

1 #REZ-2021-0029

2 BILL NO. Z-21-06-29

3
4 ZONING MAP ORDINANCE NO. Z- 35-22

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. CC-27 (Sec. 27 of Aboite Township)

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

10 SECTION 1. That the area described as follows is hereby designated an R3
11 (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the
12 Code of the City of Fort Wayne, Indiana:

13 Part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 30
14 North, Range 11 East, Allen County, Indiana, more particularly described as follows, to-
15 wit:

16 Commencing at a P.K. Nail found marking the Northwest corner of the Southwest
17 Quarter of said Section 27; thence South 01 degrees 16 minutes 00 seconds East (all
18 bearings in this description are based on the West line of said Southwest Quarter having
19 an assumed bearing of North 01 degrees 16 minutes 00 seconds West) along said West
20 line, being within the right-of-way of Homestead Road, a distance of 1,687.90 feet to a
21 P.K. Nail found; thence North 87 degrees 52 minutes 54 seconds East, a distance of
22 35.00 feet (recorded North 89 degrees 56 minutes 00 seconds East, 35.01 feet) to an
23 iron pin on the East right-of-way of Homestead Road and being the True Point of
24 Beginning of the parcel herein described; thence South 01 degrees 16 minutes 00
25 seconds East along said East right-of-way line, a distance of 147.00 feet (recorded
26 145.77 feet) to an iron pin found; thence North 87 degrees 55 minutes 47 seconds East,
27 a distance of 550.96 feet to an iron pin found; thence North 00 degrees 55 minutes 59
28 seconds West, a distance of 147.48 feet to an iron pin found; thence South 87 degrees
29 52 minutes 54 seconds West, a distance of 551.82 feet to the True Point of Beginning,
30 said in previous deed to contain 1.863 acres of land, more or less. Excepting therefrom
the East 200 feet by parallel lines.

and the symbols of the City of Fort Wayne Zoning Map No. CC-11 (Sec. 27 of Aboite
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

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SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

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



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Rezoning Petition
Case Number: REZ-2021-0029
Bill Number: Z-21-06-29
Council District: 4-Jason Arp

Introduction Date: June 22, 2021

Plan Commission
Public Hearing Date: July 12, 2021 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone approximately 1.19 acres from AR/Low Intensity Residential to
R3/Multiple Family Residential

Location: 7109 Homestead Road

Reason for Request: To allow the construction of a 14-unit apartment building.

Applicant: Foresight Consulting

Property Owner: Homestead Office Park, LLC

Related Petitions: Primary Development Plan, Homestead Road Apartments

Effect of Passage: The property will be rezoned to allow for multiple family housing.

Effect of Non-Passage: The property will remain zoned for low intensity residential and light
agricultural uses. Apartments are not a permitted use in the AR district.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant FORESIGHT CONSULTING
 Address 1910 ST JOE CENTER ROAD SUITE 51
 City FORT WAYNE State IN Zip 46825
 Telephone 260484-9900 Fax 260484-9900 E-mail FOOD@45IRE.BIZ

Property Ownership
 Property Owner HOMESTEAD OFFICE PARK, LLC
 Address P.O. Box 609
 City ROANOKE State IN Zip 46783
 Telephone 260341.7442 Fax _____ E-mail platinumre@frontier.com

Contact Person
 Contact Person SAME AS APPLICANT
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ Fax _____ E-mail _____

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

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 7109 HOMESTEAD RD
 Present Zoning AR Proposed Zoning R-3 Acreage to be rezoned 6.19
 Proposed density 14 units per acre
 Township name *ADOLFE Township section # 27
 Purpose of rezoning (attach additional page if necessary) ACCOMMODATE PROPOSED MULTI FAMILY DEVELOPMENT
 Sewer provider AQUA Water provider CITY OF FORT WAYNE

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff 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.

FORESIGHT CONSULTING - LLC Tom R. Bauer 6/11/2021
 (printed name of applicant) (signature of applicant) (date)
HOMESTEAD OFFICE PARK LLC [Signature] 6/11/2021
 (printed name of property owner) (signature of property owner) (date)
 _____ (printed name of property owner) _____ (signature of property owner) _____ (date)
 _____ (printed name of property owner) _____ (signature of property owner) _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
6-1-21	137277	7/12/21	REZ-2021-0024

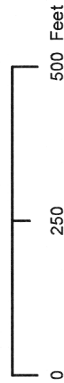


REZ-2021-0029 and PDP-2021-0024 Homestead Road Apartments



Although strict 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.

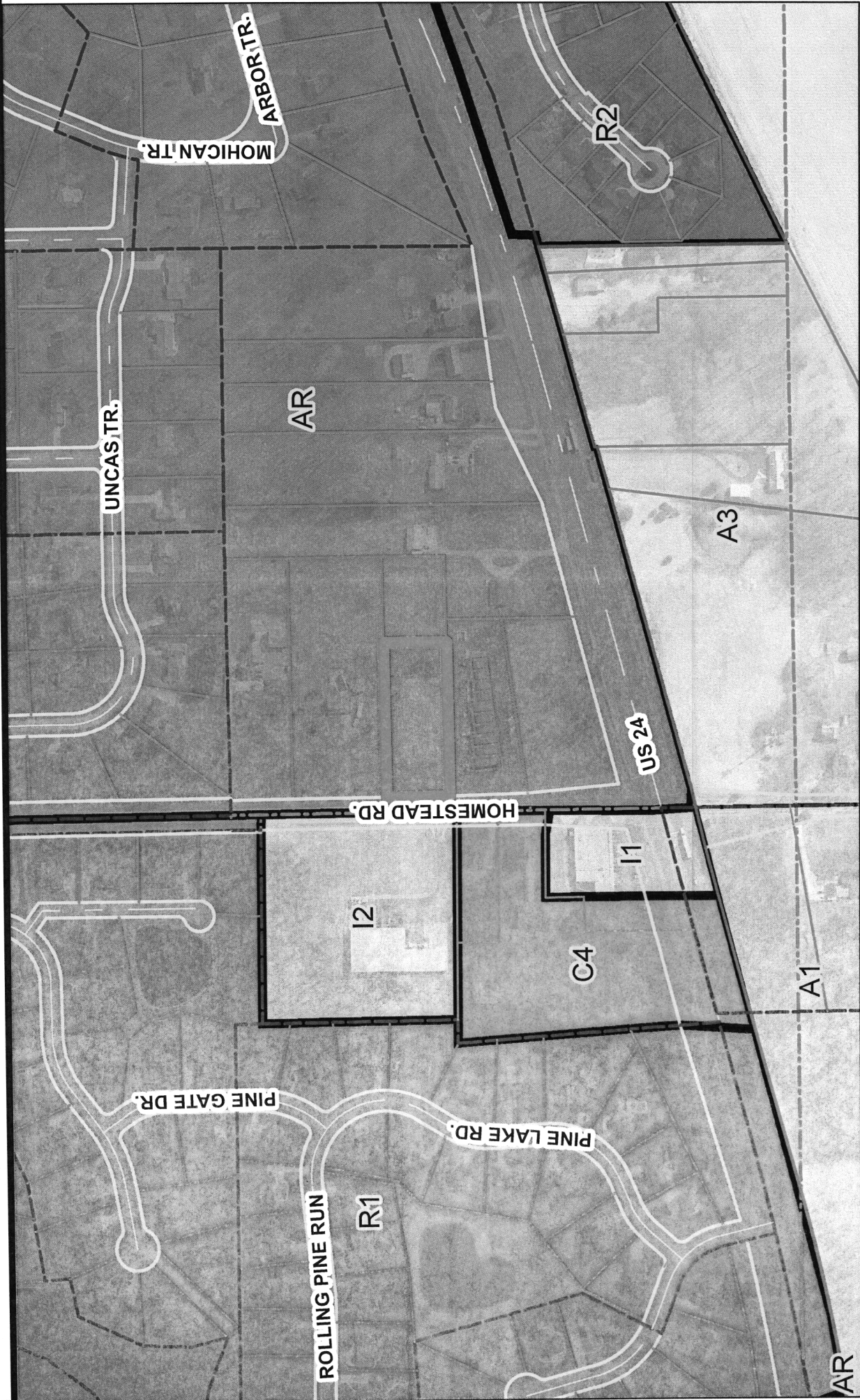
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/15/2021



1 inch = 300 feet

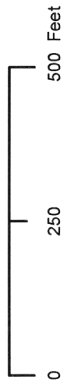


REZ-2021-0029 and PDP-2021-0024 Homestead Road Apartments



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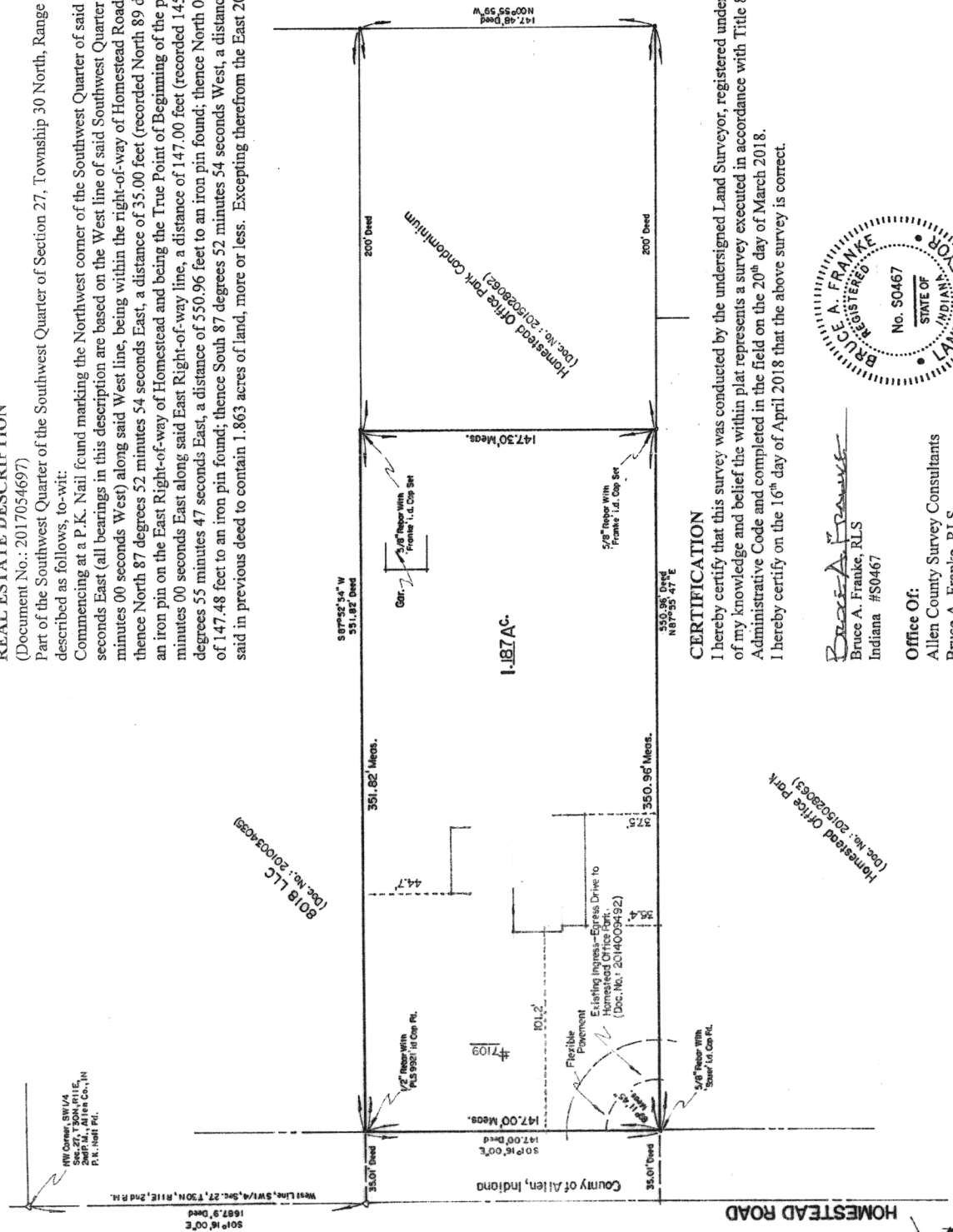
1 inch = 300 feet

REAL ESTATE DESCRIPTION

(Document No.: 2017054697)

Part of the Southwest Quarter of Section 27, Township 30 North, Range 11 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at a P.K. Nail found marking the Northwest corner of the Southwest Quarter of said Section 27; thence South 01 degrees 16 minutes 00 seconds East (all bearings in this description are based on the West line of said Southwest Quarter having as assumed bearing of North 01 degrees 16 minutes 00 seconds West) along said West line, being within the right-of-way of Homestead Road, a distance of 1,687.90 feet to a P.K. Nail found; thence North 87 degrees 52 minutes 54 seconds East, a distance of 35.00 feet (recorded North 89 degrees 56 minutes 00 seconds East, 35.01 feet) to an iron pin on the East Right-of-way of Homestead and being the True Point of Beginning of the parcel herein described; thence South 01 degrees 16 minutes 00 seconds East along said East Right-of-way line, a distance of 147.00 feet (recorded 145.77 feet) to an iron pin found; thence North 87 degrees 55 minutes 47 seconds East, a distance of 550.96 feet to an iron pin found; thence North 00 degrees 55 minutes 59 seconds West, a distance of 147.48 feet to an iron pin found; thence South 87 degrees 52 minutes 54 seconds West, a distance of 551.82 feet to the True Point of Beginning, said in previous deed to contain 1.863 acres of land, more or less. Excepting therefrom the East 200 feet by parallel lines



CERTIFICATION

I hereby certify that this survey was conducted by the undersigned Land Surveyor, registered under the Laws of the State of Indiana, and to the best of my knowledge and belief the within plat represents a survey executed in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code and completed in the field on the 20th day of March 2018.

I hereby certify on the 16th day of April 2018 that the above survey is correct.



Bruce A. Franke
 Bruce A. Franke, RLS
 Indiana #S0467

Office Of:

Allen County Survey Consultants
 Bruce A. Franke, RLS
 8215 Cardinal Court
 Fort Wayne, Indiana 46804-7830

Phone: (260) 486-1068

job for:

Homestead Office Park LLC
 Duane E. Ragan
 Peggy J. Schaefer

job number:

2606-0518

Scale: 1" = 90'

REZONING FACT SHEET

Petition #REZ-2021-0029 Z-21-06-29 Project Start: June 2021	
APPLICANT:	Foresight Consulting
REQUEST:	To rezone property from AR/Low Intensity Residential to R3/Multiple Family Residential and approve a primary development plan for a 14-unit apartment building.
LOCATION:	The site is located on the east side of Homestead Road, north of U.S. 24. The address of the subject property is 7109 Homestead Road. (Section 27 of Aboite Township).
LAND AREA:	Approximately 1.19 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	R3/Multiple Family Residential
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECT:	Primary Development Plan, Homestead Road Apartments
SPONSOR:	City of Fort Wayne Plan Commission

12 July 2021 Plan Commission Public Hearing

- Seven residents spoke at the hearing with concerns.

17 October 2022 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Judi Wire and seconded by Paul Sauerteig to return the ordinance to Common Council with a DO PASS recommendation for their final decision.
- **7-0 MOTION PASSED**
- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
October 26, 2022

PROJECT SUMMARY

SITE HISTORY

- Site has historically hosted a commercial building that was razed between 2015 and 2018.
- A single-family residence permit was applied for on the property in 2017. The project was abandoned after the foundation was laid.
- **In July 2021 the Plan Commission reviewed the rezoning and development plan. At this time sanitary sewer provisions were not settled. Plan Commission tabled the project until sewer options could be resolved.**
- **The applicant has submitted a request to the Plan Commission to bring the project back for consideration at the October 2022 Business Meeting.**

STAFF DISCUSSION

The applicant proposes to rezone from AR/Low-Intensity Residential to R3/Multiple Family Residential on this site. The site is north of the Homestead Road and US-24 intersection with frontage along Homestead Road. The vicinity hosts myriad uses, but most of the uses are residential to the north and non-residential to the south. A single-family residence is to the north with the Forest Ridge addition just beyond. To the south is a professional office park that received Board of Zoning Appeals approval. Wayne Chemical is to the west with the Pine Hollow subdivision just beyond.

The site once had a commercial style building constructed in the 1970's-1980's. However, historic imagery shows the building was demolished within the past decade. A single-family house project was likewise abandoned. The proposal of multiple-family residential zoning, R3, provides buffering between the professional office park and the subdivisions off Homestead Road. The applicant is working with Aqua Indiana sewer to accommodate proper sewer capacity for a multiple family building.

The proposed rezone meets the following goals and objectives of the Comprehensive Plan:

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.

LU6 - Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU8 - Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

H3.B - Identify appropriate locations for compatible infill housing that would replace vacant or underutilized sites in existing neighborhoods.

H4 - Provide housing choice within neighborhoods.

H6 - Promote mixed uses along with proximity of uses.

In association with the rezone, the applicant proposes a multiple-family building that contains 14 units in a townhouse-style layout. Rather than a complex, this will be a single building that runs parallel to the professional office park to the south. The front of the townhouses is oriented toward the office park, with the rear facing the single-family residences, mitigating headlights for residential neighbors. Today, the site includes an access drive which gives sole access to the professional office park to the south. This access easement will be negotiated privately and independently of this proposal.

It appears that all the zoning ordinance development standards for the R3 zoning district can be met. Projection standards allow for the proposed 8' patios to encroach into the 30' envelope setback. Adequate parking is provided via garages and approximate 30' driveways. As for pedestrian circulation, internal sidewalks do not apply to this project. The Walk Fort Wayne plan shows that Homestead Road is a

thoroughfare in need of Pedestrian Facilities, so the applicant will need to work with reviewing agencies to determine if a sidewalk should be shown on the construction documents.

The Zoning Ordinance requires B-3 landscaping to the north and east and B-4 landscaping to the west. In addition, A-1 landscaping is required on the driveway parallel to the parking lot adjacent to the professional office park. The applicant will work with Plan Commission staff on a landscaping plan before secondary submittal.

PUBLIC HEARING SUMMARY:

Presenter: Todd Bauer, representing the applicant, presented the project to the Plan Commission, as outlined above. A written commitment will be submitted that limits all C3 uses except for those needed for Drive and Shine. Mr. Trent stated that this development is textbook infill development and meets the intent of the comprehensive plan.

Public Hearing Comments:

Steve Johnson, Homestead Condos – Has not had discussions with applicant about using the existing detention pond. Concerned that AquaIndiana will not approve additional units on the sanitary lift station.

Mark Beckstedt, 10728 US 24 West (owner) – He granted the easement from the lift station and is not interested in extending an additional easement.

Rick Smith, 11215 Rolling Pine – Homestead Condos Treasurer and President of Forest Ridge – Concerned about sewer breakdowns, additional stormwater and traffic, trash, and maintenance.

Jill Harris, 10715 Braeburn Court – Concerned about additional traffic at US 24 and Homestead Road.

Adam Beckstedt – Believes the existing access easement is supposed to be for 7021 Homestead Road.

Patrick Barton, Vice President of Forest Ridge – Believes this will cause a decrease in property values.

Sean McCarthy, Dells of Bittersweet Board Member – Concerned about traffic and higher density uses.

Closing Comments:

The existing detention basin was designed for this additional development and as-builts have been approved. Traffic Engineering is not requiring any additional improvements for this level of development. They are working with AquaIndiana on the options for sewer. There is no access easement for 7021 Homestead.

MLS Engineering

Fort Wayne Office:
10060 Bent Creek Blvd
Fort Wayne, IN 46825
Phone: 260-489-8571

ENGINEERING YOUR TOMORROW...TODAY

www.mlswebsite.us

Corporate Office:
221 Tower Drive
Monroe, IN 46772
Phone: 260-692-6166

October 4, 2022

Michelle Wood, RLA
Senior Land Use Planner
Allen County Department of Planning Services
200 E. Berry Street, Suite 150
Fort Wayne, IN 46802
260-449-7607; michellewood@allencounty.us

**RE: Aqua Indiana Sewer Coordination Summary
Homestead Apartments (REZ-2021-0029) (PDP-2021-0024)
7109 Homestead Rd, Fort Wayne, IN 46814**

Dear Ms. Wood,

On August 29, 2022, MLS Engineering, LLC submitted a proposed sanitary sewer route exhibit to Ms. Sarah Baker (Construction Coordinator) and Mr. Jim Shields, PE (State Engineer) of Aqua Indiana, Inc. for the proposed Homestead Apartments development. A copy of the exhibit is attached to this letter for reference.

The Homestead Apartments development will utilize a private grinder station, which will discharge via a 2-inch public force main to the west across Homestead Road, through a utility easement to be obtained from landowner RKT Operations LLC, and connect to a proposed sanitary manhole which will be installed as part of the proposed RKT Operations LLC development located at 10930 US-24 W, Fort Wayne, IN 46804. The proposed gravity sewer will ultimately discharge to the Aqua Indiana 'Ellisville Lift Station' located along the north side of US Highway 24.

Based on previous correspondence, Aqua Indiana is in favor of the proposed sanitary sewer route with an understanding that the following design conditions are met:

1. Homestead Apartments grinder station shall remain privately owned and operated and shall be located outside of the Homestead Road right-of-way
2. A 15-foot utility easement shall be obtained from RKT Operations LLC for access to the future gravity sanitary sewer main
3. Obtain a Sanitary Sewer Construction Permit from the Indiana Department of Environmental Management (IDEM) prior to sanitary sewer construction
4. Use DR-11 2-inch HDPE pipe for the force main, which shall be dedicated as a public force main
5. Provide a terminal end to the sanitary line with a cleanout
6. Provide a curb stop assembly at the Homestead Road right-of-way

Feel free to contact myself or Aqua Indiana with any questions or concerns.

Sincerely,



Derek J. Simon, PE
Professional Engineer/Office Manager
MLS Engineering, LLC
Phone: 260-489-8571
Email: derek@mlswebsite.us

Attachment:

1. Proposed Sanitary Sewer Route Exhibit

Aqua Indiana Contacts:

Sarah Baker
Construction Coordinator
Aqua Indiana, Inc.
14421 Illinois Road
Fort Wayne, IN 46814
M: 260.403.9496 O: 260.625.4700 x55221



An Essential Utilities Company



An Essential Utilities Company

Jim Shields, PE
State Engineer
Aqua Indiana
5750 Castle Creek Parkway N. Dr., Suite 314
Indianapolis, Indiana 46250
O: 317.577.1390, Ext. 55207
M: 317.967.0503

BILL NO. Z-21-06-29


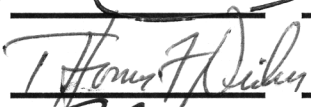
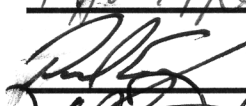
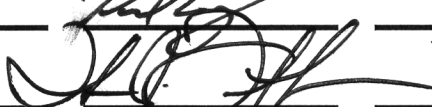

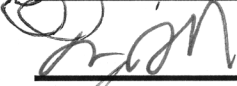

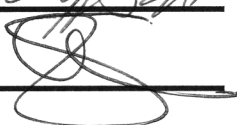
**REPORT OF COMMITTEE ON REGULATIONS
November 1, 2022**

***Paul Ensley Chair
Tom Freistroffer Co-Chair
All Council Members***

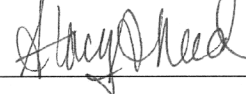
An Ordinance amending the City of Fort Wayne Zoning Map No. CC-27 (Sec. 27 of Aboite Township)

To rezone approximately 1.19 acres from AR/Low Intensity Residential to R3/Multiple Family Residential at 7109 Homestead Rd

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			

**STACY A. REED
DEPUTY CITY CLERK**



Public Hearing Date: July 12, 2021

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

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

Read the third time in full and on motion by Councilperson Ensley, 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: November 8, 2022



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-21-06-29 on the 8th day of November, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



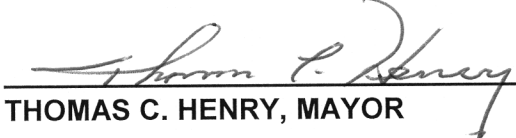
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th of November 2022, at the hour of 4:45 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of NOVEMBER 2022, at the hour of 12:30 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

