

1 #REZ-2019-0044

2 BILL NO. Z-19-07-05

3
4 ZONING MAP ORDINANCE NO. Z- 35-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. B-15 (Sec. 24 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 an R2 (Two
10 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 Part of the Northwest Quarter of Section 24, Township 30 North, Range 11 East, Allen
13 County, Indiana,
14 described as follows:

15 Commencing at an Allen County Surveyor referenced Harrison Monument at the Northwest
16 corner of the Northwest Quarter of said Section 24; thence South 00 degrees 33 minutes
17 57 seconds East (based on Geodetic Indiana Sate Plane Coordinate System (NAD83')
18 (2011), on the West line of said Northwest Quarter, 1,183.00 feet to the **Point of Beginning**
19 at the Northwest corner of a 2.89-acre parcel described in Document #2014028366 as
20 found in the Office of the Recorder of Allen County, Indiana; thence North 89 degrees 31
21 minutes 02 seconds East, on the North line of said 2.89-acre parcel, being parallel with the
22 North line of said Northwest Quarter, 332.64 feet to the Northeast corner thereof; thence
23 South 00 degrees 33 minutes 57 seconds East, on the East line of said 2.89-acre parcel,
24 being parallel with the West line of said Northwest Quarter, 377.07 feet to the Northeast
25 corner of a 1.45-acre parcel described in Document #2012025196; thence South 89
26 degrees 31 minutes 02 seconds West, on the North line of said 1.45-acre parcel, being
27 parallel with the North line of said Northwest Quarter, 190.64 feet to the Northwest corner
28 thereof; thence South 00 degrees 33 minutes 57 seconds East, parallel with and 142.00 feet
29 East of the West line of said Northwest Quarter, 160.00 feet to the Southeast corner of a
30 0.26-acre parcel described in Document #2017031033, said corner also being the Northeast
corner of a 1.19-acre parcel described in Document #2016007762; thence South 17
degrees 29 minutes 10 seconds East, on the Easterly line of said 1.19-acre parcel, 242.28
feet to a point on the centerline of Scottwood Court (formerly Huntington Road); thence
South 63 degrees 16 minutes 13 seconds West, on and along said centerline, 236.77 feet to
said centerline's intersection with the West line of said Northwest Quarter; thence North
00 degrees 33 minutes 57 seconds West, on said West line, 873.47 feet to the Point of
Beginning, containing **4.60 acres**, more or less, and subject to easements and rights of way
of record.

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and the symbols of the City of Fort Wayne Zoning Map No. B-15 (Sec. 24 Aboite Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. 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 4511, 4517, 4523 Dicke Road, 7846 Scottwood Court
 Present Zoning AR Proposed Zoning R2 Acreage to be rezoned 2.0
 Proposed density 3.0 units per acre units per acre
 Township name Aboite Township section # 24
 Purpose of rezoning (attach additional page if necessary) For the development of a residential duplex subdivision for apartments or villaminium lots
 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  6-27-19
 (printed name of applicant) (signature of applicant) (date)

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

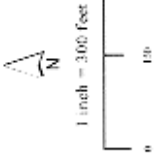
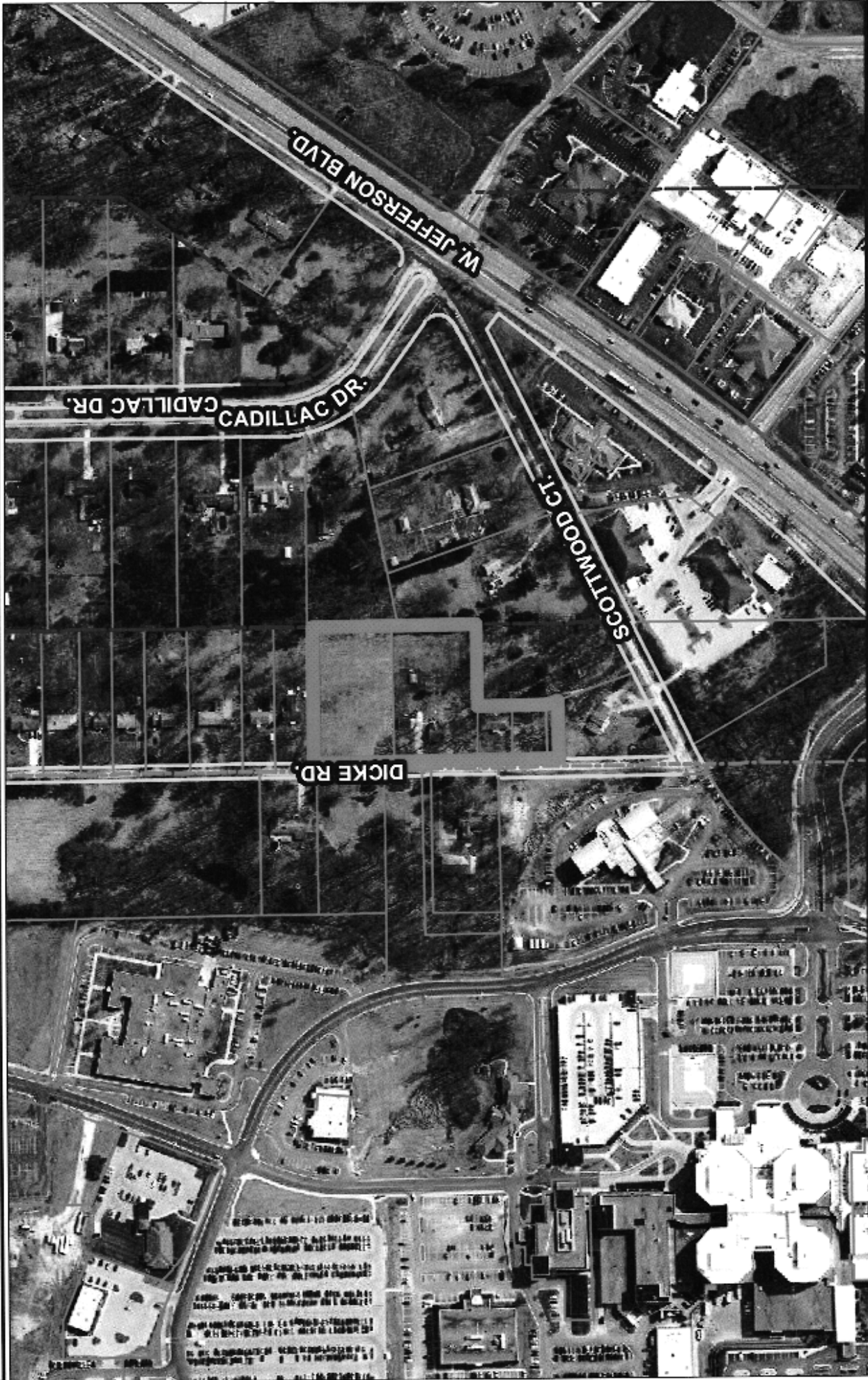
 (printed name of property owner) (signature of property owner) (date)

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

Received	Receipt No.	Hearing Date	Petition No.
<u>July 1-19</u>	<u>131029</u>	<u>Aug 12-19</u>	<u>Rez-2019-0044</u>



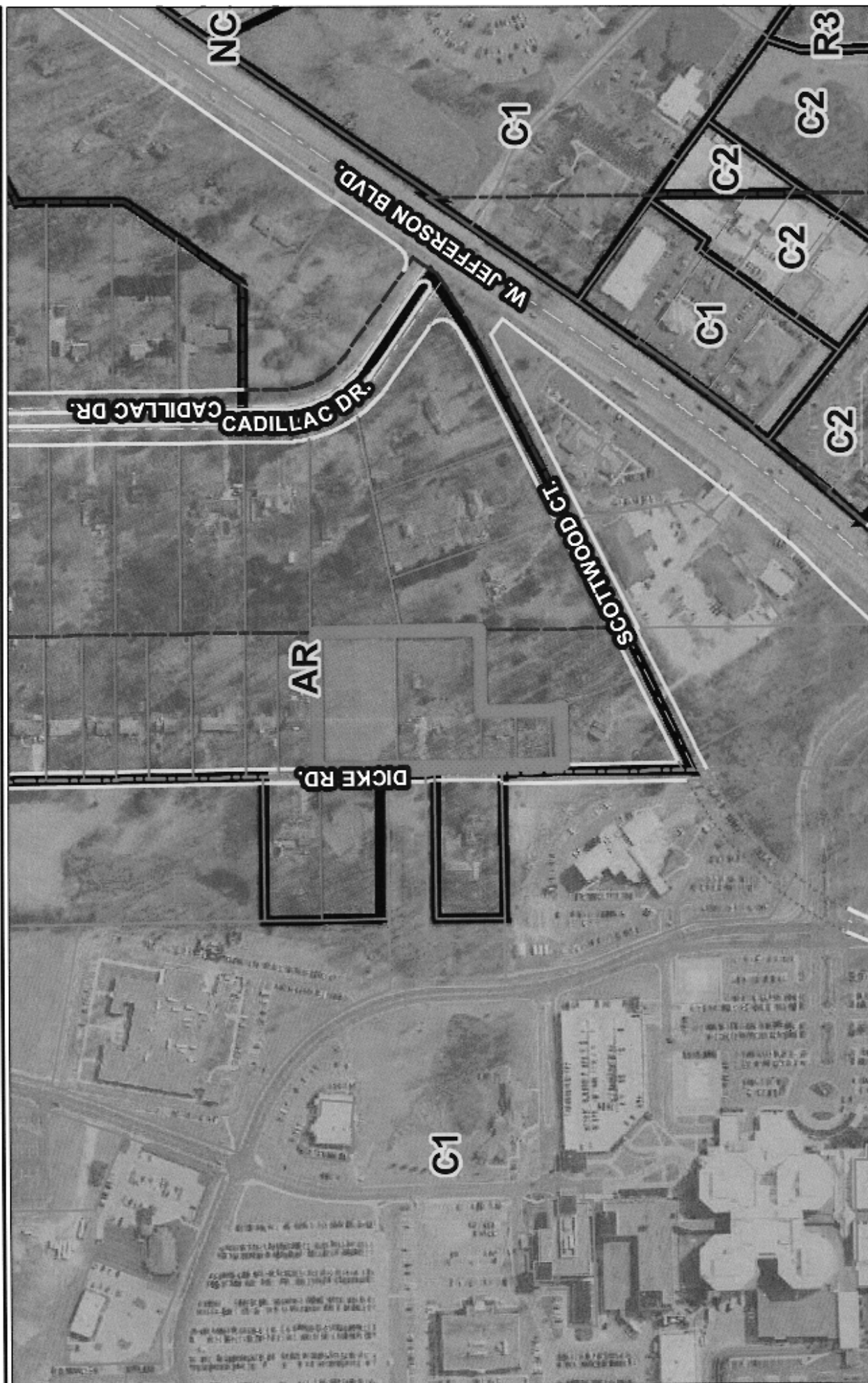
Rezoning Petition REZ-2019-0044 and Primary Plat PP-2019-0014 - Dicke Road Duplex



Allow your address to be changed here
has completed the comparison of the map.
After County approval, you will need to obtain
60 days of notice to your neighbors and then
the City will schedule a public hearing. If you
do not receive a notice in this way,
North American Division of the County of Allen
State: Texas, County: Collin, Address: East
Dixie and Coates, Spring 2019
Date: 7/25/2019

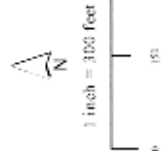


Rezoning Petition REZ-2019-0044 and Primary Plat PP-2019-0014 - Dicke Road Duplex



Although this ordinance does not have any effect on the zoning of the property, it is intended to provide a clear and consistent zoning code for the City of Allen and to provide a clear and consistent zoning code for the City of Allen.

City of Allen
 Planning Department
 1000 North American Drive, Suite 100
 Allen, Texas 75013
 Date: 05/21/20



FACT SHEET

Case #REZ-2019-0044 Bill # Z-19-07-05 Project Start: 23 July 2019

APPLICANT:	JRM Realty, LLC – Jim Mutton
REQUEST:	To rezone property from AR/Low Intensity Residential to R2/Two Family Residential; and approve a primary plat for a six-lot duplex development.
LOCATION:	The site is on the east side of the 4400 to 4500 blocks of Dicke Road (Section 24 of Aboite Township).
LAND AREA:	Approximately 4.6 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	R2/Two Family Residential
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Primary Development Plan, Dicke Road Duplexes
SPONSOR:	City of Fort Wayne Plan Commission

12 August 2019 Public Hearing

- Two neighbors had questions at the hearing.
- Four neighbors expressed concern at the hearing.
- Billy Davenport, Tom Freistroffer, Rachel Tobin-Smith and Judi Wire were absent.

19 August 2019 – Business Meeting

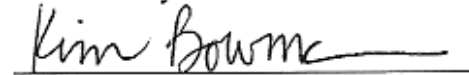
Plan Commission Recommendation: DO PASS A motion was made by Patrick Zaharako and seconded by Judi Wire to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

6-0 MOTION PASSED

- Connie Haas Zuber, Tom Freistroffer and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
September 5, 2019

Reviewed by:



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

PROJECT SUMMARY

The petitioner requests a rezoning from AR/Low Intensity Residential to R2/Two Family Residential to develop a plat for six duplex structures. The property lies on the east side of Dicke Road, between the Lutheran Hospital campus and Hillside Acres subdivision. The general area consists of large lot single family residential uses at this time. This portion of Dicke Road only accesses Aboite Center Road and other local residential streets that connect with Aboite Center Road. No access to West Jefferson Boulevard occurs from this site. The applicant has purchased a number of properties, either metes and bounds residential historically or vacant; and is proposing infill development. Two units attached on one lot as proposed, requires R2/Two Family Residential zoning.

This proposal will allow the redevelopment of the real estate and provide for additional housing options for southwest Fort Wayne and perhaps employees of Lutheran Hospital. Lutheran Hospital owns the property on the west side of Dicke Road, with the exception of one metes and bounds residential site owned by a private property owner. The proposal can be 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;

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 six lot duplex development, consisting of a total of 12 dwelling units. One structure is proposed on each lot. A block area is also proposed for on-site detention. A short cul-de-sac will provide access to four of the lots, and two other lots will directly access Dicke Road. No waivers or variances are proposed or allowed in conjunction with a primary plat. No perimeter landscape standards are required as part of a plat in this case. Lighting is required to be full cut-off. The applicant also owns the property to the south, but at this time the site is not included in the petition.

PUBLIC HEARING SUMMARY:

Presenter: Kevin McDermitt, engineer, and Jim Mutton, developer, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

- Chris and Dan Arnold, 4418 Dicke Road – would like to hook up to sanitary sewer.
- Nicholaus Wheeler, 7754 Scottwood Court – Concerned about having to hook up to sewer, increased traffic, rentals.
- James Cox, 4321 Dicke Road – quiet neighborhood, doesn't want rentals.
- Bill Quinn, 4395 Dicke Road – not sure if he is for or against it but doesn't want sanitary sewer.
- Joshua McNeal, 7720 Scottwood Court – quiet neighborhood, doesn't want rentals, road is too narrow.

Rebuttal:

Mr. Mutton is not forcing anyone onto sewer. He is extending sewer to his lots only, but he is willing to fund a larger project, which would be cheaper than having AquaIndiana do it later. He will work with the Arnolds on getting them a sewer connection across the street.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

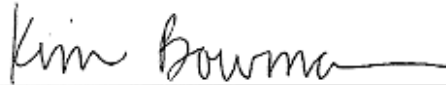
Rezoning Petition REZ-2019-0044

APPLICANT: JRM Realty, LLC – Jim Mutton
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LOCATION: The site is on the east side of the 4400 to 4500 blocks of Dicke Road (Section 24 of Aboite Township).
LAND AREA: Approximately 4.6 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: R2/Two Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2019-0044 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 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 and commercially zoned property. The proposed development will provide additional housing choices within the neighborhood.
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 development provides growth and housing options in an area that has not seen a great deal of redevelopment in recent years.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow the property to be redeveloped, bringing investment into an aging residential area in close proximity to the Lutheran Hospital campus.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Public right-of-way with an improved street and public utilities will serve the development.

These findings approved by the Fort Wayne Plan Commission on August 19, 2019.



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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Jim Mutton - JRM Realty LLC
 Address 5612 Illinois Road
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 Telephone 260-432-9438 E-mail jim@muttonpower.com

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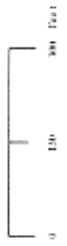
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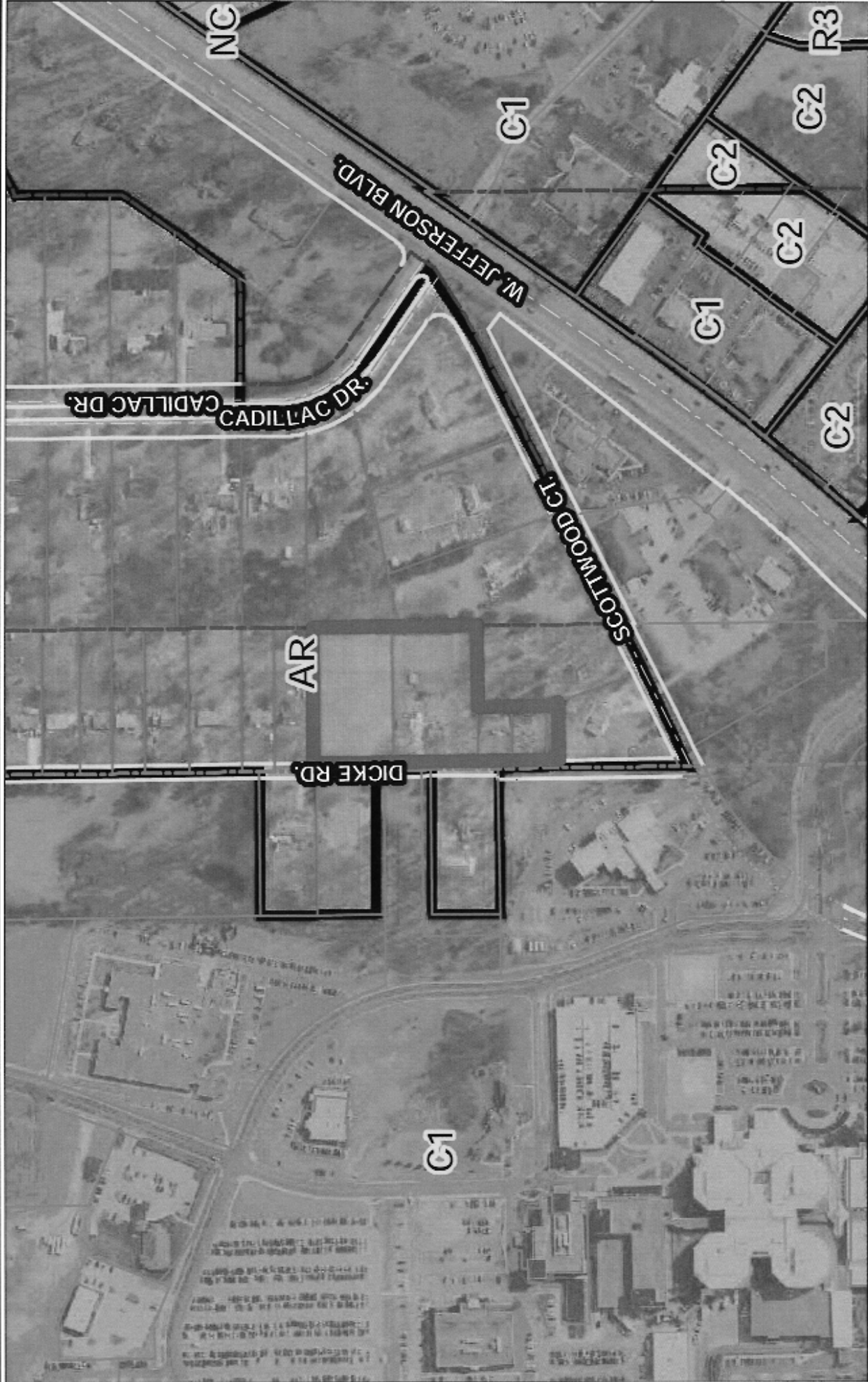
1 Inch = 300 Feet



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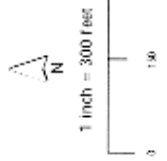


Rezoning Petition REZ-2019-0044 and Primary Plat PP-2019-0014 - Dicke Road Duplex



Although every effort has been made to ensure the accuracy of this map, the City of Atlanta does not warrant or guarantee the accuracy of the information contained herein and no responsibility is assumed for any errors or omissions that may appear in this map.

© 2019 City of Atlanta
 Planning and Community Development Department
 150 Peachtree Street, NE
 Atlanta, GA 30303
 Date: 10/20/19



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0044
Bill Number: Z-19-07-05
Council District: 4-Jason Arp

Introduction Date: July 23, 2019
Plan Commission
Public Hearing Date: August 12, 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 4.6 acres from AR/Low Intensity Residential to R2/Two Family Residential.
Location: 4511, 4517, 4523 Dicke Road and 7846 Scottwood Court
Reason for Request: To construct an 8-unit duplex subdivision.
Applicant: JRM Realty, LLC
Property Owner: JRM Realty, LLC

Related Petitions: Primary Development Plan, Dicke Road Duplex Development

Effect of Passage: Property will be rezoned to the R2/Two Family Residential district, which will allow the construction of a two family subdivision.
Effect of Non-Passage: The property will remain zoned for single family residential uses only.

BILL NO. Z-19-07-05

REPORT OF COMMITTEE ON REGULATIONS

September 10, 2019

Tom Freistroffer Chair

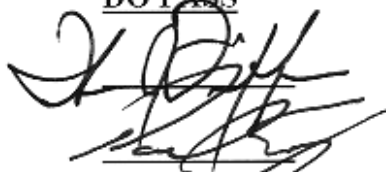

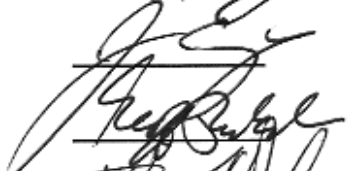
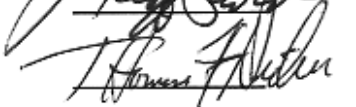
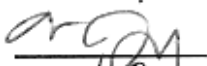
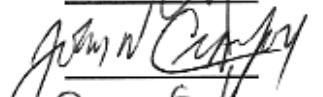
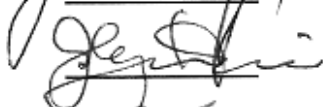

Michael Barranda Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. B-15 (Sec. 24 of Aboite Township)

To rezone approximately 4.6 acres from AR/Low Intensity Residential to R2/Two Family Residential at 4511, 4517, 4523 Dicke Road and 7846 Scottwood Court

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**



Public Hearing Date: July 23, 2019

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

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

Read the third time in full and on motion by Councilman Freistroffer, 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 type="checkbox"/>	<input checked="" 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"/>

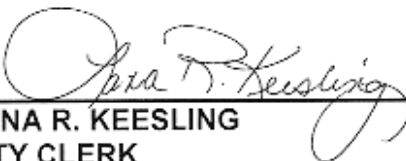
DATED: September 10, 2019



 LANA R. KEESLING, CITY CLERK

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

Ordinance No. Z-19-07-05 on the 10th day of September, 2019



 LANA R. KEESLING
 CITY CLERK



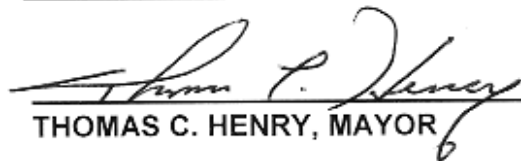
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of September 2019, at the hour of 11:40 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 12th day of September 2019, at the hour of 9:30 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 SEP 13 2019
 LANA R. KEESLING
 CITY CLERK