

1 #REZ-2019-0016

2 BILL NO. Z-19-04-12

3
4 ZONING MAP ORDINANCE NO. Z- 11-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. AA-02 (Sec. 11 of Aboite Township)

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

9 SECTION 1. That the area described as follows is hereby designated a C1
10 (Professional Office and Personal Services) District under the terms of Chapter 157 Title XV
11 of the Code of the City of Fort Wayne, Indiana:

12 Part of the Northwest and Northeast Quarters of Section 11, Township 30 North, Range 11
13 East, Allen County, Indiana, described as follows:
14 Commencing at an Allen County Surveyor referenced Harrison Monument at the Northeast
15 corner of the Northwest Quarter of said Section 11; thence North 89 degrees 32 minutes 24
16 seconds West, on the North line of said Northwest Quarter, 139.84 feet to the Northwest
17 corner of a 6.50-acre parcel described in Document #2012026919 as found in the Office of
18 the Recorder of Allen County, Indiana, said corner also being the Northeast corner of a 1.50-
19 acre parcel described in Document #93-035665; thence South 00 degrees 54 minutes 00
20 seconds West, on the common line between said 6.50-acre and said 1.50-acre parcels, 63.69
21 feet to the **Point of Beginning** on the South right-of-way line of Illinois Road (Indiana State
22 Road #14) as described in Document #207001066; thence South 89 degrees 53 minutes 34
23 seconds East, on said South right-of way line, 140.50 feet; thence continuing on said South
24 right-of-way line, South 89 degrees 49 minutes 46 seconds East, 74.51 feet to a point on the
25 West line of Centaur Acres, as recorded in Plat Book 24, page 101; thence South 00 degrees
26 54 minutes 00 seconds West, on said West line, also being the East line of the
27 aforementioned 6.50-acre parcel, 369.66 feet; thence North 89 degrees 20 minutes 41
28 seconds West, 215.07 feet to the Southeast corner of the aforementioned 1.50-acre parcel;
29 thence North 00 degrees 54 minutes 00 seconds East, on the East line thereof, also being the
30 West line of the aforementioned 6.50-acre parcel, 372.60 feet to the Point of Beginning,
containing **1.832 acres**, more or less, and subject to easements and rights of way of record.

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30


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

SECTION 3. 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

**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

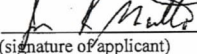
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 8633 Illinois Road
 Present Zoning R1 Proposed Zoning C1 Acreage to be rezoned 1.832
 Proposed density NA units per acre
 Township name Aboite Township section # 11
 Purpose of rezoning (attach additional page if necessary) Commercial Development of Lot 22 of proposed Quail Commons Subdivision. Rezone parcel Includes Lot 22, adjacent street r/w & Block A with storm infrastructure serving Lot 22.
 Sewer provider Aqua Indiana Water provider FORT WAYNE

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.

- Filing 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.

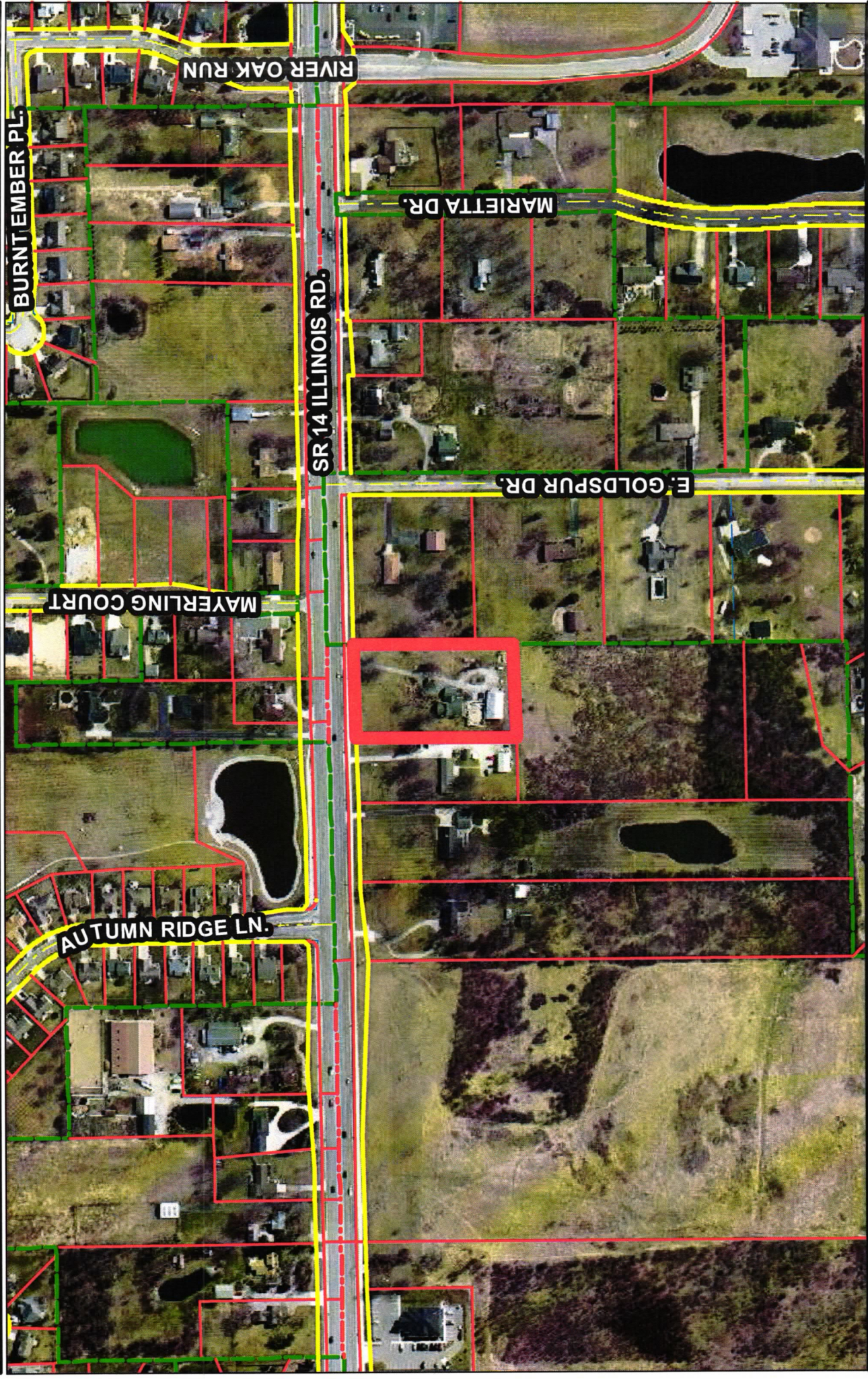
Jim Mutton (printed name of applicant)  (signature of applicant) 4-1-19 (date)

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

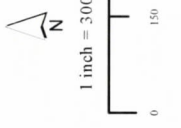
(printed name of property owner) _____ (signature of property owner) _____ (date)

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

Received <u>4/1/19</u>	Receipt No. <u>129884</u>	Hearing Date <u>5/6/19</u>	Petition No. <u>REZ-2019-0016</u>
---------------------------	------------------------------	-------------------------------	--------------------------------------

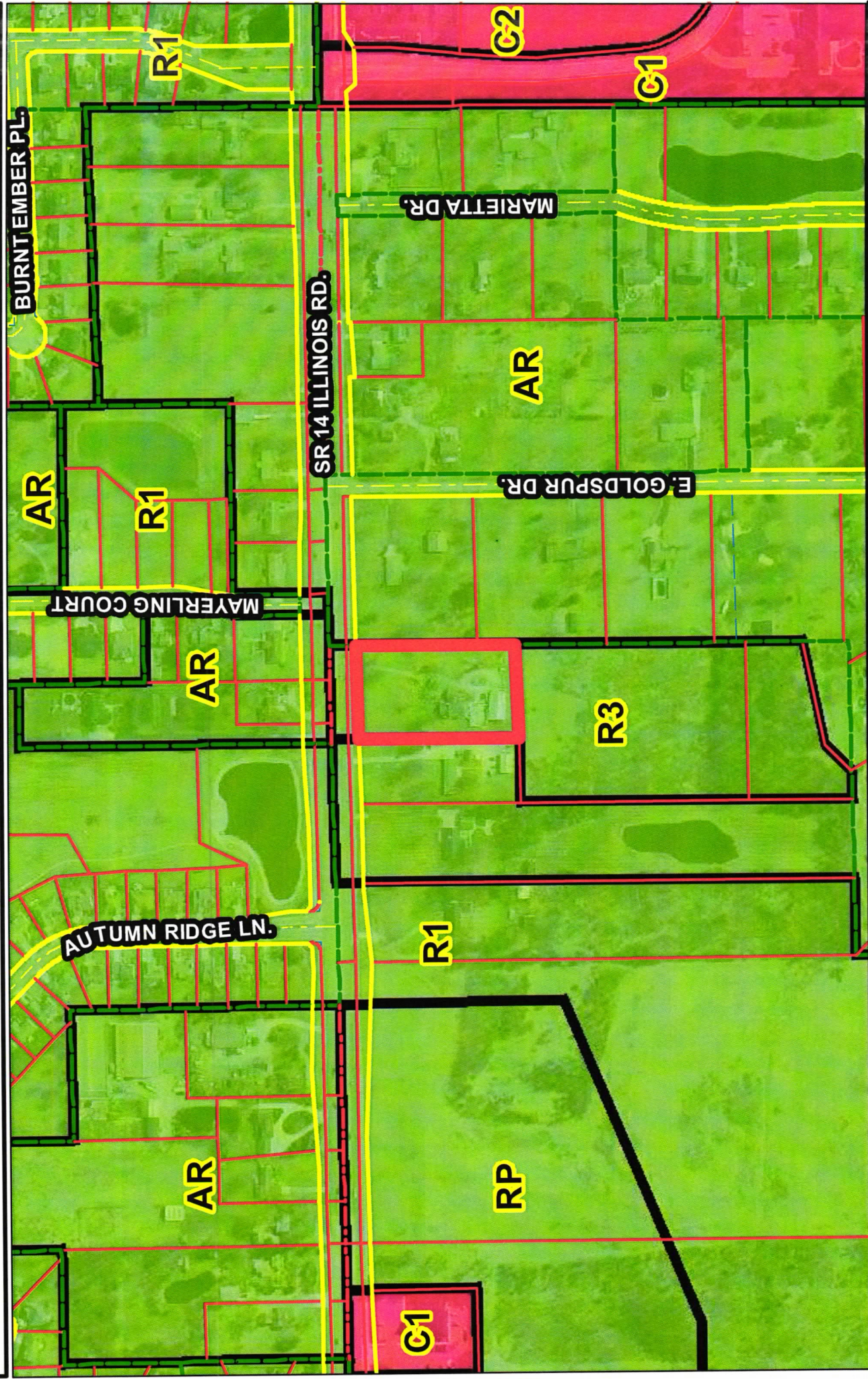


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.
© 2014 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4/17/2019



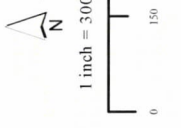


Rezoning Petition REZ-2019-0016 and Primary Development Plan PDP-2019-0014 - Quail Commons Office



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 of 1983
 State Plane Coordinate System, Indiana East
 Photos: Google Earth, Spring 2009
 Date: 4/17/2019



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0016
Bill Number: Z-19-04-12
Council District: 4-Jason Arp

Introduction Date: April 23, 2019

Plan Commission
Public Hearing Date: May 6, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.87 acres of property from R1-Single Family
Residential to C1-Profesisonal Office and Personal Services.

Location: 8633 Illinois Road (new address 1202 Cordona Cove)

Reason for Request: To rezone a portion of the property for Quail Commons to allow for a
professional office at the entrance to the subdivision.

Applicant: JRM Realty, LLC

Property Owner: JRM Realty, LLC – Jim Mutton

Related Petitions: Primary Development Plan, Quail Commons Office

Effect of Passage: Property will be rezoned to the C1-Professional Office and Personal
Services which will allow office uses.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential and can be
developed with single family uses.

FACT SHEET

Case #REZ-2019-0016 Bill # Z-19-04-12 Project Start: 23 April 2019

APPLICANT:	JRM Realty, LLC – Jim Mutton
REQUEST:	To rezone property from R1/Single Family Residential to C1/Professional Office and Personal Services; and approve a primary development plan for a single building office development.
LOCATION:	The site is located on the south side of the 8600 block of Illinois Road, at the proposed entrance to Quail Commons (Section 11 of Aboite Township).
LAND AREA:	Approximately 1.8 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Primary Development Plan, Quail Commons Office
SPONSOR:	City of Fort Wayne Plan Commission

6 May 2019 Public Hearing

- One person spoke at the hearing in opposition.
- Don Schmidt, Tom Friestroffer and Billy Davenport were absent.

13 May 2019 – Business Meeting

Plan Commission Recommendation: DO PASS

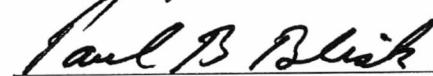
A motion was made by Justin Shirley and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

- Billy Davenport was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
23 May 2019

Reviewed by:



Paul B. Blisk
Deputy Land Use Director

PROJECT SUMMARY

The site was historically developed with a single family home and accessory building. The majority of the site was rezoned to R3/Multiple Family Residential in 2014 for Blue Stone apartments. The site was rezoned in 2018 to R1/Single Family Residential with the Primary Plat of Quail Commons, which was approved by the Plan Commission. In late 2018, the developer filed a secondary plat for Quail Commons.

The petitioner requests a rezoning from R1/Single Family Residential to C1/Professional Office and Personal Services for a new office site. 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 Quail Commons, a 22-lot single family residential subdivision in 2018. This rezoning site is proposed as Lot 22 of Quail Commons, and also includes a portion of the street right-of-way that will serve the subdivision, and Common Area A.

Continued development including office and retail uses is occurring along the Illinois Road corridor between Scott Road and Hadley Road. Typically, these types of developments have occurred on metes and bounds properties that were once residential, but are not desirable for single family residential use. In this case, the developer is proposing that this C1 property is located at the entryway to a new single family residential subdivision, known as Quail Commons. The subdivision plat has not been recorded at this time.

With appropriate buffering, the proposal could offer neighborhood services in close proximity to housing, in a walkable community. The proposal is supported by the following goals and policies of the Comprehensive Plan:

- 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;
- LU5.C** Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.
- LU6.** Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.
- LU6.C** Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.
- LU6.D** Support carefully planned, coordinated, compatible mixed-use development.
- LU8.** Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The proposed site plan includes a new structure at 4,000 square feet and 24 associated off-street parking spaces, which exceed the Ordinance minimum. Parking lies to the south of the building. One access is proposed to the subdivision street, to be known as Codorna Cove. No access is proposed to Illinois Road. A detention basin is proposed on the north side of the site (across Codorna Cove), which will act as a buffer between the site and Centaur Acres. The site plan appears to meet all zoning requirements and the applicant intends to meet all landscaping standards of the Ordinance. No waiver of development plan standards has been requested.

PUBLIC HEARING SUMMARY:

Presenter: Kevin McDermitt, representing JRM Realty LLC, presented the proposal to the Plan Commission, as outlined above. The tenant in the existing house decided to move, allowing JRM to move ahead with a

commercial venture on this property. The adjacent subdivision by JRM is under construction and the stormwater basin was designed to handle this property as well.

Public Comments in Opposition or with Concern:

Barry Williams, 8732 S. Goldspur Drive – His concerns are drainage, traffic, property values, and additional commercial development on SR 14.

Rebuttal:

Because the stormwater system is currently under construction, drainage may not be fully improved yet. Once the curbs are set, all drainage will go into the system as designed. Silt fences are in place and being maintained.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

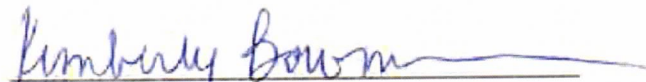
Rezoning Petition REZ-2019-0016

APPLICANT: JRM Realty, LLC – Jim Mutton
REQUEST: To rezone property from R1/Single Family Residential to C1/Professional Office and Personal Services; and approve a primary development plan for a single building office development.
LOCATION: The site is located on the south side of the 8600 block of Illinois Road, at the proposed entrance to Quail Commons (Section 11 of Aboite Township).
LAND AREA: Approximately 1.8 acres
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: C1/Professional Office and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2019-0016 be returned to Council with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is a mixture of residential, office and personal services. The proposed zoning would allow compatible uses with the surrounding properties.
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. The lot is being developed with the Quail Commons Subdivision. Many other office uses have been developed along this section of the Illinois Road corridor.
3. Approval is consistent with the preservation of property values in the area. This proposal is consistent with surrounding zoning classifications and the limited commercial intensity of the Illinois Road corridor.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is to allow an expansion of similar uses and not add any uses that require new infrastructure or change traffic patterns.

These findings approved by the Fort Wayne Plan Commission on May 13, 2019.



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

Applicant

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 R1 Proposed Zoning C1 Acreage to be rezoned 1.832
Proposed density NA units per acre
Township name Aboite Township section # 11
Purpose of rezoning (attach additional page if necessary) Commercial Development
of Lot 22 of proposed Quail Commons Subdivision. Rezone parcel Includes
Lot 22, adjacent street r/w & Block A with storm infrastructure serving Lot 22.
Sewer provider Aqua Indiana Water provider FORT WAYNE

Filing Requirements

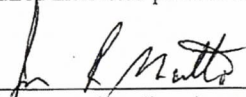
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- 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

(printed name of applicant)


(signature of applicant)

4-1-19
(date)

(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)

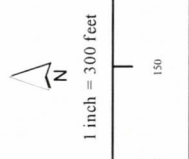
(signature of property owner)

(date)

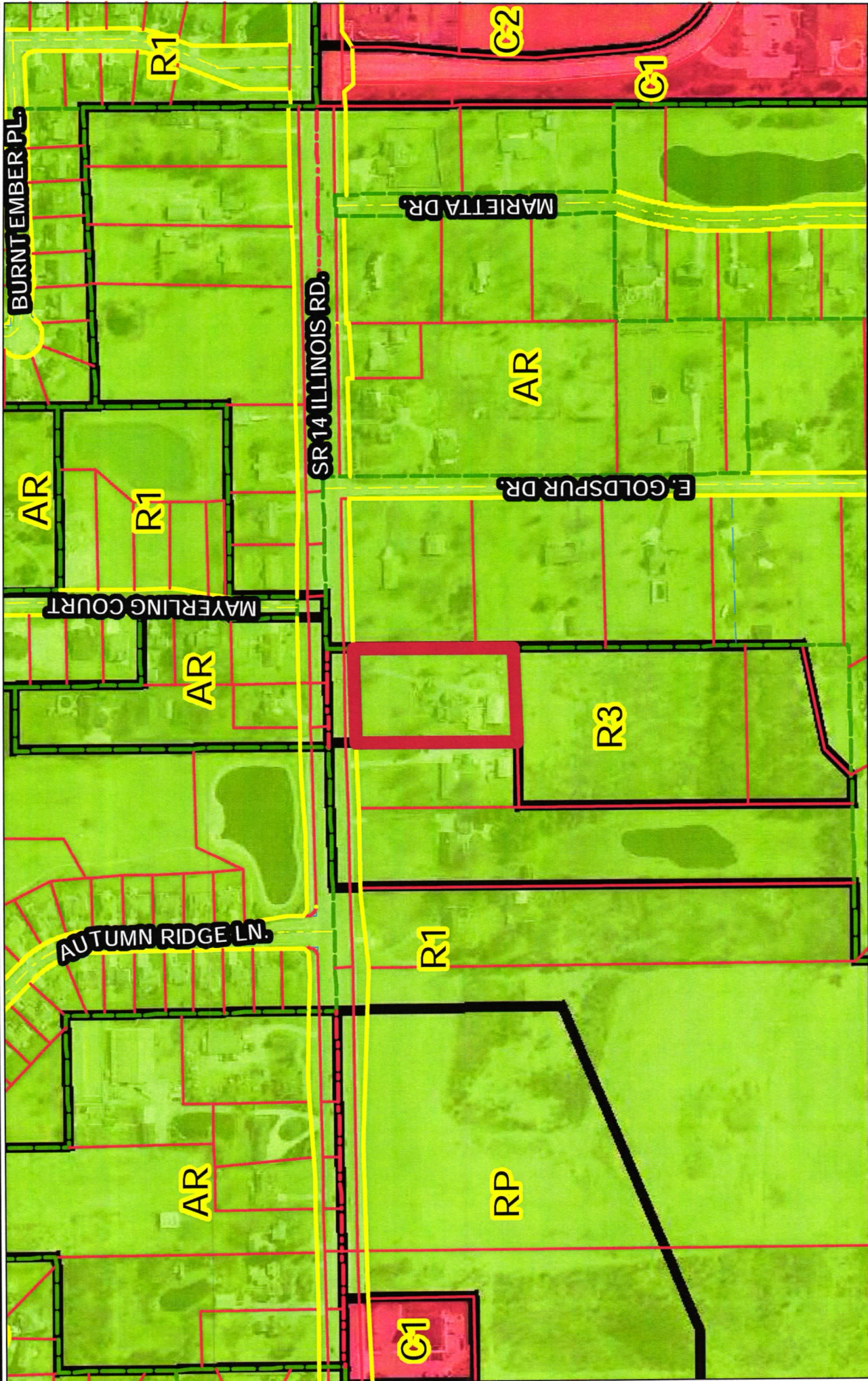
Received <u>4/1/19</u>	Receipt No. <u>129884</u>	Hearing Date <u>5/6/19</u>	Petition No. <u>REZ-2019-0016</u>
---------------------------	------------------------------	-------------------------------	--------------------------------------



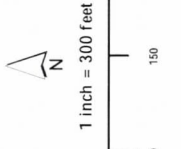
Although this report may state that it has been prepared in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4/17/2019



Rezoning Petition REZ-2019-0016 and Primary Development Plan PDP-2019-0014 - Quail Commons Office



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 hereon 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: 4/17/2019



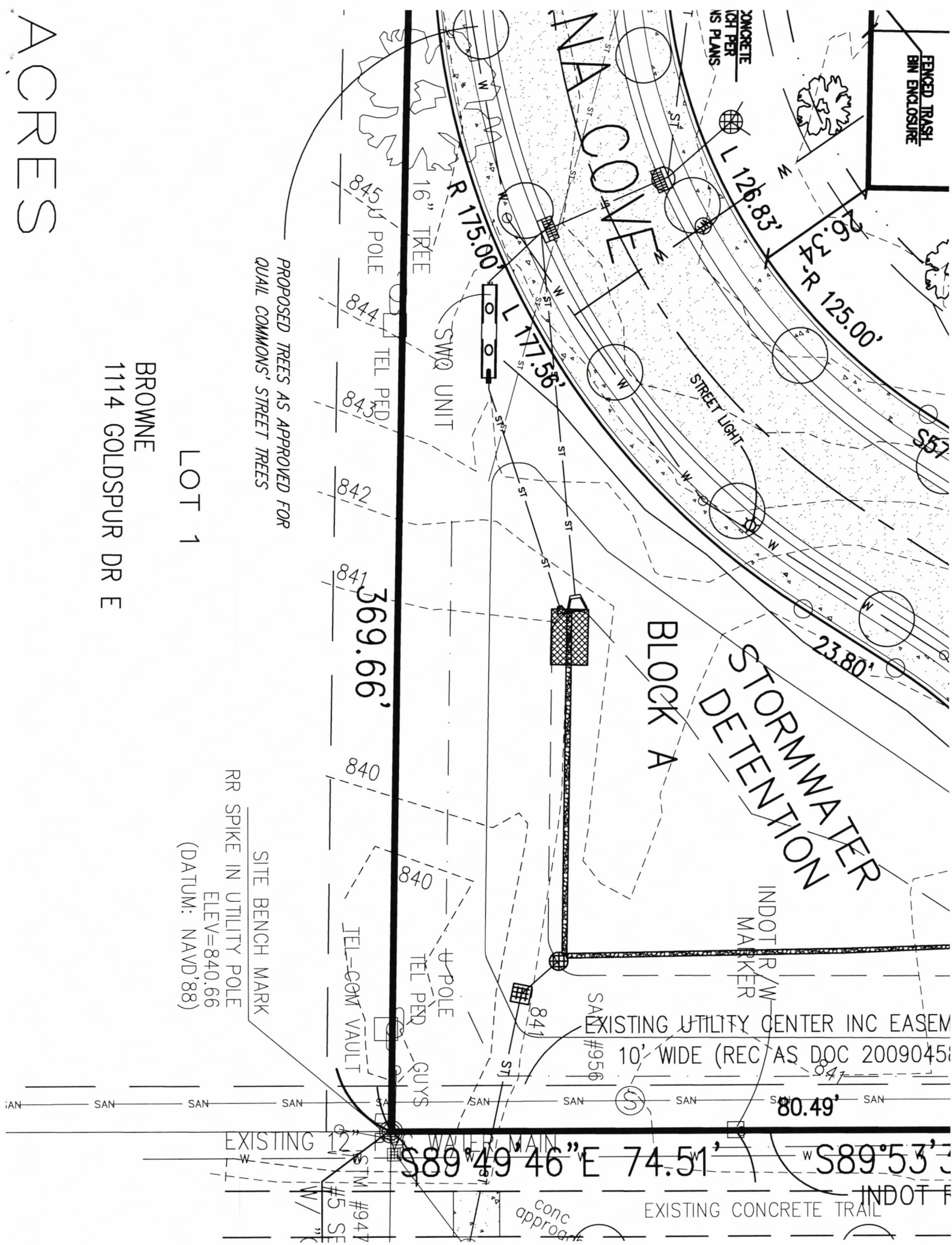
ACRES

BROWNE
1114 GOLDSPUR DR E

LOT 1

PROPOSED TREES AS APPROVED FOR
QUAIL COMMONS' STREET TREES

SITE BENCH MARK
RR SPIKE IN UTILITY POLE
ELEV=840.66
(DATUM: NAVD'88)



BLOCK A

STORMWATER
DETENTION

EXISTING UTILITY CENTER INC EASEMENT
10' WIDE (REC AS DOC 2009045)

S89°49'46"E 74.51' S89°53'

EXISTING CONCRETE TRAIL

BILL NO. Z-19-04-12

REPORT OF COMMITTEE ON REGULATIONS

May 28, 2019

Michael Barranda Chair

Tom Freistroffer Co-Chair

All Council Members

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

To rezone approximately 0.87 acres of property from R1-Single Family Residential to C1-Profesisonal Office and Personal Services

8633 Illinois Road

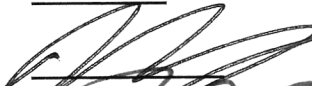

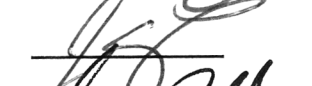

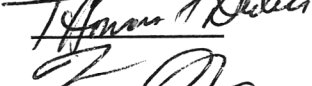

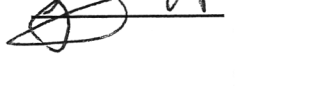
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

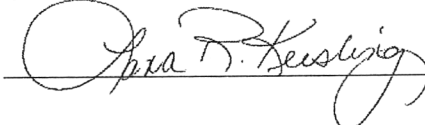
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 05/06/2019

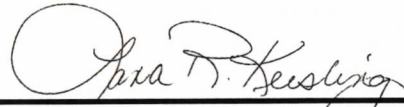
Read the first time in full and on motion by Councilman Barranda.

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

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

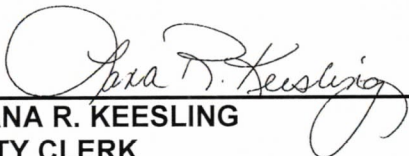
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: May 28, 2019

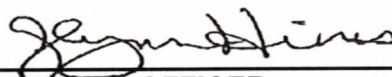


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-19-04-12 on the 28th day of May, 2019



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

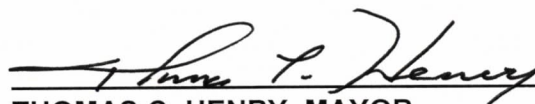
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th of ~~May~~ ^{May} 2019, at the hour of 8:50 o'clock A.M. E.S.T.

RECEIVED
MAY 31 2019
LANA R. KEESLING
CITY CLERK



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30TH day of MAY 2019, at the hour of 9:30 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR