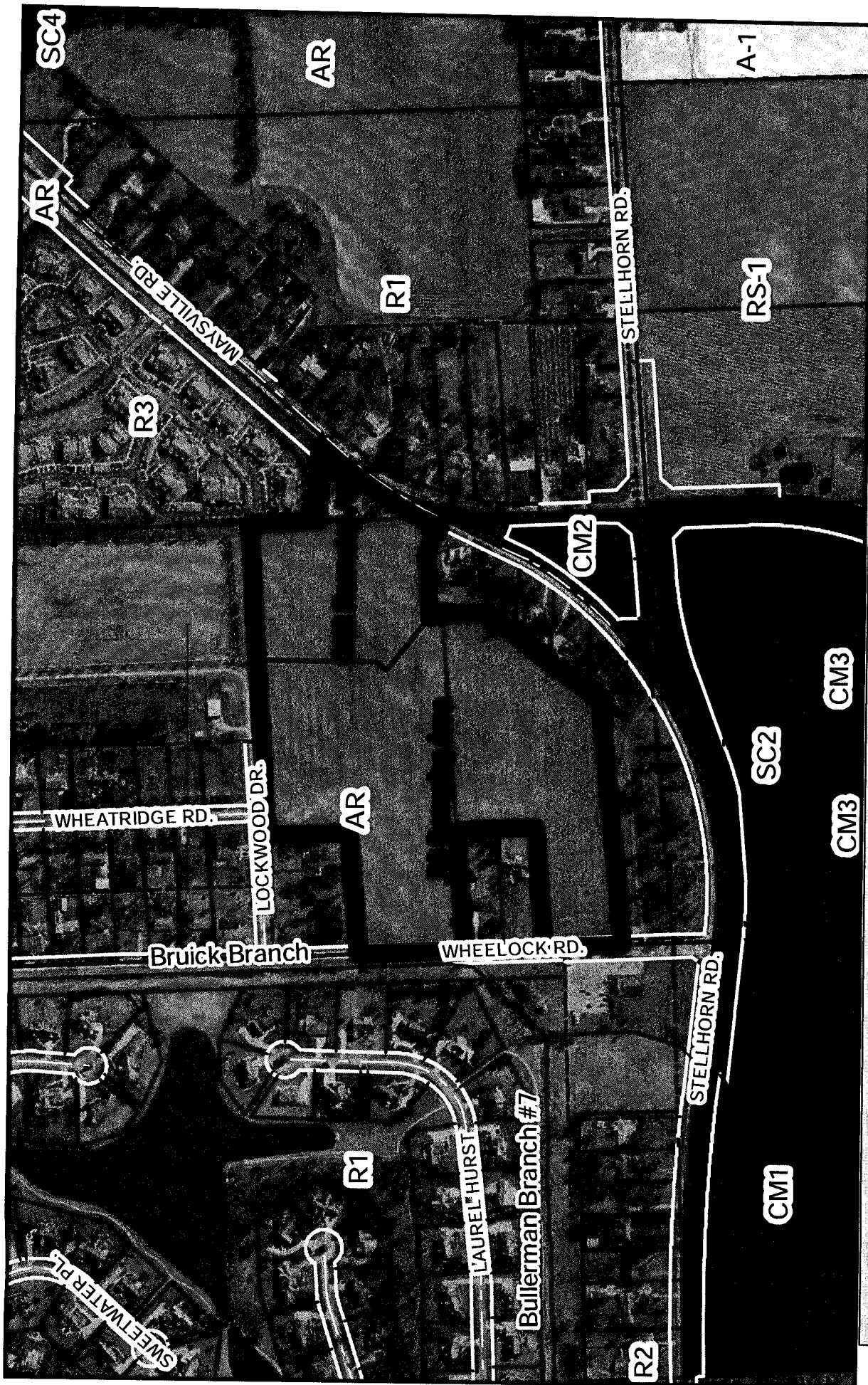
Rezoning Petitions REZ-2013-0187 and REZ-2013-0192 and Primary Development Plan  
Yellow Retirement of Wheelock and Maysville Corners



Printed: December 9, 2013  
 © 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photo: Aerial

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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Rezoning Petitions REZ-2013-0187 and REZ-2013-0192 and Primary Development Plan  
 Yellow Retirement of Wheelock and Maysville Corners

Printed: December 9, 2013  
 © 2004 Board of Commissioners of the County of Allen  
 North  
 State Plane Coordinate System, Indiana East

Photos: Spring 2006 / Conours, 1999  
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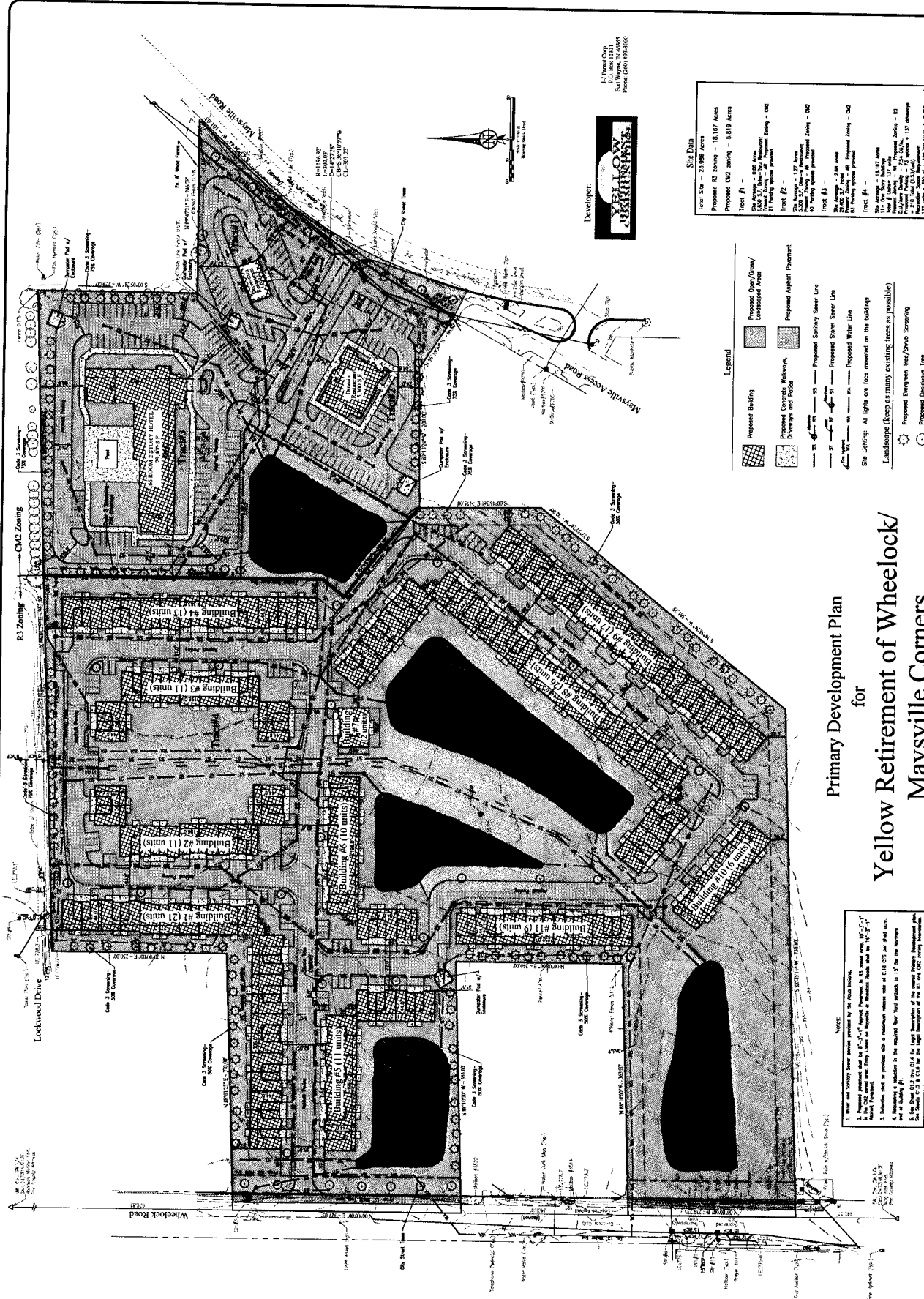


**M1 Engineering**  
 225 Turner Drive  
 Fort Wayne, IN 46805  
 Phone: (260) 499-4242  
 Fax: (260) 499-4242  
 Email: info@m1eng.com

**PREPARED FOR:**  
 J-J Parent Corp.  
 225 Turner Drive  
 Fort Wayne, IN 46805  
 Phone: (260) 499-4242  
 Fax: (260) 499-4242  
 Email: info@m1eng.com

**Yellow Retirement of Wheelock /**  
**Maysville Corners**  
**Sec. 24 St. Joseph Twp., Ft. Wayne, IN**  
**Primary Development Plan**

**DATE:** 02/04/2013  
**DRAWN BY:** CP  
**CHECKED BY:** ELW/BSA  
**SCALE:** AS SHOWN  
**SHEET NUMBER:** C1.1



**Site Data**

Total Site	23,968 Acres
Proposed R3 zoning	18,187 Acres
Proposed C22 zoning	5,819 Acres
Tract #1	18,187 Acres
Tract #2	5,819 Acres
Tract #3	18,187 Acres
Tract #4	5,819 Acres
Tract #5	18,187 Acres
Tract #6	5,819 Acres
Tract #7	18,187 Acres
Tract #8	5,819 Acres
Tract #9	18,187 Acres
Tract #10	5,819 Acres
Tract #11	18,187 Acres
Tract #12	5,819 Acres
Tract #13	18,187 Acres
Tract #14	5,819 Acres
Tract #15	18,187 Acres
Tract #16	5,819 Acres
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Tract #96	5,819 Acres
Tract #97	18,187 Acres
Tract #98	5,819 Acres
Tract #99	18,187 Acres
Tract #100	5,819 Acres

- Legend**
- Proposed Building
  - Proposed Open/Concessional Areas
  - Proposed Concrete Walkways, Driveways and Paths
  - Proposed Sanitary Sewer Line
  - Proposed Storm Sewer Line
  - Proposed Water Line
  - Proposed Easement
  - Proposed Tree/Plant Screening
  - Proposed Deciduous Tree
- Site Lighting:** All lights are to be mounted on the building.  
**Landscape:** (Keep as many existing trees as possible)

**Developer:**  
**JOHN J. PARENT CORP.**  
 225 Turner Drive  
 Fort Wayne, IN 46805  
 Phone: (260) 499-4242  
 Fax: (260) 499-4242  
 Email: info@m1eng.com

## Primary Development Plan for Yellow Retirement of Wheelock/ Maysville Corners

- Notes:**
- Water and Sanitary Sewer service provided by the local utilities.
  - The C22 zoning is shown in yellow. The R3 zoning is shown in green.
  - Utilities and to provide with a minimum reserve rate of 0.10 CFS per acre with a maximum of 0.10 CFS per acre for the site.
  - See Sheet C1.2 for the legal description of the subject property.
  - See Sheet C1.3 for the legal description of the subject property.

BILL NO. Z-13-12-28

Hold for  
1 week  
2-18

**REPORT OF COMMITTEE ON REGULATIONS**

**FEBRUARY 11, 2014**

*Tom Didier, Chair  
Mitch Harper, Co-Chair  
All Council Members*

**AN ORDINANCE** amending the City of Fort Wayne Zoning Map No. Z-30 (Sec. 24 of St. Joseph Township). The location is the northeast corner of Wheelock and Maysville Roads. **COMMITTEE ON REGULATIONS HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

_____	_____	_____	_____
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**SANDRA E. KENNEDY  
CITY CLERK**

Public Hearing Date, if applicable 12-17-2013

Read the first time in full and on motion by Councilman Tom Didier  
Read the second time by title and referred to the Regulations Committee  
Committee. Read the third time in full and on motion by Councilman  
Didier, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>    </u>	<u>    </u>	<u>2</u>
BENDER	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>
CRAWFORD	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>
DIDIER	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>
HARPER	<u>    </u>	<u>    </u>	<u>    </u>	<u>✓</u>
HINES	<u>    </u>	<u>    </u>	<u>    </u>	<u>✓</u>
JEHL	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>
PADDOCK	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>
SHOAFF	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>
SMITH	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>

DATED: 2-25-14 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. 2-10-14 on the 25<sup>th</sup> day of  
February, 2014

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY,  
CITY CLERK

Martin A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26<sup>th</sup> day  
of February, 2014, at the hour of 2:00 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3<sup>rd</sup> day of MARCH  
2014, at the hour of 8:00 o'clock A.M. E.S.T.

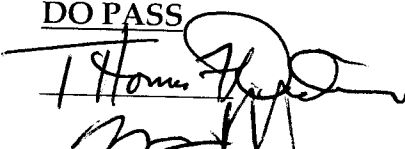
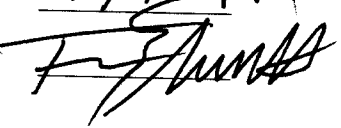
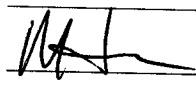
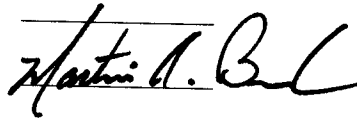
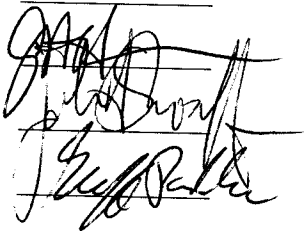
Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**REPORT OF COMMITTEE ON REGULATIONS**

**FEBRUARY 18, 2014**

*Tom Didier, Chair  
Mitch Harper, Co-Chair  
All Council Members*

**AN ORDINANCE** amending the City of Fort Wayne Zoning Map No. Z-30 (Sec. 24 of St. Joseph Township. The location is the northeast corner of Wheelock and Maysville Roads. **COMMITTEE ON REGULATIONS HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			
			

**SANDRA E. KENNEDY  
CITY CLERK**