

1 #REZ-2020-0044

2 BILL NO. Z-20-11-07

3
4 ZONING MAP ORDINANCE NO. Z- 2-21

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. A-11 (Sec. 14 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 R1 (Single
10 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 A tract of land located in the Southeast Quarter of Section 11, T30N, R11E, in Allen
13 County, the State of Indiana, more fully described as follows:

14 **COMMENCING** at a Harrison Marker situated in the Southwest corner of said
15 Southeast Quarter; Thence North 89 Degrees 17 Minutes 35 Seconds East (Indiana
16 State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of
17 330.55 feet along the South line of said Southeast Quarter to the Southeast corner of
18 the tract of land described in the conveyance to The Board of Commissioners of the
19 County of Allen, State of Indiana in Allen County Document No. 2008058909;
20 Thence North 00 Degrees 41 Minutes 03 Seconds West, a distance of 73.26 feet
21 along the East line of said Board of Commissioners tract to a Rebar stake with cap
22 (FIRM 0042) in the Northwest corner of Tract 10T (Permanent Right of Way - In
23 Fee) as described in the Finding and Judgment for Allen Superior Court No. 3 Cause
24 No. 6463 (State of Indiana v Sutorius) as recorded on November 8, 1961; Thence
25 North 00 Degrees 41 Minutes 03 Seconds West, a distance of 586.74 feet along the
26 East line of the tract of land described in the conveyance to Yellow Retirement, LLC
27 to a Rebar stake with cap (FIRM 0042) in the Northeast corner thereof; Thence
28 South 89 Degrees 17 Minutes 35 Seconds West, a distance of 330.00 feet along the
29 North line of said Yellow Retirement tract to a Rebar stake with cap (FIRM 0042) in
30 the Northwest corner thereof; Thence North 00 Degrees 41 Minutes 03 Seconds
West, a distance of 362.49 feet along the East line of Heather Ridge Section I as
recorded in Allen County Document No. 780001570 to a Rebar stake with cap
(FIRM 0042); Thence North 00 Degrees 41 Minutes 03 Seconds West, a distance of
967.02 feet along the East line of said Heather Ridge Section I as recorded in Allen
County Document No. 780001570 to the Southwest corner of Lot #219 in Heather
Ridge Section II as recorded in Allen County Document No. 780015240; Thence
North 89 Degrees 12 Minutes 39 Seconds East, a distance of 1183.79 feet along the

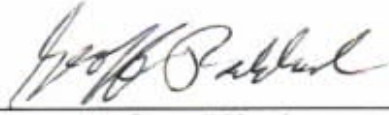
1 South line of said Heather Ridge Section II and along the South line of Oak Borough
2 Section III as re-recorded in Allen County Document No. 870008624 to the
3 Northeast corner of a Railroad Tie corner post the Southeast corner of Block G
4 therein; Thence South 17 Degrees 29 Minutes 04 Seconds West, a distance of 8.58
5 feet along the West right-of-way line of Highway I-69 to a Rebar stake with cap
6 (FIRM 0042) in the beginning of a non-tangent circular arc; Thence Southerly, a
7 distance of 1030.42 feet along said non-tangent circular arc (also being the West
8 right-of-way line of Highway I-69) that is concave Easterly, having a radius
9 measuring 4006.53 feet, having a central angle measuring 14 Degrees 44 Minutes 08
10 Seconds, and having a long chord bearing South 16 Degrees 56 Minutes 18 Seconds
11 West and measuring 1027.59 feet to a Rebar stake with cap (FIRM 0042) in the
12 beginning of a non-tangent line; Thence North 80 Degrees 25 Minutes 46 Seconds
13 West, a distance of 84.63 feet along said non-tangent line to a Rebar stake with cap
14 (FIRM 0042); Thence South 74 Degrees 20 Minutes 24 Seconds West, a distance of
15 329.65 feet to a Rebar stake with cap (FIRM 0042); Thence North 63 Degrees 45
16 Minutes 41 Seconds West, a distance of 195.33 feet to a Rebar stake with cap (FIRM
17 0042); Thence South 89 Degrees 18 Minutes 57 Seconds West, a distance of 294.13
18 feet to the **POINT OF BEGINNING**, said tract containing 22.896 Acres, more or
19 less, and being subject to all public road rights-of-way and to all easements of
20 record. A survey of said tract being represented by Plat of Survey #30-11-14-01 as
21 prepared by D.A. Brown Engineering Consultants, Inc., 5419 County Road 427,
22 Suite C, Auburn, Indiana 46706.

23
24
25
26
27
28
29
30
and the symbols of the City of Fort Wayne Zoning Map No. A-11 (Sec. 14 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.

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.

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

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

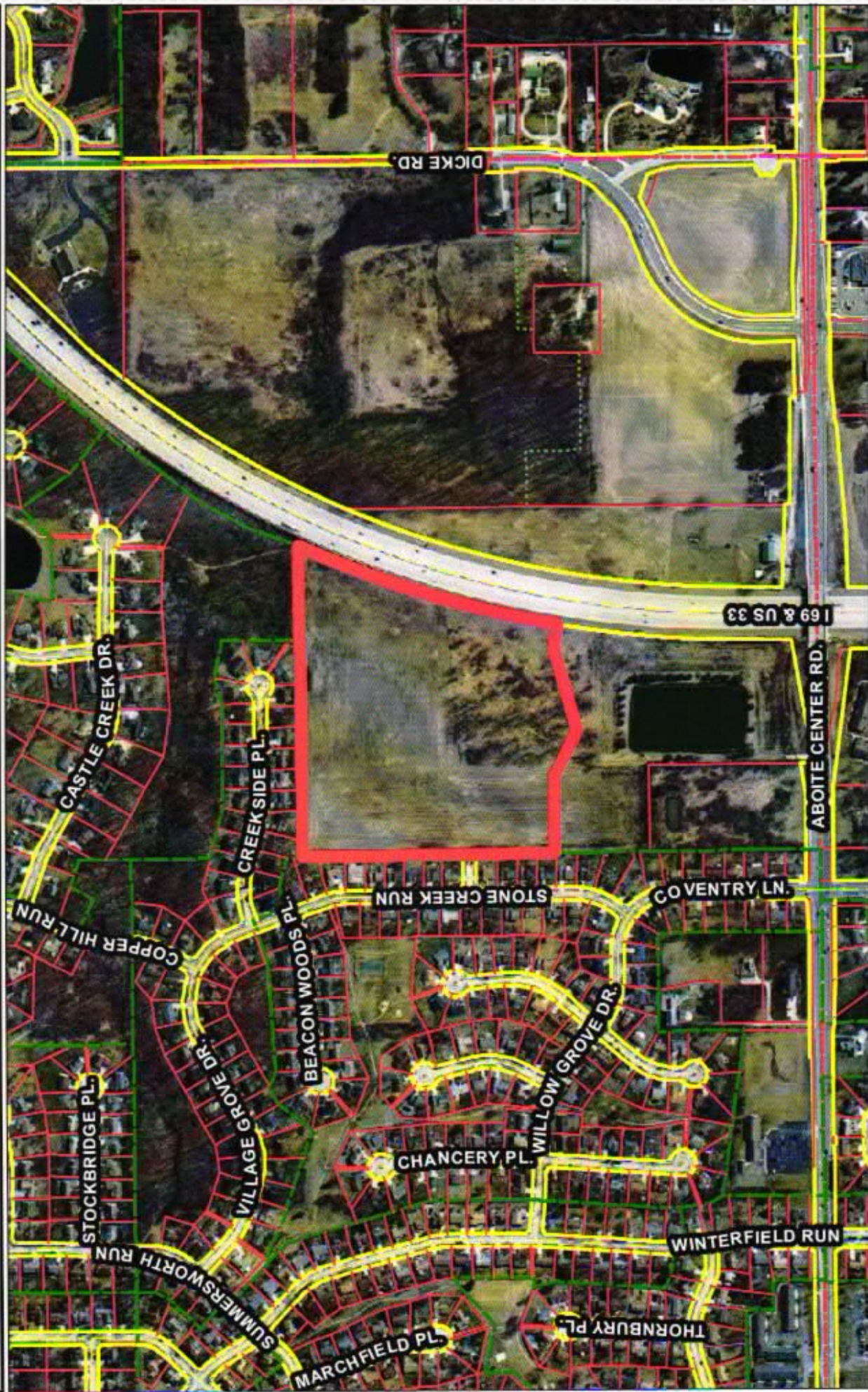
APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney



Rezoning Petition REZ-2020-0044 and Primary Plat PP-2020-0025 - Lakes at Heathers Ridge



Although street accuracy standards have been employed in the compilation of this map, Adams County does not warrant or guarantee the accuracy of the information contained herein, and Adams County and all liability resulting therefrom shall be limited to the extent of the map.

© 2016 Board of Commissioners of the County of Adams, North American Division, USA

Scale: Plan: Cleveland Systems, Indiana East
Photo: GeoEye, Inc. 2016
Date: 11/16/2016

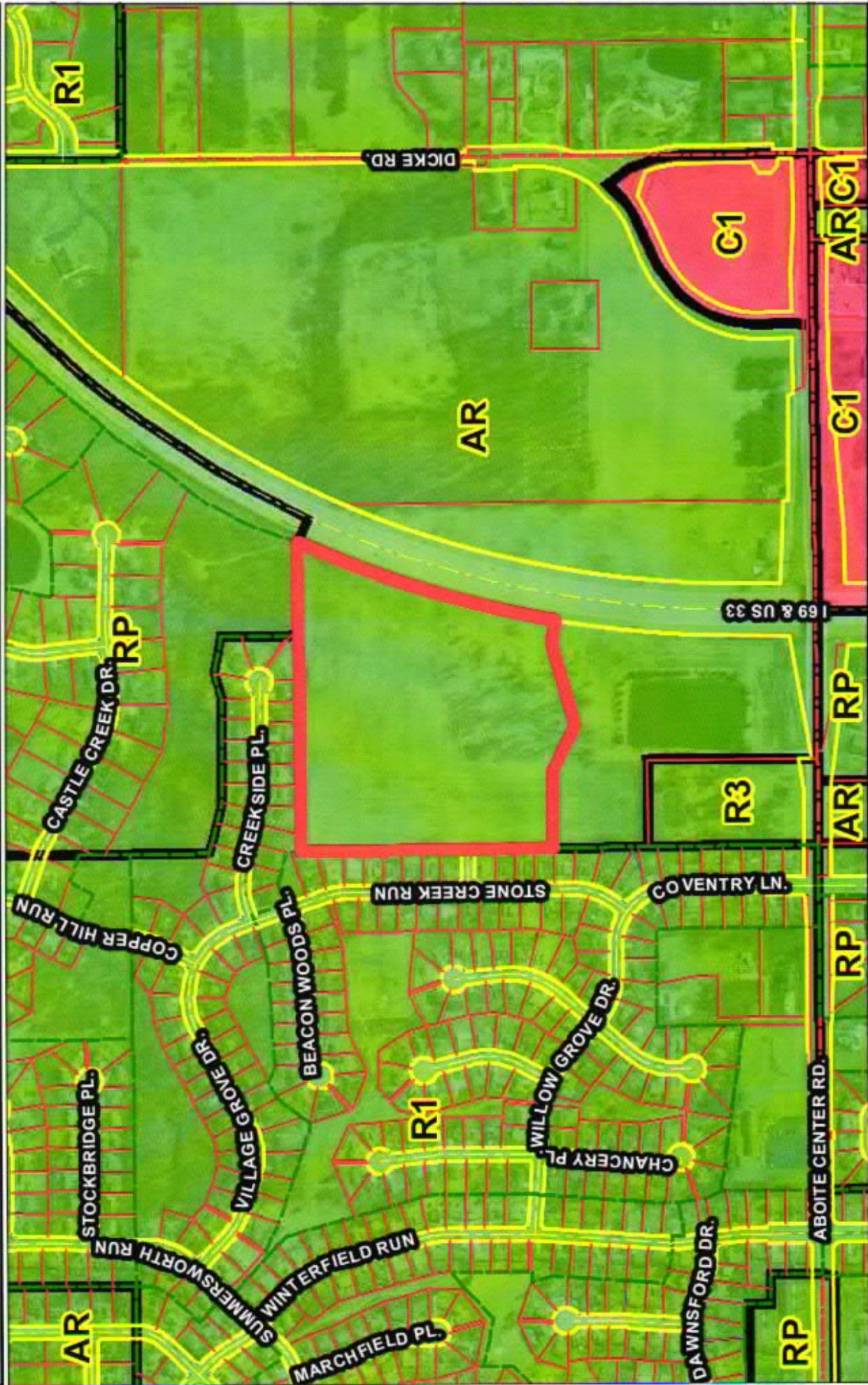


1 inch = 500 feet





Rezoning Petition REZ-2020-0044 and Primary Plat PP-2020-0025 - Lakes at Heathers Ridge



Although every accuracy standard has been employed in the compilation of this map, Allentown does not warrant or guarantee the accuracy of the information contained herein and shall not be liable for any errors or omissions in this map.

©2020 Board of Commissioners of the City of Allentown
 North American Map Co., Inc.
 North American Map Co., Inc.
 North American Map Co., Inc.
 Date: 11/16/2020



**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant North Eastern Development Corp
 Address 10808 LaCabreah Lane
 City Fort Wayne State IN Zip 46845
 Telephone 260-489-7950 E-mail riczehr@northeasterngroup.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 8500 Aboite Center Road, Fort Wayne, IN 46804
 Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 22.896 ac
 Proposed density 2.14 units per acre
 Township name Aboite Township section # 14
 Purpose of rezoning (attach additional page if necessary) To enable construction of a residential single family subdivision
 Sewer provider Aqua Indiana 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 checklists for applicable filing fees and plan review substantial 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 admission of this application, that I am/are the owner(s) of more than 50 percent of the property described in this application and I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinances as well as all procedures and policies of the Allen County Planning Department, procedures and policies related to the handling and disposition of this application; that the above information is true and correct to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested parties, a fee of \$0.85 per notice and a public notice fee of \$30.00 per notice.

North Eastern Development Corp
Joseph L. Zehr, P.E.
 (printed name of applicant) 10-28-20 (date)

X Carol McDougall
 (printed name of property owner) Carol McDougall (signature of property owner) 10-28-20 (date)

Robert McDevitt
 (printed name of property owner) Robert McDevitt (signature of property owner) 10-28-20 (date)

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

Received	Receipt No.	Hearing Date	Petition No.
10/30/20	135670	12-7-2020	REZ-2020-0044

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0044
Bill Number: Z-20-11-07
Council District: 4-Jason Arp

Introduction Date: November 24, 2020

Plan Commission
Public Hearing Date: December 7, 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 26.9 acres from AR/Low Intensity Residential
to R1/Single Family Residential.

Location: East of the 130 to 140 blocks of Stone Creek Run and west of Interstate
69, north of Aboite Center Road.

Reason for Request: To permit a 49 lot single family subdivision.

Applicant: North Eastern Development Corp.

Property Owner: Robert and Carol Ann McDevitt

Related Petitions: Primary Plat, Lakes at Heather Ridge

Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning
district, which will allow the vacant property to be developed as a single
family subdivision.

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential and may
develop with a single home or continue to be farmed.

FACT SHEET

Case #	REZ-2020-0044	Bill #	Z-20-11-07	Project Start:	November 2020
APPLICANT:	North Eastern Development Corp.				
REQUEST:	To rezone property from AR/Low Intensity Residential to R1/Single Family Residential; and approve a primary plat for a 49-lot single family residential subdivision.				
LOCATION:	The property is located to the east of Heather Ridge Section 1, south of Heather Ridge Section 2, and west of Interstate 69 (Section 14 of Aboite Township).				
LAND AREA:	Approximately 22.9 acres				
PRESENT ZONING:	AR/Low Intensity Residential				
PROPOSED ZONING:	R1/Single Family Residential				
COUNCIL DISTRICT:	4-Jason Arp				
ASSOCIATED PROJECT:	Primary Plat, Lakes at Heather Ridge				
SPONSOR:	City of Fort Wayne Plan Commission				

January 13, 2020 Public Hearing

- Two residents spoke at the hearing in support and with questions and/or requests.
- One resident spoke at the hearing with concerns and/or requests.
- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

January 13, 2020 Business Meeting

Plan Commission Recommendation: DO PASS

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

6-0 MOTION PASSED

- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
January 19, 2021

PROJECT SUMMARY

SITE HISTORY

- This property has historically been vacant.

STAFF DISCUSSION:

The applicant is proposing to rezone 22.9 acres from AR/Low Intensity Residential to R1/Single Family Residential for a 49-lot single family subdivision. The proposed rezoning parcel is located on the north side of Aboite Center Road, to the east of Heather Ridge subdivision, and west of I-69. The adjacent parcels surrounding the site to the north and west are developed subdivision lots (Heather Ridge) and zoned R1/Single Family Residential. The property is bordered by I-69 to the east and the ground beyond that is vacant and zoned AR/Low Intensity Residential. The ground to the south is AR/Low Intensity Residential and R3/Multiple Family Residential and is vacant.

The proposed zoning district can be supported by the Comprehensive Plan in that it will offer infill development and investment in the area. The single-family residential proposal will be compatible with surrounding land uses and provide additional living options within proximity to retail and services in the area. The comprehensive plan supports this development through the following objectives:

- LU1.** Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;
- LU3.** Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
- LU5.** Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;
- LU8.** Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The proposed plat will consist of 49 single family detached lots with lots sizes ranging from 7,500 square feet to 12,500 square feet and lot widths from 52 feet to 80 feet in width. Access to the site will be from an existing stub street from Heather Ridge to the west. Building setbacks are 25-foot front yards, 25-foot rear yards and 5-foot side yards.

Stormwater detention is proposed in a series of basins along the east and around the south side of the plat and will be developed in accordance with the requirements of the Stormwater Engineering Department. Sidewalks are proposed on both sides of the public streets and will connect to the existing walks on the stub street in Heather Ridge. Site lighting is provided and will meet the requirements of the Ordinance and will be typical of subdivision lighting with poles at intersections and at the ends of the cul-de-sacs.

All development standards for plats are being met with this proposed plat.

PUBLIC HEARING SUMMARY:

Presenter: Ric Zehr, North Eastern Development Corp, presented the proposal as outlined above.

Public Comments:

Vita McCray, 8604 Creekside Place – Pleased with sidewalk plan. Questions whether INDOT sound barrier will be continued.

Janet Bloomingdale, 8505 Creekside Place – not completely opposed. Concerns about: property values, drainage, noise, traffic, common area, builders, deer, and would like a buffer between properties.

Yvette Kleven, 3502 Stone Creek Run – In favor of rezoning. Would like to buffer area between properties. Concerned about traffic and drainage.

Rebuttal:

New construction will be a plus to property values in the area. Drainage will be handled on site and no new water will be directed toward the neighborhood. There will not be a buffer between subdivisions. This is not required or typical. Dues will be collected for a separate association for Lakes at Heather Ridge. INDOT would have to decide whether to continue the sound barrier.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2020-0044

APPLICANT: North Eastern Development Corp.
REQUEST: To rezone property from AR/Low Intensity Residential to R1/Single Family Residential for a 49-lot single family residential subdivision.
LOCATION: The property is located to the east of Heather Ridge Section 1, south of Heather Ridge Section 2, and west of Interstate 69 (Section 14 of Aboite Township).
LAND AREA: Approximately 22.9 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2020-0044, 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 general area has seen a mixture of land developments including medical, multiple family residential, and single-family residential land uses. This proposal will provide infill development 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 review from the Plan Commission, reviewing departments and staff will ensure a compatible development that complements the neighborhood. There is a mixture of residential uses in the area with multiple-family developments just south of this site on Aboite Center Road.
3. Approval is consistent with the preservation of property values in the area. This proposal provides another housing choice for residents who choose to live in the southwest community. The proposed lots are compatible with the adjacent subdivision lots.
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 residential uses. The development will use existing utilities and a stub street.

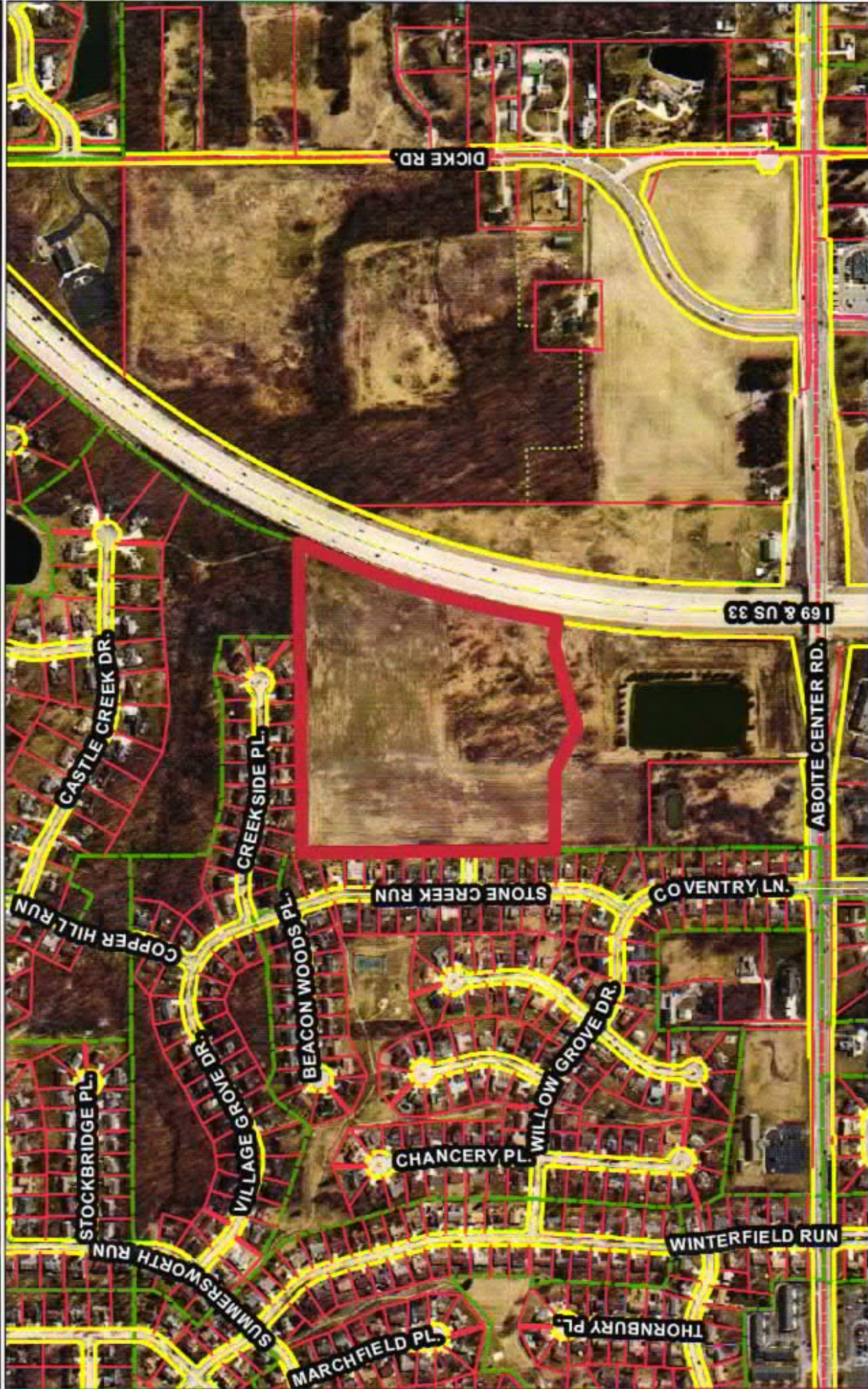
These findings approved by the Fort Wayne Plan Commission on January 13, 2021.



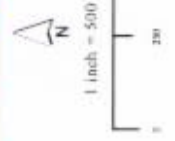
Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission



Rezoning Petition REZ-2020-0044 and Primary Plat PP-2020-0025 - Lakes at Heathers Ridge



Although every measure is taken to ensure the accuracy of this map, the City of Abate does not warrant the accuracy of the information contained herein and is not liable for any errors or omissions. This map is for informational purposes only and does not constitute an offer of insurance or any other financial product. For more information, please contact your insurance agent. © 2020 The City of Abate, Indiana. All rights reserved. Issue: Please Call or Write: Abate, Indiana East. Prepared: Community Services, 2020. Date: 11/16/2020



Department of Planning Services
Rezoning Petition Application

Applicant
 Applicant North Eastern Development Corp
 Address 10808 LaCobrah Lane
 City Fort Wayne State IN Zip 46845
 Telephone 260-489-7950 E-mail riczehr@northeasterngroup.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 mail 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 8500 Aboite Center Road, Fort Wayne, IN 46804
 Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 22.896 ac
 Proposed density 2.14 units per acre
 Township name Aboite Township section # 14
 Purpose of rezoning (attach additional page if necessary) To enable construction of a residential single family subdivision
 Sewer provider Aqua Indiana 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 submission 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 statement and agree upon execution and submission of this application, that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinances as well as all procedures and policies of the Allen County Planning Commission, procedures and policies related to the handling and disposition of this application; that the above information is true and correct to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested parties, including a notice fee of \$0.85 per notice and a public notice fee of \$30.00 per hearing code.

NORTH EASTERN DEVELOPMENT
JOSEPH L ZEHNER, PRES

(printed name of applicant) _____ (signature of applicant) _____ (date) 10-28-20
X CAROL MCDONNELL _____ (signature of property owner) _____ (date) 10-28-20
 (printed name of property owner) _____ (signature of property owner) _____ (date) 10-28-20
Robert McDevitt _____ (signature of property owner) _____ (date) 10-28-20
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____

Received	Receipt No	Hearing Date	Petition No.
<u>10/30/20</u>	<u>135670</u>	<u>12-7-2020</u>	<u>REZ-2020-0044</u>



REPORT OF COMMITTEE ON REGULATIONS
January 26, 2021

Tom Freistroffer Chair

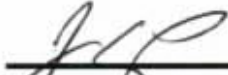
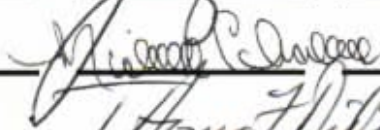

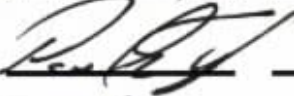
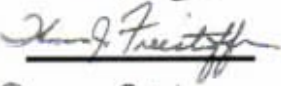
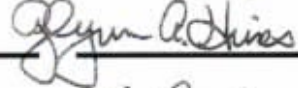
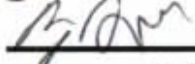


Geoff Paddock Co-Chair

All Council Members


An Ordinance amending the City of Fort Wayne Zoning Map No. A-11 (Sec. 14 of Aboite Township)

To rezone approximately 26.9 acres from AR/Low Intensity Residential to R1/Single Family Residential, east of the 130 to 140 blocks of Stone Creek Run and west of Interstate 69, north of Aboite Center 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>CHAMBERS</u>			
<u>DIDIER</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HINES</u>			
<u>JEHL</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: January 13, 2021

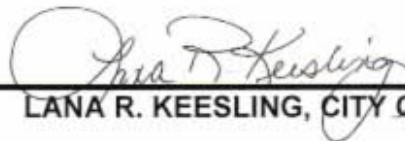
Read the first time in full and on motion by Councilperson Didier.

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

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

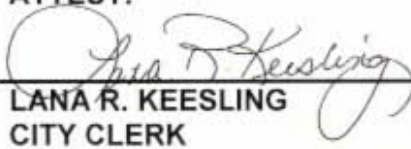
DATED: January 26, 2021



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-20-11-07 on the 26th day of January, 2021

ATTEST:

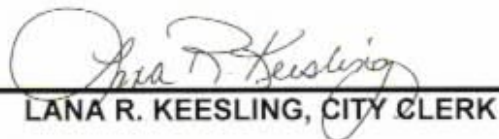


LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of January 2021, at the hour of 9:00 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28TH day of JANUARY 2020, at the hour of 10:00 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR

