

1 #REZ-2014-0012

2 BILL NO. Z-14-02-09

3 ZONING MAP ORDINANCE NO. Z- 15-14

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map No. A-06 (Sec. 2 of Aboite Township)

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

8 SECTION 1. That the area described as follows is hereby designated an R1  
9 (Single Family Residential) District under the terms of Chapter 157 Title XV of the Code of  
10 the City of Fort Wayne, Indiana:

11 Part of the West Half of the Southeast Quarter of Section 2, Township 30 North,  
12 Range 11 East, Allen County, Indiana, being more particularly described as follows,  
13 to-wit:

14 Commencing at the South Quarter corner of said Section 2, being marked by a cast  
15 iron monument; thence North 88 degrees 52 minutes 01 seconds East (GPS grid  
16 bearing used as the basis of all bearings in this descriptions), a distance of 1.00 feet  
17 to a point; thence North 00 degrees 24 minutes 57 seconds West, on and along the  
18 West line of said Southeast Quarter, a distance of 429.65 feet to a #5 rebar at the  
19 Northwest corner of a 0.303 acre tract of real estate described in a deed to John W.  
20 Marshall and Ashley M. Marshall in Document Number 204049591 in the office of  
21 the Recorder of Allen County, Indiana, this being the true point of beginning; thence  
22 North 00 degrees 24 minutes 57 seconds West, continuing on and along said West  
23 line, a distance of 419.75 feet to the Southwest corner of a 0.474 acre tract of real  
24 estate described in a deed to Robert G. Poinatte and Ellanor Poinatte in Document  
25 Number 204019923 in the office of said Recorder; thence North 88 degrees 43  
26 minutes 17 seconds East, on and along the South line of said 0.474 acre tract, a  
27 distance of 165.00 feet to the Southeast corner thereof; thence North 00 degrees 24  
28 minutes 57 seconds West, on and along the East line of said 0.474 acre tract, a  
29 distance of 125.00 feet to the Northeast corner thereof; thence South 88 degrees 43  
30 minutes 17 seconds West, on and along the North line of said 0.474 acre tract, a  
distance of 165.00 feet to the Northwest corner thereof, being a point on the West  
line of said Southeast Quarter; thence North 00 degrees 24 minutes 57 seconds West,  
on and along said West line, a distance of 322.53 feet to a #5 rebar at the Southwest  
corner of a 16.316 acre tract of real estate described in a deed to Southwest Allen  
High School Bldg. Corp. in Document Number 960013132 in the office of said  
Recorder; thence North 88 degrees 32 minutes 59 seconds East, on and along the  
South line of said 16.316 acre tract, a distance of 640.67 feet to the Southeast corner  
thereof, being a point on the West line of the plat of Whispering Meadows, Section

1 IV, as recorded in plat Cabinet C, page 10, in the office of said Recorder; thence  
2 South 00 degrees 24 minutes 57 seconds East, on and along the West line of said  
3 plat, a distance of 520.49 feet to a #4 rebar at the Northeast corner of a 1.663 acre  
4 tract of real estate described in a deed to Hans Peter Barleben and Sandra Kay  
5 Barleben in Document Number 207002970 in the office of said Recorder; thence  
6 South 88 degrees 49 minutes 21 seconds West, on and along the North line of said  
7 1.663 acre tract, a distance of 426.00 feet to a #4 rebar at the Northwest corner  
8 thereof; thence South 00 degrees 24 minutes 57 seconds East, on and along the West  
9 line of said 1.663 acre tract, a distance of 170.00 feet to a #4 rebar at the Southwest  
10 corner thereof; thence North 88 degrees 49 minutes 21 seconds East, on and along  
11 the South line of said 1.663 acre tract, a distance of 426.00 feet to a #4 rebar at the  
12 Southeast corner thereof, being a point on the West line of said plat of Whispering  
13 Meadows, Section IV; thence South 00 degrees 24 minutes 57 seconds East, on and  
14 along said West line, and its Southerly projection, a distance of 390.00 feet to a point  
15 lying North 00 degrees 24 minutes 57 seconds West, 220.00 feet from the South line  
16 of said Southeast Quarter; thence South 88 degrees 52 minutes 01 seconds West and  
17 parallel with the South line of said Southwest Quarter, a distance of 440.61 feet to  
18 the Northwest corner of a 0.606 acre tract of real estate described in a deed to Dennis  
19 J. Patterson and Melanie L. Patterson in Document Number 950050712 in the office  
20 of said Recorder; thence South 00 degrees 24 minutes 57 seconds East, on and along  
21 the West line of said 0.606 acre tract, a distance of 154.38 feet to the Northeast  
22 corner of a 0.029 acre tract of real estate described in a deed to the State of Indiana in  
23 Document Number 206078720 in the office of said Recorder; thence South 88  
24 degrees 52 minutes 01 seconds West, on and along the North line of said 0.029 acre  
25 tract, a distance of 50.00 feet to the Northwest corner thereof, being a point on the  
26 East line of a 0.62 acre tract of real estate described in a deed to Steven E. Yates and  
27 Kathleen Yates in Document Number 204023890 in the office of said Recorder;  
28 thence North 00 degrees 24 minutes 57 seconds West, on and along said East line, a  
29 distance of 154.38 feet to a 1.5 inch diameter pipe at the Northeast corner thereof,  
30 also being a most Southerly corner of a 0.025 acre tract of real estate described in a  
deed to Joel W. Amberg and Tamara S. Amberg in Document Number 980019720 in  
the office of said Recorder; thence Northerly, on and along the East line of said  
0.025 acre tract, as defined by the arc of a tangent circular curve to the right having a  
radius of 175.00 feet, an arc distance of 30.54 feet, being subtended by a long chord  
having a length of 30.50 feet and a bearing of North 04 degrees 35 minutes 03  
seconds East to the point of tangency; thence North 09 degrees 35 minutes 03  
seconds East, continuing on and along said East line and tangent to said curve, a  
distance of 60.13 feet to the point of curvature of a tangent circular curve to the left  
having a radius of 125.00 feet; thence Northerly, continuing on and along said East  
line as defined by the arc of said curve, an arc distance of 21.82 feet, being  
subtended by a long chord having a length of 21.79 feet and a bearing of North 04  
degrees 35 minutes 03 seconds East to the point of tangency; thence North 00  
degrees 24 minutes 57 seconds West, continuing on and along said East line and the  
East line of said 0.303 acre tract, a distance of 98.96 feet to a #4 rebar at the  
Northeast corner of said 0.303 acre tract; thence South 88 degrees 43 minutes 17  
seconds West, on and along the North line of said 0.303 acre tract, a distance of

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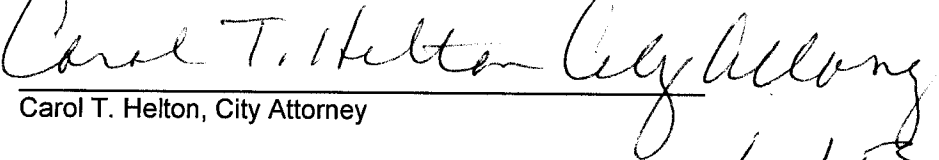

165.00 feet to the true point of beginning, containing 13.129 acres of land, subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. A-06 (Sec. 02 of Aboite 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. 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:

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


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-2014-0012  
Bill Number:             Z-14-02-09  
Council District:         4 – Mitch Harper

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Introduction Date:         February 25, 2014  
  
Plan Commission  
Public Hearing Date:       March 10, 2014  
  
Next Council Action:       Ordinance will return to Council after recommendation by the  
Plan Commission

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Synopsis of Ordinance:     To rezone approximately 13.13 acres of property from AR-Low Intensity  
Residential to R1-Single Family Residential  
  
Location:                 8620 Illinois Road  
  
Reason for Request:        To allow the existing residential property to be platted into 15 single family  
lots.  
  
Applicant:                SWM Development Corp  
  
Property Owner:           Anton and Marta Mannes

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Related Petitions:         Primary Plat, Mayerling Estates

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Effect of Passage:         Property will be rezoned to R1-Single Family Residential which will allow  
the acreage to be subdivided into 15 lots.  
  
Effect of Non-Passage:     The property will remain zoned AR-Low Intensity Residential and will likely  
remain as currently developed. R1 zoning is required to subdivide and record  
a plat.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant SWM Development Corp. by Joseph L. Zehr, President  
 Address 10808 LaCabreah Lane  
 City Fort Wayne State IN Zip 46845  
 Telephone 260/489-7095 Fax 260/489-7950 E-mail jmm@northeasterngroup.com

**Property Ownership**  
 Property Owner Anton and Marta Sue Mannes  
 Address 8620 Illinois Road  
 City Fort Wayne State IN Zip 46804  
 Telephone 260/432-2640 Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Contact Person**  
 Contact Person Jim Morlan  
 Address 10808 LaCabreah Lane  
 City Fort Wayne State IN Zip 46845  
 Telephone 260/489-7095 Fax 260/489-7950 E-mail jmm@northeasterngroup.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 8620 Illinois Road  
 Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 13.129  
 Proposed density 1.2 units/acre \_\_\_\_\_ units per acre  
 Township name Aboite Township section # 2  
 Purpose of rezoning (attach additional page if necessary) \_\_\_\_\_  
To establish a 15 lot single-family detached subdivision  
 Sewer provider Aqua Indiana Water provider Aqua Indiana

**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 Rezonings 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 parties at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Joseph L. Zehr President \_\_\_\_\_ 2/15/2014  
 (printed name of applicant) (signature of applicant) (date)  
 Anton Mannes \_\_\_\_\_ 2/15/2014  
 (printed name of property owner) (signature of property owner) (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

Received 2-5-14	Receipt No. 114035	Hearing Date 3-10-14	Petition No. REG 204-0012
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Rezoning Petition REZ-2014-0012 and Primary Plat - Mayerling Estates

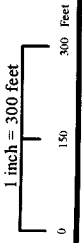


Project boundaries represented by bold colored lines are for representational purposes only.

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.

© 2014 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009

Date: 2/19/2014





Rezoning Petition REZ-2014-0012 and Primary Plat - Mayerling Estates



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Date: 2/19/2014



Public Hearing Date, if applicable 3-10-14

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>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 4-8-14 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. Z-15-14 on the 8<sup>th</sup> day of  
April, 2014

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

Marshall A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9<sup>th</sup> day  
of April, 2014, at the hour of 4:00 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 9<sup>th</sup> day of April

2014, at the hour of 5:00 o'clock PM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

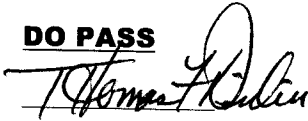
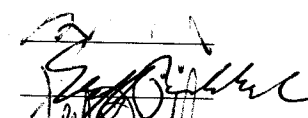

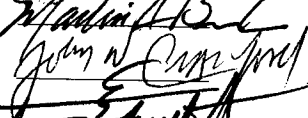
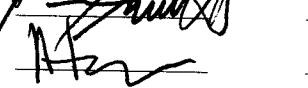

**BILL NO. Z-14-02-09**

**REPORT OF COMMITTEE ON REGULATIONS**

**APRIL 8, 2014**

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

**AN ORDINANCE** amending the City of Fort Wayne Zoning Map No. A-06 (Sec. 2 of Aboite Township). The property is located at 8620 Illinois Road. **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**