

1 #REZ-2020-0019

2 BILL NO. Z-20-07-07

3
4 ZONING MAP ORDINANCE NO. Z- 25 - 20

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. I-66 (Sec. 31 of Perry 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 (Prepared by Duane A. Brown, LS #80040337, D. A. Brown Engineering Consultants, Inc.,
13 Job No. 2003-04, Plat of Survey #32-12-31-01)

14 A tract of land located in the Northwest Quarter of Section 31, T32N, R12E, in Allen
15 County, the State of Indiana, more fully described as follows:

16 **COMMENCING** at a Harrison Marker situated in the Northwest corner of said Northwest
17 Quarter; Thence North 89 Degrees 07 Minutes 35 Seconds East (Indiana State Plane
18 Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 589.26 feet along
19 the North line of said Northwest Quarter to a Marker Spike with tag (FIRM 0042) in the
20 Northeast corner of the tract of land described in the conveyance to the Town of Huntertown
21 in Allen County Document No. 2015066671, the **TRUE POINT OF BEGINNING**; Thence
22 North 89 Degrees 07 Minutes 35 Seconds East, a distance of 157.55 feet along the North line
23 of said Northwest Quarter to a Magnail in the Northwest corner of the tract of land described
24 in the conveyance to C & T Properties, LLC in Allen County Document No. 2012036211;
25 Thence North 89 Degrees 07 Minutes 35 Seconds East, a distance of 50.01 feet along the
26 North line of said Northwest Quarter to a Marker Spike with tag (FIRM 0042) in the
27 Northwest corner of Parcel I as described in the conveyance to 2 MICS, LLC in Allen
28 County Document No. 2016027153; Thence South 00 Degrees 29 Minutes 35 Seconds
29 West, a distance of 651.94 feet along the West line of said of Parcel I [also being a line
30 parallel with and Fifty (50) feet East of the West line of the C & T Properties tract
referenced above] to a 3/4 inch diameter Iron Rod; Thence South 27 Degrees 53 Minutes 25
Seconds East, a distance of 75.50 feet along the South line of said Parcel I to a 3/4 inch
diameter Iron Rod; Thence North 89 Degrees 07 Minutes 35 Seconds East, a distance of
110.26 feet along the South line of said Parcel I; Thence South 02 Degrees 52 Minutes 35
Seconds West, a distance of 457.69 feet along the East line and prolongations thereof of the
tract of land described in the conveyance to Joseph C. Seyfert in Allen County Document
No. 2007038362; Thence South 89 Degrees 07 Minutes 35 Seconds West, a distance of
417.31 feet along the North line of Timberon, Section II as recorded in Allen County
Document No. 201083121 (Plat Cabinet D, page 146) to a #5 Rebar stake in the Northwest

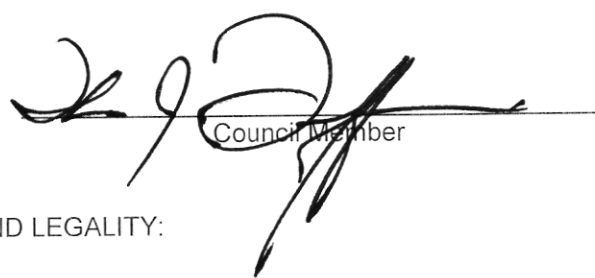
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corner thereof; Thence North 01 Degrees 02 Minutes 43 Seconds West, a distance of 1135.73 feet along the East right-of-way line of Robinar Drive as shown on the Plat of North Woodland Heights Plat A (as recorded in Allen County Plat Book 24B, page 151) and on the Plat of North Woodland Heights Plat B (as recorded in Allen County Plat Book 25A, page 27) to a Rebar stake with cap (FIRM 0042) in the Southwest corner of the Town of Huntertown tract referenced above; Thence North 89 Degrees 07 Minutes 35 Seconds East, a distance of 114.07 feet along the South line of said Town of Huntertown tract to a Rebar stake with cap (FIRM 0042 in the Southeast corner thereof; Thence North 00 Degrees 52 Minutes 25 Seconds West, a distance of 40.00 feet along the East line of said Town of Huntertown tract to the **POINT OF BEGINNING**, said tract containing 9.614 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. I-66 (Sec. 31 of Perry Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

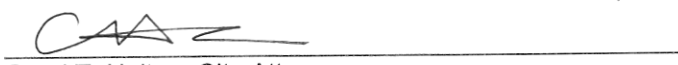
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated 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 Reincke-Norris, LLC
 Address 1020 Woodland Plaza Run
 City Fort Wayne State IN Zip 46825
 Telephone 260-469-6451 E-mail Inorris@graniteridgebuilders.com

Contact Person
 Contact Person David D. Brown
 Address P.O. Box 389 / 5491 County Road 427
 City Auburn State IN Zip 46706
 Telephone 260-925-2020 E-mail davidb@dabrownengineering.com

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 3115 Carroll Road, Fort Wayne IN 46818
 Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 2.431
 Proposed density 6.7 units per acre
 Township name Perry Township section # 31
 Purpose of rezoning (attach additional page if necessary) To enable construction of a residential single story apartment complex
 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 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.

Reincke-Norris (printed name of applicant) [Signature] (signature of applicant) 5-4-2020 (date)
CJT Properties (printed name of property owner) [Signature] (signature of property owner) 5-4-2020 (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.
5-5-2020	133734	6-8-2020	REZ-2020-0019

Boundary Exhibit

Somerset Townhomes

NW Cor NW Qtr
Sec 31, T32N, R12E
Harrison Marker Fnd
Control Mon't

Carroll Road

POB

N89°07'35"E 589.26ft

N89°07'35"E 207.56ft

N00°52'25"W 40.00ft

N89°07'35"E 114.07ft

S00°29'35"W 651.94ft

N01°02'43"W 1135.73ft

S27°53'25"E 75.50ft

N89°07'35"E 110.26ft

Somerset Townhomes

9.6139AC±

S02°52'35"W 457.69ft

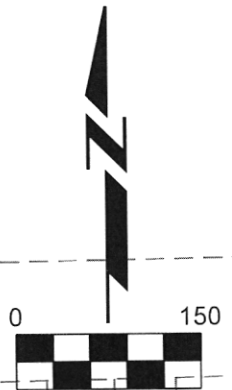
S89°07'35"W 417.31ft

This drawing is not intended to be represented as a Retracement or Original Boundary Survey, a Route Survey, or a Surveyor Location Report as defined in 865 IAC 1-12.



D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrowneengineering.com

Job No: 2003-04



Scale 1" = 150 ft
July 8, 2020

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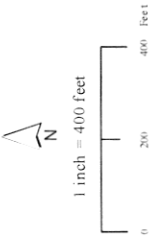
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Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

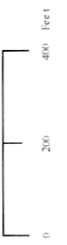
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2019
 Date: 5/26/2020



Rezoning Petition REZ-2020-0019 and Primary Development Plan PDP-2020-0013 - Somerset Townhomes



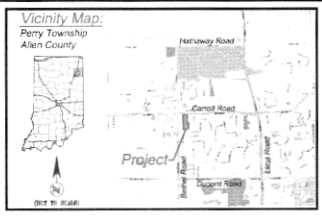
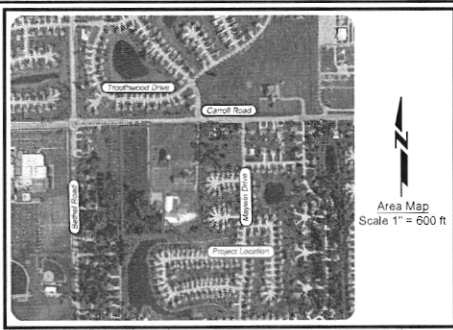
1 inch = 400 feet



Although strict accuracy standards have been employed in the compilation of this map, the user should not rely on 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 Contour: Spring 2009
Date: 5/26/2010

Primary Development Plan Somerset Townhomes

A Site Located in SW Qtr Section 31, Township 32 North, Range 12 East,
Perry Township
Allen County, Indiana



Project Description Summary
 Sanitary Street Utility
 Fort Wayne Utilities
 200 E. Berry Street
 Suite 250
 Fort Wayne, IN 46802
 (260) 447-5064

Drainage Approval
 Allen County Surveyors Office
 200 E. Berry Street
 Suite 300
 Fort Wayne, IN 46802
 (260) 448-7623

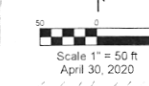
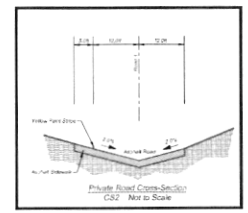
Traffic Street & Right-of-Way Approval
 Allen County Highway Dept
 200 E. Berry Street
 Suite 280
 Fort Wayne, IN 46802
 (260) 449-7369

Water Utility
 Fort Wayne Utilities
 200 E. Berry Street
 Suite 250
 Fort Wayne, IN 46802
 (260) 427-5064

Planning Development Approval
 Allen County Department of Planning Services
 200 E. Berry Street
 Suite 150
 Fort Wayne, IN 46802
 (260) 448-7607

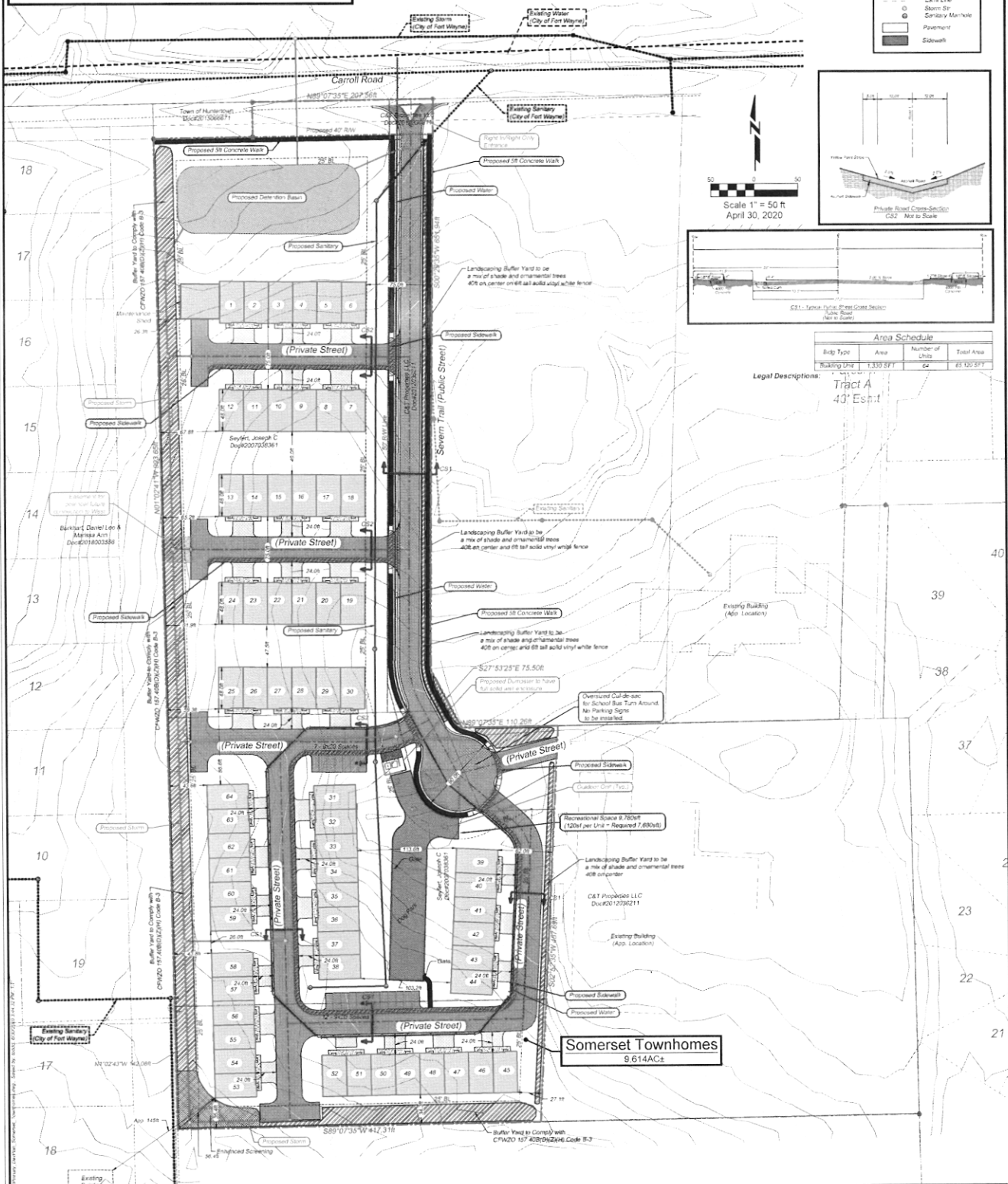
Legend

- Existing Contours
- Water Line
- Storm Line
- Sanitary Line
- Sewing Line
- Exit Line
- Storm Sid
- Sanitary Manhole
- Pavement
- Sidewalk



Area Schedule

Entry Type	Area	Number of Units	Total Area
Building CH	1330 SF	64	85 100 SF



Legal Descriptions
 Tract A
 43' East

Developer:
 Reincke-Norris, LLC
 1020 Woodland Plaza Run
 Fort Wayne, IN 46825
 Tel: (260) 490-1417

Engineer:
DABEC
 D.A. Brown Engineering Consultants
 5471 County Road 477, P.O. Box 889, Auburn, IN 47006
 Phone: (260) 925-2020 Fax: (260) 925-1212
 www.dabecengineering.com

Revisions

Date	Drawn By	Date	Description
04/30/2020		06/03/20	Site plan & schedule
		06/30/20	Final plan & schedule
As Noted			Final plan & schedule
Job No.	Sheet No.		
2003-04	1 of 1		

WRITTEN COMMITMENT

This Written Commitment ("Commitment"), dated as of the date recorded on the signature page, is made by Reincke-Norris, LLC, and Indiana limited liability company ("Owner").

RECITALS

A. By virtue of a Warranty Deed dated _____, 2020 and recorded _____, as Document Number _____ in the Office of the Recorder of Allen County, Indiana, Owner is the owner in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" ("Real Estate").

B. On _____, 2020, the Owner received primary development plan approval from the Fort Wayne Plan Commission ("Plan Commission") for the Somerset Townhomes, a 64 unit multifamily project.

C. Pursuant to IC 36-7-4-1015, the Plan Commission may require or permit an owner of real property to make a written commitment concerning the use or development of the real property as part of a primary development plan.

COMMITMENT

Owner consents to the following written commitments which shall govern the Real Estate:

1. **STATEMENT OF COMMITMENTS.** The Owner shall abide by the following commitments:

1.1. The vehicular entrance to the Real Estate will be designed and installed as a right-in, right-out entrance subject to the approval of the City of Fort Wayne Traffic Engineering Department.

1.2. The apartment building constructed closest to the southwest corner of the Real Estate will consist of single story units only.

1.3. The Owner will install enhanced screening and buffering, in excess of the minimum requirements established in the City of Fort Wayne Zoning Ordinance, in the southwest corner of the Real Estate identified by the label "Enhanced Screening" on the Primary Development Plan for Somerset Townhomes, under a revision date of June 30, 2020 (the "Plan"), subject to the review and approval of the staff for the Department of Planning Services.

1.4. The Owner will install a white vinyl fence along the east property line of the Real Estate as an element of the required screening and buffering to a point near the beginning of the cul-de-sac shown on the Plan, subject to the review and approval of the staff for the Department of Planning Services.

1.5. The Owner will cause the four entrances from the Charles Reception Hall facility, adjacent and to the east of the Real Estate, to the main drive serving the Somerset Townhomes development to be closed.

1.6. These conditions are enforceable by the Fort Wayne Plan Commission or any successor agency to the Plan Commission.

2. **BINDING EFFECT, MODIFICATION, TERMINATION.** This Commitment shall run with the Owner, and shall be binding upon Owner unless this Commitment is modified or terminated. The Recitals are incorporated by reference and are expressly made a part of this Commitment. Except as otherwise provided, this Commitment may be modified or terminated only by a decision of the Plan Commission following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure.

3. **RECORDING.** Owner shall, at its expense, record this Commitment with the Allen County Recorder contemporaneously with the closing on the Real Estate by which Owner came into title. Owner shall provide two copies of the recorded Commitment to the Allen County Zoning Administrator.

4. **ENFORCEMENT.** The Plan Commission shall be entitled to all legal and equitable remedies available (including specific performance and injunctive relief and any all remedies provided by state statute for any violation of this Commitment. The Plan Commission's enforcement remedies under this Commitment and the Fort Wayne Zoning Ordinance shall be cumulative, not exclusive.

5. **GOVERNING LAW.** This Commitment with the restrictions and covenants as stated, shall be governed by the laws of the State of Indiana.

6. **SEVERABILITY.** Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

7. **EFFECTIVE DATE.** This Commitment shall be effective upon the recording of this commitment in the Office of the Recorder of Allen County, Indiana;

8. **STATUTORY AUTHORITY.** This Commitment is made pursuant to IC 36-7-4-1015.

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

OWNER

Signature

Print

Position with Company (if applicable)

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned notary public in and for said county and state, this _____ day of _____
20____, personally appeared _____, the _____ for
_____, the above named Owner, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

My Commission Expires:

_____, Notary Public
A Resident of _____ County, Indiana

This instrument prepared by Patrick R. Hess, Attorney at Law, Beckman Lawson, LLP, 201 West Wayne Street, Fort Wayne, Indiana, 46802.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Patrick R. Hess

EXHIBIT A

Description of the Real Estate

[INSERT LEGAL DESCRIPTION]

END OF EXHIBIT "A"

FACT SHEET

Case #REZ-2020-0019		Bill # Z-20-07-07	Project Start: June 2020
APPLICANT:	Reincke-Norris, LLC		
REQUEST:	To rezone property from AR/Low Intensity Residential to R3/Multiple Family Residential; and approve a primary development plan for a 64 unit multiple family residential complex.		
LOCATION:	The site is located on the south side of the 3300 block of Carroll Road, west of The Charles Fort Wayne (formerly The Shiloh) (Section 31 of Perry Township).		
LAND AREA:	Approximately 9.6 acres		
PRESENT ZONING:	AR/Low Intensity Residential		
PROPOSED ZONING:	R3/Multiple Family Residential		
COUNCIL DISTRICT:	3-Tom Didier		
ASSOCIATED PROJECT:	Primary Development Plan, Somerset Townhomes		
SPONSOR:	City of Fort Wayne Plan Commission		

June 8, 2020 - Public Hearing

- Ten residents spoke at the hearing in opposition or with questions.
- Staff received 45 emails in opposition before the hearing.
- Paul Sauerteig and Rachel Tobin-Smith were absent.

July 20, 2020 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

A motion was made by Don Schmidt and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation to Common Council with a Written Commitment for their final decision.

5-0 MOTION PASSED

- Justin Shurley, Rachel Tobin-Smith, Judi Wire and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
July 29, 2020

PROJECT SUMMARY

The property was historically developed with a meat processing facility with a large amount of ground undeveloped.

The petitioner requests a rezoning from AR/Low Intensity Residential to R3/Multiple Family Residential for a 64-unit apartment complex. The property is surrounded to the north and south by platted subdivisions and to the east by Board of Zoning Appeals commercial developments. The property to the west is undeveloped but was previously recorded as a subdivision (now vacated). The zoning will be compatible with the existing conditions in the area. This proposal will allow the redevelopment of this property from a meat processing facility and underused ground into rental housing. The proposal can be supportive 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.D Encourage development proposals that provide housing, designed to allow adequate pedestrian and bicycle access, in close proximity to existing neighborhood commercial, civic, institutional and other similar uses.

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 development plan includes ten (10) new buildings, ranging from six to eight units per building for a total of 64 units. The buildings will be a mixture of one- and two-stories and will not exceed 30-feet. The units will be a combination of two (2) and three (3) bedroom apartments with an approximate distribution of 60 percent two bedroom and 40 percent three bedrooms. The development is proposed to be market rate and available to all ages.

Access to the site is proposed from a single access from Carroll road. The main cul-de-sac street is proposed to be public and will provide access to existing properties to the east. Access drives internally within the apartment complex will be private. The property to the west contains a home, but the majority of the site is undeveloped. The applicant should consider a future connection to the west for potential future development.

The project is proposing a sidewalk along Carroll Road and along both sides of the main public cul-de-sac. Internal walks are proposed with hatched walking paths that will connect the sidewalk along the proposed public street.

Parking will be provided at a rate of 2 spaces per unit and an additional 19 guest spaces, which exceeds the Ordinance minimum requirement. Each apartment unit will have a single car garage with an additional parking space in the driveway.

The applicant is proposing to meet all screening and buffering requirements where the property is adjacent to the single family residential areas to the west and south. Where the property is abutting the Board of Zoning Appeals approved commercial areas to the east they are proposing an alternate landscaping plan where they will install a combination of shade and ornamental trees 40-feet on center, and fencing along the reception hall property.

Stormwater detention will be provided on-site and will be discharged from the property in accordance with Fort Wayne Stormwater Management requirements.

Recreation space is provided in the center of the site with a grill and seating area and fenced dog park.

The site plan shows a location for centralized refuse collection in a location that will not impact adjacent single family residential properties.

PUBLIC HEARING SUMMARY:

Presenter: Patrick Hess, representing the applicant, presented the proposal as outlined above.

Public Comments in Opposition or with Questions:

Joshua Michel, 11830 Bethel Road

Brandon Seifert, 15470 Town Gardens Court

Mike Ley, 11820 Bethel Road

Tamyra Zeidler, 3404 Kayln Drive

Kevin, 3234 Cilantro Cove

Cory Briggeman, 11509 Ballycastle Place

Coves of Carroll Creek representative, 507 Airport North Office Park

Resident, 12331 Shearwater Run

Jeff Kroemer, 11734 Bethel Road

Owners of The Charles, 3127 Carroll Road

Areas of Concern:

- Traffic
- School capacity
- Security
- Drainage
- Property values
- Safety
- View from reception hall
- Building height

Rebuttal/Update:

Applicant agreed to the following: Neighborhood meeting, only single-story buildings in southwest corner, increased landscaping in southwest corner, white vinyl fencing and trees adjacent to reception hall, right-in/right-out only access to Carroll Road.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2020-0019

APPLICANT: Reincke-Norris, LLC
REQUEST: To rezone property from AR/Low Intensity Residential to R3/Multiple Family Residential; and approve a primary development plan for a 64 unit multiple family residential complex.
LOCATION: The site is located on the south side of the 3300 block of Carroll Road, west of The Charles Fort Wayne (formerly The Shiloh) (Section 31 of Perry Township).
LAND AREA: Approximately 9.6 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2020-0019, with a Written Commitment, 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 R3/Multiple Family Residential zoning will continue the precedent of residential development in the Northwest quadrant of the City. The proposal will provide alternative living options in northwest Fort Wayne for those who do not want to own. 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 a currently vacant property.
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 July 20, 2020.



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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Reincke-Norris, LLC
 Address 1020 Woodland Plaza Run
 City Fort Wayne State IN Zip 46825
 Telephone 260-469-6451 E-mail Inorris@graniteridgebuilders.com

Contact Person
 Contact Person David D. Brown
 Address P.O. Box 389 / 5491 County Road 427
 City Auburn State IN Zip 46706
 Telephone 260-925-2020 E-mail davidb@dabrownengineering.com

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 3115 Carroll Road, Fort Wayne IN 46818
 Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 2.431
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 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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- 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.

<u>Reincke-Norris</u> (printed name of applicant)	<u>[Signature]</u> (signature of applicant)	<u>5-4-2020</u> (date)
<u>CJT Properties</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>5-4-2020</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>5-5-2020</u>	Receipt No. <u>133734</u>	Hearing Date <u>6-8-2020</u>	Petition No. <u>REZ-2020-0019</u>
-----------------------------	------------------------------	---------------------------------	--------------------------------------

Boundary Exhibit

Somerset Townhomes

NW Cor NW Qtr
Sec 31, T32N, R12E
Harrison Marker Fnd
Control Mon't

Carroll Road

POB

N89°07'35"E 589.26ft

N89°07'35"E 207.56ft

N00°52'25"W 40.00ft

N89°07'35"E 114.07ft

S00°29'35"W 651.94ft

N01°02'43"W 1135.73ft

S27°53'25"E 75.50ft

N89°07'35"E 110.26ft

Somerset Townhomes

9.6139AC±

S02°52'35"W 457.69ft

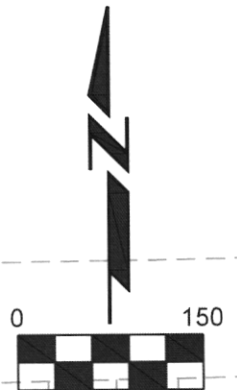
S89°07'35"W 417.31ft

This drawing is not intended to be represented as a Retracement or Original Boundary Survey, a Route Survey, or a Surveyor Location Report as defined in 865 IAC 1-12.



D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrowneengineering.com

Job No: 2003-04



Scale 1" = 150 ft
July 8, 2020

K:\2020\2003-04\Plot_DWG\Exhibits\2003-04_Exhibit_Boundary_Legal_070820.dwg, Saved by: toddo, 7/8/2020 3:40:24 PM, 1:1

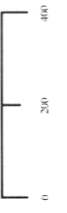
1 18
2 17
3 16
4 15
5 14
6 13
7 12
8 11
9 10
16 17

67 68 69 70 71 72

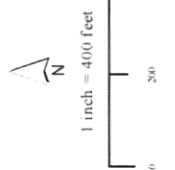
Rezoning Petition REZ-2020-0019 and Primary Development Plan PDP-2020-0013 - Somerset Townhomes



1 inch = 400 feet



Although street 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.
 © 2004 Board of Commissioners of the County of Allen, State Plane Coordinate System, Indiana East
 Photo and Contours: Spring 2009
 Date: 5/26/2020

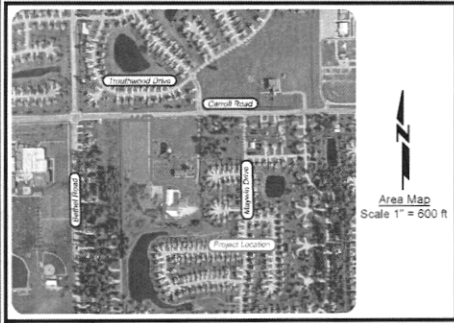


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© 2004 Board of Commissioners of the County of Allen
 State Plane Coordinate System, Indiana East
 Photo and Contour: Spring 2009
 Date: 3/20/2020

Primary Development Plan Somerset Townhomes

A Site Located in SW Qtr Section 31, Township 32 North, Range 12 East
Perry Township
Allen County, Indiana



Area Map
Scale 1" = 600 ft

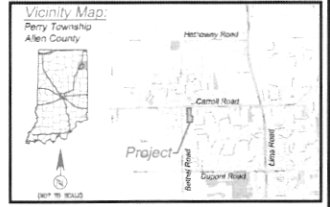
Project Location Summary

Surveyor: Steven Wilgus
Fort Wayne, IN 46802
260-427-9884
City of Fort Wayne
200 E. Berry Street
Suite 100
Fort Wayne, IN 46802
260-427-9884

Drainage Approval:
Allen County Surveyor's Office
200 E. Berry Street
Suite 100
Fort Wayne, IN 46802
(260) 448-7622

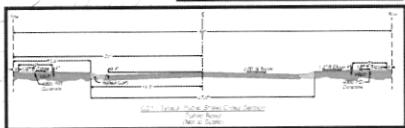
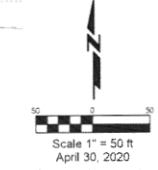
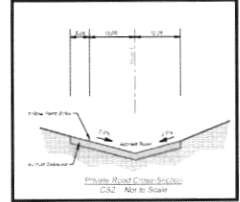
Planning Development Approval:
Allen County Department of Planning Services
200 E. Berry Street
Suite 100
Fort Wayne, IN 46802
(260) 448-7607

Traffic: Street & Right of Way Approval:
Allen County Highway Dept
200 E. Berry Street
Suite 280
Fort Wayne, IN 46802
(260) 448-7628



Legend

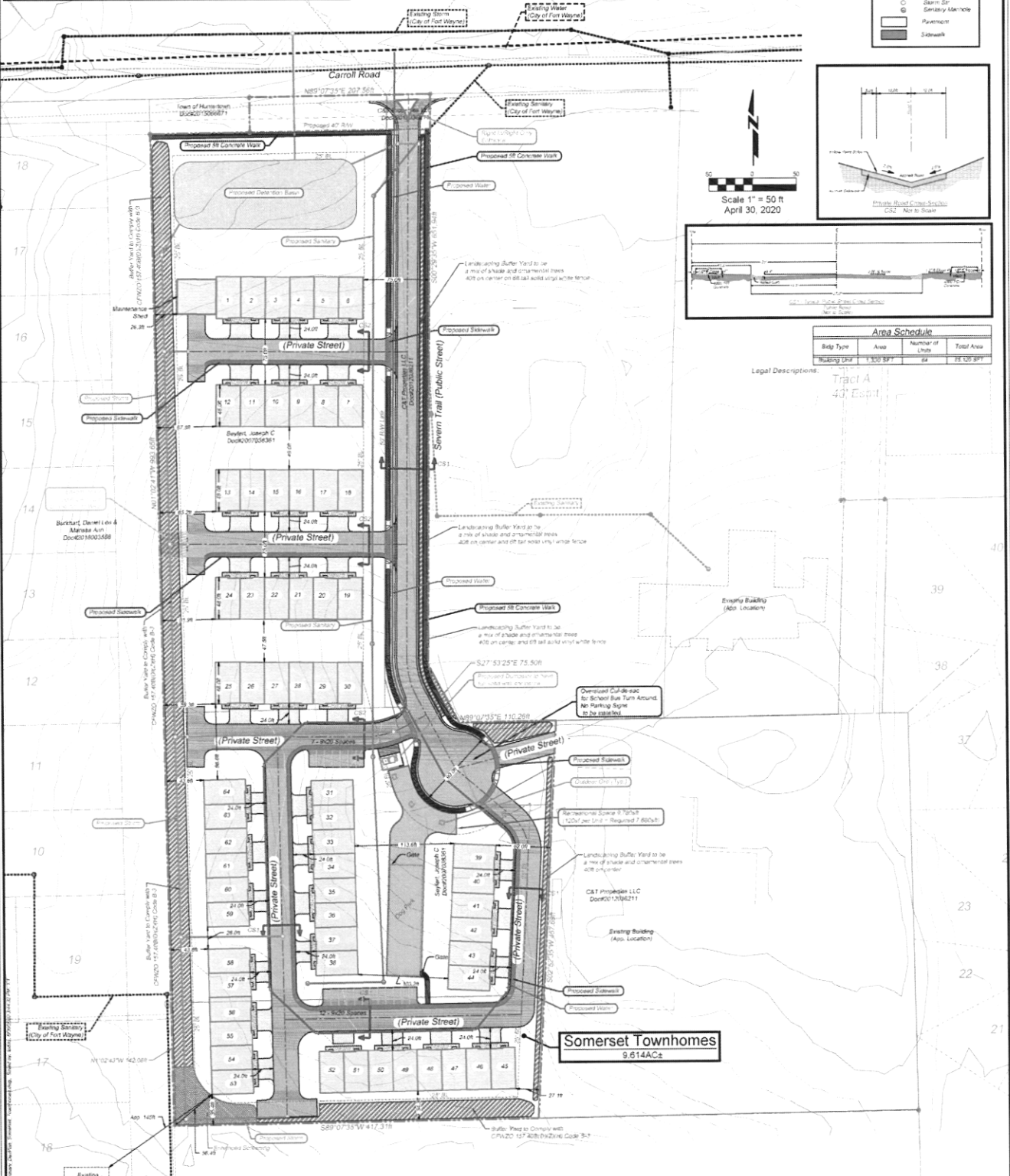
- Existing Contours
- Water Line
- Storm Line
- Building Line
- Building Line
- Setback Line
- Storm Dr
- Sanitary Manhole
- Pavement
- Sidewalk



Area Schedule

Build Type	Area	Number of Units	Total Area
Building Unit	1,800 SF	64	112,000 SF

Legal Descriptions:
Tract A
40' East



Developer:
Reincke-Norris, LLC
1020 Woodland Plaza Run
Fort Wayne, IN 46825
Tel: (260) 490-1417

Engineer:
DABEC
D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 360, Auburn, IN 47006
Phone: (260) 923-2020 Fax: (260) 923-1212
www.dabrownengineering.com

Date	Drawn By	Date	Revisions
04/30/2020	06/RJZ	06/RJZ	1st revision: General Notes, Utility Lines, and Sanitary Manhole
As Noted	Checked By	06/04/20	2nd revision: Utility Lines, Sanitary Manhole
05/26/20	Sheet No.		
2003-04	1 of 1		

WRITTEN COMMITMENT

This Written Commitment (“Commitment”), dated as of the date recorded on the signature page, is made by Reincke-Norris, LLC, and Indiana limited liability company (“Owner”).

RECITALS

A. By virtue of a Warranty Deed dated _____, 2020 and recorded _____, as Document Number _____ in the Office of the Recorder of Allen County, Indiana, Owner is the owner in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit “A” (“Real Estate”).

B. On _____, 2020, the Owner received primary development plan approval from the Fort Wayne Plan Commission (“Plan Commission”) for the Somerset Townhomes, a 64 unit multifamily project.

C. Pursuant to IC 36-7-4-1015, the Plan Commission may require or permit an owner of real property to make a written commitment concerning the use or development of the real property as part of a primary development plan.

COMMITMENT

Owner consents to the following written commitments which shall govern the Real Estate:

1. **STATEMENT OF COMMITMENTS.** The Owner shall abide by the following commitments:

1.1. The vehicular entrance to the Real Estate will be designed and installed as a right-in, right-out entrance subject to the approval of the City of Fort Wayne Traffic Engineering Department.

1.2. The apartment building constructed closest to the southwest corner of the Real Estate will consist of single story units only.

1.3. The Owner will install enhanced screening and buffering, in excess of the minimum requirements established in the City of Fort Wayne Zoning Ordinance, in the southwest corner of the Real Estate identified by the label “Enhanced Screening” on the Primary Development Plan for Somerset Townhomes, under a revision date of June 30, 2020 (the “Plan”), subject to the review and approval of the staff for the Department of Planning Services.

1.4. The Owner will install a white vinyl fence along the east property line of the Real Estate as an element of the required screening and buffering to a point near the beginning of the cul-de-sac shown on the Plan, subject to the review and approval of the staff for the Department of Planning Services.

1.5. The Owner will cause the four entrances from the Charles Reception Hall facility, adjacent and to the east of the Real Estate, to the main drive serving the Somerset Townhomes development to be closed.

1.6. These conditions are enforceable by the Fort Wayne Plan Commission or any successor agency to the Plan Commission.

2. **BINDING EFFECT, MODIFICATION, TERMINATION.** This Commitment shall run with the Owner, and shall be binding upon Owner unless this Commitment is modified or terminated. The Recitals are incorporated by reference and are expressly made a part of this Commitment. Except as otherwise provided, this Commitment may be modified or terminated only by a decision of the Plan Commission following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission’s rules of procedure.

3. **RECORDING.** Owner shall, at its expense, record this Commitment with the Allen County Recorder contemporaneously with the closing on the Real Estate by which Owner came into title. Owner shall provide two copies of the recorded Commitment to the Allen County Zoning Administrator.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Patrick R. Hess

EXHIBIT A

Description of the Real Estate

[INSERT LEGAL DESCRIPTION]

END OF EXHIBIT "A"

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0019
Bill Number: Z-20-07-07
Council District: 3 – Tom Didier

Introduction Date: July 28, 2020

Plan Commission
Public Hearing Date: June 8, 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 9.6 acres from AR/Low Intensity Residential to
R3/Multiple Family Residential.

Location: 3115 Carroll Road

Reason for Request: To allow for construction of a 64-unit townhome development.

Applicants: Reinke-Norris, LLC

Property Owner: Reinke-Norris, LLC

Related Petitions: Primary Development Plan, PDP-2020-0013, Somerset Townhomes

Effect of Passage: Properties will be rezoned to the R3/Multiple Family Residential district
which will allow for the redevelopment of the property.

Effect of Non-Passage: The properties will remain zoned AR/Low Intensity Residential and may
develop with single family or agricultural uses.

REPORT OF COMMITTEE ON REGULATIONS

August 4, 2020

Glynn Hines Chair

Tom Freistroffer Co-Chair

All Council Members

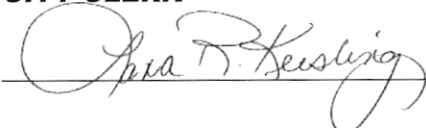
An Ordinance amending the City of Fort Wayne Zoning Map No. I-66 (Sec. 31 of Perry Township)

3115 Carroll Road to allow for construction of a 64-unit townhome development

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**



REPORT OF COMMITTEE ON REGULATIONS
August 18, 2020

Glynn Hines Chair

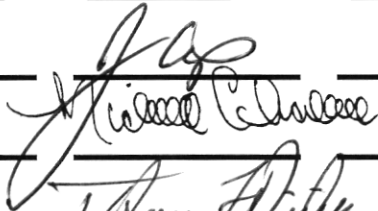
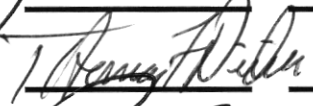





Tom Freistroffer Co-Chair

All Council Members

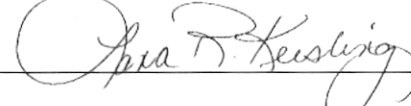
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ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: 6/8/2020


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

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

Read the third time in full and on motion by Councilperson Hines, 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"/>
CHAMBERS	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 25, 2020



 LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-20-07-07 on the 25th day of August, 2020

ATTEST:



 LANA R. KEESLING
 CITY CLERK



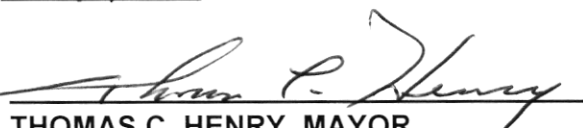
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August 2020, at the hour of 9:10 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 27th day of August 2020, at the hour of 11:00 o'clock Am. E.S.T.



 THOMAS C. HENRY, MAYOR

