

1 #REZ-2015-0063

2 BILL NO. Z-15-11-24

3 ZONING MAP ORDINANCE NO. Z- 30-15

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. D-03 (Sec. 7 of Wayne 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 **Recorder's Document #2011005562**

12 Five acres of land in the fractional SW ¼ of Section 7, Township 30 North, Range 12 East in Allen
13 County, Indiana, and being more particularly described as follows, to-wit:

14 Beginning at a point on the North and South centerline of fractional Section 7, Township 30 North,
15 Range 12 East, said point being located 461.5 feet North of the Southeast corner of the Northeast
16 Quarter of the fractional Southwest Quarter of Section 7, above Township and Range; thence West at
17 right angles to the North and South center line of Section 7, above Township and Range, a distance of
18 793.5 feet; thence North a distance of 275.0 feet to an iron pin; thence East a distance of 791.4 feet to
19 the North and South centerline of fractional Section 7, above Township and Range; thence South
20 along the North and South centerline of fractional Section 7, Township 30 North, Range 12 East; a
21 distance of 275.0 feet to the Point of Beginning, containing 5.0 acres of land, more or less.

22 **EXCEPTING THEREFROM:** (Recorder's Document #93-024428, conveyed to the City of Fort Wayne)

23 Part of the fractional Southwest One-Quarter of Section 7, Township 30 North, Range 12 East, Allen
24 County, Indiana, the West 15 feet of the East 40 feet of the following described property containing
25 4,125 square feet more or less:

26 Beginning at a point on the north and south center line of fractional Section 7, Township 30 North,
27 Range 12 East, said point being located four hundred sixty-one and five tenths (461.5) feet north of the
28 southeast corner of the north east one-quarter (1/4) of the fractional southwest one-quarter (1/4) of
29 Section 7, above Township and Range; thence west at right angles to the north and south center line
30 of Section 7, above Township and Range, a distance of seven hundred ninety-three and five tenths
(793.5) feet thence north a distance of two hundred and seventy-five (275.0) feet to an iron pin; thence
east a distance of seven hundred ninety-one and four tenths (791.4) feet to the north and south center
line of fractional Section 7, above Township and Range; thence south along the north and south center
line of fractional Section 7, Township 30 North, Range 12 East in Allen County, Indiana, a distance of
two hundred seventy-five (275.0) feet to the place of beginning. The intent of this deed is to establish a
40 feet right of way from the centerline of Getz Road.

AND

Recorder's Document #2011005563

A parcel of land located in the Southwest one quarter of Section 7, Township 30 North, Range 12 East,
Allen County, Indiana and more particularly described as follows:

Commencing at the South Quarter corner of Section 7, Township 30 North, Range 12 East as now
established; thence North 00 degrees 30 minutes West (bearing basis for description) along the West
line of said Southwest one quarter, a distance of 1347.06 feet (deed and measured); thence South 89
degrees 34 minutes 14 seconds West a distance of 283.0 feet to the point of beginning. Beginning at

1 the above described point; thence North 06 degrees 34 minutes 14 seconds East, a distance of 249.70
2 feet (249.2 feet -- Deed); thence North 88 degrees 44 minutes 21 seconds East, a distance of 252.29
3 feet (252.6 feet -- Deed) to a point on the West line of said Southwest one quarter; thence North 00
4 degrees 30 minutes 00 seconds West along said West line, a distance of 155.94 feet; thence along the
5 meanderings of the centerline of an existing drive as now established on the following six courses;
6 thence South 89 degrees 30 minutes 00 seconds West, a distance of 41.84 feet; thence South 46
7 degrees 26 minutes 12 seconds West, a distance of 90.18 feet; thence South 60 degrees 16 minutes
8 29 seconds West, a distance of 50.47 feet; thence South 88 degrees 09 minutes 12 seconds West, a
9 distance of 85.89 feet; thence South 71 degrees 54 minutes 06 seconds West, a distance of 45.20
10 feet; thence South 60 degrees 10 minutes 47 seconds West, a distance of 25.01 feet to a point on
11 centerline of the Flaugh Ditch as now established; thence on and along the centerline of the Flaugh
12 Ditch on the following five courses; thence North 38 degrees 16 minutes 47 seconds West, a distance
13 of 21.11 feet; thence North 49 degrees 09 minutes 37 seconds West, a distance of 71.29 feet; thence
14 North 50 degrees 55 minutes 34 seconds West, a distance of 137.38 feet; thence North 69 degrees 40
15 minutes 52 seconds West, a distance of 32.05 feet; thence North 70 degrees 52 minutes 35 seconds
16 West, a distance of 16.47 feet; thence South 89 degrees 30 minutes 00 seconds West, a distance of
17 273.16 feet; thence South 00 degrees 01 minutes 47 seconds East, a distance of 460.53 feet (457.5
18 feet -- Deed) to a steel post found; thence North 89 degrees 34 minutes 14 seconds East, a distance of
19 514.17 feet (514.8 feet -- Deed) to the Point of Beginning, containing 5.707 acres of land, more or less.

20 Together with and subject to an Access Easement described as follows:

21 Forty (40) feet wide Access Easement described as twenty (20) feet either side of the following
22 described line: Commencing at the South Quarter corner of Section 7, Township 30 North, Range 12
23 East as now established; thence North 00 degrees 30 minutes West (bearing basis for description)
24 along the West line of said Southwest one quarter, a distance of 1753.50 feet to the Point of Beginning.
25 Beginning at the above described point; thence continuing on the meanderings of the centerline of an
26 existing Drive on the following six courses; thence South 89 degrees 30 minutes West, a distance of
27 41.84 feet; thence South 46 degrees 26 minutes 12 seconds West, a distance of 90.18 feet; thence
28 South 60 degrees 16 minutes 29 seconds West, a distance of 50.47 feet; thence South 88 degrees 09
29 minutes 12 seconds West, a distance of 85.89 feet; thence South 71 degrees 54 minutes 06 seconds
30 West, a distance of 45.20 feet; thence South 60 degrees 10 minutes 47 seconds West, a distance of
25.01 feet to the point of terminus of this easement.

AND

Recorder's Document #2011032504

A parcel of land located in the Southwest One-quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, and more particularly described as follows:

Commencing at the South Quarter corner of Section 7, Township 30 North, Range 12 East as now established; thence North 00 degree 30 minutes West (bearing basis for description) along the West line of said Southwest One-quarter, a distance of 1753.50 feet to the point of beginning. Beginning at the above described point; thence along the meanderings of the centerline of an existing drive as now established on the following six courses; thence South 89 degrees 30 minutes 00 seconds West, a distance of 41.84 feet; thence South 46 degrees 26 minutes 12 seconds West, a distance of 90.18 feet; thence South 60 degrees 16 minutes 29 seconds West, a distance of 50.47 feet;

thence South 88 degrees 09 minutes 12 seconds West, a distance of 85.89 feet; thence South 71 degrees 54 minutes 06 seconds West, a distance of 45.20 feet; thence South 60 degrees 10 minutes 47 seconds West, a distance of 25.01 feet to a point on the centerline of the Flaugh Ditch as now established; thence on and along the centerline of Flaugh Ditch on the following five courses; thence North 38 degrees 16 minutes 47 seconds West, a distance of 21.11 feet; thence North 49 degrees 09 minutes 37 seconds West, a distance of 71.29 feet; thence North 50 degrees 55 minutes 34 seconds West, a distance of 137.38 feet; thence North 69 degrees 40 minutes 52 seconds West, a distance of 32.05 feet; thence North 70 degrees 52 minutes 35 seconds West, a distance of 16.47 feet; thence North 89 degrees 30 minutes 00 seconds East, a distance of 520.34 feet to a point on the West line of said Southwest One-quarter; thence South 00 degrees 30 minutes 00 seconds East along the West line, a distance of 54.06 feet to the point of beginning, containing 1.178 acres of land, more or less.

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Together with a non-exclusive easement for ingress and egress over real estate described in a Joint Easement and Common Driveway Agreement recorded August 3, 2006 as Document Number 206046663.

AND

Lots Numbered 1, 2, 3, 4, 5, and 6 in Covington Acres Addition Amended, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana.


and the symbols of the City of Fort Wayne Zoning Map No. D-03 (Sec. 7 of Wayne 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.

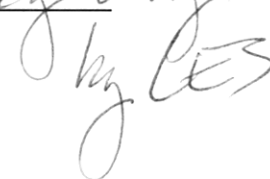


Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2015-0063
Bill Number: Z-15-11-24
Council District: 4-Mitch Harper

Introduction Date: November 24, 2015
Plan Commission
Public Hearing Date: December 7, 2015
Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone approximately 23.05 acres of property from R1-Single Family
Residential to R3-Multiple Family Residential
Location: 2010, 2014, 2016, 2118, 2220, 2226, and 2230 Getz Road
Reason for Request: To allow the properties to be redeveloped into a 672-unit apartment
complex.
Applicant: Walnut Hills Apartment Homes
Property Owner: Walnut Hills Development, LLC

Related Petitions: Primary Development Plan, Walnut Hills Apartment Homes

Effect of Passage: Property will be rezoned to the R3-Multiple Family Residential zoning
district which will all the development of an apartment complex.
Effect of Non-Passage: The property will remain zoned for single-family residential use.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant WALNUT HILLS DEVELOPMENT, LLC
 Address 522 PINEGROVE LANE
 City FORT WAYNE State INDIANA Zip 46807
 Telephone 317-491-2100 E-mail jhcalkins@gmail.com

Contact Person
 Contact Person PETER G. MALLERS OF BEERS MALLERS BACKS & SALIN, LLP
 Address 110 WEST BERRY STREET, SUITE 1100
 City FORT WAYNE State INDIANA Zip 46802
 Telephone 260-426-9706 E-mail pgmallers@beersmallers.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 2010, 2014, 2106, 2118, 2128, 2220, 2226 AND 2230 GETZ ROAD
 Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned 23.046
 Proposed density 12.75 units per acre
 Township name WAYNE Township section # 7
 Purpose of rezoning (attach additional page if necessary) TO ESTABLISH A ZONING CLASSIFICATION FOR AN APARTMENT COMPLEX USE

Sewer provider AQUA INDIANA Water provider CITY OF FORT WAYNE

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.

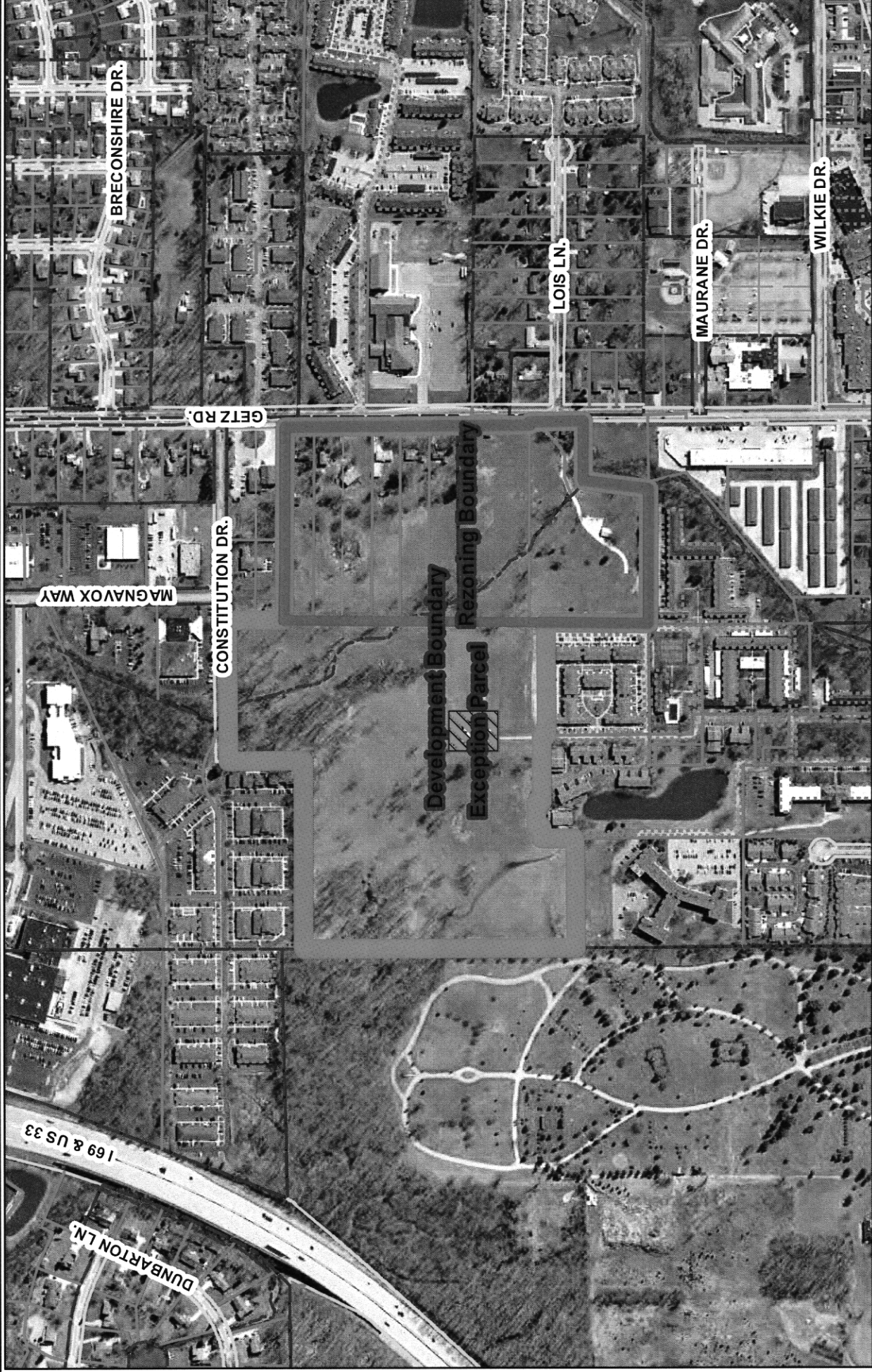
WALNUT HILLS DEVELOPMENT, LLC BY: [Signature] 11-3-15
 (printed name of applicant) (signature of applicant) (date)

WALNUT HILLS DEVELOPMENT, LLC BY: [Signature] 11-3-15
 (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)

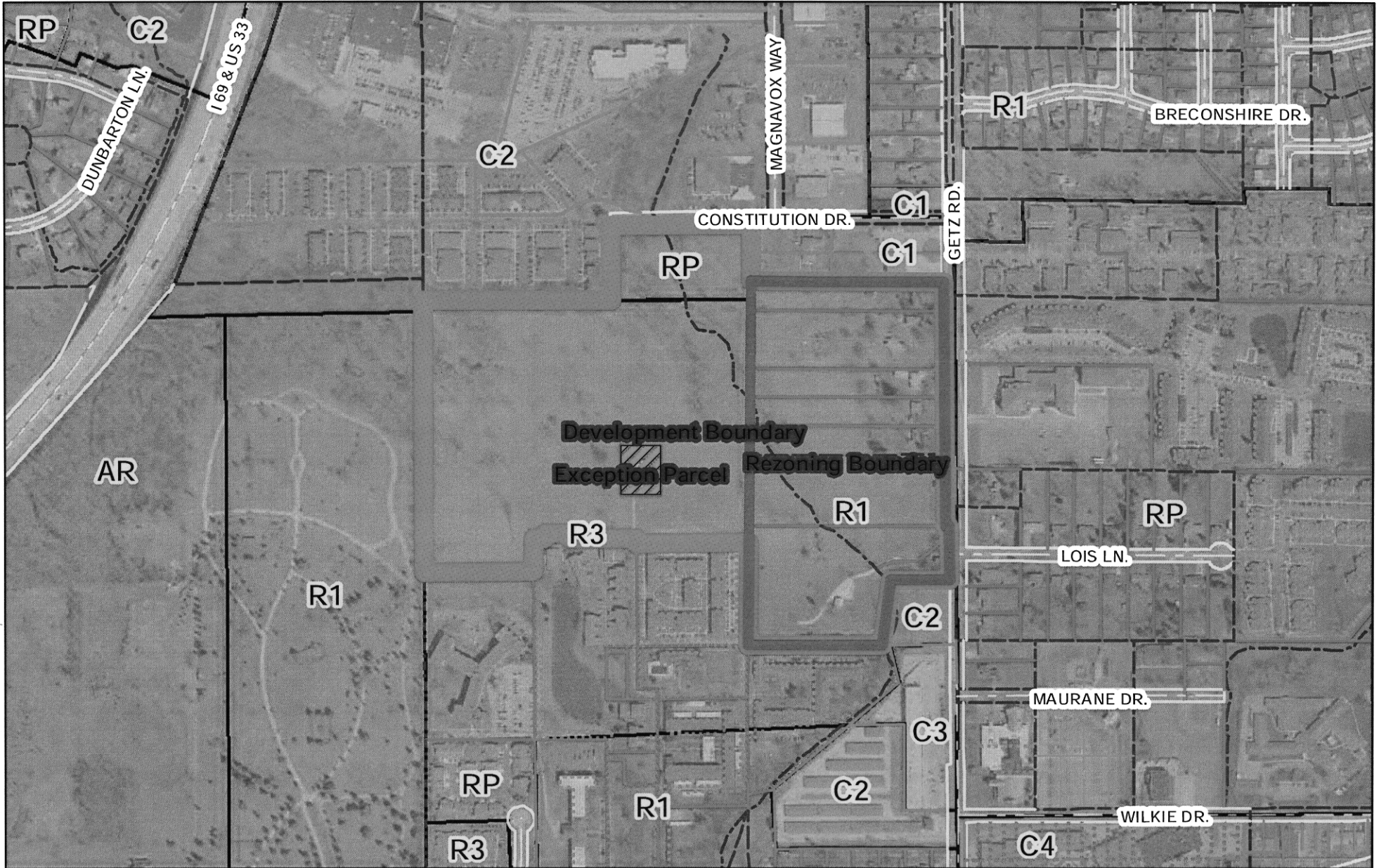
Received	Receipt No.	Hearing Date	Petition No.
11/3/15	119483	12/7/15	122-2015-0063



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



Rezoning Petition REZ-2015-0063 and Primary Development Plan - Walnut Hills Apartment Homes

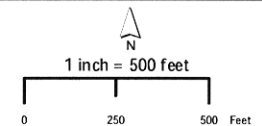


Project boundaries represented by bold colored lines are for representational purposes only.

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.

© 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: 11/17/2015





PREPARED BY

STAMPED BY

WALNUT HILLS APARTMENT HOMES
SITE DEVELOPMENT PLAN

PT. WEST 1/2 SEC. 7-T30N-RG 12E, ALLEN COUNTY, INDIANA

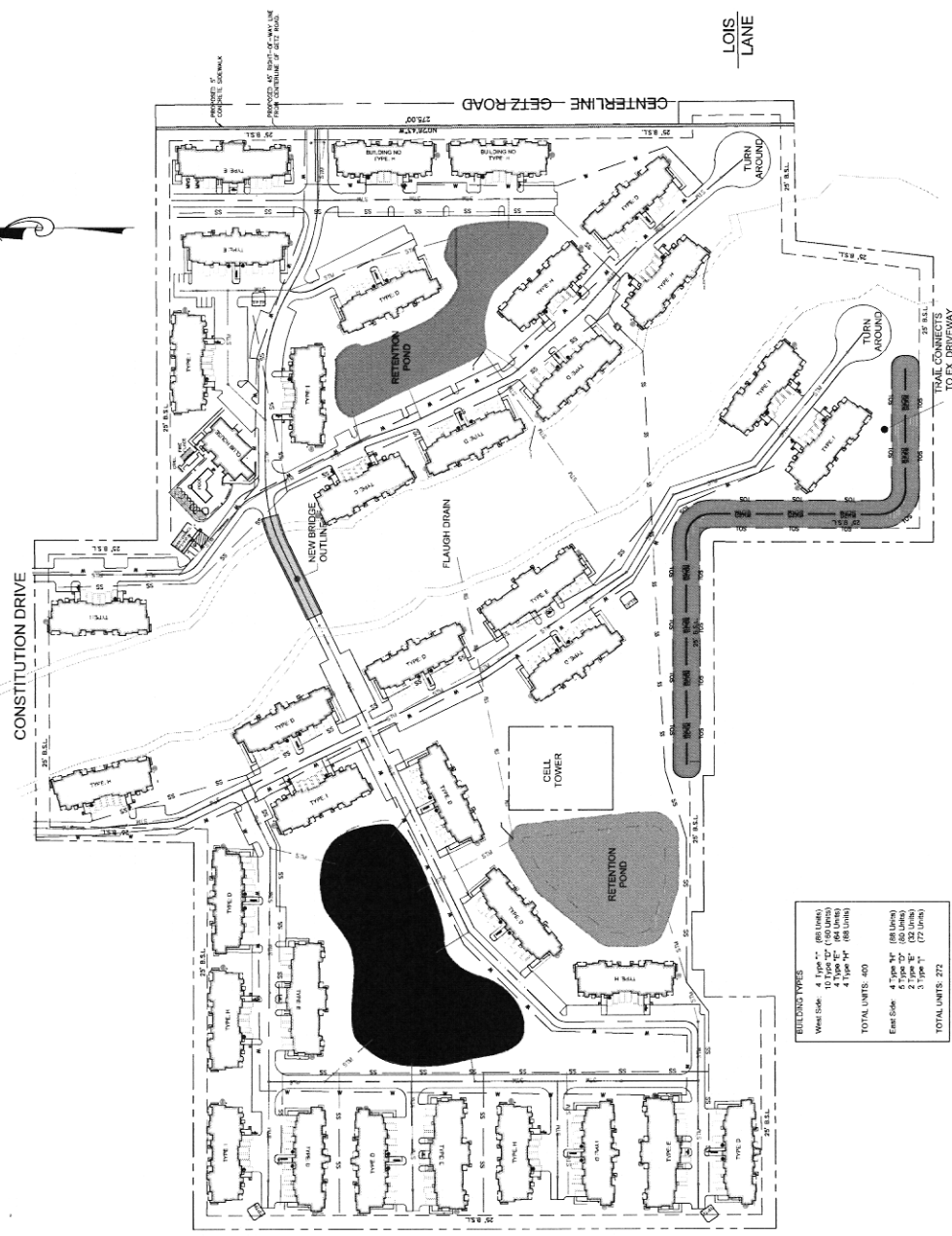
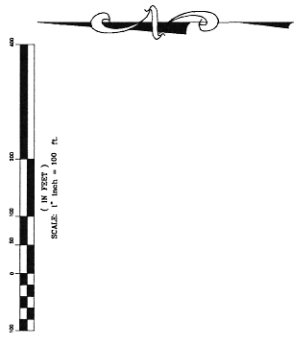
CLIENT NAME: WALNUT HILLS DEVELOPMENT, LLC
1702 W. STATE ST., SUITE 100
INDIANAPOLIS, IN 46202
PHONE: 317.424.2448
FAX: 317.424.2448

DESIGNED BY: MLD
DRAWN BY: MLD
SCALE: 1" = 100' DATE: 10/25/2011
PROJECT NO.: 2011-0005

1 OF 1



PROJECT: Walnut Hills - 0005 - City of West Area - Jan. 2011
DRAWN BY: MLD
CHECKED BY: MLD
DATE: 10/25/2011



BUILDING TYPES	
West Side:	4 Type "A" (88 Units)
	1 Type "B" (164 Units)
	4 Type "C" (164 Units)
	4 Type "D" (164 Units)
TOTAL UNITS: 680	
East Side:	4 Type "A" (88 Units)
	2 Type "B" (164 Units)
	2 Type "C" (164 Units)
	2 Type "D" (164 Units)
TOTAL UNITS: 272	

THIS DRAWING AND THE SEALS, STAMPS AND CONCEPTS CONTAINED HEREIN ARE THE PROPERTY OF DESIGNERS LAND DEVELOPMENT SERVICES, INC. NO PART OF THIS DRAWING OR INFORMATION IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF DESIGNERS LAND DEVELOPMENT SERVICES, INC.

Public Hearing Date, if applicable 12-7-2015

Read the first time in full and on motion by Councilman Glynn Hines
Read the second time by title and referred to the Resolutions
Committee. Read the third time in full and on motion by Councilman
Glynn Hines, 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> </u>	<u> </u>	<u>1</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: 12-22-2015 Michelle D. Chambers
MICHELLE D. CHAMBERS, 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-30-15 on the 22nd day of
December, 2015

Michelle D. Chambers ATTEST: John N. Crawford
MICHELLE D. CHAMBERS, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day
of December, 2015, at the hour of 1:00 PM o'clock PM . E.S.T.

Michelle D. Chambers
MICHELLE D. CHAMBERS, CITY CLERK

Approved and signed by me this 28th day of December
2015, at the hour of 9:00 O'clock AM . E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-15-11-24

REPORT OF COMMITTEE ON REGULATIONS

December 22, 2015

*Glynn Hines, Chair
Mitch Harper, Co-Chair
All Council Members*


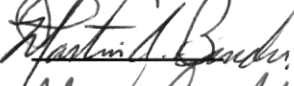
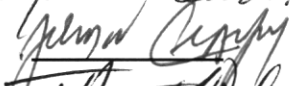
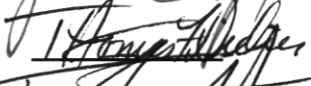



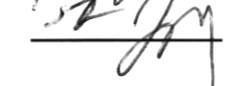
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. D-03 (Sec. 7 of Wayne Township). The locations are 2010, 2014, 2016, 2118, 2220, 2226, and 2230 Getz Road. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**MICHELLE D. CHAMBERS
CITY CLERK**

