

1 #REZ-2014-0097

2 BILL NO. Z-14-09-16

3 ZONING MAP ORDINANCE NO. Z-27-14

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map No. AA-02 (Sec. 11 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 R3  
9 (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of  
10 the City of Fort Wayne, Indiana:

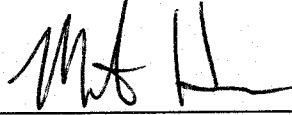
11 Part of the Northwest and Northeast Quarters of Section 11, Township 30 North, Range 11  
12 East, Allen County, Indiana, described as follows:

13 Commencing at an Allen County Surveyor referenced Harrison Monument at the Northeast  
14 corner of the Northwest Quarter of said Section 11; thence North 89 degrees 32 minutes 24  
15 seconds West, on the North line of said Northwest Quarter, 139.84 feet to the Northwest  
16 corner of a 6.50-acre parcel described in Document #2012026919 as found in the Office of  
17 the Recorder of Allen County, Indiana, said corner also being the Northeast corner of a 1.50-  
18 acre parcel described in Document #93-035665; thence South 00 degrees 54 minutes 00  
19 seconds West, on the common line between said 6.50-acre and said 1.50-acre parcels, 63.69  
20 feet to the **Point of Beginning** on the South right-of-way line of Illinois Road (Indiana State  
21 Road #14) as described in Document #207001066; thence South 89 degrees 53 minutes 34  
22 seconds East, on said South right-of way line, 140.50 feet; thence continuing on said South  
23 right-of-way line, South 89 degrees 49 minutes 46 seconds East, 74.51 feet to a point on the  
24 West line of Centaur Acres, as recorded in Plat Book 24, page 101; thence South 00 degrees  
25 54 minutes 00 seconds West, on said West line, also being the East line of the  
26 aforementioned 6.50-acre parcel, 891.71 feet to the Southeast corner of said 6.50-acre parcel,  
27 also being the Northeast corner of a 2.0-acre parcel described in Document #73-14411;  
28 thence South 89 degrees 53 minutes 31 seconds West, on the common line between said  
29 6.50-acre and said 1.50-acre parcels, 365.04 feet to the Southwest corner of said 6.50-acre  
30 parcel, also being the Northwest corner of said 2.0-acre parcel; thence North 00 degrees 54  
minutes 00 seconds East, on the West line of said 6.5-acre parcel, 526.85 feet to the  
Southwest corner of the aforementioned 1.5-acre parcel, also being a Northwest corner of  
said 6.50-acre parcel; thence along the common line between said 1.50-acre and said 6.50-  
acre parcels by the following two courses: South 89 degrees 47 minutes 00 seconds East,  
150.00 feet; thence North 00 degrees 54 minutes 00 seconds East, 372.60 feet to the Point of  
Beginning, containing **6.246 acres**, more or less, and subject to easements and rights of way  
of record.

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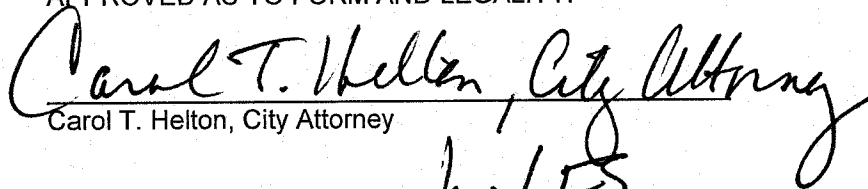
and the symbols of the City of Fort Wayne Zoning Map No. AA-02 (Sec. 11 of Aboite Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

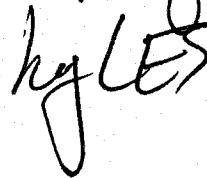


Council Member

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-2014-0097  
Bill Number: Z-14-09-16  
Council District: 4 – Mitch Harper

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Introduction Date: September 23, 2014

Plan Commission  
Public Hearing Date: October 6, 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 6.25 acres of property from AR-Low Intensity  
Residential to R3-Multiple Family Residential

Location: 8633 West SR 14

Reason for Request: To develop the property with 12 duplex buildings.

Applicant: JRM Realty, LLC – Jim Mutton

Property Owner: JRM Realty, LLC

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Related Petitions: Primary Development Plan, Blue Stone Towne Homes

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Effect of Passage: Property will be rezoned to R3-Multiple Family Residential, which will allow  
the construction of a duplex development, as well as other permitted uses  
within the R3 district.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and may  
develop with single-family residential and limited agricultural uses.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Jim Mutton - JRM Realty LLC  
 Address 5612 Illinois Road  
 City Fort Wayne State IN Zip 46804  
 Telephone 260-432-9438 E-mail jim@muttonpower.com

**Contact Person**  
 Contact Person Kevin McDermit - Lougheed & Associates  
 Address 1017 S Hadley Road  
 City Fort Wayne State IN Zip 46804  
 Telephone 260-432-3665 E-mail krmcdermit@comcast.net

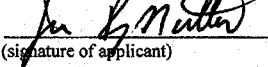
*All staff correspondence will be sent only to the designated contact person.*

**Request**  
 Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
 Address of the property 8633 Illinois Road  
 Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 6.25  
 Proposed density 3.84 units / acre units per acre  
 Township name Aboite Township section # 11  
 Purpose of rezoning (attach additional page if necessary) For the development of 24 apartment units in 12 duplex buildings  
 Sewer provider Aqua Indiana Water provider Aqua Indiana / FW

**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.

Jim Mutton  9.2.14  
 (printed name of applicant) (signature of applicant) (date)

\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

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 (printed name of property owner) (signature of property owner) (date)

Received <u>9-3-14</u>	Receipt No. <u>116078</u>	Hearing Date <u>Oct. 6, 2014</u>	Petition No. <u>Re2-2014-0097</u>
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**LEGAL DESCRIPTION**  
**OF JRM REALTY LLC PROPERTY @ 8633 ILLINOIS ROAD**

Part of the Northwest and Northeast Quarters of Section 11, Township 30 North, Range 11 East, Allen County, Indiana, described as follows:

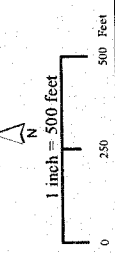
Commencing at an Allen County Surveyor referenced Harrison Monument at the Northeast corner of the Northwest Quarter of said Section 11; thence North 89 degrees 32 minutes 24 seconds West, on the North line of said Northwest Quarter, 139.84 feet to the Northwest corner of a 6.50-acre parcel described in Document #2012026919 as found in the Office of the Recorder of Allen County, Indiana, said corner also being the Northeast corner of a 1.50-acre parcel described in Document #93-035665; thence South 00 degrees 54 minutes 00 seconds West, on the common line between said 6.50-acre and said 1.50-acre parcels, 63.69 feet to the **Point of Beginning** on the South right-of-way line of Illinois Road (Indiana State Road #14) as described in Document #207001066; thence South 89 degrees 53 minutes 34 seconds East, on said South right-of-way line, 140.50 feet; thence continuing on said South right-of-way line, South 89 degrees 49 minutes 46 seconds East, 74.51 feet to a point on the West line of Centaur Acres, as recorded in Plat Book 24, page 101; thence South 00 degrees 54 minutes 00 seconds West, on said West line, also being the East line of the aforementioned 6.50-acre parcel, 891.71 feet to the Southeast corner of said 6.50-acre parcel, also being the Northeast corner of a 2.0-acre parcel described in Document #73-14411; thence South 89 degrees 53 minutes 31 seconds West, on the common line between said 6.50-acre and said 1.50-acre parcels, 365.04 feet to the Southwest corner of said 6.50-acre parcel, also being the Northwest corner of said 2.0-acre parcel; thence North 00 degrees 54 minutes 00 seconds East, on the West line of said 6.5-acre parcel, 526.85 feet to the Southwest corner of the aforementioned 1.5-acre parcel, also being a Northwest corner of said 6.50-acre parcel; thence along the common line between said 1.50-acre and said 6.50-acre parcels by the following two courses: South 89 degrees 47 minutes 00 seconds East, 150.00 feet; thence North 00 degrees 54 minutes 00 seconds East, 372.60 feet to the Point of Beginning, containing **6.246 ares**, more or less, and subject to easements and rights of way of record.

Rezoning Petition REZ-2014-0097 and Primary Development Plan - Blue Stone Towne Homes



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.



Date: 9/17/2014

© 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009



Rezoning Petition REZ-2014-0097 and Primary Development Plan - Blue Stone Towne Homes



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

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 Photos and Contours, Spring 2009

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1 inch = 500 feet



Date: 9/17/2014

Public Hearing Date, if applicable 10-6-14

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</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: 10-28-14 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 (ZONING)  
(RESOLUTION) NO. Z-27-14 on the 28<sup>th</sup> day of  
October, 2014

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

Michael A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29<sup>th</sup> day  
of October, 2014, at the hour of 4:00 o'clock PM. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30<sup>th</sup> day of OCTOBER  
2014, at the hour of 9:00 o'clock AM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. Z-14-09-16**

**REPORT OF COMMITTEE ON REGULATIONS**

**OCTOBER 28, 2014**

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

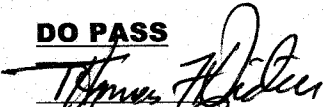
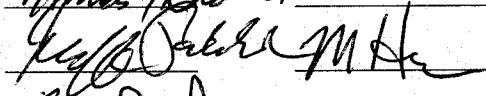
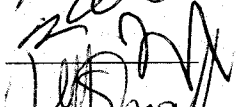
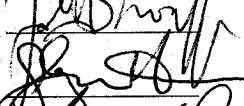
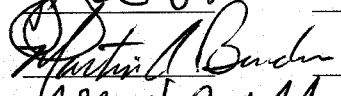
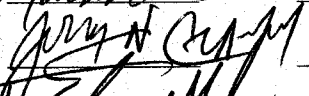
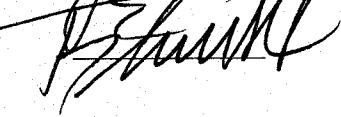
**AN ORDINANCE** amending the City of Fort Wayne Zoning Map No. AA-02 (Sec. 11 of Aboite Township) The Location is 8633 SR 14. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

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**SANDRA E. KENNEDY  
CITY CLERK**