



1 the aforementioned 1.5-acre parcel, also being a Northwest corner of said 6.50-acre parcel;  
2 thence along the common line between said 1.50-acre and said 6.50-acre parcels by the  
3 following two courses: South 89 degrees 47 minutes 00 seconds East, 150.00 feet; thence  
4 North 00 degrees 54 minutes 00 seconds East, 372.60 feet to the Point of Beginning,  
5 containing 7.751 acres, more or less, and subject to easements and rights of way of record.

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

9 SECTION 2. If a written commitment is a condition of the Plan Commission's  
10 recommendation for the adoption of the rezoning, or if a written commitment is modified and  
11 approved by the Common Council as part of the zone map amendment, that written  
12 commitment is hereby approved and is hereby incorporated by reference.

13  
14 SECTION 3. That this Ordinance shall be in full force and effect from and after its  
15 passage and approval by the Mayor.

16  
17   
18 \_\_\_\_\_  
19 Council Member

20 APPROVED AS TO FORM AND LEGALITY:

21   
22 \_\_\_\_\_  
23 Carol T. Helton, City Attorney

24  
25  
26  
27  
28  
29  
30

**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 1.505  
 Proposed density 4.13 units / acre units per acre  
 Township name Aboite Township section # 11  
 Purpose of rezoning (attach additional page if necessary) For the development of a  
32 detached residential condo units in combination with the previously approved  
24 unit duplex apartment project on neighborng property.  
 Sewer provider Aqua Indiana Water provider 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.

Jim Mutton [Signature] 12.1.17  
 (printed name of applicant) (signature of applicant) (date)

John Tite [Signature] 12-1-17  
 (printed name of property owner) (signature of property owner) (date)

Susan Tite [Signature] 12-1-17  
 (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.
12/5/17	125785	1/8/18	PEZ-2017-0056

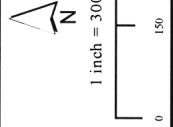




Rezoning Petition REZ-2018-0001 and Primary Plat PP-2018-0001 - Quail Commons



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State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 1/16/2018



1 inch = 300 feet

0 150 300 Feet

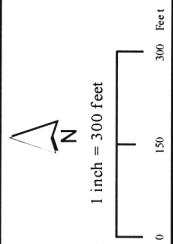


Rezoning Petition REZ-2018-0001 and Primary Plat PP-2018-0001 - Quail Commons



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## FACT SHEET

Case #	REZ-2018-0001	Bill #	Z-18-01-12	Project Start:	23 January 2018
APPLICANT:	JRM Realty, LLC – Jim Mutton				
REQUEST:	To rezone property from AR/Low Intensity Residential and R3/Multiple Family Residential to R1/Single Family Residential; and approve a primary plat for a 22-lot single family residential villa subdivision.				
LOCATION:	The site lies on the south side of the 8600 block of West State Road 14 (Illinois Road), to the north and west of Centaur Acres (Section 11 of Aboite Township).				
LAND AREA:	Approximately 7.8 acres				
PRESENT ZONING:	AR/Low Intensity Residential and R3/Multiple Family Residential				
PROPOSED ZONING:	R1/Single Family Residential				
COUNCIL DISTRICT:	4-Jason Arp				
ASSOCIATED PROJECTS:	Primary Plat, Quail Commons				
SPONSOR:	City of Fort Wayne Plan Commission				

### 12 February 2018 Public Hearing

- No one spoke at the hearing in favor.
- Four neighbors spoke at the hearing with concerns.
- Justin Shurley was absent.

### 19 February 2018 – Business Meeting

#### Plan Commission Recommendation: DO PASS


A motion was made by Judi Wire and seconded by Billy Davenport to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

#### 7-0 MOTION PASSED

- Rachel Tobin-Smith and Justin Shurley were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
8 March 2018

Reviewed by:



Kimberly R. Bowman  
Executive Land Use Director

## PROJECT SUMMARY

- The site was originally a metes and bounds residential property with one single family residence, with two accessory buildings.
- The structures remain but the majority of the site was rezoned to R3/Multiple Family Residential in 2014 for Blue Stone apartments.

The proposed rezoning parcel is located on the south side of West State Road 14 (Illinois Road), to the west of Inverness Center, and west and north of Centaur Acres subdivision. The adjacent parcels surrounding the site to the north, south, east, and west are developed with subdivisions or metes and bounds residential. The Plan Commission approved Blue Stone, a 24-unit duplex development on this property in 2014. The developer is now proposing a single-family subdivision, instead of a multiple family development plan. An additional 1.5 acres of property was purchased, at the southern end of the site and is still zoned AR/Low Intensity Residential. The request is to zone all the property to R1/Single Family Residential, which will allow the platting of a subdivision.

The proposed zoning district can be supported by the Comprehensive Plan in that it will offer infill development and investment in the area. The single family residential proposal will be compatible with surrounding land uses and provide additional living options within proximity to retail and services along the SR 14 corridor. 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 newly proposed plat will completely replace the previously approved duplex rental proposal. The housing density will be slightly less than before. Access to the site will be from a new public road from SR 14, approximately in the location of the existing driveway. This drive ends in a cul-de-sac, and has a half-cul-de-sac about midway through the property. Building setbacks are 25-foot front yards, 25-foot rear yards and 5-foot side yards. Stormwater detention is proposed in two locations; along the western property line, and in the northeast corner, along the entrance. Per the Stormwater Engineering Department, the stormwater will discharge at an approved rate from the detention basins into a piped stormwater system along SR 14. The stormwater for the site is not proposed to be released into the Klaehn-Merritt Drain.

Sidewalks are proposed on both side of the public street, to connect to the existing trail on the south side of SR 14. No screening or buffering is required between single family land uses. There are no waivers of development standards requested for this project.

### **PUBLIC HEARING SUMMARY:**

Presenters: Kevin McDermit and Jim Mutton presented the proposal to the Plan Commission, providing information as outlined above.

### Comments in Favor:

None

Questions or Comments in Opposition:

- Chad Neely, Goldspur Drive – Lots are too small, wants a barrier between the two single family subdivisions and wants only single-story homes allowed along his property line.
- Matt Branning, Illinois Road – concerned about number of access points onto SR 14/Illinois Road.
- Chris Klerner – Goldspur Drive – This development will be very congested. Lots are too small for single story homes. Concerned about sewer.
- Dale Borne, Goldspur Drive – Purchased a large lot for privacy. This development is taking that away. Concerned about runoff.

Rebuttal/Additional Information:

- All drainage will be directed to stormwater detention ponds and away from Centaur Acres.
- There is no requirement for fencing and buffering between two single-family neighborhoods.
- There is no maximum density limit in the zoning ordinance.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2018-0001

APPLICANT: JRM Realty, LLC – Jim Mutton  
REQUEST: To rezone property from AR/Low Intensity Residential and R3/Multiple Family Residential to R1/Single Family Residential for a 22-lot single family residential villa subdivision.  
LOCATION: The site lies on the south side of the 8600 block of West State Road 14 (Illinois Road), to the north and west of Centaur Acres (Section 11 of Aboite Township).  
LAND AREA: Approximately 7.8 acres  
PRESENT ZONING: AR/Low Intensity Residential and R3/Multiple Family Residential  
PROPOSED ZONING: R1/Single Family Residential

---

**The Plan Commission recommends that Rezoning Petition REZ-2018-0001 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 a mixture of land developments including office, retail, metes and bounds residential, and single-family residential land uses. This proposal will provide infill development using existing infrastructure.
  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. Site plan review from the Plan Commission, reviewing departments and staff will ensure a compatible development that complements the neighborhood. There is a mixture of residential uses in the area with multiple-family developments just east of this site on State Road 14.
  3. Approval is consistent with the preservation of property values in the area. This proposal provides another housing choice for residents who choose to live in the southwest community, and may not desire to maintain property. While the units are attached, the density is compatible with surrounding developments that may have smaller subdivision lots; and multiple family residential complexes exist to the east along the West State Road 14 corridor.
  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. State Road 14 was recently expanded to include two travel lanes in each direction, with a bi-directional center turn lane.
- 

These findings approved by the Fort Wayne Plan Commission on February 19, 2018.



Kimberly R. Bowman, AICP  
Executive Director  
Secretary to the Commission

**Department of Planning Services  
Rezoning Petition Application**

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 City Fort Wayne State IN Zip 46804  
 Telephone 260-432-9438 E-mail jim@muttonpower.com

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 Telephone 260-432-3665 E-mail krmcdermit@comcast.net

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

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 Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
 Address of the property 8633 Illinois Road  
 Present Zoning R3/AR Proposed Zoning R1 Acreage to be rezoned 6.246+1.505=7.751  
 Proposed density 2.84 units / acre units per acre  
 Township name Aboite Township section # 11  
 Purpose of rezoning (attach additional page if necessary) For the development of a single family residential villa-minium subdivision  
 Sewer provider Aqua Indiana Water provider FORT WAYNE

**Filing Requirements**  
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Jim Mutton [Signature] 12.26.17  
 (printed name of applicant) (signature of applicant) (date)  
John Tite [Signature] 12.27.17  
 (printed name of property owner) (signature of property owner) (date)  
Susan Tite [Signature] 12.29.17  
 (printed name of property owner) (signature of property owner) (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

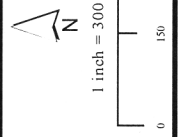
Received	Receipt No.	Hearing Date	Petition No.
1/2/2018	125911	2/12/18	REZ-2018-0001



Rezoning Petition REZ-2018-0001 and Primary Plat PP-2018-0001 - Quail Commons



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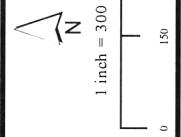


Rezoning Petition REZ-2018-0001 and Primary Plat PP-2018-0001 - Quail Commons



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 Photos and Contours: Spring 2009  
 Date: 1/16/2018



**CLIENT SERVICE PROVIDERS**

ARCHITECT: JORDAN SURVEYING AND DESIGN, INC.  
 1133 BROADWAY FORT WAYNE, IN 46802  
 (260) 424-5382 FAX (260) 424-4615

ENGINEER: LOUGHERED & ASSOCIATES, INC.  
 1017 SOUTH HALEY ROAD FORT WAYNE, INDIANA 46803  
 (260) 432-3665 FAX (260) 432-0224

PLANNING: JRM REALTY LLC  
 5612 ILLINOIS ROAD FORT WAYNE, IN 46804  
 (260) 432-9438

OWNER: JOHN & SUSAN TEE  
 9130 GOLDSPUR FORT WAYNE, IN 46804

**THE COMMUNICATIONS**

FOR THE CITY OF FORT WAYNE  
 1017 SOUTH HALEY ROAD FORT WAYNE, INDIANA 46803  
 (260) 424-5382 FAX (260) 424-4615

**FOR THE CITY OF FORT WAYNE**  
 1017 SOUTH HALEY ROAD FORT WAYNE, INDIANA 46803  
 (260) 424-5382 FAX (260) 424-4615

**FOR THE CITY OF FORT WAYNE**  
 1017 SOUTH HALEY ROAD FORT WAYNE, INDIANA 46803  
 (260) 424-5382 FAX (260) 424-4615

**RESIDENTS GARDEN & PUBLIC AREA**  
 7400 E. 10TH AVENUE  
 FORT WAYNE, INDIANA 46804  
 (260) 424-5382 FAX (260) 424-4615

**FOR THE CITY OF FORT WAYNE**  
 1017 SOUTH HALEY ROAD FORT WAYNE, INDIANA 46803  
 (260) 424-5382 FAX (260) 424-4615

**APPROXIMATE CLEARING LIMITS**

1/2" REAR (160) (4.0)  
 1/2" REAR (160) (4.0)  
 1/2" REAR (160) (4.0)

**STORMWATER DETENTION**

704.55' (R) - 785.59' (C)  
 785.59' (C) - 867.00' (W)  
 867.00' (W) - 913.00' (E)  
 913.00' (E) - 913.00' (E)

**LOT 4**  
 NEELY  
 1404 GOLDSPUR DR E  
 (DOC 2012036346)

**LOT 3**  
 KELLER  
 1310 GOLDSPUR DR E

**LOT 2**  
 PRATT  
 1224 GOLDSPUR DR E

**LOT 1**  
 BROWNE  
 1114 GOLDSPUR DR E

**SPATT**  
 8717 ILLINOIS ROAD  
 DOC #033885

**BONEFF**  
 8735 ILLINOIS ROAD  
 DOC #03-062804

**ILLINOIS ROAD (SR 14)**

**LOCATION MAP**

**LINE & SYMBOL LEGEND**

--- 1/2" REAR (160) (4.0)  
 --- 1/2" REAR (160) (4.0)  
 --- 1/2" REAR (160) (4.0)

**LEGAL DESCRIPTION**

Part of the Northwest and Northeast Quarters of Section 11, Township 30 North, Range 11 East, 6th East, Indiana, containing 6.66 acres.

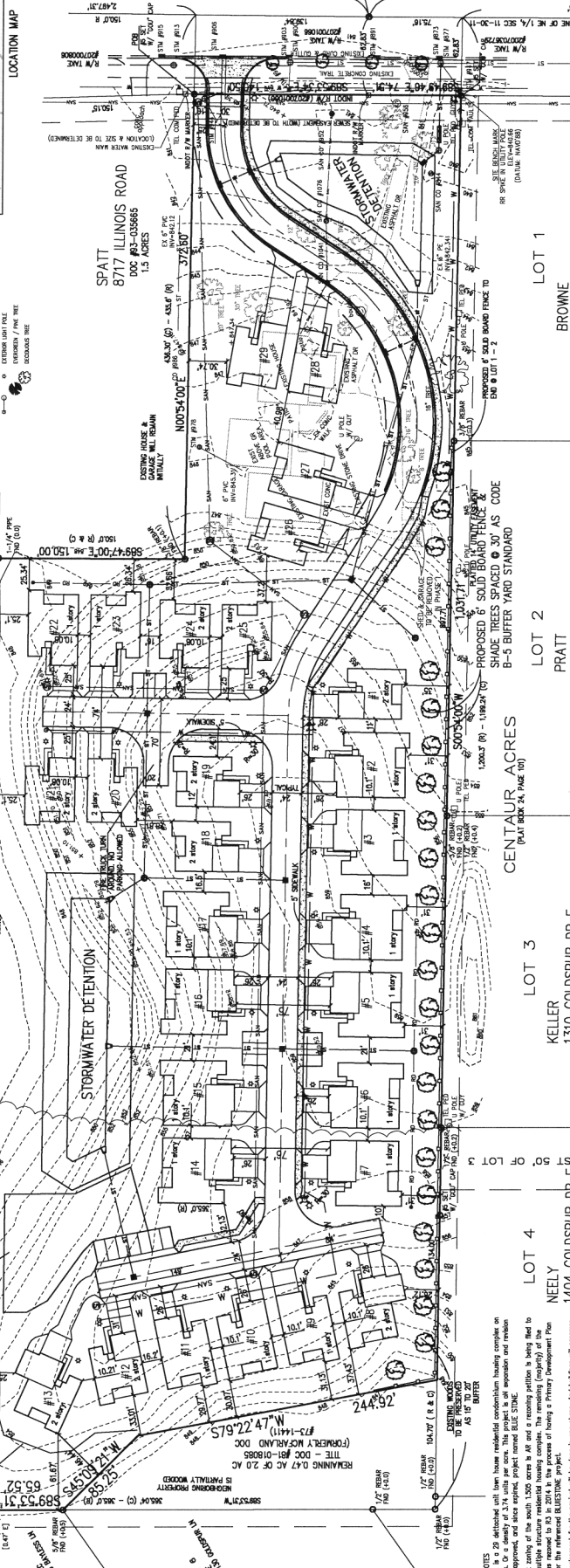
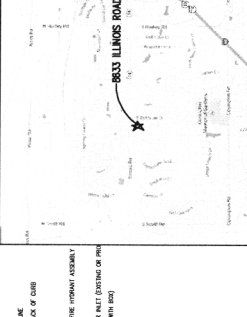
**DEVELOPMENT NOTES**

1. Details shown are prepared to be PRIVATE. A wide asphalt pavement with a valley type curb and gutter will be provided.

2. The proposed stormwater detention is being built to meet the City of Fort Wayne's stormwater management requirements.

**OWNER / DEVELOPER:**  
 JRM REALTY LLC  
 JIM MUTTON, MEMBER  
 5612 ILLINOIS ROAD  
 FORT WAYNE, IN 46804  
 260 432-9438

**OWNER**  
 (SOUTH 1,505 AC PARCEL)  
 JOHN & SUSAN TEE  
 9130 GOLDSPUR  
 FORT WAYNE, IN 46804



CONTRACT STRUCTURE TABLE	NO. OF UNITS	TYPE	PER DATE	MAXIMUM	NOTES
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 FORT WAYNE, IN 46804  
 260 432-9438

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 JOHN & SUSAN TEE  
 9130 GOLDSPUR  
 FORT WAYNE, IN 46804

**LEGAL DESCRIPTION**

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**DEVELOPMENT NOTES**

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2. The proposed stormwater detention is being built to meet the City of Fort Wayne's stormwater management requirements.

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 AT 8633 ILLINOIS ROAD  
 FORT WAYNE, INDIANA

**SURVEYOR:**  
 GOULOFF - JORDAN  
 SURVEYING AND DESIGN, INC.  
 1133 BROADWAY FORT WAYNE, IN 46802  
 PH (260) 424-5382 FAX (260) 424-4615

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 1133 BROADWAY FORT WAYNE, IN 46802  
 PH (260) 424-5382 FAX (260) 424-4615

**OWNER / DEVELOPER:**  
 JRM REALTY LLC  
 JIM MUTTON, MEMBER  
 5612 ILLINOIS ROAD  
 FORT WAYNE, IN 46804  
 260 432-9438

**OWNER**  
 (SOUTH 1,505 AC PARCEL)  
 JOHN & SUSAN TEE  
 9130 GOLDSPUR  
 FORT WAYNE, IN 46804

**LEGAL DESCRIPTION**

Part of the Northwest and Northeast Quarters of Section 11, Township 30 North, Range 11 East, 6th East, Indiana, containing 6.66 acres.

**DEVELOPMENT NOTES**

1. Details shown are prepared to be PRIVATE. A wide asphalt pavement with a valley type curb and gutter will be provided.

2. The proposed stormwater detention is being built to meet the City of Fort Wayne's stormwater management requirements.

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**QUAIL COMMONS**  
 AT 8633 ILLINOIS ROAD  
 FORT WAYNE, INDIANA

**SURVEYOR:**  
 GOULOFF - JORDAN  
 SURVEYING AND DESIGN, INC.  
 1133 BROADWAY FORT WAYNE, IN 46802  
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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-2018-0001  
Bill Number: Z-18-01-12  
Council District: 4-Jason Arp

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Introduction Date: January 23, 2018

Plan Commission  
Public Hearing Date: February 12, 2018 (not heard by Council)

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

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Synopsis of Ordinance: To rezone approximately 7.75 acres of property from AR-Single Family Residential and R3-Multiple Family Residential to R1-Single Family Residential

Location: 8633 Illinois Road

Reason for Request: To rezone property to allow for a 22 lot single family subdivision.

Applicant: JRM Realty LLC

Property Owner: Jim Mutton, and John and Susan Tite

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Related Petitions: Primary Development Plan, Quail Commons

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Effect of Passage: Property will be rezoned to the R1-Single Family Residential district which will allow a platted single family subdivision.

Effect of Non-Passage: The site will remain zoned AR and R3. The R3 portion of the site could be used for multiple family residential while the AR could be used for a single house. The AR district does not allow a platted subdivision.

**BILL NO. Z-18-01-12**

**REPORT OF COMMITTEE ON REGULATIONS**  
**March 13, 2018**

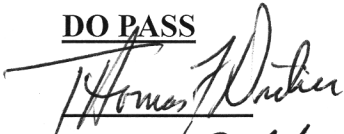
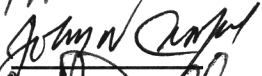
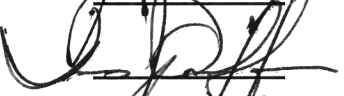

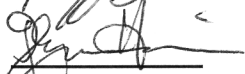

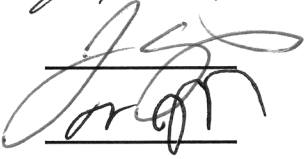
***Thomas Didier Chair***

***Paul Ensley Co-Chair***

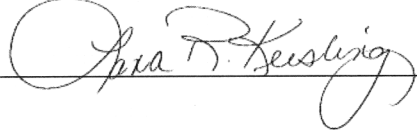
***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. A-02 (Sec. 11 of Aboite Township)

**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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING**  
**CITY CLERK**



Public Hearing Date: 02/12/18

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: March 13, 2018

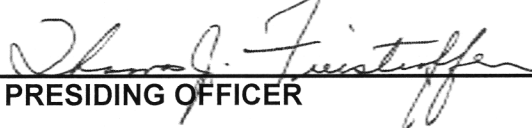
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-18-01-12 on the 13th day of March, 2018

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK


  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of March 2018, at the hour of 9:50 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14<sup>th</sup> day of MARCH

2017, at the hour of 1:30 O'clock PM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR