

1 #REZ-2019-0083

2 BILL NO. Z-20-01-09

3  
4 ZONING MAP ORDINANCE NO. Z-Withdrawn

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 R3  
10 (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of  
11 the City of Fort Wayne, Indiana:

12 Part of the Northwest Quarter of Section 24, Township 30 North, Range 11 East, Allen  
13 County, Indiana, described as follows:  
14 Commencing at an Allen County Surveyor referenced Harrison Monument at the  
15 Northwest corner of the Northwest Quarter of said Section 24; thence South 00  
16 degrees 33 minutes 57 seconds East (based on Geodetic Indiana State Plane  
17 Coordinate System (NAD83') (2011), on the West line of said Northwest Quarter,  
18 1,183.00 feet to the **Point of Beginning** at the Northwest corner of a 2.89-acre parcel  
19 described in Document #2014028366 as found in the Office of the Recorder of Allen  
20 County, Indiana; thence North 89 degrees 31 minutes 02 seconds East, on the North  
21 line of said 2.89-acre parcel, being parallel with the North line of said Northwest  
22 Quarter, 332.64 feet to the Northeast corner thereof; thence South 00 degrees 33  
23 minutes 57 seconds East, on the East line of said 2.89-acre parcel, being parallel with  
24 the West line of said Northwest Quarter, 377.07 feet to the Northeast corner of a 1.45-  
25 acre parcel described in Document #2012025196; thence South 89 degrees 31  
26 minutes 02 seconds West, on the North line of said 1.45-acre parcel, being parallel  
27 with the North line of said Northwest Quarter, 190.64 feet to the Northwest corner  
28 thereof; thence North 00 degrees 33 minutes 57 seconds West, parallel with and  
29 142.00 feet East of the West line of said Northwest Quarter, 132.07 feet; thence South  
30 89 degrees 31 minutes 02 seconds West, parallel with the North line of said Northwest  
Quarter, 142.00 feet to the said West line of said Northwest Quarter; thence North 00  
degrees 33 minutes 57 seconds West, on said West line, 245.00 feet to the Point of  
Beginning, containing **2.05 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. B-15 (Sec. 24 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.

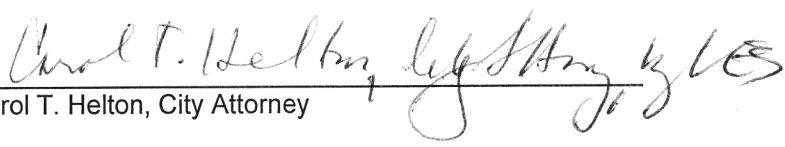
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SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment 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 Dicke Road  
 Present Zoning R2 Proposed Zoning R3 Acreage to be rezoned 2.45  
 Proposed density 4.49 units per acre \_\_\_\_\_ units per acre  
 Township name Aboite Township section # 24  
 Purpose of rezoning (attach additional page if necessary) For the development of residential duplex apartment units  
 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

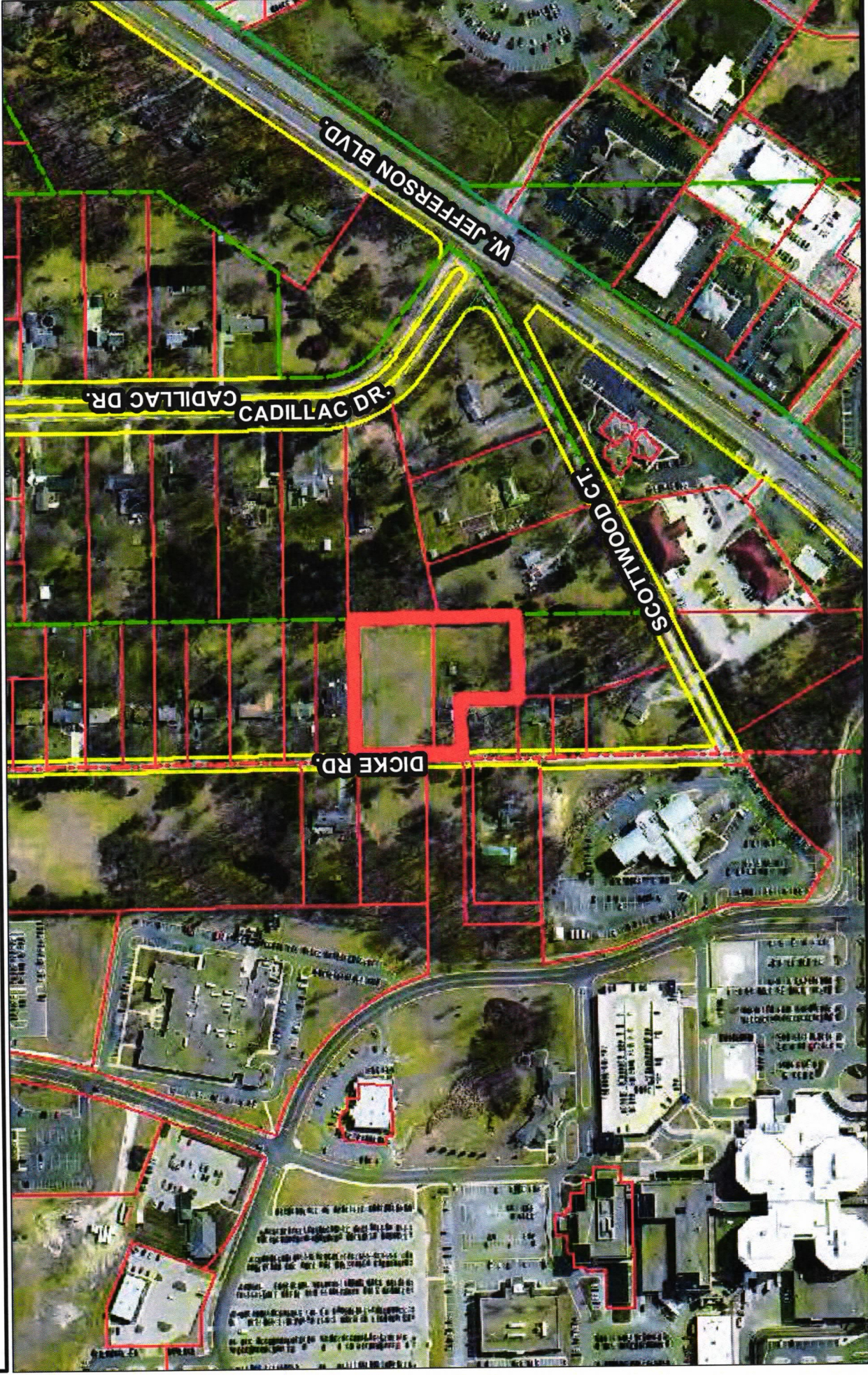
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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] 11.27.19  
 (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.
12-2-19	132768	1/13/20	REZ-2019-0083







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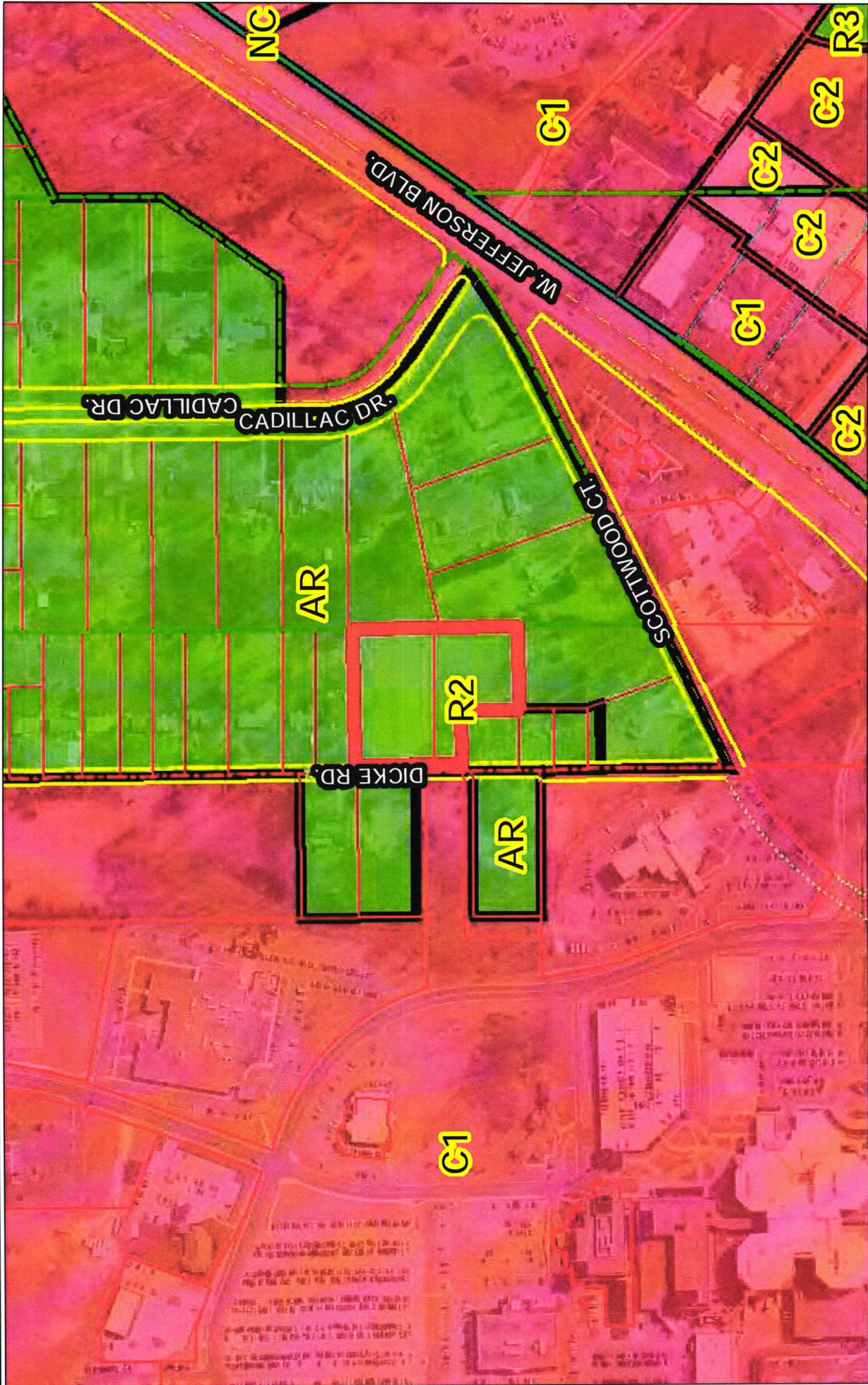
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 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009  
 Date: 12/27/2019

1 inch = 300 feet

0 150 300 Feet

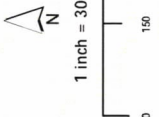


Rezoning Petition REZ-2019-0083 and Primary Development Plan PDP-2019-0067 - Dicke Road Duplexes



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 Date: 12/27/2019



## FACT SHEET

Case #REZ-2019-0083    Bill # Z-20-01-09    Project Start: December 2019	
APPLICANT:	JRM Realty, LLC – Jim Mutton
REQUEST:	To rezone property from R2/Two Family Residential to R3/Multiple Family Residential; and approve a primary development plan for an 11 unit multiple family residential 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 2.5 acres
PRESENT ZONING:	R2/Two Family Residential
PROPOSED ZONING:	R3/Multiple Family Residential
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECTS:	Primary Development Plan, Dicke Road Duplexes
SPONSOR:	City of Fort Wayne Plan Commission

### 13 January 2020 Public Hearing

- Three residents spoke at the hearing in opposition.
- Judi Wire was absent.

### 27 January 2020 – Business Meeting

#### Plan Commission Recommendation: DO NOT PASS

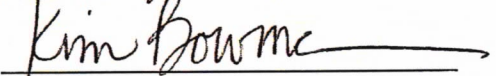
A motion was made by Judi Wire and seconded by Justin Shurley to return the ordinance with a DO NOT PASS recommendation to Common Council for their final decision.

#### 7-0 MOTION PASSED

- Rachel Tobin-Smith was absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
February 5, 2020

Reviewed by:



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

## PROJECT SUMMARY

- The properties involved have either been utilized as metes and bounds residential or remained vacant.
- The site was rezoned in 2019 to R2/Two Family Residential and was part of a primary plat approval for Dicke Road Duplexes in 2019.

The petitioner requests a rezoning from R2/Two Family Residential to R3/Multiple Family Residential to develop a primary development plan that includes 11 total units. The site plan shows five duplex buildings and a single stand-alone unit. 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. In 2019, the same applicant rezoned approximately 3 acres of real estate to R2/Two Family Residential, which was a proposed plat containing 12 units. About half an acre of the R2-zoned real estate is proposed to be left outside of the primary development plan boundary and potentially developed in the future.

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 or vacant, and is proposing infill development. Three or more units on one parcel as proposed, requires R3/Multiple Family Residential zoning.

The primary difference between this proposal and the layout approved in 2019 is that more units will be located on a smaller parcel. All the units will be on one parcel, instead of individual parcels, so the units must be rented. The R3 district will also allow multiple family buildings, as opposed to only duplexes under the current R2 zoning.

### **PUBLIC HEARING SUMMARY:**

Presenter: Kevin McDermit, Loughheed and Associates, represented JRM Realty and presented the proposal to the Plan Commission. Each unit will be single-story and on a slab. They are willing to work on a written commitment.

#### Public Comments in Support:

None

#### Public Comments in Opposition:

James and Melinda Cox, 4321 Dicke Road – The road is not wide enough for the development. They like their small neighborhood as it is.

Joshua McNeal, 7720 Scottwood Court – Feels the neighborhood has not been heard. They like the large lots and not “cookie cutter” units.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2019-0083

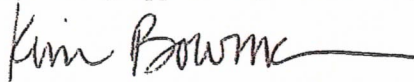
APPLICANT: JRM Realty, LLC – Jim Mutton  
REQUEST: To rezone property from R2/Two Family Residential to R3/Multiple Family Residential; and approve a primary development plan for an 11 unit multiple family residential development.  
LOCATION: The site is on the east side of the 4400 to 4500 blocks of Dicke Road (Section 24 of Aboite Township).  
LAND AREA: Approximately 2.5 acres  
PRESENT ZONING: R2/Two Family Residential  
PROPOSED ZONING: R3/Multiple Family Residential

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The Plan Commission recommends that Rezoning Petition REZ-2019-0083 be returned to Council with a “Do Not Pass” recommendation after considering the following:

1. Approval of the rezoning request will not be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The R3/Multiple Family Residential zoning will create a precedent along a street that has seen single family residential and two family residential growth. No multiple family residential zoning is adjacent to the site.
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 proposed density of the development is not compatible with the existing land uses in the general area.
3. Approval is consistent with the preservation of property values in the area. Denial of the rezoning will still allow for reinvestment into the property. The higher density proposal is not compatible or consistent with the existing housing stock.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The existing public street is narrow and not built to typical street standards for a multiple family residential development. Public sewer will involve an extension to the site.

These findings approved by the Fort Wayne Plan Commission on January 27, 2020.



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

**Department of Planning Services  
Rezoning Petition Application**

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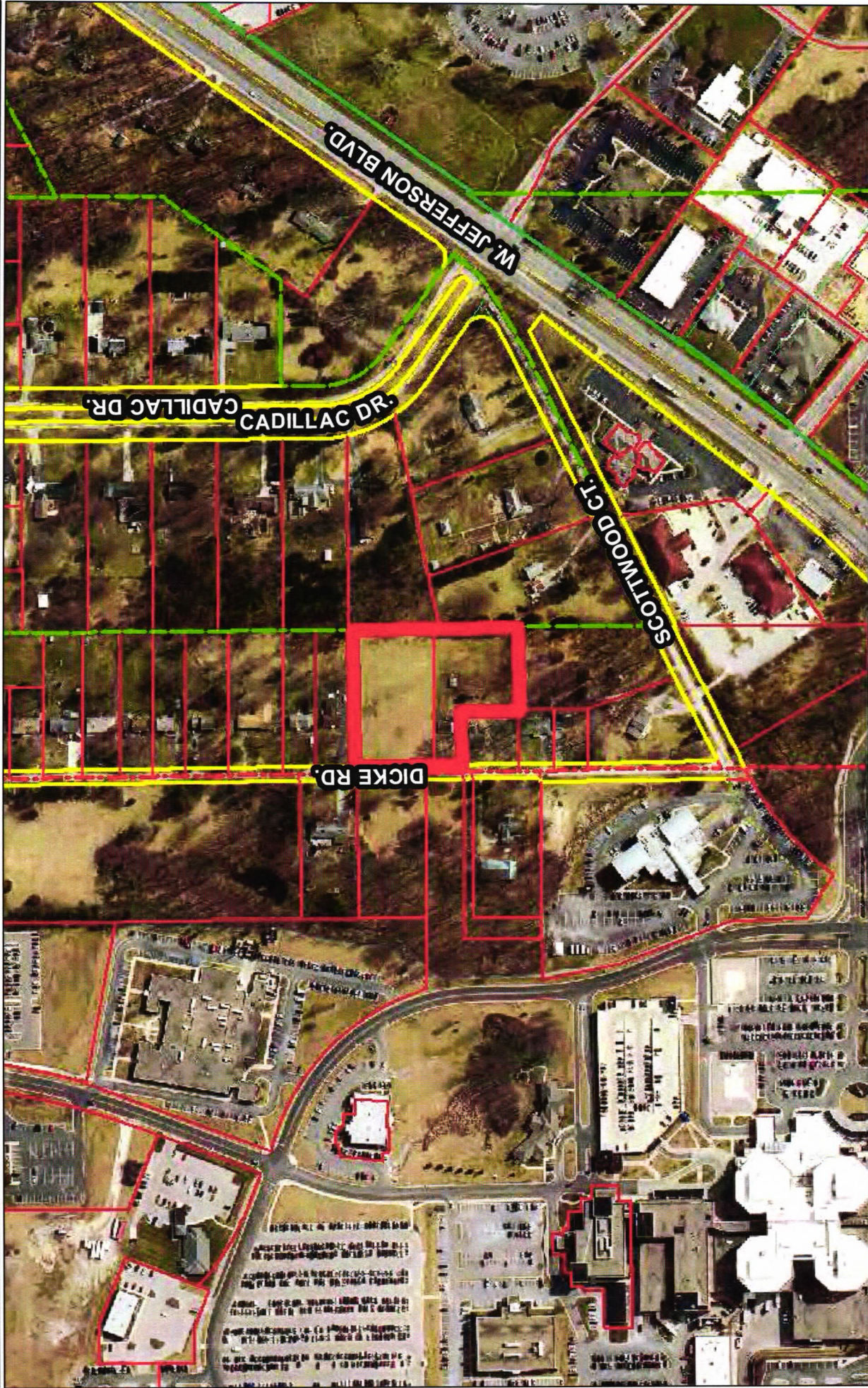
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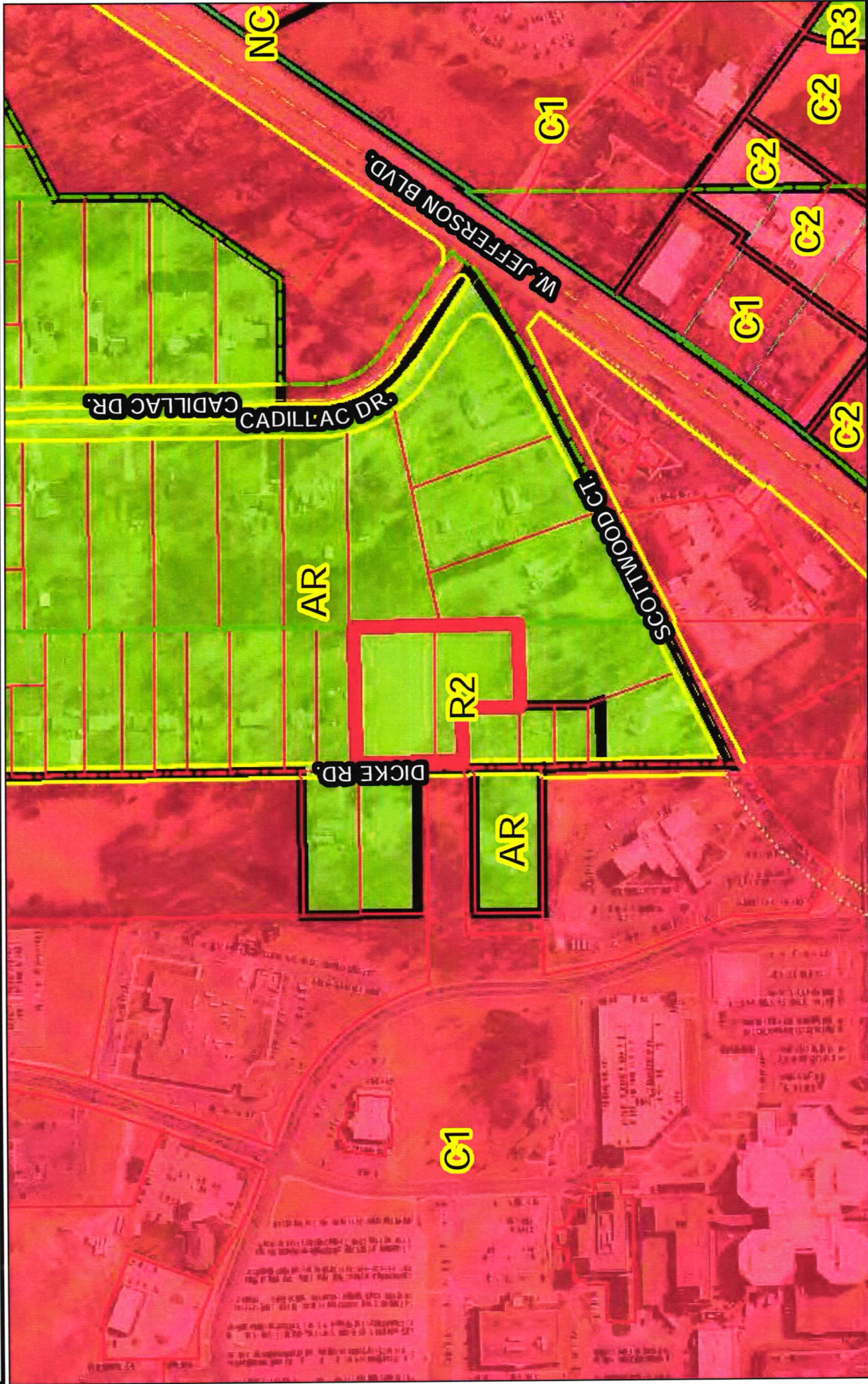


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Photos and Contour: Spring 2009  
Date: 1/22/2019

Rezoning Petition REZ-2019-0083 and Primary Development Plan PDP-2019-0067 - Dicke Road Duplexes



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 Photo and CAD Data by P. J. 2/08/09  
 Date: 1/22/2019

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-2019-0083  
Bill Number: Z-20-01-09  
Council District: 4-Jason Arp

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Introduction Date: January 14, 2020  
  
Plan Commission  
Public Hearing Date: January 13, 2020 (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 2.5 acres from R2/Two Family Residential to  
R3/Multiple Family Residential.  
  
Location: 4400 to 4500 blocks of Dicke Road  
  
Reason for Request: To permit an 11-unit duplex development.  
  
Applicant: JRM Realty, LLC – Jim Mutton  
  
Property Owner: JRM Realty, LLC – Jim Mutton

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Related Petitions: Primary Development Plan, Dicke Road Duplexes (amended)

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Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential district,  
which will allow the property to redevelop with multiple duplex units on  
one parcel.

Effect of Non-Passage: The property will remain zoned R2/Two Family Residential, which will  
allow the approved residential development (approved in 2019) but each  
duplex will need to be on a separate parcel. The applicant believes the  
market will better support the revised plan.

**BILL NO. Z-20-01-09**

**REPORT OF COMMITTEE ON REGULATIONS**

**February 11, 2020**

**Tom Freistroffer Chair**

**Glynn Hines Co-Chair**

**All Council Members**

*Tabled*

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

*To rezone approximately 2.5 acres from R2/Two Family Residential to R3/Multiple Family Residential at 4400 to 4500 blocks of Dicke Road*

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

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**

*Lana R. Keesling*