

1 #REZ-2021-0046

2 BILL NO. Z-21-08-11

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

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. R-27 (Sec. 29 of Adams 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 NC
10 (Neighborhood Center) District under the terms of Chapter 157 Title XV of the Code of the
11 City of Fort Wayne, Indiana:

12 A part of the South Half of the Southwest Quarter of Section 29, Township 30 North, Range 13
13 East, Adams Civil Township, Allen County, Indiana, also being a tract of land conveyed to
14 Richard Gustav Wiehe, Jr. by Document 2013063530, all recorded documents in this description
15 are recorded in the Office of the Recorder of Allen County, and more particularly described as
16 follows:

17 Commencing at the South Quarter corner of said Section 29, being marked by an INDOT Type
18 "B" Monument; thence South 88 degrees 55 minutes 14 seconds West, being the basis of all
19 bearings this description, on and along the South line of said
20 Southwest Quarter, a distance of 339.71 feet to the Point of Beginning, also being the
21 intersection of the West Top of Bank of the Trier Ditch and said South line, being marked by a
22 mag nail with an identification disk stamped "T-E INC FIRM #0070"; thence continuing South
23 88 degrees 55 minutes 14 seconds West, on and along said South line, a distance of 938.07 feet
24 to a mag nail with an identification disk stamped "T-E INC FIRM #0070"; thence North 00
25 degrees 35 minutes 25 seconds West, a distance of 840.03 feet to a 5/8-inch diameter rebar with
26 an identification cap stamped "T-E INC FIRM #0070"; thence North 88 degrees 55 minutes 14
27 seconds East, a distance of 944.77 feet to the West Top of Bank of the Trier Ditch, being marked
28 by a 5/8-inch diameter rebar with an identification cap stamped "T-E INC FIRM #0070"; thence
29 South 00 degrees 07 minutes 59 seconds East, on and along said West Top of Bank, a distance of
30 840.11 feet to the Point of Beginning, containing 18.154 acres more or less,
being subject to and/or together with all easements and rights-of-way of record.

and the symbols of the City of Fort Wayne Zoning Map No. R-27 (Sec. 29 of Adams
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

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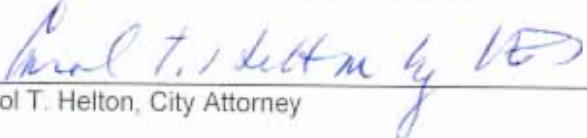
recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

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 4 Life Investments
 Address 3472 Stellhorn Road
 City Fort Wayne State IN Zip 46815
 Telephone 260-969-2709 E-mail jerrystarks@4lifeinvestmentsinc.com

Contact Person
 Contact Person T-E Incorporated c/o Aaron Carl, PE, PS
 Address 8620 Bluffton Road
 City Fort Wayne State IN Zip 46809
 Telephone 260-489-5541 E-mail acarl@t-einc.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 3700 Block of Tillman Road
 Present Zoning RP Proposed Zoning NC Acreage to be rezoned 18.154
 Proposed density 1.5 units per acre
 Township name Adams Township section # 29
 Purpose of rezoning (attach additional page if necessary) To align the land zoning with the proposed use.
 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 Rezonings Only

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

See attached Exhibit A

(printed name of applicant) _____ (signature of applicant) _____ (date) _____

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

See attached Exhibit A

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

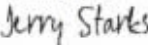
(printed name of property owner) _____ (signature of property owner) _____ (date) _____

Received	Receipt No.	Hearing Date	Petition No.
8-3-21	137499	9-13-2021	REZ-2021-0046

EXHIBIT A
4 LIFE INVESTMENTS
REZONING APPLICATION
SIGNATURE PAGE

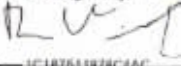
“APPLICANT”

4 LIFE INVESTMENTS, INC.

By: 
 DocuSigned by:
0E53CA50172049A
Jerry Starks, President

Dated: 8/3/2021

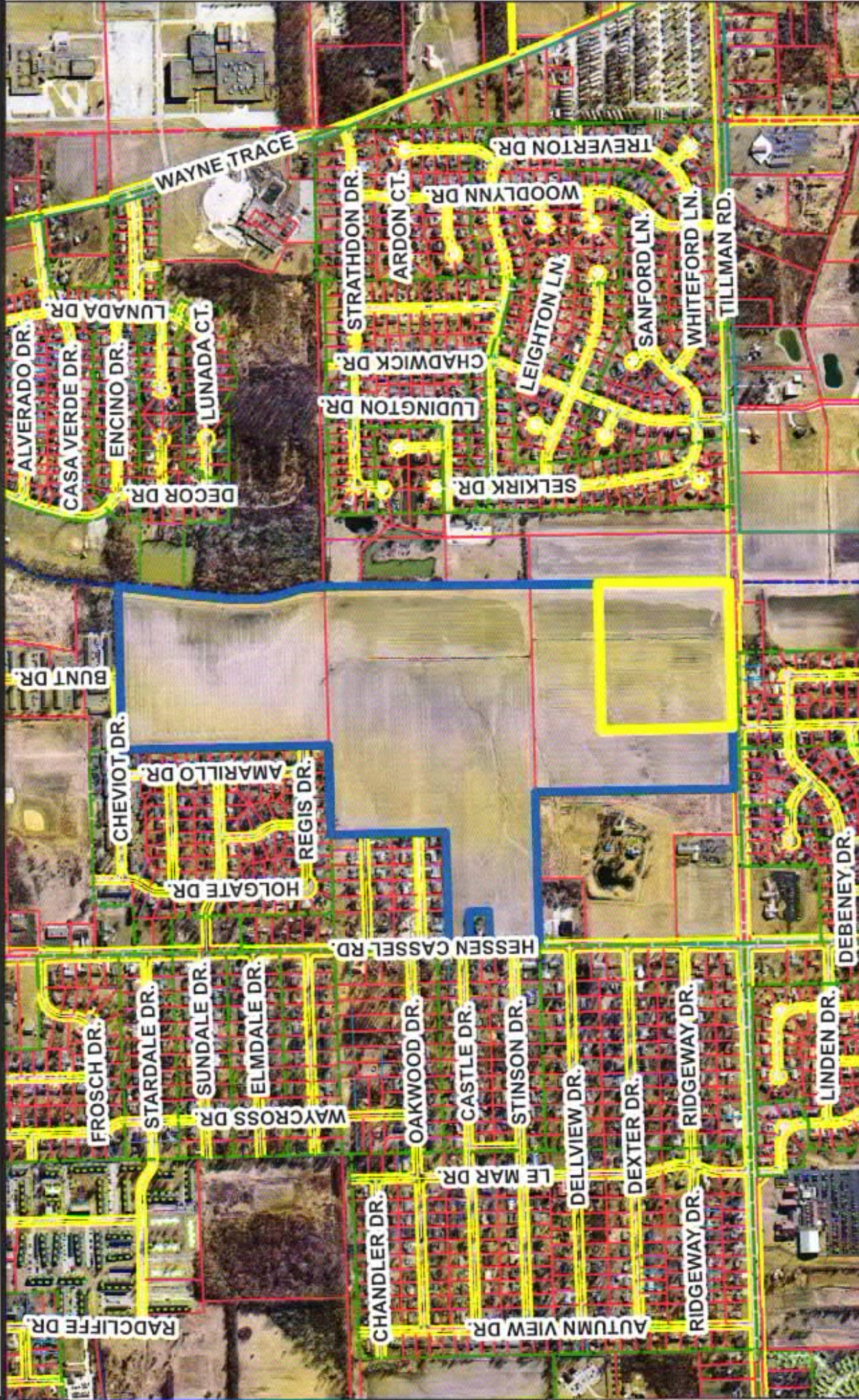
“PROPERTY OWNER”

By: 
 DocuSigned by:
1C187511878C4AC
Richard G. Wiehe, Jr.

Dated: 8/3/2021



REZ-2021-0046, PP-2021-0035 Roosevelt Pointe and PP-2021-0029 Roosevelt Reserves



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
 Process and Corrected: Spring 2009
 Date: 8/18/2021



Roosevelt_Pointe Single Family Plat



Roosevelt_NC Rezoning



1 inch = 833 feet

Primary Development Plan of Roosevelt Pointe

A development located in the Southeastern
County of DeKalb, Georgia, 30 North
Hwy 112 East, Atlanta, Georgia, 30328

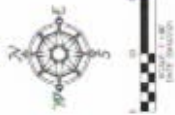
OWNER:
T-E Incorporated
1425 Peachtree Road
Atlanta, Georgia 30309
(404) 525-2100

DESIGNER:
T-E Incorporated
1425 Peachtree Road
Atlanta, Georgia 30309
(404) 525-2100

NOTICE:
This plan is prepared in accordance with the Georgia Surveying and Mapping Act of 1992, as amended, and the Georgia Professional Surveyors Act of 1992, as amended. It is intended to be used in conjunction with the Georgia Surveying and Mapping Act of 1992, as amended, and the Georgia Professional Surveyors Act of 1992, as amended. It is not to be used for any other purpose without the express written consent of the designer.

NOTICE:
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NOTE:
- 20' 3" LANDSCAPE BUFFER
- EVERGREEN TREE BUFFER TWO
- LARGE SHRUB BUFFER TWO



PROJECT SUMMARY

The petitioner, 4 Life Investments is requesting a development plan as well as a rezoning of 18.2 acres to NC/Neighborhood Center, for a nine-parcel commercial development. Additionally, the petitioner is requesting a 263-lot single family subdivision plat on existing RP/Planned Residentially zoned ground. The site is currently undeveloped and has historically been vacant. There are no known users in the commercial development at this time.

The general area has a mixture of land uses ranging from metes and bounds residential to multiple family residential with pockets of commercial uses. The site is predominantly bordered by subdivisions. Casselwood Plaza is located to the northwest and Trier Ridge Church is zoned C2/Limited Commercial and is located just west of the development proposals.

The majority of the property surrounding the proposed development is platted residential. There are existing light commercial uses in the area with the more intensive commercial uses located at Hessen Cassel and Paulding and Tillman and South Anthony Boulevard. The intention of the commercial development would be to provide walkable, neighborhood-oriented businesses to better serve the existing developed subdivisions and the proposed 262-lot subdivision.

The zoning request is compatible with the existing zoning along the Tillman Road corridor with C2/Limited Commercial zonings in the immediate area. The proposal can be supportive by the following goals and policies of the 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.

LU7. Encourage sustainable growth by conserving natural features and environmentally sensitive land with significant value.

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

PUBLIC HEARING SUMMARY:

Presenter: Josh Neal, representing the developer Jerry Starks, presented the proposal as outlined above.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

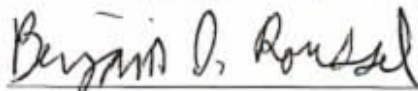
Rezoning Petition REZ-2021-0046

APPLICANT: 4 Life Investments
REQUEST: To rezone a portion of property from RP/Planned Residential to NC/Neighborhood Center
LOCATION: The site is located on the north side of the 3500 to 3800 blocks of East Tillman Road, on the east side of the 6800 to 7000 blocks of Hessen Cassel Road, and to the west of Trier Ditch (Section 36 of Wayne Township).
LAND AREA: Approximately 18.2 acres
PRESENT ZONING: RP/Planned Residential
PROPOSED ZONING: NC/Neighborhood Center

The Plan Commission recommends that Rezoning Petition REZ-2021-0046 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 NC/Neighborhood Center zoning will allow for neighborhood oriented services and retail to be provided in an underserved area. This proposal will provide infill development using existing infrastructure. Furthermore, approval of the rezoning follows several Southeast Strategy recommendations:
 - a. Nonresidential development adjacent to residential neighborhoods should contain lower intensity, neighborhood-oriented uses that focus on the needs of the surrounding community.
 - b. Zoning classifications should be compatible with existing land uses and development patterns in developed areas.
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. The Zoning Ordinance provides for lighting and landscaping standards.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow for the highest and best use on the site. Any future development will be required to comply with all the Zoning Ordinance's screening and buffering standards.
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. Public arterial streets surround the property on both the west and south sides of the development.

These findings approved by the Fort Wayne Plan Commission on September 20, 2021.



Benjamin J Roussel
Deputy Land Use Director
Interim Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant 4 Life Investments
 Address 3472 Stellhorn Road
 City Fort Wayne State IN Zip 46815
 Telephone 260-969-2709 E-mail jerrystarks@4lifeinvestmentsinc.com

Contact Person
 Contact Person T-E Incorporated c/o Aaron Carl, PE, PS
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Received <u>8-3-21</u>	Receipt No. <u>137999</u>	Hearing Date <u>9-13-2021</u>	Petition No. <u>REZ-2021-0046</u>
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EXHIBIT A
4 LIFE INVESTMENTS
REZONING APPLICATION
SIGNATURE PAGE

“APPLICANT”

4 LIFE INVESTMENTS, INC.

DocuSigned by:
By: Jerry Starks
0E53C453172049A
Jerry Starks, President

Dated: 8/3/2021

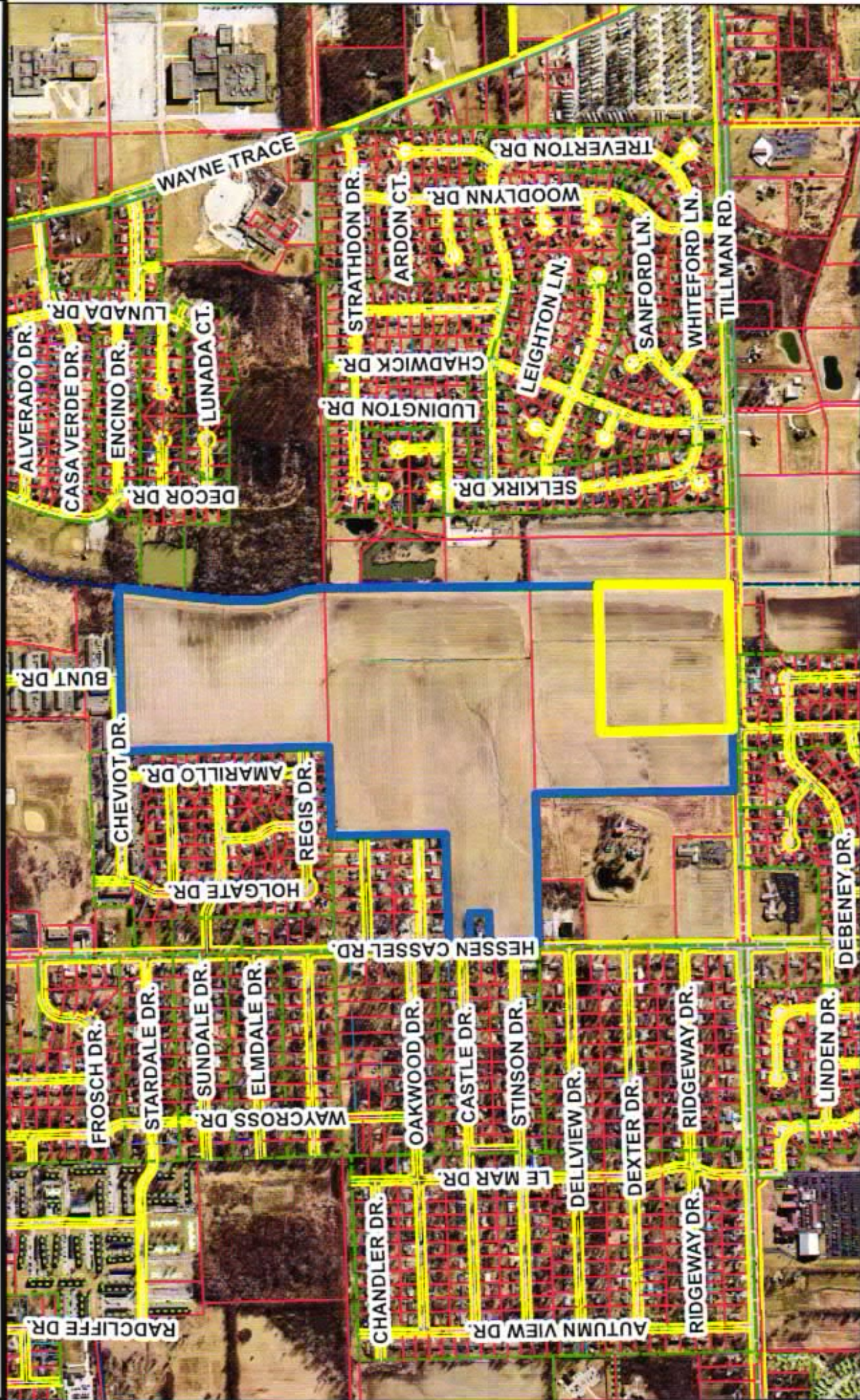
“PROPERTY OWNER”

DocuSigned by:
By: [Signature]
1C187641878C4AC
Richard G. Wiehe, Jr.

Dated: 8/3/2021



REZ-2021-0046, PP-2021-0035 Roosevelt Pointe and PP-2021-0029 Roosevelt Reserves



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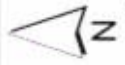
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North American Datum 1983
State Plane Coordinate System, Indiana East
Pencil and Contour: Spring 2009
Date: 8/3/2021



Roosevelt_Pointe Single Family Plat

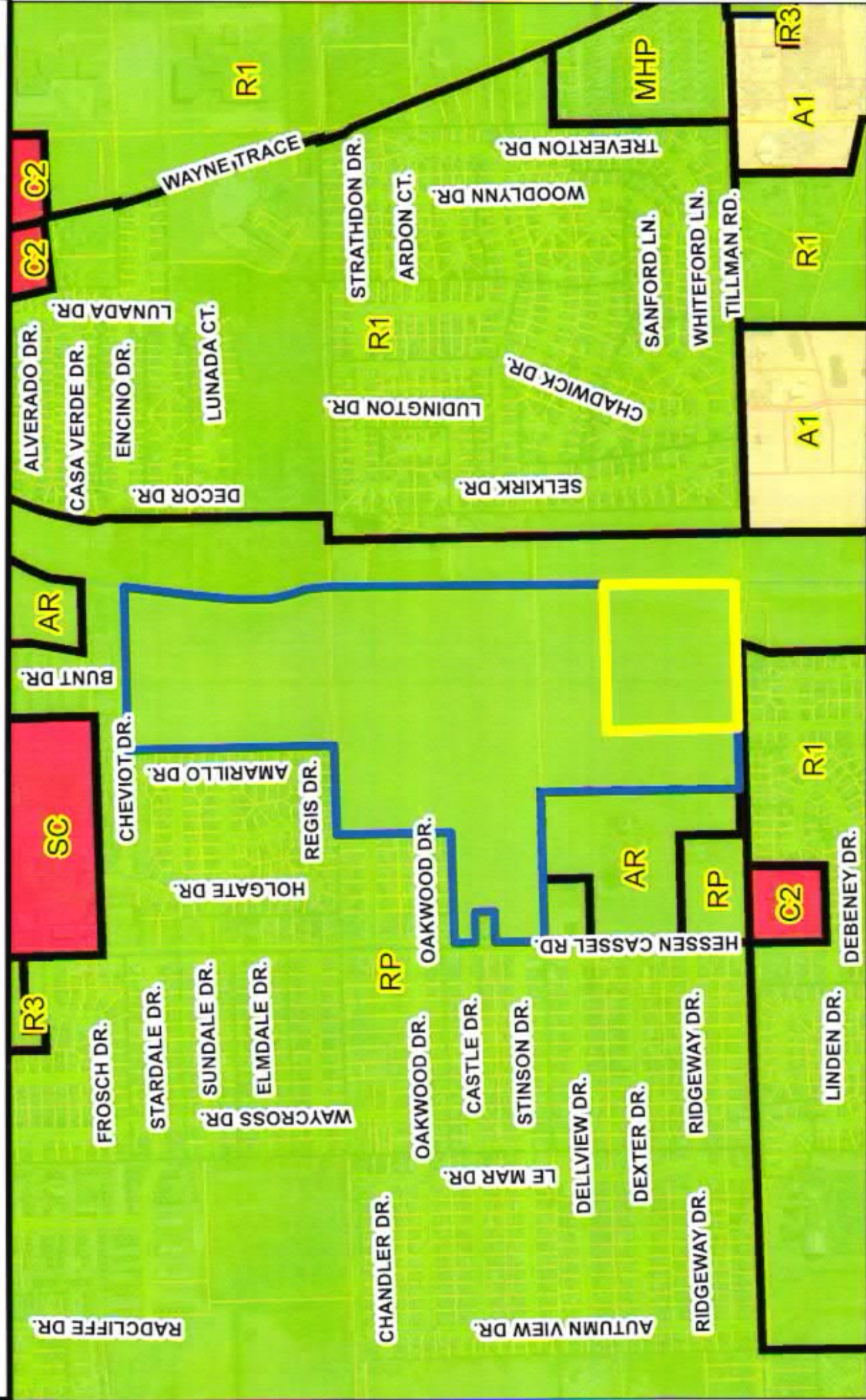
Roosevelt_NC Rezoning

1 inch = 833 feet





REZ-2021-0046, PP-2021-0035 Roosevelt Pointe and PP-2021-0029 Roosevelt Reserves



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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 8/18/2021



Roosevelt_Pointe Single Family Plat
 Roosevelt_NC Rezoning



1 inch = 833 feet



Primary Development Plan of Roosevelt Pointe

Advertisement located in the Backstop
Journal of Charleston, SC, Tuesday, 10/14/08
Page 11, Sec. 1 (West County), Indiv. 2

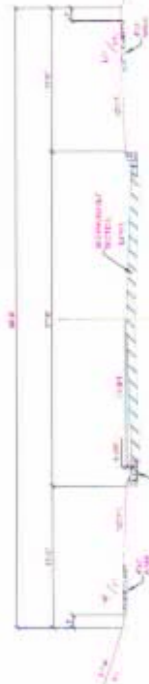
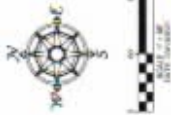
Developer:
T.E. Incorporated
1000 Northpark Drive
Suite 1000, North Charleston, SC 29405
(803) 400-2300

Architect:
T.E. Incorporated
1000 Northpark Drive
Suite 1000, North Charleston, SC 29405
(803) 400-2300

LANDSCAPE ARCHITECT:
The landscape architect has prepared this plan in accordance with the Florida Landscape Architecture Code, Chapter 486, Florida Statutes, and the Florida Board of Landscape Architecture, Chapter 60, Florida Administrative Code. The landscape architect is not responsible for the engineering or other professional services shown on this plan.

NOTES:
1. The landscape architect has prepared this plan in accordance with the Florida Landscape Architecture Code, Chapter 486, Florida Statutes, and the Florida Board of Landscape Architecture, Chapter 60, Florida Administrative Code. The landscape architect is not responsible for the engineering or other professional services shown on this plan.
2. The landscape architect has prepared this plan in accordance with the Florida Landscape Architecture Code, Chapter 486, Florida Statutes, and the Florida Board of Landscape Architecture, Chapter 60, Florida Administrative Code. The landscape architect is not responsible for the engineering or other professional services shown on this plan.

NOTE
-IF 8'-1" LANDSCAPE BARRIER
-EMERGENCY TREE SPECIES TWO
-LARGE SHRUB SPECIES TWO



TYPICAL STREET SECTION
(PERMANENT PAVEMENT)



T-E INCORPORATED
1000 Northpark Drive
Suite 1000, North Charleston, SC 29405
(803) 400-2300
Fax: (803) 400-2300
www.teinc.com

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0046
Bill Number: Z-21-08-11
Council District: 6-Sharon Tucker

Introduction Date: August 24, 2021
Plan Commission
Public Hearing Date: September 13, 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 18 acres from RP/Planned Residential to NC/Neighborhood Center.
Location: 3700 block of Tillman Road
Reason for Request: For approval of a 12-lot neighborhood commercial development.
Applicant: 4 Life Investments
Property Owner: Richard Wiehe

Related Petitions: Primary Development Plan, Roosevelt Pointe

Effect of Passage: Property will be rezoned to the NC/Neighborhood Center zoning district, which will allow the currently vacant parcel to be developed with commercial outlots.

Effect of Non-Passage: The property will remain zoned residential and may be developed for single, two-family or multiple family residential purposes.

FACT SHEET

Case #REZ-2021-0046	Bill # Z-21-08-11	Project Start: August 2021
APPLICANT:	4 Life Investments	
REQUEST:	To rezone a portion of property from RP/Planned Residential to NC/Neighborhood Center; approve a primary development plan for a 12-parcel commercial development.	
LOCATION:	The site is located on the north side of the 3500 to 3800 blocks of East Tillman and to the west of Trier Ditch (Section 36 of Wayne Township).	
LAND AREA:	Approximately 18.2 acres	
PRESENT ZONING:	RP/Planned Residential	
PROPOSED ZONING:	NC/Neighborhood Center and RP/Planned Residential	
COUNCIL DISTRICT:	6-Sharon Tucker	
ASSOCIATED PROJECT:	Primary Development Plan, Roosevelt Pointe	
SPONSOR:	City of Fort Wayne Plan Commission	

September 13, 2021 Public Hearing

- There were no speakers from the public.
- Don Schmidt, Paul Sauerteig and Justin Shurley were absent.

September 20, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Judi Wire and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

6-0 MOTION PASSED

- Don Schmidt, Paul Sauerteig and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
September 30, 2021

BILL NO. Z-21-08-11

REPORT OF COMMITTEE ON REGULATIONS

October 5, 2021

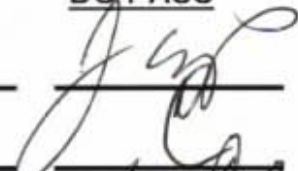
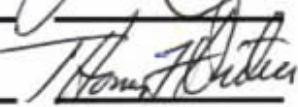
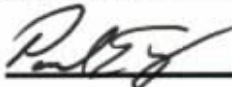



Geoff Paddock Chair

Tom Freistroffer Co-Chair

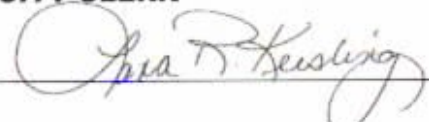
All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. R-27 (Sec. 29 of Adams Township) - To rezone approximately 18 acres from RP/Planned Residential to NC/Neighborhood Center at the 3700 block of Tillman 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	Remote		
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: September 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 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: October 12, 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-21-08-11 on the 12th day of October, 2021

ATTEST:



 LANA R. KEESLING
 CITY CLERK



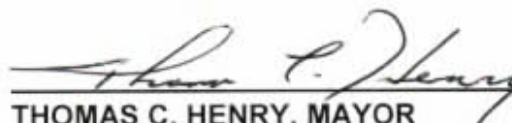
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of October 2021, at the hour of 9:55 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13TH day of OCTOBER 2021, at the hour of 12:00 o'clock Pm E.S.T.



 THOMAS C. HENRY, MAYOR

