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#REZ-2021-0072

BILL NO. Z-22-02-05

ZONING MAP ORDINANCE NO. Z- 10-22

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. R-11 (Sec. 14 of Adams Township)**

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

SECTION 1. That the area described as follows is hereby designated an R2 (Two
Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:


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

Lots 15 and 16 in Schlaudroff's Addition to the City of Fort Wayne, as platted in
Book 11 B, Page 86, in the Office of the Recorder of Allen County, Indiana


and the symbols of the City of Fort Wayne Zoning Map No. R-11 (Sec. 14 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
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
2 passage and approval by the Mayor.

3
4 
5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

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9 _____
10 Carol T. Helton, City Attorney

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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0072
Bill Number: Z-22-02-05
Council District: 6-Sharon Tucker

Introduction Date: February 8, 2022
Plan Commission
Public Hearing Date: February 14, 2022 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 0.59 acres from R1/Single Family Residential to R2/Two Family Residential.
Location: 3704 Wayne Trace
Reason for Request: For approval of a new residential duplex structure
Applicant: JJI, Inc.
Property Owner: Reggie Jackson

Related Petitions: none

Effect of Passage: Property will be rezoned to the R2/Two Family zoning district, which will allow the currently vacant parcel to be developed with either a single or two-family residential structure.

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

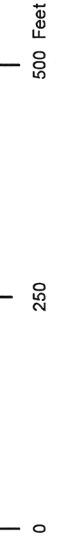


Rezoning Petition REZ-2021-0071 - 3704 Wayne Trace



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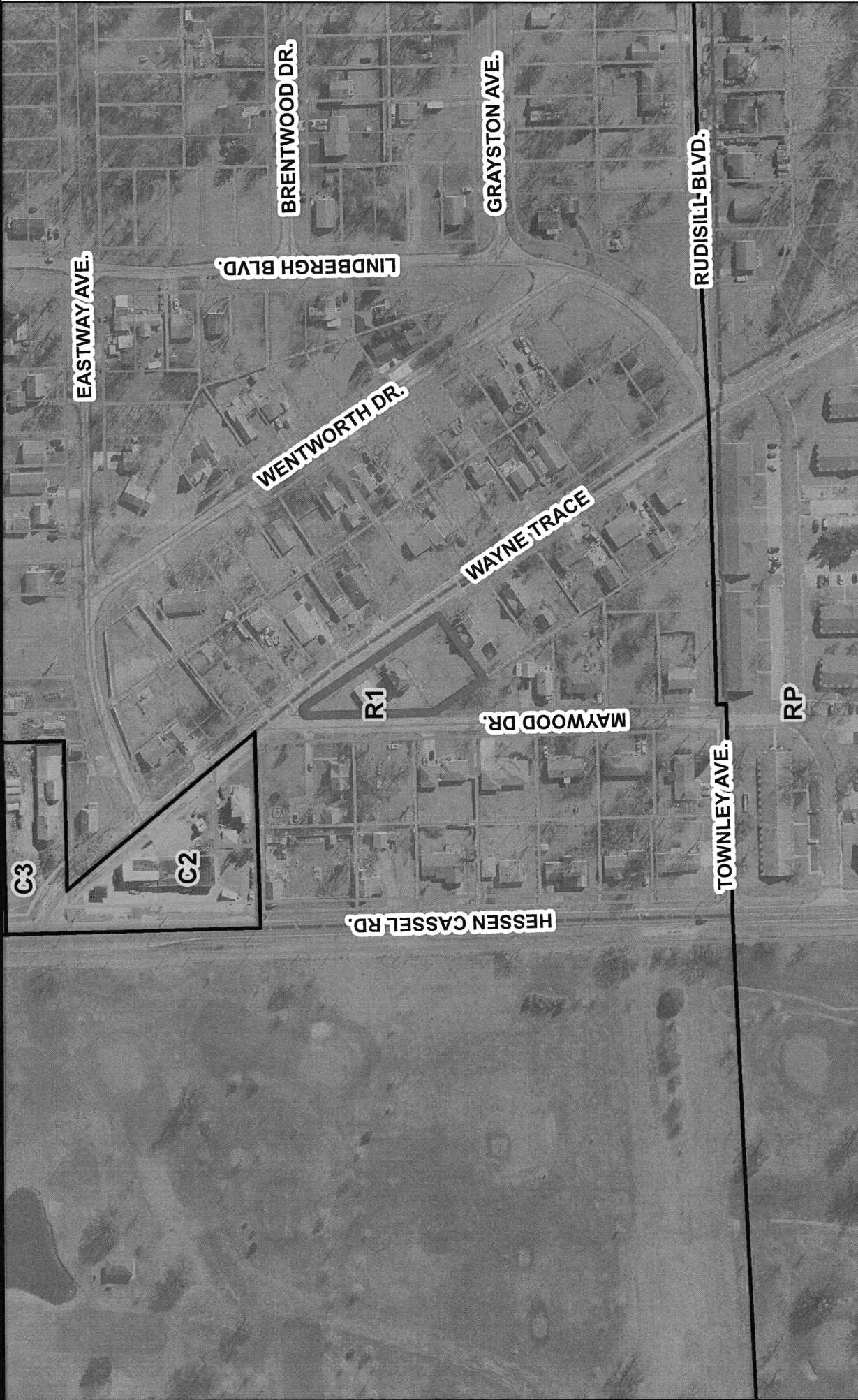
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours, Spring 2009
Date: 1/19/2022



1 inch = 200 feet

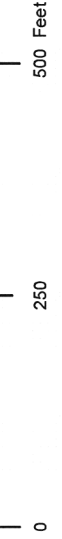


Rezoning Petition REZ-2021-0071 - 3704 Wayne Trace



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 Photos and Contours: Spring 2009
 Date: 1/19/2022



1 inch = 200 feet

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant JSI INC
 Address 9827 SKIPJACK COVE
 City Fort Wayne State IN Zip 46835
 Telephone 260 715 3598 E-mail ROJACKSON181@yahoo.com

Contact Person
 Contact Person Peggie Jackson ROJACKSON181@yahoo.com
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ 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 3704 Wayne Trace
 Present Zoning R1 Proposed Zoning R2 Acreage to be rezoned 0.59
 Proposed density _____ units per acre
 Township name Adams Township section # 17
 Purpose of rezoning (attach additional page if necessary) _____
 Sewer provider City Water provider City

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.

Peggie Jackson (printed name of applicant) [Signature] (signature of applicant) 12/28/21 (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	Receipt No.	Hearing Date	Petition No.
12/20/21	139160	2/14/21	REZ-2021-0072

2015054686
RECORDED: 10/22/2015 1:57:02 PM
ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

THIS FORM HAS BEEN PREPARED FOR USE IN THE STATE OF INDIANA BY LAWYERS ONLY. SELECTING A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTING SPECIAL CLAUSES MAY CONSTITUTE THE PRACTICE OF LAW, WHICH SHOULD BE PERFORMED ONLY BY A LAWYER.

Mail tax bills to: 3704 Wayne Trace, Fort Wayne, IN 46806

Tax Key No. _____

IND-119067

DEED OF PERSONAL REPRESENTATIVE

Representative(s) of the estate of Larry McChesney, as Personal Representative of Thomas F. McChesney deceased. This estate is pending as Cause Number 02D03-1506-EU-290 in Allen County, Indiana.

(mark 1 or 2)

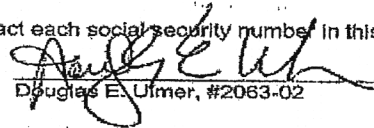
1. convey(s) to JJI, Inc. of Allen County in the State of Indiana for good and sufficient consideration (mark 1.1, 1.2, or 1.3):
1.1 By order of the _____ Court of _____ County, Indiana, dated _____
1.2 By virtue of the decedent's will.
1.3 By virtue of power given a personal representative in unsupervised administration under Indiana law.

2. distribute(s) to _____ of _____ County in the State of _____, as an heir or devisee in unsupervised administration

the following described real estate located in Allen County, Indiana:
Schlaudroff Lot 15 & 16, pursuant to the Assessor of Allen County, Indiana, Parcel No. 02-13-17-303-006-000-070, commonly known as 3704 Wayne Trace, Fort Wayne, Indiana 46806-4540. Adams 129315

Subject to all covenants, restrictions, reservations, rights of way, easements, mortgages, taxes, assessments, conditions and rights appearing of record; subject to any state of facts that an accurate survey would show.

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


Douglas E. Ulmer, #2063-02

(Do not mark below this line)

AFTER RECORDING
RETURN TO:
TRADEMARK TITLE
9025 COLDWATER ROAD STE 100A
FORT WAYNE, IN 46825

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

Oct 22 2015

TERA K. KLUTZ
AUDITOR OF ALLEN COUNTY

This deed has been made pursuant to and for the purposes of IC 29-1-15-18, IC 29-1-7.5-3.4, and/or IC 29-1-7.5-3.6 and any laws amendatory or in substitution thereto.

Dated this 21st day of October, 2015

Larry McChesney Personal Rep.
(Signature)

Larry McChesney

(Name Printed or Typed)

as Personal Representative(s).

STATE OF INDIANA, COUNTY OF Allen SS:

Before me, a Notary Public in and for said County and State, personally appeared Larry McChesney,

as Personal Representative(s) of Thomas F. McChesney, deceased, and acknowledged the execution of the foregoing deed.

Witness my hand and Notarial Seal this 21st day of October 2015

My Commission Expires: 7/25/2020

Resident of Allen County

Signature: [Handwritten Signature]
Printed: Aimee Clinkenbeard Notary Public

This instrument prepared by: Douglas E. Ulmer

Attorney at Law

Attorney Identification No. 2063-02

Mail to: Tax Bill + Grants address
982A Skipjack Ct
Ft. Wayne IN 46835



AIMEE CLINKENBEARD, Notary Public
Allen County, State of Indiana
My Commission Expires July 26, 2020

©COPYRIGHT 1997, THE ALLEN COUNTY INDIANA BAR ASSOCIATION, INC. (REV. 2/97, 6/99)

FACT SHEET

Case #	REZ-2021-0072	Bill #	Z-22-02-05	Project Start:	January 2022
APPLICANT:	JJI, Inc.				
REQUEST:	To rezone the property from R1/Single Family Residential to R2/Two Family Residential to allow for R2 uses and development design standards.				
LOCATION:	The address of the subject property is 3704 Wayne Trace (Section 17 of Adams Township).				
LAND AREA:	Approximately .6 acres				
PRESENT ZONING:	R1/Single Family Residential				
PROPOSED ZONING:	R2/Two Family Residential				
COUNCIL DISTRICT:	6-Sharon Tucker				
ASSOCIATED PROJECT:	None				
SPONSOR:	City of Fort Wayne Plan Commission				

February 14, 2022 Public Hearing

- One member of the public spoke at the hearing with concerns regarding existing issues of trespassing and trash.
- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

February 21, 2022 Business Meeting

- Plan Commission Recommendation: **DO PASS**
- A motion was made by Judi Wire and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation to Common Council for their final decision.
- **6-0 MOTION PASSED**
- Rachel Tobin-Smith, Justin Shurley, and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Christian J. Beebe Principal Land Use Planner
March 2, 2022

PROJECT SUMMARY

- The primary structure was built in 1930 with the accessory structure built in 1970.
- The proposed use is a two-family residential dwelling.
- The Schlaudroffs subdivision was platted in 1925.

STAFF DISCUSSION:

The petitioner is requesting a rezoning from R1/Single Family Residential to R2/Two Family Residential. The property currently consists of a single family home and an accessory structure. The applicant intends to split the parcel and build a duplex on the south side.

There is no development plan associated with this request and there are no proposed changes to the site at this time. There is ample space to build a duplex on the property that would meet all development standards. The parcel is located in Area 6 of the Airport Overlay District, which should not limit the development of the property. According to historical imagery no structure has been located on the south side of this property since at least 1957.

The R2/Two Family Residential zoning district has similar development standards compared to R1/Single Family Residential zoning. The R2 zoning would permit the duplex, but would also permit a single family residential home if the applicant's plans were to change.

The proposed rezoning helps fulfill objectives in the Housing and Neighborhoods section of the Plan-it Allen Comprehensive Plan by promoting attractive neighborhoods, building on the assets and stabilizing existing neighborhoods, providing housing choices within neighborhoods, and enhancing connectivity (Objectives H2, H3, H4, H5). The proposal also follows objectives of the Land Use section, such as developing within the Conceptual Development Growth Area, adjacent to existing development, utilizing existing infrastructure, and enhancing connectivity (Objectives LU2 and LU3).

The applicant stated that there is a lack of rental housing and this will provide more housing option in the area.

PUBLIC HEARING SUMMARY:

Presenter: Reggie Jackson presented the request to Plan Commission as outlined above.

Public Comments: Henry McPherson of 3729 Maywood Avenue, had concerns regarding trespassing on his property and trash in the area.

Letters of Support: None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

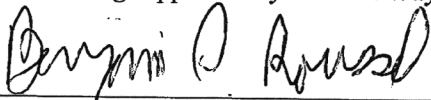
Rezoning Petition REZ-2021-0072

PROPOSAL: Rezoning Petition REZ-2021-0072
APPLICANT: JJI, Inc.
REQUEST: To rezone the property from R1/Single Family Residential to R2/Two Family Residential to allow for R2 uses and development design standards.
LOCATION: The address of the subject property is 3704 Wayne Trace (Section 17 of Adams Township).
LAND AREA: Approximately .6 acres
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: R2/Two Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2021-0072 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 City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is residential. The proposal is to allow a two-family residential use into the area, which will broaden housing types in the neighborhood.
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. Duplex structures have compatible development standards as single family structures. The proposed lot split will result in two residential lots of similar size to surrounding development.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for a two-family residential building or a single family residential building, if desired. Approval would allow additional investment into the neighborhood.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This petition is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently adjacent to the site.

These findings approved by the Fort Wayne Plan Commission on February 21, 2022.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant JSI INC
 Address 9827 Skipjack Cove
 City FL Warr State IN Zip 46835
 Telephone 260 715 3598 E-mail ROJACKSON181@yahoo.com

Contact Person
 Contact Person Peggie Jackson ROJACKSON181@yahoo.com
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ 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 3704 Wayne Trac
 Present Zoning R1 Proposed Zoning R2 Acreage to be rezoned 0.59
 Proposed density _____ units per acre
 Township name Adams Township section # 17
 Purpose of rezoning (attach additional page if necessary) _____

 Sewer provider City Water provider City

Filing Requirements
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 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.

Peggie Jackson (printed name of applicant) [Signature] (signature of applicant) 12/28/21 (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	Receipt No.	Hearing Date	Petition No.
12/20/21	139160	2/14/21	REZ-2021-0072

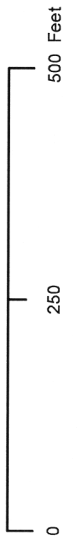


Rezoning Petition REZ-2021-0071 - 3704 Wayne Trace



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1 inch = 200 feet

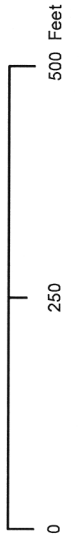


Rezoning Petition REZ-2021-0071 - 3704 Wayne Trace



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BILL NO. Z-22-02-05

REPORT OF COMMITTEE ON REGULATIONS

March 15, 2022

Tom Freistroffer Chair


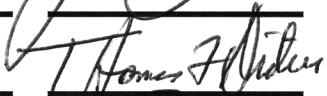


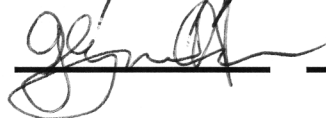
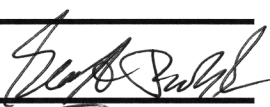

Paul Ensley Co-Chair

All Council Members

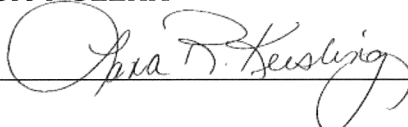
An Ordinance amending the City of Fort Wayne Zoning Map No. R-11 (Sec. 14 of Adams Township)

Rezone approximately 0.59 acres from R1/Single Family Residential to R2/Two Family Residential at 3704 Wayne Trace, JJI Inc.

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: February 14, 2022

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

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

Read the third time in full and on motion by Councilperson Freistroffer, 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: March 22, 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-22-02-05 on the 22nd day of March, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



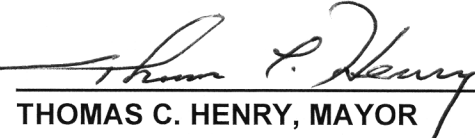
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of March 2022, at the hour of 10:15 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 23RD day of MARCH 2022, at the hour of 10:30 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

