

1 #REZ-2020-0052

2 BILL NO. Z-21-01-07

3  
4 ZONING MAP ORDINANCE NO. Z- 7-21

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. BB-02 (Sec. 10 of Aboite Township)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby designated an R1 (Single  
9 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of  
10 Fort Wayne, Indiana:

11 Part of the Northeast Quarter of Section 10, Township 30 North, range 11 East, Allen County,  
12 Indiana, described as follows:  
13 Commencing at the Southwest corner of the Northeast Quarter of said Section 10; thence North  
14 89 degrees 26 minutes 45 seconds East, on the South line of said Northeast Quarter, 40.00 feet  
15 to a 5/8" rebar at the Point of Beginning; thence North 00 degrees 18 minutes 35 seconds West  
16 (based on Indiana East State Plane Coordinate System (NAD'83)(2011)), 40.00 feet East of and  
17 parallel with the West line of said Northeast Quarter, 331.00 feet to a 5/8" rebar on the South line  
18 of Westchester Ridge, Section I, as recorded in Plat Cabinet "B", page 187 and found in the  
19 Office of the Recorder of Allen County, Indiana; thence North 89 degrees 26 minutes 45 seconds  
20 East, on said South line, 232.18 feet to a 5/8" rebar capped "C&D FIRM" at the Northwest corner  
21 of Lot 95 in Westchester Ridge, Section III, as recorded in Plat Cabinet "C", page 124; thence  
22 South 00 degrees 19 minutes 17 seconds East, on the West line of said Westchester Ridge,  
23 Section III, a distance of 331.00 feet to a 5/8" rebar at the Southwest corner of Lot 94 in said  
24 Westchester Ridge, Section III; thence South 89 degree 26 minutes 45 seconds West, on the  
25 South line of said Northeast Quarter, 232.25 feet to the Point of Beginning, containing 1.765  
26 acres, more or less, and subject to easements and rights of way of record.

27 and the symbols of the City of Fort Wayne Zoning Map No. BB-02 (Sec. 10 of Aboite Township),  
28 as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is  
29 hereby changed accordingly.

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

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5 \_\_\_\_\_  
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

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10 Carol T. Helton, City Attorney

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**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 McDermitt - Loughheed & Associates  
 Address 1017 S Hadley Road  
 City Fort Wayne State IN Zip 46804  
 Telephone 260-432-3665 E-mail krmcdermitt@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 1819 - 1905 SCOTT ROAD  
 Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 1.765  
 Proposed density 3.0 units per acre units per acre  
 Township name Aboite Township section # 10  
 Purpose of rezoning (attach additional page if necessary) For the development of 6 residential lots  
 Sewer provider Aqua Indiana Water provider FORT WAYNE

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

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

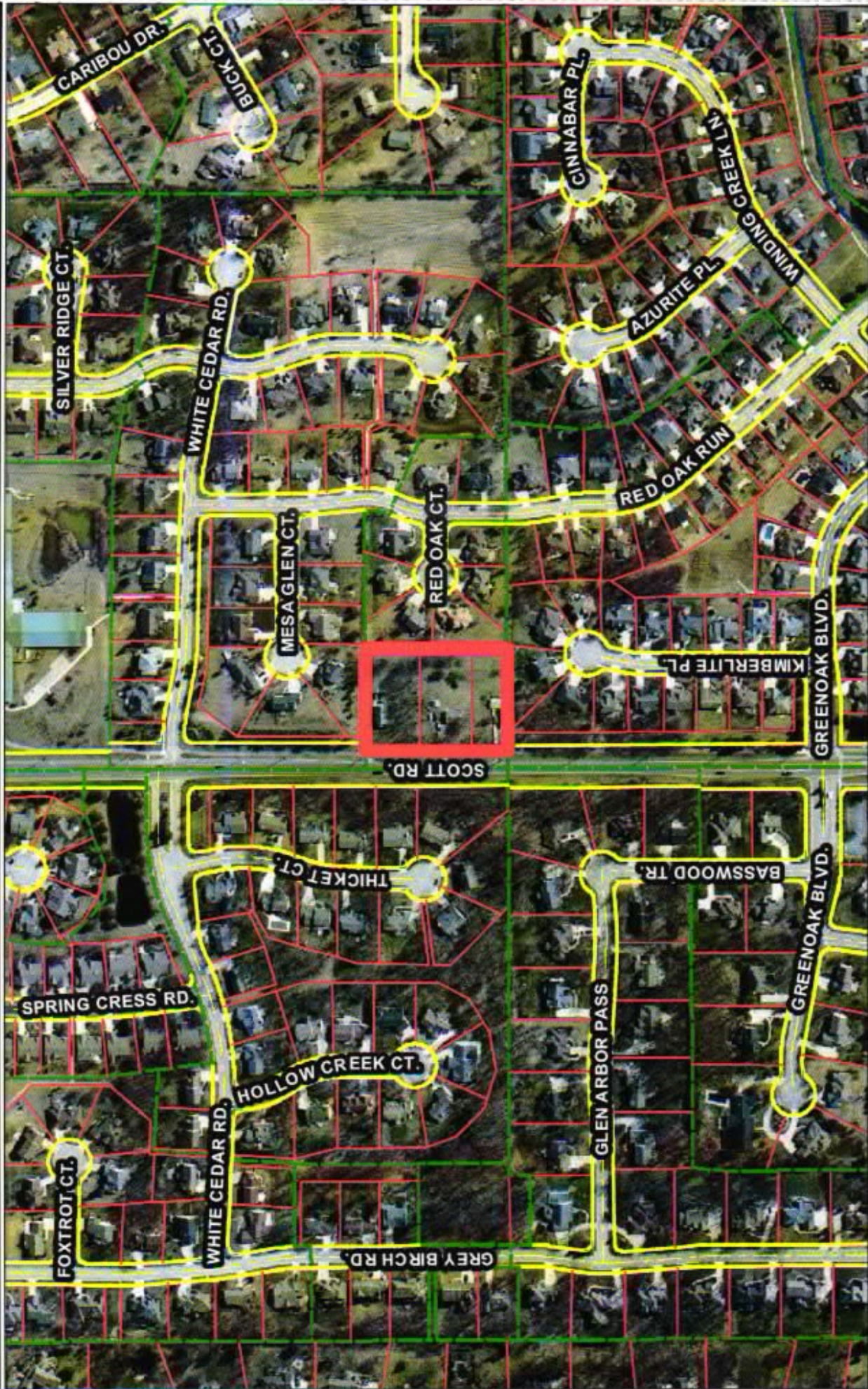
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Jim Mutton  
 (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 <u>12/1/2020</u>	Receipt No. <u>135892</u>	Hearing Date	Petition No. <u>REZ-2020-0052</u>
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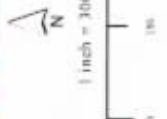


Rezoning Petition REZ-2020-0052 and Primary Minor Plat PMP-2020-0003 - Scott Road Estates



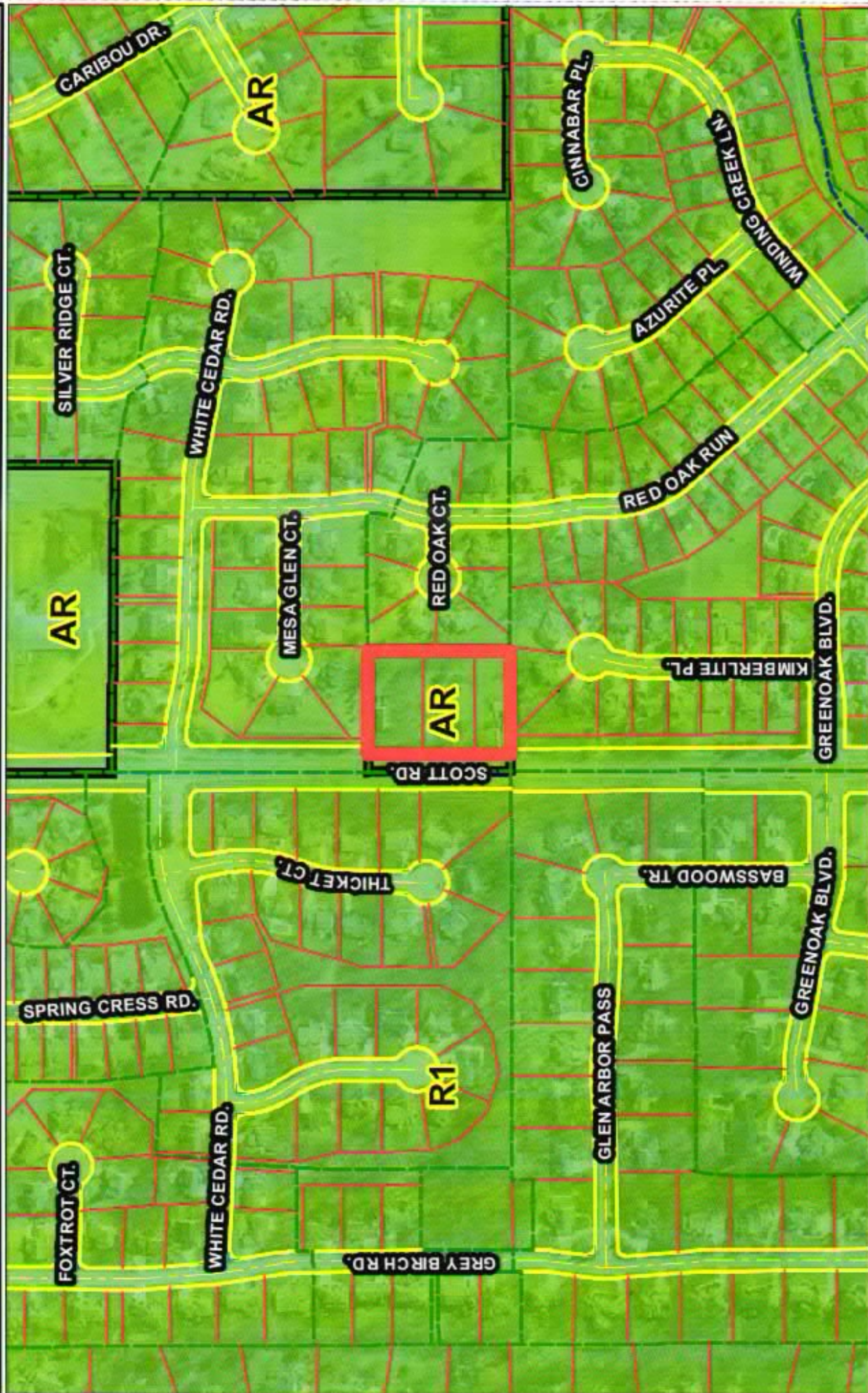
Although our accuracy standards have been explained in the companion of this map, Albur County does not warrant or guarantee the accuracy of the information contained herein and is not liable for any errors or omissions in this map.

© 2020 Board of Commissioners of the County of Albur  
 New Plats & Rezoning, Street Address List  
 Plans and Exhibits, Spring 2020  
 Date: 12/9/2020





Rezoning Petition REZ-2020-0052 and Primary Minor Plat PMP-2020-0003 - Scott Road Estates



Although not necessary standards have been obtained 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 omissions in this map.

© 2004 Board of Commissioners of the County of Allen  
 State of Ohio  
 Planning and Zoning Department  
 1200 North Main Street  
 Columbus, Ohio 43260  
 Date: 1/20/2020





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-2020-0052  
Bill Number: Z-21-01-07  
Council District: 4 – Jason Arp

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Introduction Date: January 26, 2021  
Plan Commission  
Public Hearing Date: January 13, 2021 (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 1.8 acres from AR/Low Intensity Residential to R1/Single Family Residential  
Location: 1800-1900 Blocks of Scott Road  
Reason for Request: To develop a 6-lot single family plat  
Applicant: JRM Realty, Jim Mutton  
Property Owner: JRM Realty, Jim Mutton

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Related Petitions: Primary Minor Plat, Scott Road Estates

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Effect of Passage: Property will be rezoned to the R1/Single Family zoning district, which allows the platting of lots.  
Effect of Non-Passage: The property is currently zoned AR and may continue as unplatted residential and could develop with low intensity agricultural uses.

## FACT SHEET

Case #REZ-2020-0052      Bill # Z-21-01-07      Project Start: December 2020	
APPLICANT:	Jim Mutton – JRM Realty LLC
REQUEST:	To rezone property from AR/Low Intensity Residential to R1/Single Family Residential; and approve a primary minor plat for a six-lot single family residential subdivision.
LOCATION:	The site is located on the east side of the 1800 to 1900 blocks of Scott Road (Section 10 of Aboite Township).
LAND AREA:	Approximately 1.8 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	R1/Single Family Residential
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECT:	Primary Minor Plat, Scott Road Estates
SPONSOR:	City of Fort Wayne Plan Commission

### **January 13, 2020 Public Hearing**

- Three property owners spoke at the hearing with concerns, questions, or in opposition.
- 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 Don Schmidt and seconded by Judi Wire to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

#### **6-0 MOTION PASSED**

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

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
February 4, 2021

## PROJECT SUMMARY

The properties involved have been utilized as metes and bounds residential single family.

The petitioner requests a rezoning from AR/Low Intensity Residential to R1/Single Family Residential to develop a minor plat for six single family lots. The property lies on the east side of Scott Road, between the Westchester Ridge subdivision and Rock Creek subdivision. The general area consists of platted single family subdivisions. Commercial development is located to the north at the intersection of Scott Road and SR 14/Illinois Road. The applicant owns the three lots that make of this project site. Two of the lots each contain a single family house, and the third lot contains a barn. The barn will be removed, the two existing homes will be sold on newly configured lots, and four new homes will be built on 4 new lots.

This proposal will allow the redevelopment of the real estate and provide for additional housing options for southwest Fort Wayne. 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.

**H4.** Provide housing choice within neighborhoods.

The site plan proposes a six lot development, with one structure proposed on each lot. The lot sizes are over double the required minimum standard of the Zoning Ordinance. No waivers or variances are proposed or allowed in conjunction with a primary plat. No perimeter landscape standards are required when single family is adjacent to single family. Each lot in a minor plat must have frontage on an existing non-arterial street. Scott Road is classified as an urban collector, which allows the lots to have direct frontage.

### **PUBLIC HEARING SUMMARY:**

Presenter: Kevin McDermit, representing JRM Realty, presented the proposal as outlined above.

#### Public Comments:

Chris Faherty, 10104 Mesa Glen Court – Concerns include drainage, signage, architectural standards, covenants, rentals, fencing, and property values.

Sara Fox Holtgrave, 10115 Red Oak Court – Concerns include compatibility, security, drainage, and their view being taken away.

Matt Truty, 10123 Red Oak Court – Concerns include loss of privacy, shared tree line, rentals, drainage, too many lots.

Tina Galucci, Westchester Glens – Concerns include rentals, incompatibility, traffic.

Joe Moisca, 1903 Kimberlite Place – Concerned about drainage.

#### Rebuttal: Kevin McDermit

If stormwater detention is required, there is room on the lots. Otherwise drainage will be handled by existing City stormwater inlets. There will likely be no signage for the development and no standard lighting. The homes could be rented or sold off as typical subdivision. There are other rental properties in the subdivisions surrounding this project. Monthly rent/mortgage will be \$1700 to \$1800, for three bedrooms and 2-car garage.

The rear yards will be substantial – over 100 feet deep. Regarding complaints about increased traffic – the number of trips from 6 homes on two driveways is incomparable to the existing traffic from the numbers of homes surrounding this project.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2020-0052

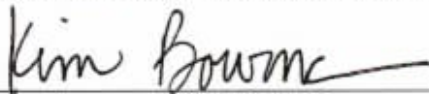
APPLICANT: Jim Mutton – JRM Realty LLC  
REQUEST: To rezone property from AR/Low Intensity Residential to R1/Single Family Residential for a six-lot single family residential subdivision.  
LOCATION: The site is located on the east side of the 1800 to 1900 blocks of Scott Road (Section 10 of Aboite Township).  
LAND AREA: Approximately 1.8 acres  
PRESENT ZONING: AR/Low Intensity Residential  
PROPOSED ZONING: R1/Single Family Residential

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**The Plan Commission recommends that Rezoning Petition REZ-2020-0052 be returned to Council with a “Do Pass” recommendation for the following reasons:**

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The R1/Single Family Residential zoning will continue the precedent of residential development in the Southwest quadrant of the City. This proposal will provide redevelopment using existing infrastructure. The plat will allow for the option of the residents to purchase the property.
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 area is predominately single family zoning and a new single family plat will be compatible.
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 January 13, 2021.



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

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Jim Mutton - JRM Realty LLC  
 Address 5612 Illinois Road  
 City Fort Wayne State IN Zip 46804  
 Telephone 260-432-9438 E-mail Jim@muttonpower.com

**Contact Person**  
 Contact Person Kevin McDermid - Lougheed & Associates  
 Address 1017 S Hadley Road  
 City Fort Wayne State IN Zip 46804  
 Telephone 260-432-3665 E-mail krmcdermid@comcast.net

*All staff correspondence will be sent only to the designated contact person.*

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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 \_\_\_\_\_  
 (printed name of applicant) (signature of applicant) (date)

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

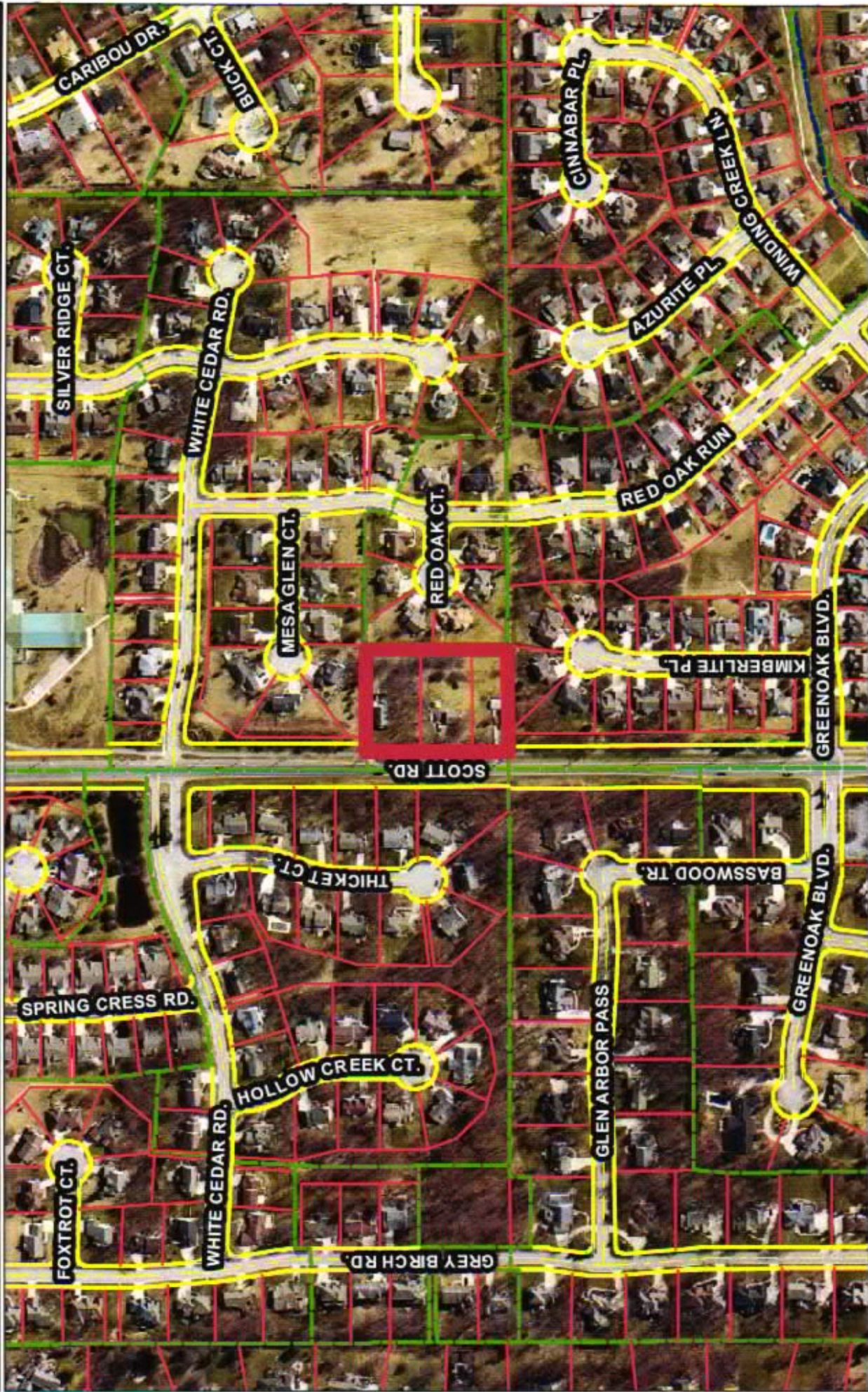
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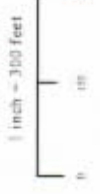
Received	Receipt No.	Hearing Date	Petition No.
12/1/2020	135892		REZ-2020-0052



Rezoning Petition REZ-2020-0052 and Primary Minor Plat PMP-2020-0003 - Scott Road Estates

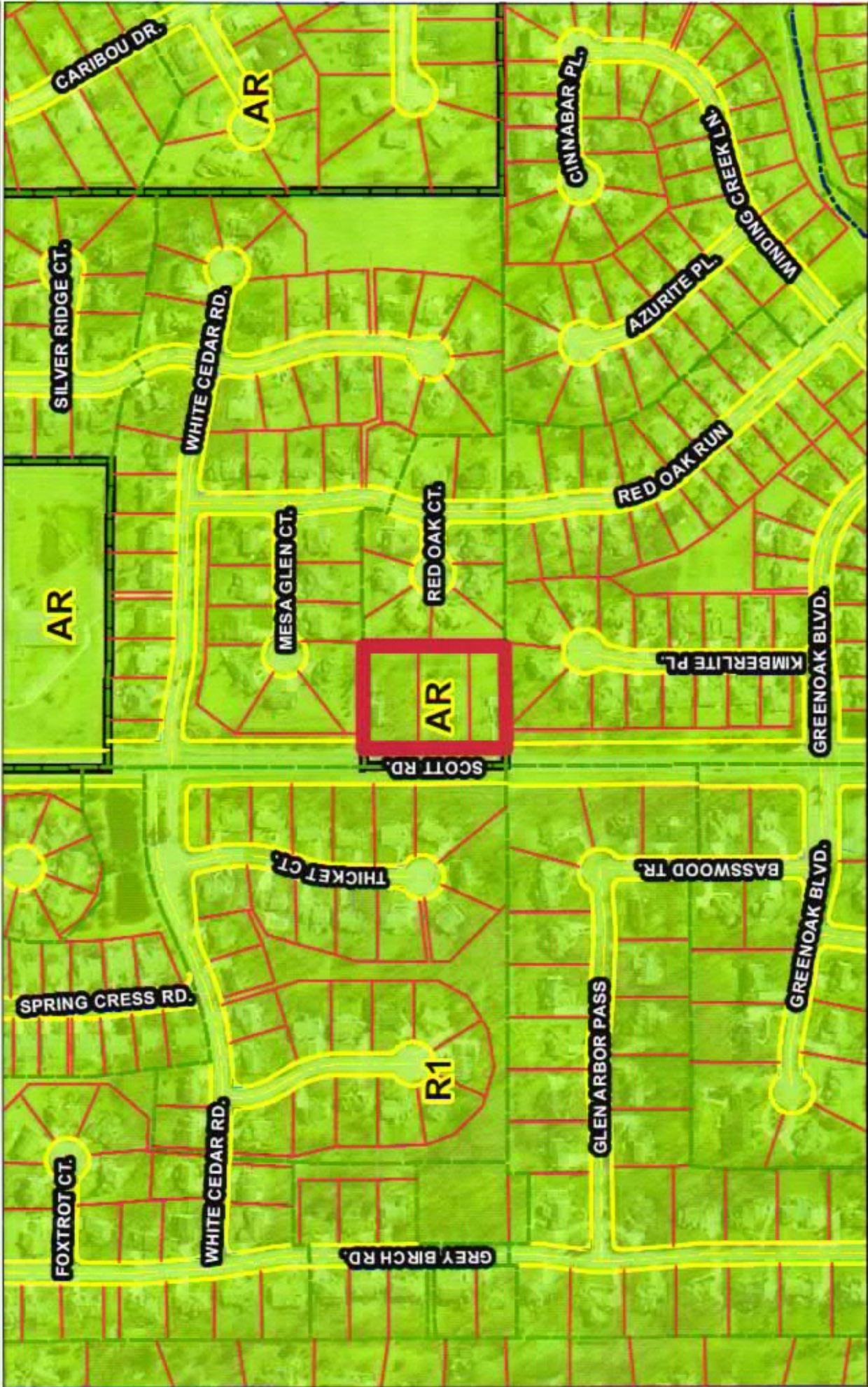


Although not necessary, standards have been employed in the preparation of this map. All other County laws and rules of practice apply. The accuracy of this map does not constitute a warranty. The City of Allen is not responsible for any errors or omissions. © 2014 Board of Commissioners of the City of Allen. Scott Road Estates, District 1883. Map: Plat-Covered Systems, Indiana East. Plat and Certificate Spring 2019. Date: 1/28/2020





Rezoning Petition REZ-2020-0052 and Primary Minor Plat PMP-2020-0003 - Scott Road Estates



Although this document has been prepared by the City of Illinois, it is not a contract. The City of Illinois does not warrant or guarantee the accuracy of the information contained herein. For more information, please contact the City of Illinois at 2024 Board of Commissioners of the City of Illinois, North Ashtabula Drive, 44813. Map: P1865-Cadastre Systems, Indiana East. Prepared: Cadastre Systems, 2/20/20. Date: 1/25/2020



**REPORT OF COMMITTEE ON REGULATIONS**

**February 9, 2021**

**Tom Freistroffer Chair**


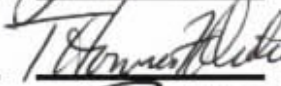



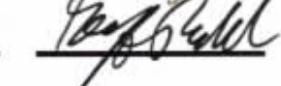
**Geoff Paddock Co-Chair**

**All Council Members**

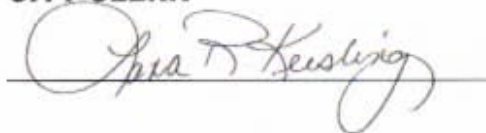
An Ordinance amending the City of Fort Wayne Zoning Map No. BB-02 (Sec. 10 of Aboite Township)

*To rezone 1.8 acres from AR/Low Intensity Residential to R1/Single Family Residential at the 1800 - 1900 blocks of Scott 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>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: January 13, 2021

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

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DATED: February 9, 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-21-01-07 on the 9th day of February, 2021

ATTEST:


  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of February 2021, at the hour of 9:50 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10<sup>th</sup> day of FEBRUARY 2021, at the hour of 10:30 o'clock AM . E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

