

1 #REZ-2020-0005

2 BILL NO. Z-20-02-08

3
4 ZONING MAP ORDINANCE NO. Z-~~PAILED~~

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. O-46 (Sec. 12 of Washington 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 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 SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 31 NORTH,
13 RANGE 12 EAST, ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED
14 AS FOLLOWS:

15 COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER
16 OF SAID SECTION 12; THENCE NORTH 02 DEGREES 01 MINUTES 06 SECONDS
17 WEST (STATE PLANE GRID BASIS OF BEARING), 40.00 FEET TO THE POINT OF
18 BEGINNING, SAID POINT BEING ON THE WEST LINE OF SAID QUARTER
19 SECTION AND THE NORTH RIGHT OF WAY OF COOK ROAD; THENCE, ALONG
20 SAID WEST LINE, NORTH 02 DEGREES 01 MINUTES 06 SECONDS WEST, 620.02
21 FEET; THENCE, LEAVING SAID LINE, NORTH 87 DEGREES 29 MINUTES 56
22 SECONDS EAST, 265.58 FEET; THENCE SOUTH 01 DEGREES 52 MINUTES 20
23 SECONDS EAST, 620.04 FEET TO THE NORTH RIGHT OF WAY OF COOK ROAD;
24 THENCE, ALONG SAID LINE, SOUTH 87 DEGREES 29 MINUTES 56 SECONDS
25 WEST, 264.00 FEET TO THE POINT OF BEGINNING CONTAINING 3.769 ACRES OF
26 LAND MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-
27 OF-WAY OF RECORD.

28 THIS DESCRIPTION WAS PREPARED BY MARK STRONG, INDIANA LS 800040295,
29 PRESIDENT OF ENGINEERING VISION, INC. ON THE 17TH OF JANUARY, 2020;
30 JOB # 20-1063 SURVEY DATUM IS NAD 83, INDIANA EAST ZONE, REALIZATION
IGS08 (INDIANA CORS) AND U.S. FEET:

and the symbols of the City of Fort Wayne Zoning Map No. O-46 (Sec. 12 of Washington
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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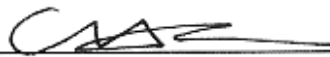
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated 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 Jesse Graber
 Address 17225 N St Rd 1
 City Spencerville State IN Zip 46788
 Telephone 260-615-9227 E-mail jesse@graberinc.net

Contact Person Contact Person Same as above
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ E-mail _____

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 1105 E Cook Rd Fort Wayne IN
 Present Zoning R1 Proposed Zoning R2 Acreage to be rezoned 3.8
 Proposed density 4.7 units per acre
 Township name Washington Township section # 12
 Purpose of rezoning (attach additional page if necessary) Permission to build 9 duplex
 Units for individual sale for a total of 18 residences.

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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

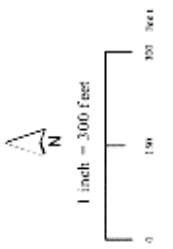
- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezonings Only

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.

Jesse Graber 01-16-2020
 (printed name of applicant) (signature of applicant)
ROBIN N WYATT 1-17-2020
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received <u>2-3-2020</u>	Receipt No. <u>133209</u>	Hearing Date <u>3-9-2020</u>	Petition No. <u>REZ-2020-0005</u>
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Rezoning Petition REZ-2020-0005 and Primary Plat PP-2020-0004 - Neighborhoods by Graber - Cook Rd

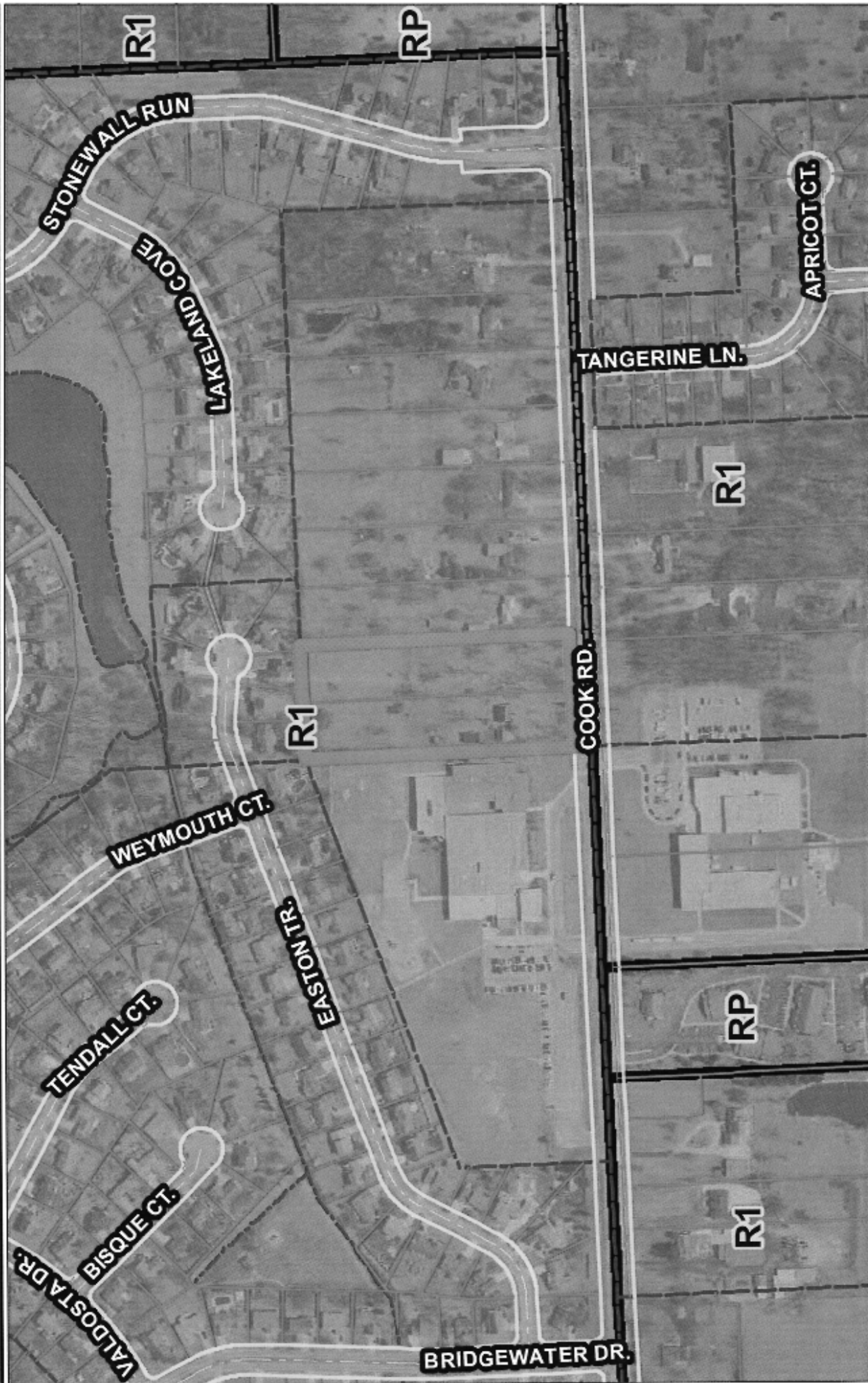


Although these are my street layout, I am not responsible for any errors or omissions in this map. I have used the best information available to me and I am not responsible for any errors or omissions in this map. I have used the best information available to me and I am not responsible for any errors or omissions in this map.

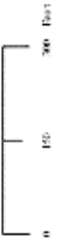
©2020 Board of Commissioners of the County of Allegheny
 State Plane Coordinate System, Indiana East
 Phoenix Coordinates, Spring 2005
 Date: 2/17/2020



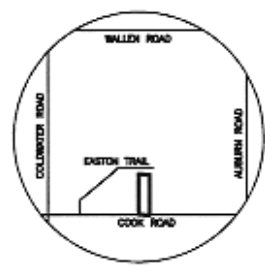
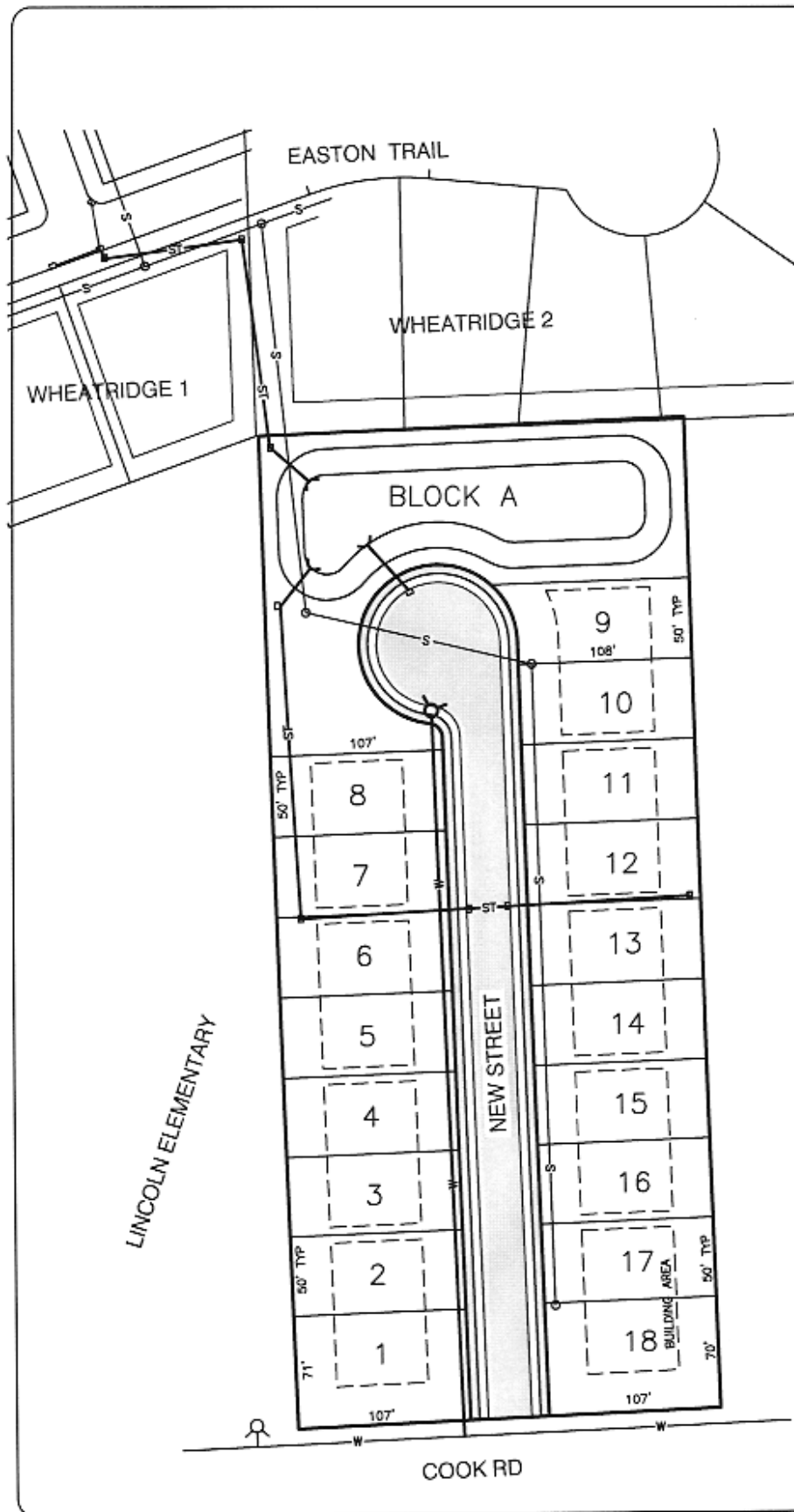
Rezoning Petition REZ-2020-0005 and Primary Plat PP-2020-0004 - Neighborhoods by Graber - Cook Rd



1 inch = 300 feet

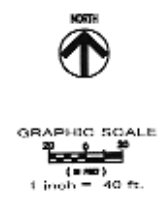


Although each agency stamp herein
 has been placed in the correct place of this map,
 Allen City may not be responsible for any
 inaccuracies of the information contained herein
 and its accuracy and availability resulting from
 any error or omission in this map.
 © 2024 Board of Commissioners of the City of Allen
 North American Data, Inc. 1991
 State Plane Coordinate System, NAD 83
 Photo and Graphics: Spring 2020
 Date: 2/15/2024



VICINITY MAP

- NOTES:
- PROPOSED ZONING R2
 - 3.77 ACRES LOCATED IN THE SE QTR 12-31-12
 - PUBLIC STREET
 - PUBLIC SANITARY SEWER
 - PUBLIC WATER LINE
 - ZERO LOT LINE ONE SIDE OF LOT, 0' SIDE YARD ON THE OPPOSITE SIDE OF LOT
 - 9 DUPLEX UNITS (18 TOTAL UNITS) LOTS MAY BE SOLD SEPARATELY
 - 4.78 UNITS PER ACRE
 - NOT LOCATED IN A FLOOD HAZARD AREA



EVI Engineering Vision Inc.					
7813 HICKORY ROAD FT. WANE, IL 60855 PHONE (708) 499-9748					
PROJECT COOK ROAD					
SHEET TITLE CONCEPTUAL PLAT					
DATE 7/1	DESIGNER EVI	DRAWN T	CHECKED EVI	APP. NO. 20-1983	SCALE 1" = 40'

FACT SHEET

Case #REZ-2020-0005 Bill # Z-20-02-08 Project Start: March 2020

APPLICANT:	Jesse Graber
REQUEST:	To rezone property from R1/Single Family Residential to R2/Two Family Residential for an 18-lot plat to be constructed with attached single family units.
LOCATION:	The site is located on the north side of the 1100 block of East Cook Road, to the east of Lincoln Elementary School (Section 12 of Washington Township).
LAND AREA:	Approximately 3.8 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	R2/Two Family Residential
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECTS:	Primary Development Plan, Neighborhoods by Graber
SPONSOR:	City of Fort Wayne Plan Commission

March 9, 2020 Public Hearing

- Six residents spoke at the hearing in opposition or with questions.
- Patrick Zaharako was absent.

March 16, 2020 – Business Meeting

Plan Commission Recommendation: DO PASS

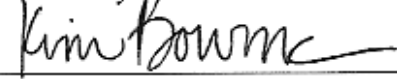
A motion was made by Paul Sauerteig and seconded by Justin Shurley to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Tom Freistroffer and Ryan Neumeister were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
May 21, 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 petitioner requests a rezoning from R1/Single Family Residential to R2/Two Family Residential to develop a plat for 18 duplex structures on 18 lots. The property lies on the north side of Cook Road, halfway between Coldwater Road and Auburn Road. The general area consists of large lot single family residential uses, single family subdivisions, multiple family developments, and two community schools. Two units attached on separate lots 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 northwest Fort Wayne within close proximity to schools. 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.

Each lot will have an individual attached duplex. The shared wall and zero setback are permitted by the Ordinance. A block area is also proposed for on-site detention. The plat will be served by a single cul-de-sac street with a single access to Cook Road. The lots meet the minimum dimensional standards of the Zoning Ordinance. 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. Signage is allowed for the development and will meet the Ordinance.

PUBLIC HEARING SUMMARY:

Presenter: Jesse Graber presented the proposal as outlined above. Mr. Graber explained that single family homes will be in the \$150,000 to \$185,000 range with 1, 2, and 3 bedroom options. The buildings will have varying colors and architecture. Each unit will have an attached garage and space in the driveway. All will be single story.

Public Comments:

Dan Carr, 1120 Easton Trail – Concerned about traffic and density. Had questions regarding the Block A and detention.

Howard Jones, 1129 East Cook – Lives next door. Not happy about City sidewalks, believes they caused flooding problems. Concerned about cutting down trees and no landscaping. Worried about more trash in his yard. Moved there because it is in the country.

Jerry Gunkle, 1202 East Cook - Concerns include traffic, parked cars, children and lower home values.

Eric Holzworth, 1128 East Cook – Did not envision this many homes. Last year kids set his home on fire. Should save the trees, and is concerned about hawks and eagles.

Steve Howard, 1321 East Cook – He has seen many changes in the area. Concerned about traffic and children.

Lynette Meadors, 1108 Easton Trail – Concerned about children and the detention, works with poverty stricken children every day and needs to feel safe when she is at home.

Rebuttal:

Mr. Graber has worked construction his entire adult life. He will install accel/decal lanes to control traffic. Detention will be designed to handle all of the stormwater and will be City approved.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2020-0005

APPLICANT: Jesse Graber
REQUEST: To rezone property from R1/Single Family Residential to R2/Two Family Residential; and approve a primary plat for an 18 lot plat to be constructed with attached single family units.
LOCATION: The site is located on the north side of the 1100 block of East Cook Road, to the east of Lincoln Elementary School (Section 12 of Washington Township).
LAND AREA: Approximately 3.8 acres
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: R2/Two Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2020-0005 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 the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The R2/Two Family Residential zoning will provide infill development on existing infrastructure. The precedent for residential development from single family to multiple family has already been established along Cook Road. This proposal will provide redevelopment 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 and architectural review from the Plan Commission and staff will ensure a compatible development that complements the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into potentially underused or vacant properties.
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 the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on March 16, 2020.



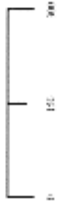
Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission



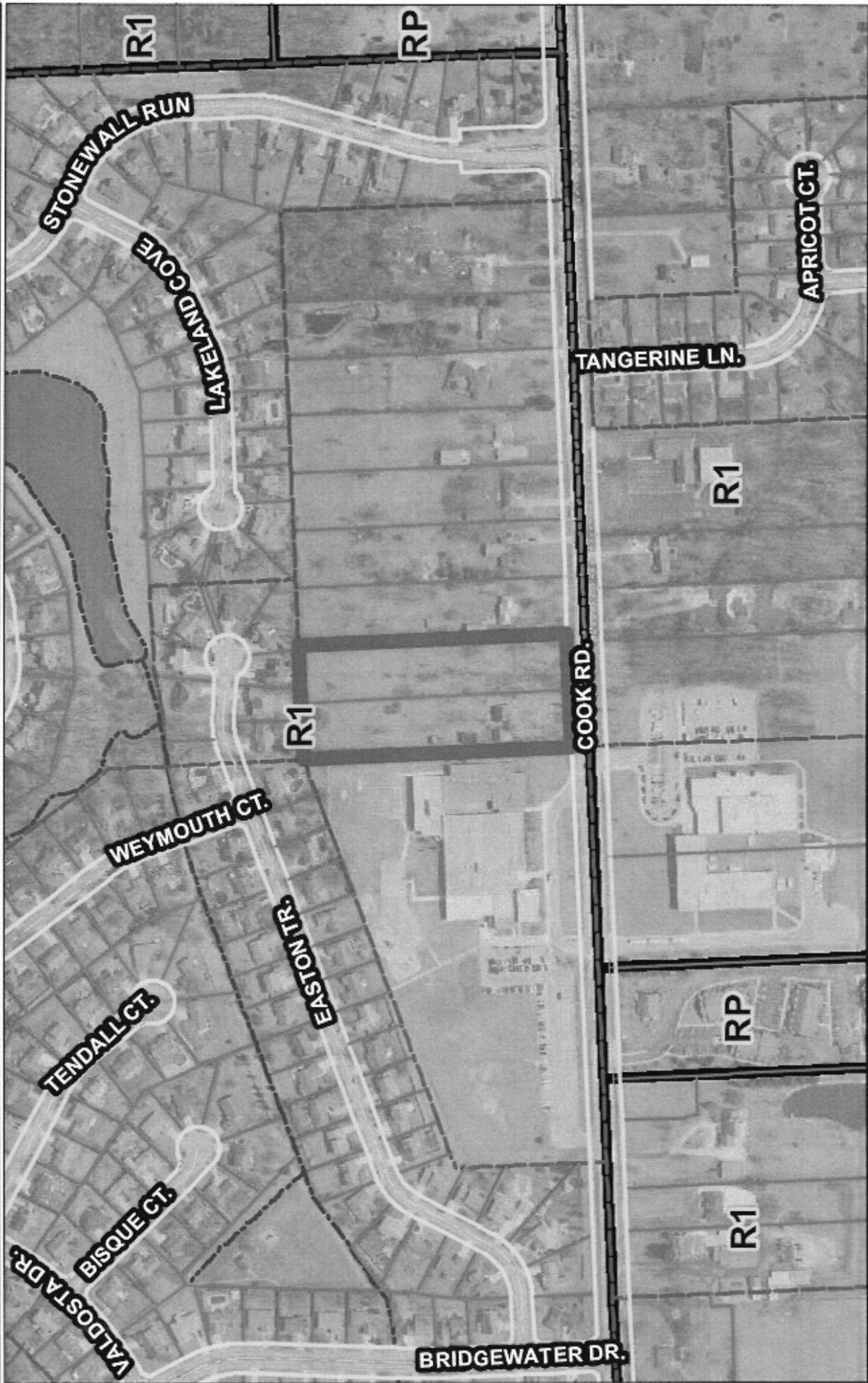
Rezoning Petition REZ-2020-0005 and Primary Plat PP-2020-0004 - Neighborhoods by Graber - Cook Rd



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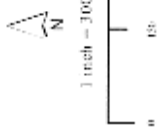


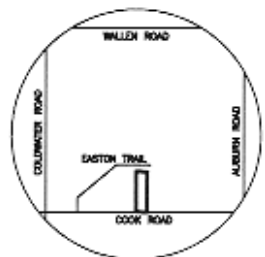
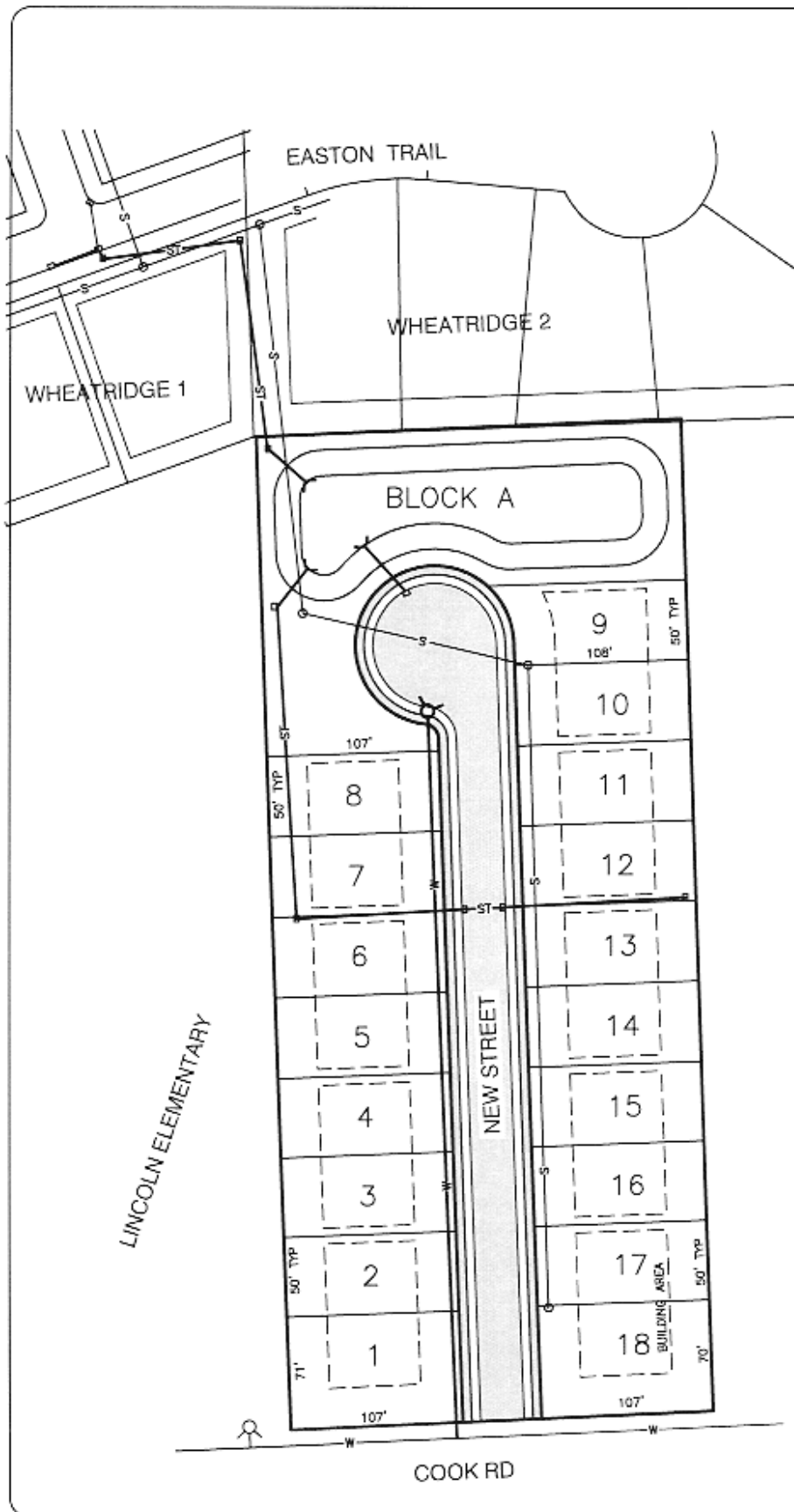
All photographs, surveys, and other data were prepared for this rezoning. It is the responsibility of the applicant to provide accurate information. The City of Alton does not warrant or guarantee the accuracy of the information contained herein. The City of Alton is not responsible for any errors or omissions in this map.
City of Alton
1000 North Broadway Avenue, Alton, IL 61810
Phone: 618-282-2000
Fax: 618-282-2001
www.altonil.gov



Although every accuracy standard has been employed, and a compilation of the map, the City of Chicago does not warrant or guarantee the accuracy of the information contained herein and the City may not be liable for any errors or omissions that may appear in this map.

City of Chicago, Department of City Planning
 2020-0005-PP-0004-PP-0004
 Date: 2/17/2020





VICINITY MAP

- NOTES:
- PROPOSED ZONING R2
 - 3.77 ACRES LOCATED IN THE SE QTR 12-31-12
 - PUBLIC STREET
 - PUBLIC SANITARY SEWER
 - PUBLIC WATER LINE
 - ZERO LOT LINE ONE SIDE OF LOT, 5' SIDE YARD ON THE OPPOSITE SIDE OF LOT
 - 9 DUPLEX UNITS (18 TOTAL UNITS) LOTS MAY BE SOLD SEPARATELY
 - 4.78 UNITS PER ACRE
 - NOT LOCATED IN A FLOOD HAZARD AREA

LINCOLN ELEMENTARY



GRAPHIC SCALE
 0 20 40
 FEET
 (1/4" = 10')
 1 inch = 40 ft.

Engineering Vision Inc. 2012 INDUSTRIAL ROAD FT. WORTH, TX 76102 PHONE (817) 494-2346					
PROJECT COOK ROAD					
SHEET TITLE CONCEPTUAL PLAT					
DATE	SCALE	SHEET	DATE	SCALE	SHEET
11/11/11	1" = 40'	01-02-02	02-18-02	1" = 40'	1 OF 1

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

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0005
Bill Number: Z-20-02-08
Council District: 3-Tom Didier

Introduction Date: February 25, 2020
Plan Commission
Public Hearing Date: March 9, 2020 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 3.8 acres from R1/Single Family Residential to R2/Two Family Residential.
Location: 1105 East Cook Road
Reason for Request: To allow redevelopment of the property with 9 duplex buildings on individual platted lots (18 units).
Applicant: Jesse Graber
Property Owner: Robin Wyatt

Related Petitions: Primary Plat, PP-2020-0004 – Neighborhoods by Graber

Effect of Passage: Property will be rezoned to the R2/Two Family Residential district which will allow the desired redevelopment of the property with duplexes.
Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and may be used for single family residential purposes.

REPORT OF COMMITTEE ON REGULATIONS

May 26, 2020

Tom Freistroffer Chair

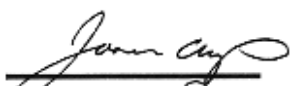
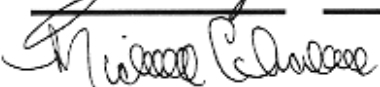
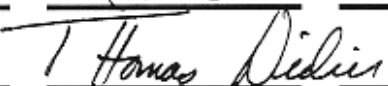


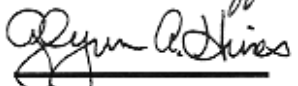



Glynn Hines Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. O-46 (Sec. 12 of Washington Township)

To rezone approximately 3.8 acres from R1/Single Family Residential to R2/Two Family Residential at 1105 East Cook Road

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>	<u> </u>	<u></u>	<u> </u>
<u>CHAMBERS</u>	<u> </u>	<u></u>	<u> </u>
<u>DIDIER</u>	<u> </u>	<u></u>	<u> </u>
<u>ENSLEY</u>	<u> </u>	<u></u>	<u> </u>
<u>FREISTROFFER</u>	<u> </u>	<u></u>	<u> </u>
<u>HINES</u>	<u> </u>	<u></u>	<u> </u>
<u>JEHL</u>	<u> </u>	<u></u>	<u> </u>
<u>PADDOCK</u>	<u> </u>	<u></u>	<u> </u>
<u>TUCKER</u>	<u> </u>	<u></u>	<u> </u>

**LANA R. KEESLING
CITY CLERK**

