

1 #REZ-2016-0013

2 BILL NO. Z-16-04-18

3 ZONING MAP ORDINANCE NO. Z- 9-16

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. V-42 (Sec. 15 of St. Joseph 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 I2
9 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 A tract of land located in the Northwest Quarter of Section 15, T31N, R13E, in Allen
12 County, the State of Indiana, more fully described as follows:

13 **COMMENCING** at a Rebar stake with cap (FIRM 0042) situated in the Northwest corner
14 of said Northwest Quarter; Thence North 88 Degrees 15 Minutes 04 Seconds East (Indiana
15 State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 750.00
16 feet along the North line of said Northwest Quarter to a Marker Spike with tag in the
17 Northeast corner of the track of land described in the conveyance to County of Allen, State
18 of Indiana in Allen County Document No. 960004097, the **TRUE POINT OF**
19 **BEGINNING**; Thence North 88 Degrees 15 Minutes 04 Seconds East (Indiana State Plane
20 Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 261.68 feet along
21 the North line of said Northwest Quarter to a Marker Spike with tag in the Northwest corner
22 of Hillsboro Section III as recorded in Allen County Document 780013090 (Plat Book 40,
23 page 127); Thence South 01 Degrees 44 Minutes 56 Seconds East, a distance of 266.68 feet
24 along the West line of said Hillsboro Section III to a Rebar stake with cap (FIRM 0042) in
25 the Northwest corner of Lot #315 therein; Thence South 07 Degrees 29 Minutes 49 Seconds
26 West, a distance of 70.84 feet along the West line of said Lot #315 to a 1 inch diameter Iron
27 Pipe in the Southwest corner thereof; Thence South 06 Degrees 56 Minutes 06 Seconds
28 West, a distance of 280.64 feet along the West line of said Hillsboro Section III to a #4
29 Rebar stake in a deflection point in the West line of Lot #319 therein; Thence South 16
30 Degrees 05 Minutes 24 Seconds East, a distance of 53.34 feet along the West line of said
Lot #319 to a #4 Rebar stake in the Southwest corner thereof; Thence North 85 Degrees 28
Minutes 49 Seconds West, a distance of 446.77 feet along the North line of Chadwick
Section II as recorded in Allen County Document No. 870029903 (Plat Cabinet A, page 4)
and along the North line of Chadwick Section I as recorded in Allen County Document No.
860037972 (Plat Book 48, page 84) to a Rebar stake with cap (Karst) in the Southeast corner
of the tract of land described in the conveyance to JP Enterprises, LLC in Allen County
Document No. 960032066; Thence North 03 Degrees 09 Minutes 38 Seconds West, a
distance of 571.77 feet along the East line of said JP Enterprises, LLC tract and along the
East line of the tract of land described in the conveyance to RIZ N DAD, LLC in Allen
County Document No. 2007041995 to a Rebar stake with cap (Karst) in the Northeast corner
thereof (also being the Southwest corner of the County of Allen tract referenced above);
Thence North 83 Degrees 21 Minutes 09 Seconds East, a distance of 237.91 feet along the

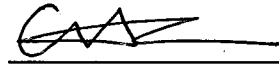
1 South line of said County of Allen tract to a Rebar stake with cap (FIRM 0042) in the
2 Southeast corner thereof; Thence North 01 Degrees 44 Minutes 56 Seconds West, a distance
3 of 25.00 feet along the East line of said County of Allen tract to the **POINT OF**
4 **BEGINNING**, said tract containing 6.801 Acres, more or less, and being subject to all
5 public road rights-of-way and to all easements of record. A survey of said tract of land
6 being represented by Plat of Survey #31-13-15-01 as prepared by D. A. Brown Engineering
7 Consultants, Inc., 5419 CR427, Suite C, Auburn, Indiana 46706.

8 and the symbols of the City of Fort Wayne Zoning Map No. V-42 (Sec. 15 of St. Joseph
9 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
10 Wayne, Indiana is hereby changed accordingly.

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

13 
14 Council Member

15 APPROVED AS TO FORM AND LEGALITY:

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17 _____
18 Carol T. Helton, City Attorney

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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Matt Lancia Signature Homes
 Address 10347 Daswons Creek Boulevard, Building 5, Suite B
 City Fort Wayne State IN Zip 46825
 Telephone (260) 417-5553 E-mail matt@mattlanciasignaturehomes.com

Contact Person
 Contact Person Matt Lancia
 Address 10347 Daswons Creek Boulevard, Building 5, Suite B
 City Fort Wayne State IN Zip 46825
 Telephone (260) 417-5553 E-mail matt@mattlanciasignaturehomes.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 6502 Rothman Road
 Present Zoning C1 Proposed Zoning R2 Acreage to be rezoned 6.801 Ac
 Proposed density 3.53 Units per Ac units per acre
 Township name St. Joseph Township section # 15
 Purpose of rezoning (attach additional page if necessary) To enable consturction of a duplex units subdivision.
 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 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.

Matthew J Lancia Signature Homes ^{LLC} Matthew J Lancia 3/31/16
 (printed name of applicant) (signature of applicant) (date)
Burlington Properties LLC Matthew J Lancia 3/31/16
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received <u>4/5/16</u>	Receipt No. <u>120435</u>	Hearing Date <u>5/9/16</u>	Petition No. <u>PF2-2016-0013</u>
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FACT SHEET

Case #REZ-2016-0013 Bill # Z-16-04-18 Project Start: 26 April 2016

APPLICANT:	Matt Lancia Signature Homes
REQUEST:	To rezone property for a 24-unit attached single family development
LOCATION:	6502 Rothman Road
LAND AREA:	Approximately 6.8 acres
PRESENT ZONING:	C1-Professional Office and Personal Services
PROPOSED ZONING:	R2-Two Family Residential
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Tanbark Trail, Chadwick Homeowners, Hillsboro, Northeast Area Partnership
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECTS:	Primary Plat, Rothman Villas
SPONSOR:	City of Fort Wayne Plan Commission

9 May 2016 Public Hearing

- No one spoke in support at the hearing.
- One resident spoke at the hearing with concerns.
- Mike Bynum and Mike Bultemeier were absent.
- Staff recommended Do Pass


16 May 2016 – Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Judi Wire and seconded by Don Schmidt to return the ordinance to Common Council for their final decision. 5-0 MOTION PASSED
- Mike Bynum, Mike Bultemeier, Justin Shirley and Tom Friestroffer were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
19 May 2016

Reviewed By:



Kim Bowman, Executive Land Use Director

PROJECT SUMMARY

The property is currently zoned C1/Professional Office and Personal Services, and was annexed into the City of Fort Wayne in 2000. The petitioner requests a rezoning to R2/Two Family Residential to allow the subdivision of approximately 7 acres of undeveloped land into a 24-lot duplex development totaling 12 buildings and 24 attached single homes. The subdivision is proposed to access Rothman Road, and is situated in an area of single family residential subdivisions, attached single family condominiums and commercial development.

The current zoning is C1, which does not allow the land to be platted into a subdivision under the City zoning ordinance. However if the applicant were to develop the same number duplexes as a development plan this would be permitted. In either event this is a downzoning from a more intensive commercial district to a lower intensity residential district. The petitioner proposes to rezone to R2/Two Family Residential, which will allow the proposed subdivision. The site is surrounded by R3, R2 and C1 zoning and the predominate land use is single family housing, mostly in platted subdivisions, with single family attached condominiums to the south and a doctor's office to the west. The proposed zoning district can be supported by the Comprehensive Plan in that it will allow for planned residential subdivision of land and infill development. The residential proposal will place additional living options within the northeast quadrant of Fort Wayne. The comprehensive plan supports this development through the following objectives:

- LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;
- LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
- LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;
- LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The subdivision does not propose interconnection with adjacent parcels because they are already developed without stub streets into this property. Public sewer and water will be extended to all the lots within the development. The lots meet the minimum widths at the building line and the minimum lot area. Stormwater management is proposed to be directed to detention basins as proposed on the plan. The proposed plat meets all of the standards of the Zoning Ordinance.

PUBLIC HEARING SUMMARY:

Presenter:

Matt Lancia, Signature Homes, presented the request as outlined above in the project summary.

Comments in Favor:

None

Comments of Concern:

- Terry O'Brien, 7303 Tanbark Lane, lives directly east of the proposed development. He is concerned that kids will cut through his yard to get to the common area in the Hillsboro subdivision.
- A resident of Chadwick is concerned that the area is over-saturated with homes.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2016-0013

APPLICANT: Signature Homes – Matt Lancia
REQUEST: To rezone property from C1/Professional Office and Personal Services to R2/Two Family Residential for a new 24-unit duplex development.
LOCATION: The proposed site is located on the south side of the 6400 to 6500 blocks of Rothman Road (Section 15 of St. Joseph Township).
LAND AREA: Approximately 6.8 acres
PRESENT ZONING: C1/Professional Office and Personal Services
PROPOSED ZONING: R2/Two Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2016-0013, be returned to Council with a “Do Pass” recommendation for the following reasons:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area has seen primarily single-family residential land uses. This proposal will provide infill development using existing infrastructure, and provide further single family housing options.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Plan review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood.
3. Approval is consistent with the preservation of property values in the area. This proposal provides another housing choice for residents who choose to reside in the northeast quadrant of Fort Wayne. The proposed density and land use are consistent with surrounding development.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for residential uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on May 16, 2016.



Michael Bultemeier
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

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 Applicant Matt Lancia Signature Homes
 Address 10347 Daswons Creek Boulevard, Building 5, Suite B
 City Fort Wayne State IN Zip 46825
 Telephone (260) 417-5553 E-mail matt@mattlanciasignaturehomes.com

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Matthew J Lancia Signature Homes LLC Matthew J Lancia 3/31/16
 (printed name of applicant) (signature of applicant) (date)
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Received <u>4/5/16</u>	Receipt No. <u>120435</u>	Hearing Date <u>5/9/16</u>	Petition No. <u>PF2-2016-0013</u>
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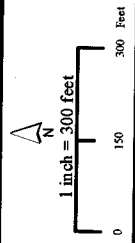
Rezoning Petition REZ-2016-0013 and Primary Development Plan - Rothman Villas



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

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

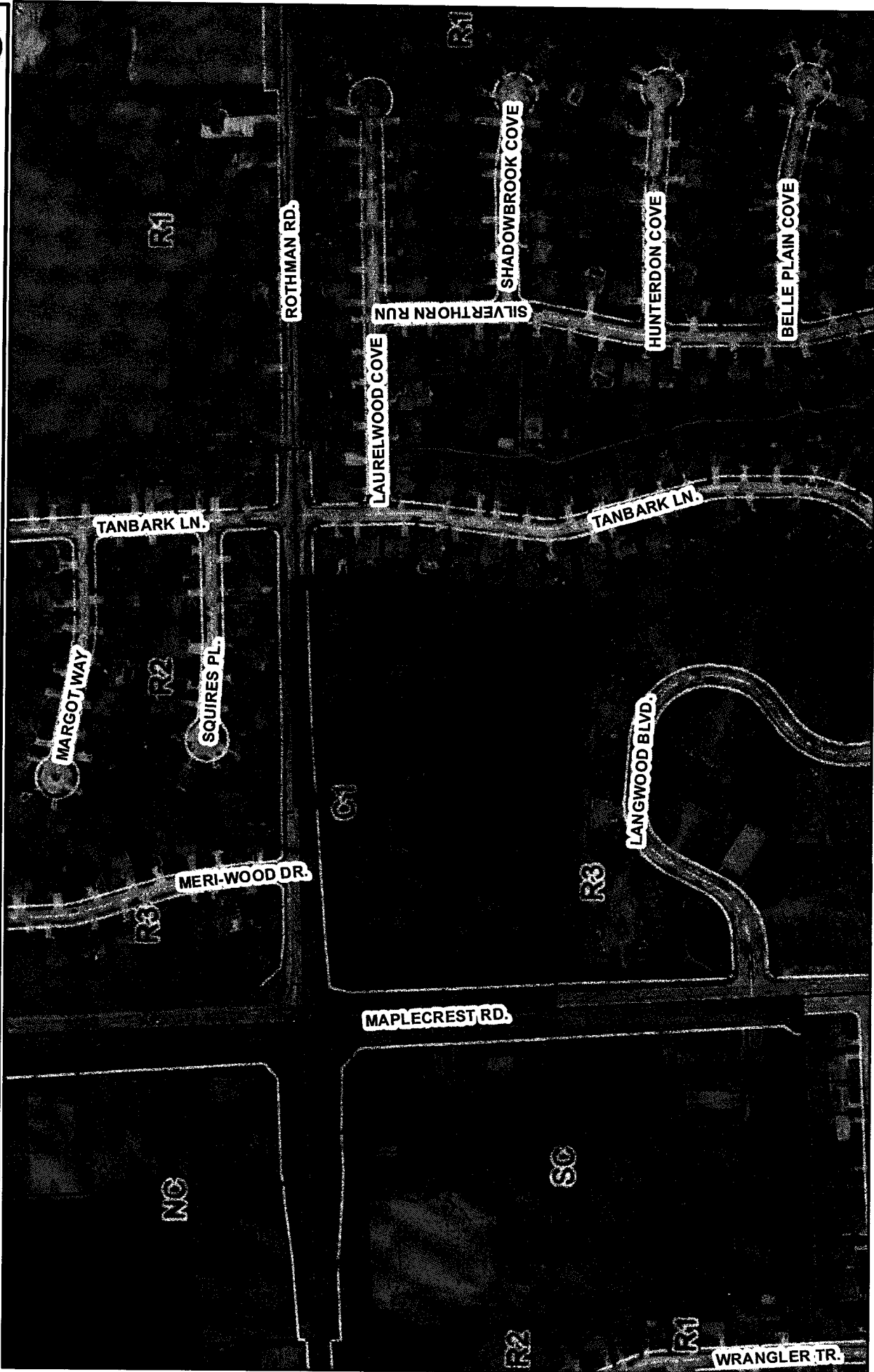
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.



DATE: 4/19/2016



Rezoning Petition REZ-2016-0013 and Primary Development Plan - Rothman Villas

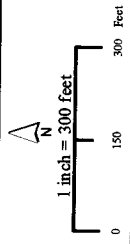


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Date: 4/19/2016



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

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0013
Bill Number: Z-16-04-18
Council District: 2-Russ Jehl

Introduction Date: April 26, 2016

Plan Commission
Public Hearing Date: May 9, 2016

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

Synopsis of Ordinance: To rezone approximately 6.8 acres of property from C1-Professional Office
and Personal Services to R2-Two Family Residential

Location: 6502 Rothman Road

Reason for Request: To create a 24-lot, 24-unit attached single-family development.

Applicant: Matt Lancia Signature Homes

Property Owner: Burlington Properties, LLC

Related Petitions: Primary Development Plan, Rothman Villas

Effect of Passage: Property will be downzoned to the R2-Two Family Residential zoning
district which for a new residential community.

Effect of Non-Passage: The property will remain zoned for professional office and personal
services. While some residential development would be allowed, the
ground cannot be platted as zoned.

Public Hearing Date, if applicable May 9, 2016

Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:


<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: May 24, 2016


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
Zoning No. Z-16-04-18 on the 24th day of May, 2016

ATTEST:

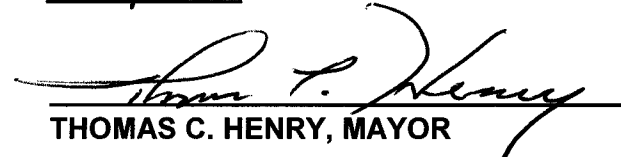

LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th
of May 2016, at the hour of 10:00 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 25TH day of MAY
2016, at the hour of 12:00 O'clock PM . E.S.T.


THOMAS C. HENRY, MAYOR

BILL NO. Z-16-04-18



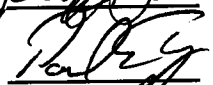

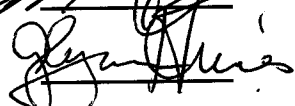
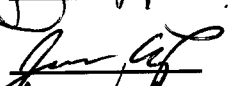
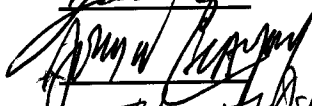
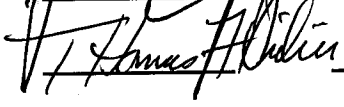
REPORT OF COMMITTEE ON REGULATIONS

MAY 24, 2016

Tom Didier, Chair
Tom Freistroffer, Co-Chair
All Council Members

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. V-42
(Sec. 15 of St. Joseph Township)- 6502 ROTHMAN 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>
	_____	_____	_____
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LANA R. KEESLING
CITY CLERK

