

1 #REZ-2021-0071

2 BILL NO. Z-22-05-02

3  
4 ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map Nos. R-54, R-50, S-54 and S-50 (Sec. 31 of St. Joseph 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 Commercial Property Legal Description

13 A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH,  
14 RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF  
15 THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528  
16 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING  
17 MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
18 BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID BOURIE'S  
19 RESERVE WITH THE CENTERLINE OF CLINTON STREET (FORMERLY FORT WAYNE  
20 AND LEO ROAD); THENCE NORTH 54 DEGREES 59 MINUTES 14 SECONDS EAST  
21 (INDIANA STATE PLANE GRID BEARING AND BASIS OF BEARINGS TO FOLLOW) ON  
22 AND ALONG SAID CLINTON STREET CENTERLINE, A DISTANCE OF 1056.76 FEET;  
23 THENCE SOUTH 35 DEGREES 00 MINUTES 46 SECONDS EAST A DISTANCE OF 25.00  
24 FEET TO THE WESTERLY MOST CORNER OF THE LANDS OF THE STATE OF  
25 INDIANA AS RECORDED IN DOCUMENT NUMBER 93-37229 WITHIN THE OFFICE OF  
26 THE RECORDER OF ALLEN COUNTY, INDIANA, SAID CORNER BEING MARKED BY A  
27 HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 73 DEGREES 46 MINUTES  
28 54 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF  
29 INDIANA, A DISTANCE OF 121.31 FEET TO A POINT BEING MARKED BY A HOFER  
30 AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 59 DEGREES 42 MINUTES 55  
SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF  
INDIANA, A DISTANCE OF 170.42 FEET TO A POINT BEING MARKED BY A HOFER  
AND DAVIS IDENTIFICATION CAP; THENCE NORTH 87 DEGREES 10 MINUTES 53  
SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF  
INDIANA, A DISTANCE OF 788.20 FEET TO THE NORTHERN CORNER OF A 137.78  
ACRE TRACT OF LAND, SAID CORNER BEING MARKED BY A 5/8"x24" REBAR WITH  
"FORESIGHT- BOUNDARY" IDENTIFICATION CAP; THE FOLLOWING 8 COURSES  
BEING ON AND ALONG THE NORTHWESTERLY LINE OF SAID 137.78 ACRE TRACT  
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385.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC  
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SUBTENDED BY A CHORD BEARING SOUTH 10 DEGREES 32 MINUTES 35 SECONDS  
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#REZ-2021-0071

BILL NO. Z-22-05-02

ZONING MAP ORDINANCE NO. Z-17-22

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map Nos. R-54, R-50, S-54 and S-50 (Sec. 31 of St. Joseph Township)**

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2 BEING SUBTENDED BY A CHORD BEARING SOUTH 14 DEGREES 39 MINUTES 36  
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7 MINUTES 30 SECONDS WEST AND A CHORD LENGTH OF 118.33 FEET TO THE POINT  
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17 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO,  
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22 WESTERN LINE OF SAID LANDS OF ARNEO, INC., A DISTANCE OF 1151.26 FEET TO  
23 THE POINT OF BEGINNING. CONTAINING 63.904 ACRES OF LAND MORE OR LESS  
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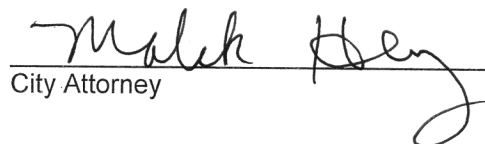
25 and the symbols of the City of Fort Wayne Zoning Map Nos. R-54, R-50, S-54 and S-50  
26 (Sec. 31 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code  
27 of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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

34   
35 Council Member

36 APPROVED AS TO FORM AND LEGALITY:

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38 City Attorney

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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-2021-0071  
Bill Number: Z-22-05-02  
Council District: 2-Russ Jehl

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Introduction Date: May 10, 2022

Plan Commission  
Public Hearing Date: May 9, 2022 (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 approximately 64 acres from AR/Low Intensity Residential to  
NC/Neighborhood Center.

Location: 9000 to 9100 block of North Clinton Road

Reason for Request: For approval of a mixed use commercial and residential development.

Applicant: B1 Enterprises, LLC

Property Owner: B1 Enterprises, LLC

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Related Petitions: Primary Development Plan, Arneo

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Effect of Passage: Property will be rezoned to the NC/Neighborhood zoning district, which  
will allow the currently vacant parcel to be developed with a variety of  
commercial, residential and office uses.

Effect of Non-Passage: The property will remain zoned AR and may develop with low-intensity  
residential uses and limited agricultural uses.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant B1 Enterprises, LLC  
 Address 203 E. Berry Street, Ste. 602  
 City Fort Wayne State IN Zip 46802  
 Telephone \_\_\_\_\_ E-mail james@obical.com

**Contact Person**  
 Contact Person Joshua C. Neal, Barrett McNagny, LLP  
 Address 215 E. Berry Street  
 City Fort Wayne State IN Zip 46802  
 Telephone (260) 423-9551 E-mail jcn@barrettllaw.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 9218 North Clinton Street  
 Present Zoning AR Proposed Zoning NC Acreage to be rezoned \_\_\_\_\_  
 Proposed density \_\_\_\_\_ units per acre  
 Township name St. Joseph Township section # 31  
 Purpose of rezoning (attach additional page if necessary) To permit the development and construction of a comprehensive mixed-use development including space for restaurants, professional office and retail uses.  
 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 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.

See attached Exhibit A. \_\_\_\_\_  
 (printed name of applicant) (signature of applicant) (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)

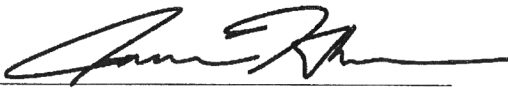
\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
12-7-2021	139067	1-10-2022	REZ-2021-0071

EXHIBIT A  
REZONING APPLICATION  
SIGNATURE PAGE

**“APPLICANT”**

B1 ENTERPRISES, LLC

By: 

Date: December 6th, 2021

Name: James Khan

Its: President

**“PROPERTY OWNER”**

Arneo, Inc.

By: Mark H. Kramer

Date: December 6, 2021

Name: Mark H. Kramer

Its: President, Arneo, Inc.

Commercial Property Legal Description

A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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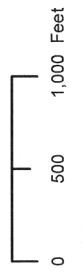


REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo



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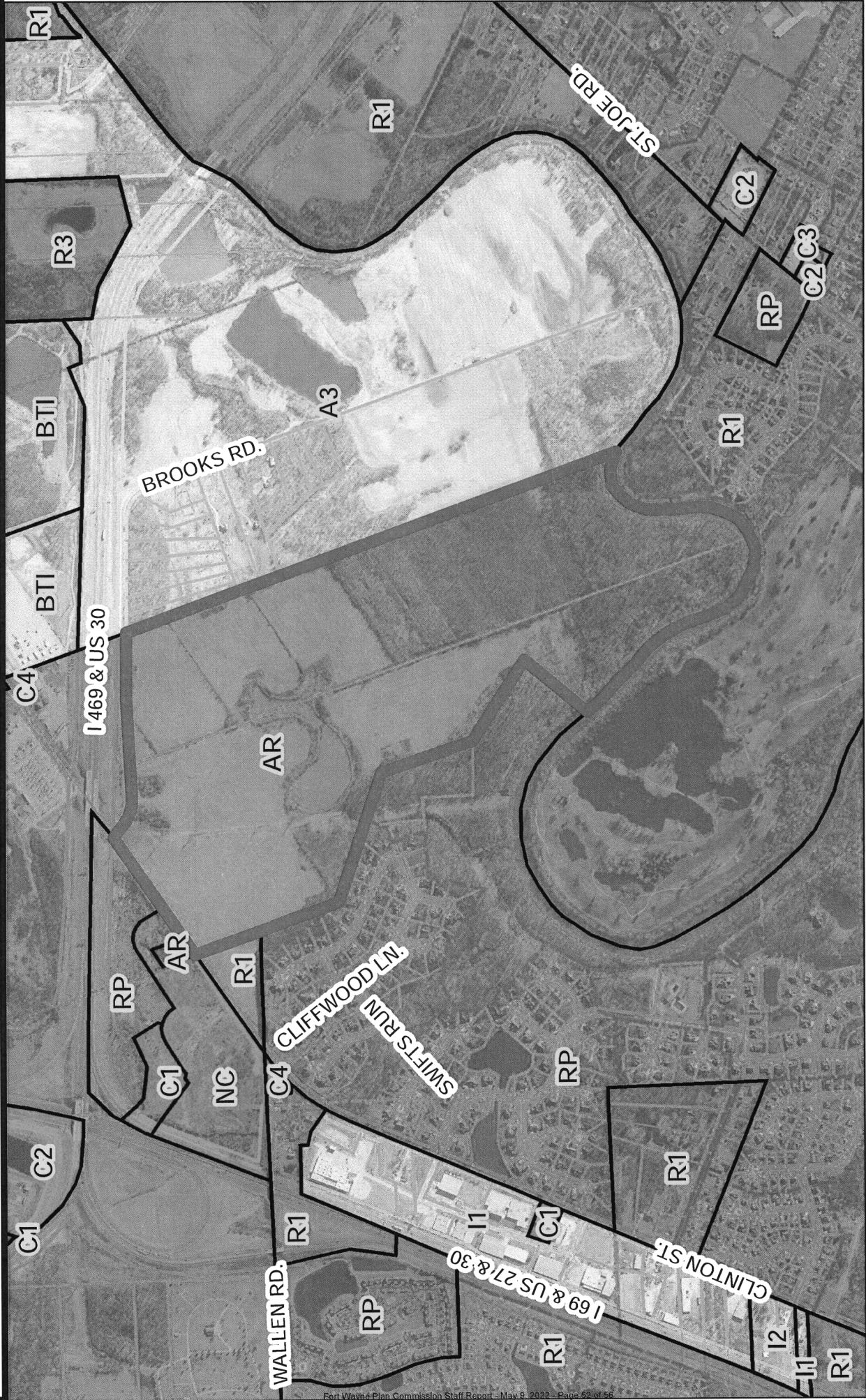
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North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 12/30/2021



1 inch = 1,000 feet

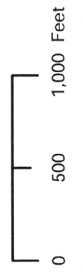


REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo



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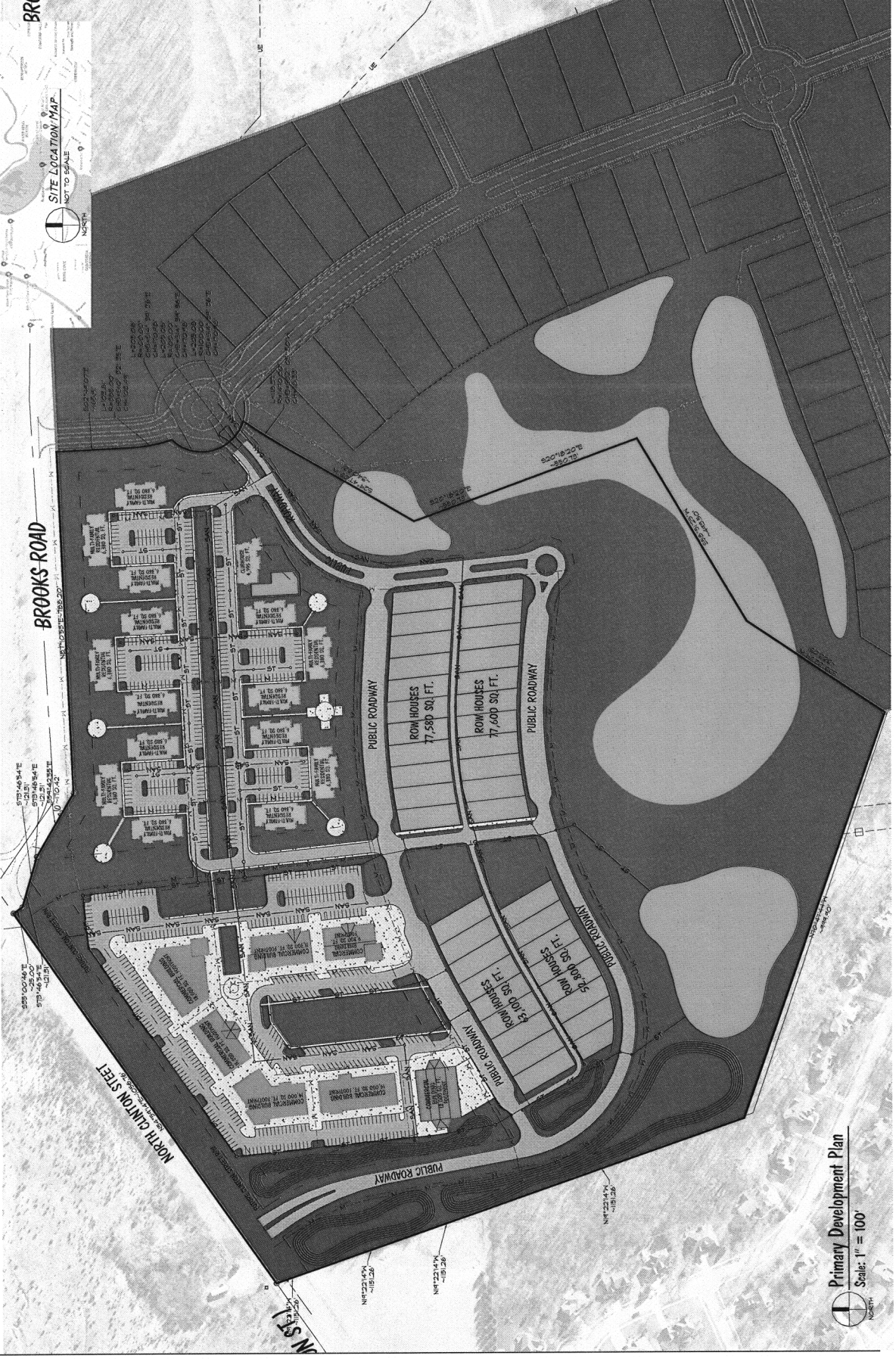
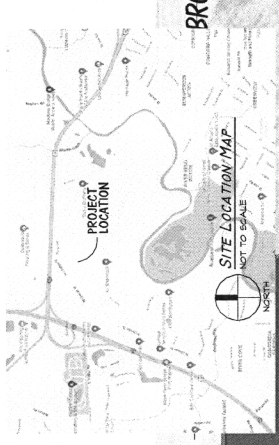
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Photos and Contours: Spring 2009  
Date: 12/30/2021



1 inch = 1,000 feet

Primary Development Plan For  
**Arneo Commercial Center**  
 9218 North Clinton Street, Fort Wayne, Indiana

**Project Civil Engineer/Land Surveyor:**  
 Foresight Consulting, LLC  
 1910 S. Joe Center Road, Suite 51  
 Fort Wayne, Indiana 46825  
 Phone: 260.484.9900  
 Fax: 260.484.9900



**Primary Development Plan**  
 Scale: 1" = 100'



Foresight Consulting, LLC  
 Professional Engineers & Surveyors  
 1910 S. Joe Center Road, Suite #51  
 Fort Wayne, Indiana 46825  
 Phone: 260.484.9900 Fax  
 www.4sfe.biz



**Certification:**  
 State of Indiana  
 Professional Engineer  
 License No. 12345  
 State of Indiana  
 Professional Surveyor  
 License No. 67890

**Performed for:**  
 Foresight Consulting, LLC

Primary Development Plan For:  
**Arneo Commercial Center**  
 9218 North Clinton Street, Fort Wayne, Indiana 46825

**Drawing Revisions:**

Commission Number	213178
Date	April 27th, 2022
Title	Primary Development Plan Sheet Number
	<b>PD1</b>



## FACT SHEET

Case #REZ-2021-0070 and 0071 Bills # Z-22-05-01 and Z-22-05-02  
Project Start: January 2022

PROPOSALS:	Rezoning Petitions REZ-2021-0070 and REZ-2021-0071 for the Primary Development Plan and Primary Plat for the Arneo mixed use development
APPLICANT:	B1 Enterprises, LLC
REQUEST:	To rezone property from AR/Low Intensity Residential to RP/Planned Residential (REZ-2021-0070) and NC/Neighborhood Center (REZ-2021-0071).
LOCATION:	The site is located on the east side of the 9000 to 9100 blocks of North Clinton Street and on the south side of Brooks Road; north and east of North Pointe Woods Section 2 (Section 8 of St. Joseph Township).
LAND AREA:	Approximately 138 acres for RP zoning Approximately 64 acres for NC zoning
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	RP/Planned Residential and NC/Neighborhood Center
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECT:	Primary Development Plan and Primary Plat - Arneo
SPONSOR:	City of Fort Wayne Plan Commission

### May 9, 2022 Public Hearing

- Three residents spoke at the public hearing and in support.
- Three residents spoke at the hearing and staff received an additional letter of opposition to NC.
- Rachel Tobin Smith, Judi Wire, and Tom Freistroffer were absent.

### May 16, 2022 Business Meeting – REZ-2021-0070 (RP Zoning)

- Plan Commission Recommendation: **DO PASS**
- A motion was made by Judi Wire and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation to Common Council for their final decision.
- **7-0 MOTION PASSED**
- Connie Haas Zuber and Rachel Tobin Smith were absent.

### May 16, 2022 Business Meeting – REZ-2021-0071 (NC Zoning)

- Plan Commission Recommendation: **DO PASS w/Written Commitment**
- A motion was made by Judi Wire and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation with a Written Commitment to Common Council for their final decision.
- **7-0 MOTION PASSED**
- Connie Haas Zuber and Rachel Tobin Smith were absent.

## PROJECT SUMMARY

### SUBMITTAL REQUIREMENTS

All required documents were submitted by the filing deadline of December 7, 2021

### SITE HISTORY

- Site has been historically an agricultural field with a lake installed sometime between 1986 and 1995.

### STAFF DISCUSSION:

The petitioner, B1 Enterprises is requesting to rezone approximately 138 acres to RP/Planned Residential zoning and approximately 64 acres to NC/Neighborhood to allow a subdivision plat as well as a mixed-use development. The site is currently undeveloped and has historically been vacant. There are no known users for the mixed-use development at this time.

The general area has a mixture of land uses ranging from single family subdivision to the west, vacant land zoned commercial and residential to the north, and metes and bounds residential located in unincorporated Allen County to the east. The Saint Joseph River is adjacent to the south. The I-69 and 469 interchange is located to the northwest of the proposed development.

### Rezoning and Development Plan of Arneo Commercial Center:

The applicant is proposing to rezone approximately 64 acres from AR/Low Intensity Residential to NC/Neighborhood Center for an eight-tract commercial development. The proposed commercial development is adjacent to residential zoning, with a small area of NC/Neighborhood Center Zoning on the north side of North Clinton Street.

The submitted plan shows multiple buildings including residential apartments, townhomes, and mixed-use buildings. The plan also includes stormwater detention areas to the south as well as large recreational spaces to the north and south. A trail network is planned throughout the development as well. The plan is showing an entrance off of North Clinton Street. The interior street system is proposed to be public with several roundabouts planned. An overhead electrical easement is shown running north and south on the site. The applicant has not requested any waivers for this development.

A written commitment was submitted for review by the Plan Commission to restrict certain uses in the NC district, as well as guide development standards such as: building size, lighting, signage, outdoor storage, landscaping and buffering. The following uses will be prohibited:

Air Conditioning Sales	Store
Animal kennel	Collection Agency
Automobile accessory store	Consignment Shop
Automobile rental (indoor)	Correctional Services Facility
Automobile sales (indoor)	Costume and Clothing Rental
Bait sales	Credit service
Bankruptcy service	Customer Service Facility
Bingo establishment	Diagnostic Center
Bowling Alley	Diaper Service Facility
Campus Housing	Dormitory
Catalog Showroom	Employment Agency
Child Care Home (class I or II)	Fireworks Sales
Cigarette/Tobacco/Cigar	Flea Market

Fraternity House  
 Furrier  
 Group Residential Facility  
 (large)  
 Group Residential Facility  
 (small)  
 Haunted House  
 Heating Sales  
 Homeless/Emergency  
 Shelter  
 Laundromat  
 Library  
 Parking Structure  
 Planetarium  
 Public Transportation  
 Facility  
 Radio Station  
 Rental and/or Leasing  
 Store

Residential Facility for  
 Homeless Individuals  
 Sign Sales Store  
 Skating Rink  
 Social Service Agency  
 Sorority House  
 Swimming Pool/Hot Tub  
 Sales  
 Taxi Service  
 Television Station  
 Tire Sales  
 Treatment Center  
 Variety Store  
 Veterinary Clinic  
 Wind Energy Conversion  
 System  
 Window Sales  
 Zoo

The zoning request to NC/Neighborhood Center is intended to provide areas for the day-to-day shopping needs of the surrounding residential neighborhoods. Uses typically found within this zoning district include offices, personal services, limited retail, and certain residential facilities. The proposed rezone would attract commercial uses not otherwise located in the immediate vicinity. The proposal can be supported 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.

**Rezoning and Arneo Place Primary Plat:**

On the southern portion of this development is a proposal to develop a 78-lot subdivision. The property is currently zoned AR/Low Intensity Residential, which permits a continuation of agriculture uses as well as low intensity residential uses. The proposed development plans from large estate sized lots as well as traditional suburban sized lots, but all within what is permitted in the RP/Planned Residential Zoning District.

The proposed plat would connect to Brooks Road and through the mixed-use portion to North Clinton, providing the required two entrances to a public street. The proposed subdivision will be adjacent to several meets and bounds lots that are within unincorporated Allen County. The plat also has several bodies of water and is showing a recreation area on the southern part of the parcel which is in the Floodplain and is adjacent to the St Joseph River. No lots are being proposed within the floodplain.

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;

**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 presented the request to Plan Commission as outlined above.

Public Comments:

William Heilshorn, 8134 N Clinton – In support. Feels the location is right and this is a good concept for Fort Wayne. rezoning.

David Ludwig, 2024 Florida Drive – In support. Local home builder, need more housing construction options within the city.

Anthony Peyton, 7910 S Anthony – Supportive of the applicant and his creative and community spirit.

Robert Cheek, North Pointe Woods Treasurer – Primary concern is the possible negative effects on the neighborhood or property values. They would like additional buffering along the property line and more discussion on restricted uses.

John Brandt, 2819 Woodhollow Court – Concerned about wildlife and feels the commercial portion is out of place.

John Crawford, 2805 Chichester Lane – In opposition. Concerns include the amount of growth in the Parkview area and amount of traffic on North Clinton. Does not feel this is responsible growth with the traffic concerns. Also, hunting takes place on the adjacent agricultural land within the County jurisdiction.

Closing Comments/Post-Hearing Updates:

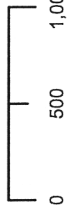
The City has plans to widen North Clinton with a timeline of 5 to 7 years for completion. Traffic studies will determine immediate improvements and possible signalization. Buffering will be extended along the west property line and addressed in the written commitment. Hunting on adjacent land can be an issue on any greenfield site with adjacent growth; gun safety should lie with the shooter.

The updated written commitment was coordinated with North Pointe Woods and a new letter of support is included in this packet.

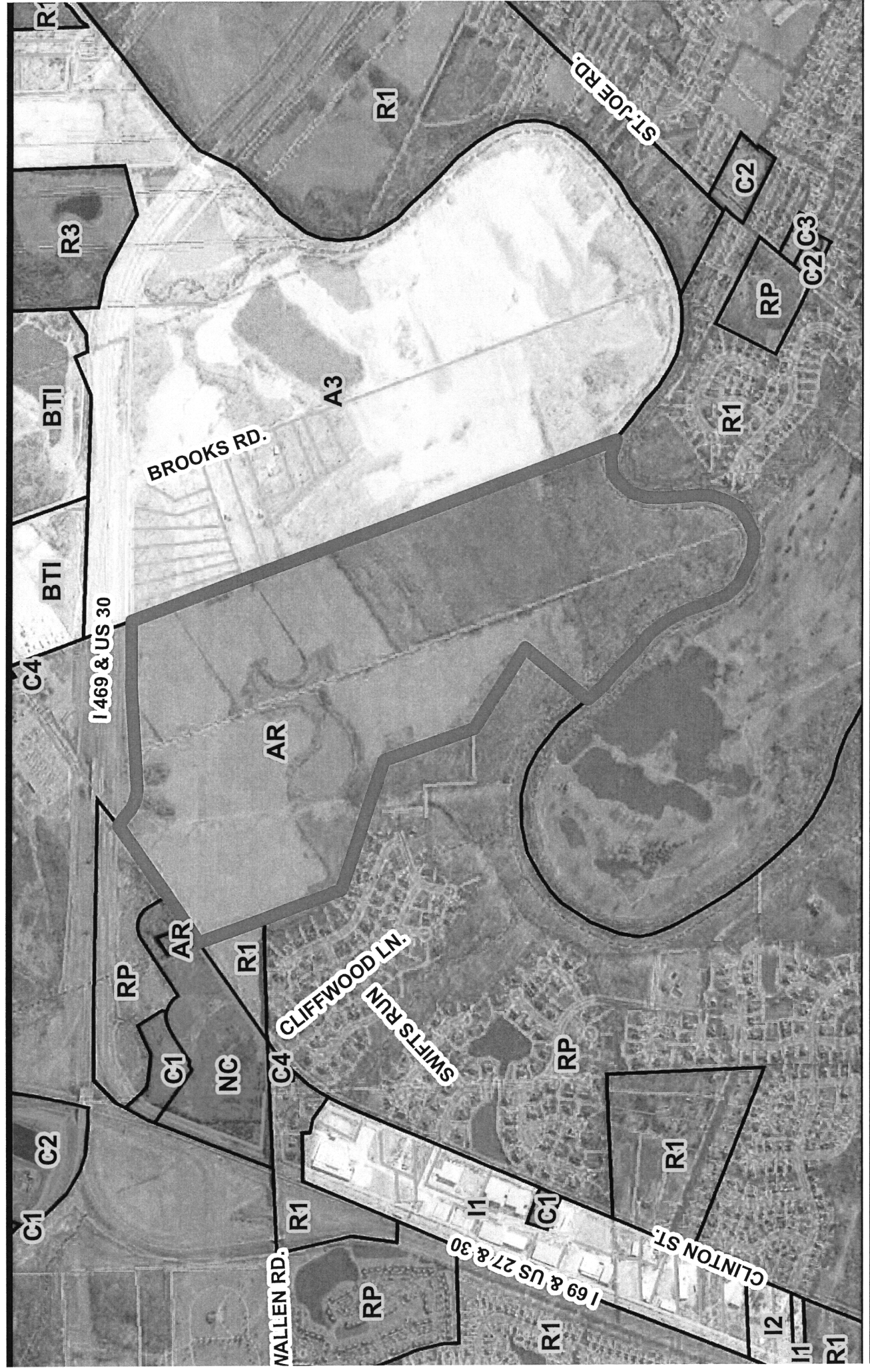


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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 Photos and Contours: Spring 2009  
 Date: 12/30/2021

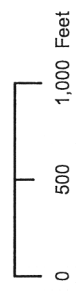


1 inch = 1,000 feet

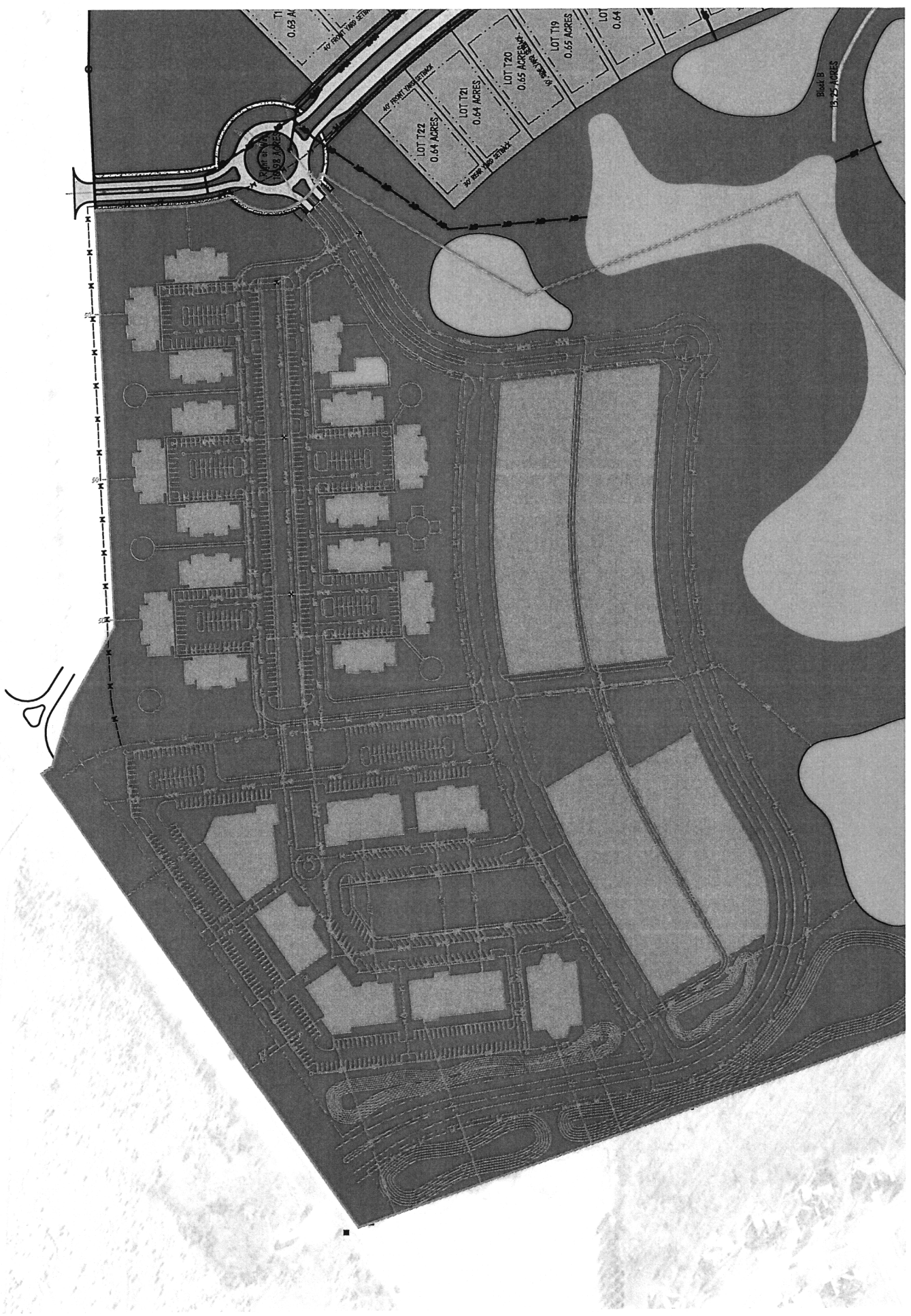


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 Photos and Contours: Spring 2009  
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1 inch = 1,000 feet



Handwritten annotations on the left side of the plan, possibly indicating a specific area or feature.

Scale bar markings: 0, 10, 20, 30, 40, 50, 60, 70, 80, 90, 100

Block B  
15.25 ACRES

LOT T22  
0.64 ACRES

LOT T21  
0.64 ACRES

LOT T20  
0.65 ACRES

LOT T19  
0.65 ACRES

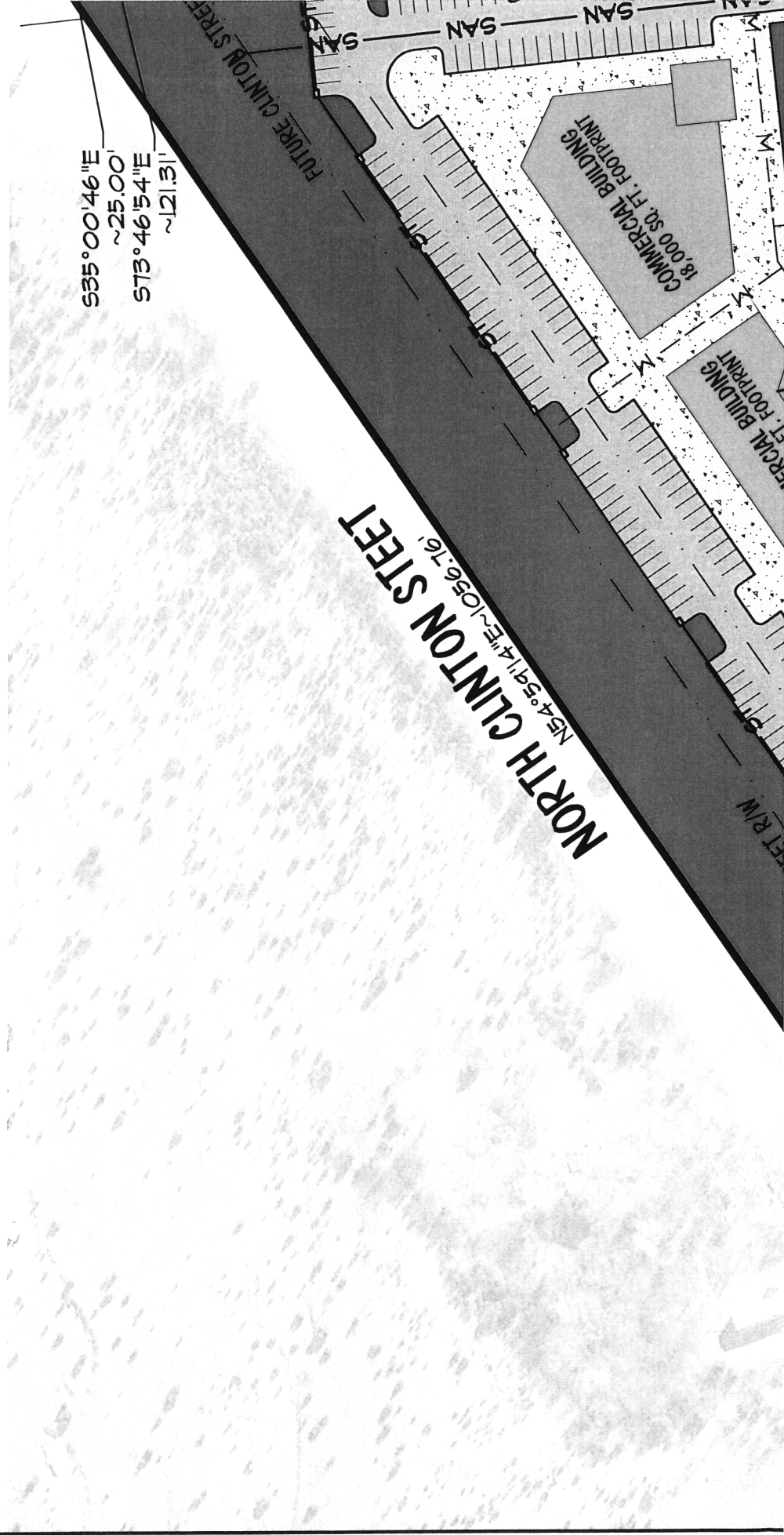
LOT  
0.64

Block B  
15.25 ACRES

Primary Development Plan For

# Arneo Commercial Center

9218 North Clinton Street, Fort Wayne, Indiana



**WRITTEN COMMITMENT**

**THIS WRITTEN COMMITMENT** (“Commitment”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2022, by **B1 ENTERPRISES, LLC** (herein the, “Declarant”), under the following circumstances:

**WITNESSETH:**

**WHEREAS**, Declarant is the fee simple owner of approximately 64 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (herein, the “Real Estate”); and

**WHEREAS**, Declarant has submitted a Rezoning Petition Application with the City of Fort Wayne Plan Commission (“Plan Commission”), bearing number REZ-2021-0070 (the “Zoning Application”) and has also submitted a Primary Development Plan Application with the Plan Commission bearing number PDP-2021-0051 (the “Development Plan Application”), both applications with respect to the Real Estate; and

**WHEREAS**, pursuant to the Zoning Application, Declarant has requested the Real Estate be rezoned to an NC (Neighborhood Center) zoning district pursuant to the City of Fort Wayne Zoning Ordinance (the “Ordinance”) which permits development upon the Real Estate of certain business, community, office, personal service and limited retail uses, along with certain residential facilities; and

**WHEREAS**, Declarant, pursuant to Indiana Code 36-7-4-1015 (b)(6) has submitted this Commitment, voluntarily, which contains terms and conditions which are no less stringent for the Real Estate, its use and development, and has requested that this Commitment be considered as part of the Zoning Application.

**NOW, THEREFORE**, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in the NC zoning district, shall be prohibited upon the Real Estate:

- |                            |                            |                     |
|----------------------------|----------------------------|---------------------|
| Air Conditioning Sales     | Automobile rental (indoor) | Bingo establishment |
| Animal kennel              | Automobile sales (indoor)  | Bowling Alley       |
| Automobile accessory store | Bait sales                 | Campus Housing      |
|                            | Bankruptcy service         | Catalog Showroom    |

Child Care Home (class I or II)	Fraternity House	Rental and/or Leasing Store
Cigarette/Tobacco/Cigar Store	Furrier	Residential Facility for Homeless Individuals
Collection Agency	Group Residential Facility (large)	Sign Sales Store
Consignment Shop	Group Residential Facility (small)	Skating Rink
Correctional Services Facility	Haunted House	Social Service Agency
Costume and Clothing Rental	Heating Sales	Sorority House
Credit service	Homeless/Emergency Shelter	Swimming Pool/Hot Tub Sales
Customer Service Facility	Laundromat	Taxi Service
Diagnostic Center	Library	Television Station
Diaper Service Facility	Parking Structure	Tire Sales
Dormitory	Planetarium	Treatment Center
Employment Agency	Public Transportation Facility	Variety Store
Fireworks Sales	Radio Station	Veterinary Clinic
Flea Market		Wind Energy Conversion System
		Window Sales
		Zoo

In addition to the above, and without expanding the uses permitted on the Real Estate, the following uses shall also be specifically prohibited: (A) the manufacture, storage or distribution of products which increase fire, explosion or radioactive hazards or cause a dangerous or hazardous condition; (B) any business or operation which creates a public or private nuisance by reason of noise, or excess emissions of odors, dust, fumes, smoke, liquid waste, glare, vibration or radiation; (C) adult book store, night club or discotheque, massage parlor, or any other establishment which provides live adult entertainment or which sells, rents or exhibits pornographic or obscene materials; (D) advertising sign or billboard; (E) manufactured home or mobile home; (F) gas station; (G) any medical or related professional use that provides abortion procedures or similar procedures; (H) a residential facility for the developmentally disabled or the mentally ill; (I) an indoor shooting range; (J) a retail plant nursery or greenhouse; (K) an automobile maintenance facility; and (L) any building, improvement or use which violates the applicable zoning ordinance or any other applicable law or regulation.

2. Landscaping, Buffering, and Site Development Features. Declarant shall improve the Real Estate with the landscape and buffering plan as depicted on the primary development plan approved by the Plan Commission, which improvements shall be no less than as described in this Commitment (“Landscape and Buffering Plan”). The Landscape and Buffering Plan shall be completed prior to the issuance of a certificate of compliance for the improvement(s) constructed on the Real Estate; provided, however, that the Plan Commission or its Department of Planning Services may grant an additional and commercially reasonable period of time to complete the Landscape and Buffering Plan due solely to weather related conditions of the Real Estate and upon Declarant furnishing a written commitment to complete said improvements within the agreed upon extended time frame. Conceptually, the Landscape and Buffering Plan shall be comprised of both an earthen berm and with trees of various species planted on the top

of said berm. Specifically, the Landscape and Buffering Plan shall be designed within the following parameters:

a. Declarant shall construct an earthen berm on the along the west property line of the Real Estate to provide buffering for the lots within North Pointe Woods. Such earthen berm shall be no less than six feet (6') above the finished grade level in closest proximity of the earthen berm (the "Earthen Berm");

b. Declarant shall plant on the top of the Earthen Berm a mixture of evergreen trees, shade trees, and shrubs in order to screen or buffer adjacent properties from visual, lighting, and noise impacts from the proposed building improvements as well as or better than compliance with the standards set forth in Section 157.408 of the Ordinance. Declarant shall reasonably cooperate with the City of Fort Wayne – Allen County Department of Planning Services staff to determine the appropriate design, location and type of landscaping improvements.

c. All landscaping planted installed by Declarant upon the Real Estate shall be maintained, watered and fertilized by Declarant pursuant to a commercially reasonable standard for similar landscaping ~~and fencing~~ in Allen County, Indiana and shall be replaced within a commercially reasonable time in the event of decay, disease or death of said landscaping.

3. Lighting. All pole and parking lot lighting upon the Real Estate shall be restricted to a height of no greater than eighteen feet (18') from grade level; provided, however, that public street lighting shall be constructed in compliance with the standards and specifications of the applicable reviewing agency. All pole, parking lot, and building mounted lighting shall utilize sharp cut-off fixtures as defined by the Illuminating Engineers Society of North America and otherwise be of a type to minimize light pollution onto any adjacent residential property. No lighting poles, wall pack lighting or other light fixture shall be located between the top of any earthen berm constructed as part of the Landscape and Buffering Plan and the property line of the Real Estate

4. Signage.

a. No pole or pylon signage shall be permitted upon the Real Estate. Freestanding monument signage erected upon the Real Estate shall be no greater than fifteen feet (15') in height.

b. All building mounted signs must be mounted either flat on the surface of the walls or mounted on raceways which blend with the building exterior color and do not extend beyond six (6) feet from the building wall surface, and no signage is to project above the roof line. Individual, internally illuminated channel letters are encouraged. No hand-painted or flashing signs are permitted. No rooftop mounted signage is permitted.

- c. No banners, mobile or trailer signs, commercial flags, pennants, balloons, or temporary signs shall be permitted. This excludes temporary real estate signage for the purpose of marketing parcels or buildings as for sale or lease.

5. Outside Storage. Outside storage of trash, trash receptacles, and ground mounted HVAC units must be visually screened on three sides with a wood fence or masonry structure no less than eight (8) feet in height, with a gate enclosure on the fourth side. Except as otherwise provided herein, outside storage of any inventory or business related materials is prohibited.

6. Building Size Limitations. No individual building shall be constructed upon the Real Estate with a ground floor area in excess of Fifty Thousand (50,000) square feet.

7. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

8. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

9. Amendment or Termination. Modification or amendment of this Commitment may only be made in accordance with I.C. § 36-7-4-1015, as such statute may be amended from time to time.

10. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

11. ~~10. Attorney Fees.~~ In the event any action is brought to enforce the terms and conditions of this Commitment, the prevailing party shall be awarded its costs and reasonable attorney fees.

12. ~~11. Severability.~~ Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

13. ~~12. Governing Law.~~ This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

14. ~~13. Effective Date.~~ This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

15. ~~14. Statutory Authority.~~ This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]



**EXHIBIT "A"**

A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID BOURIE'S RESERVE WITH THE CENTERLINE OF CLINTON STREET (FORMERLY FORT WAYNE AND LEO ROAD); THENCE NORTH 54 DEGREES 59 MINUTES 14 SECONDS EAST (INDIANA STATE PLANE GRID BEARING AND BASIS OF BEARINGS TO FOLLOW) ON AND ALONG SAID CLINTON STREET CENTERLINE, A DISTANCE OF 1056.76 FEET; THENCE SOUTH 35 DEGREES 00 MINUTES 46 SECONDS EAST A DISTANCE OF 25.00 FEET TO THE WESTERLY MOST CORNER OF THE LANDS OF THE STATE OF INDIANA AS RECORDED IN DOCUMENT NUMBER 93-37229 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID CORNER BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 73 DEGREES 46 MINUTES 54 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 121.31 FEET TO A POINT BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 59 DEGREES 42 MINUTES 55 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 170.42 FEET TO A POINT BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE NORTH 87 DEGREES 10 MINUTES 53 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 788.20 FEET TO THE NORTHERN CORNER OF A 137.78 ACRE TRACT OF LAND, SAID CORNER BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT - BOUNDARY" IDENTIFICATION CAP;

THE FOLLOWING 8 COURSES BEING ON AND ALONG THE NORTHWESTERLY LINE OF SAID 137.78 ACRE TRACT OF LAND WITH CORNERS BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT - BOUNDARY" IDENTIFICATION CAP.

THENCE SOUTH 02 DEGREES 49 MINUTES 07 SECONDS EAST, A DISTANCE OF 165.91 FEET TO THE POINT OF CURVATURE OF A 385.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID 385.00 FOOT RADIUS CURVE, A DISTANCE OF 103.81 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 10 DEGREES 32 MINUTES 35 SECONDS EAST AND CHORD LENGTH OF 103.49 FEET TO THE POINT OF A 100.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID 100.00 FOOT RADIUS CURVE, A DISTANCE OF 205.08 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 14 DEGREES 39 MINUTES 36 SECONDS EAST AND A CHORD LENGTH OF 170.98 FEET TO THE POINT OF A 1470.00 FOOT NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID 1470.00 FOOT RADIUS CURVE, A DISTANCE OF 118.37 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 32 DEGREES 05 MINUTES 30 SECONDS WEST AND A CHORD LENGTH OF 118.33 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 47 MINUTES 06 SECONDS WEST, A DISTANCE OF 340.68 FEET TO A POINT ON THE WEST LINE OF SAID

LANDS OF ARNEO, INC. (DOCUMENT NUMBER 81-20527); THENCE SOUTH 20 DEGREES 18 MINUTES 20 SECONDS EAST ON AND ALONG SAID WEST LINE A DISTANCE OF 550.73 FEET; THENCE SOUTH 58 DEGREES 51 MINUTES 25 SECONDS WEST A DISTANCE OF 493.50 FEET; THENCE SOUTH 33 DEGREES 32 MINUTES 39 SECONDS WEST, A DISTANCE OF 383.05 FEET TO THE WESTERLY CORNER OF SAID LANDS OF ARNEO, INC (DOCUMENT NUMBER 81-20528), SAID CORNER BEING MARKED BY A MAG NAIL SET IN A TREE ROOT; THENCE NORTH 70 DEGREES 47 MINUTES 44 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO, INC. AND THE EASTERLY LINE OF NORTH POINTE WOODS AS RECORDED IN PLAT CABINET "A" PAGE 112, WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, A DISTANCE OF 999.90 FEET TO A CARVED STONE; THENCE NORTH 19 DEGREES 22 MINUTES 14 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO, INC., A DISTANCE OF 1151.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 63.904 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

## Michelle Wood

---

**From:** Robert Cheek <cheekbt@msn.com>  
**Sent:** Sunday, May 15, 2022 1:50 PM  
**To:** Joshua C. Neal  
**Cc:** Greg Gerbers; John Brandt; Robert Cheek  
**Subject:** RE: Arneo [IWOV-iManage8.FID582481]  
**Attachments:** 213178 PD1 Primary Development Plan Amended 051222 v2 5-14-2022.pdf; Written Commitment - Arneo - Written Commitment - Arneo 5-14-2022.pdf

Good afternoon Josh,

First, thank you and Mr. Khan for giving North Pointe Woods the opportunity to express our concerns relative to the proposed Arneo Commercial Center and Arneo Place Subdivision. The open exchange of ideas has contributed to what is believed to be a development that the City of Fort Wayne will be proud of and the Residents of North Pointe Woods can feel comfortable having as a neighbor. The final documents you sent to me, attached to your below note, have been reviewed and NPW provides its support for them as the documents B1 Enterprises will submit to the Fort Wayne Plan Commission.

I personally have enjoyed working on this project and with you and Mr. Khan. Good luck with tomorrows decision.

Regards, B  
Bob Cheek  
Treasurer, North Pointe Woods Community Association

Sent from [Mail](#) for Windows

**From:** [Joshua C. Neal](#)  
**Sent:** Saturday, May 14, 2022 8:48 AM  
**To:** [Robert Cheek](#)  
**Cc:** [{F582481}.iManage8@emm.barrettlaw.com](#)  
**Subject:** Arneo [IWOV-iManage8.FID582481]

Bob-

As a follow up to our call on Thursday, attached is a revised draft of the site plan showing an additional 4 foot tall mound adjacent to the western detention pond.

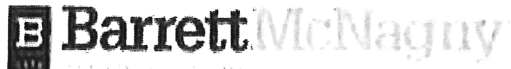
Also attached is a redline draft of the written commitment. I have removed the misplaced reference to a fence and included a limitation that any building would have a ground floor area no greater than 50,000 square feet.

Assuming the attached are acceptable, I will send these on to Michelle Wood at the Department of Planning Services with a note that we have made further modifications to the site plan and commitment based on your feedback and that you are in agreement with the changes. We would hope, as well, that this would alleviate any concerns as to the zoning or use of the real estate as this project heads to City Council.

Thanks,

Josh

Joshua C. Neal | PARTNER



215 East Berry Street  
Fort Wayne, Indiana 46802  
Direct: (260) 423-8935 | Fax: (260) 423-8920  
Email: [jcn@barrettlaw.com](mailto:jcn@barrettlaw.com) | [barrettlaw.com](http://barrettlaw.com)

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Fort Wayne Plan Commission

Rezoning petitions REZ - 2021-0070 and REZ - 2021-0071 for 9218 North Clinton should receive a DO NOT PASS.

Fort Wayne Zoning Ordinance under section E of Consideration Criteria for rezoning proposals lists "responsible development and growth."

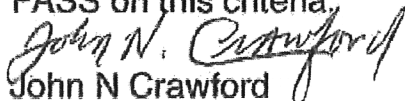
North Clinton is already inadequate for present traffic flow. This proposed development will increase the traffic burden on North Clinton and make it more unsafe. This proposal is not "responsible development."

Keeping local roads functioning as they were designed is a responsibility of Plan Commissions. This proposed development will make the traffic situation worse on North Clinton and there is no way for the developer to mitigate the traffic problems it will create.

North Clinton is a two lane road here. The other major north south roads are wider - Lima six lanes, Coldwater four lanes, and Maplecrest four lanes. The area served by North Clinton has seen the most growth and this continues to accelerate with Parkview and surrounding area growth.

North Clinton is already not only inadequate for traffic flow but is unsafe. Undulating nature of roadway creates 12 blind rises between North Clinton's northern origin and the entry into North Pointe Woods Canyons subdivision. There are five blind spots in close proximity to the proposed development from 72 yards to 225 yards away from where oncoming cars can be seen. A car traveling north on Clinton at 50-60 mph will cover 100 yards in 3-4 seconds. So, it will be very unsafe to get onto North Clinton from Brooks Road, the new proposed curb cuts, and surrounding subdivision entry points.

Fort Wayne Zoning Ordinance under section D of consideration criteria for rezoning proposals lists "conservation of property values throughout the jurisdiction." It is likely property values of homes in surrounding jurisdiction will be adversely impacted if North Clinton traffic is made worse and more unsafe. So the proposed development rezoning petitions should also receive a DO NOT PASS on this criteria.

  
John N Crawford

## FORT WAYNE ZONING ORDINANCE

review of a proposed zoning map amendment, as set forth in §157.503(A)(5), the **Commission** may defer action on the request until the **commitment** has been executed. Any action by the **Commission** shall be taken in accordance with IC 36-7-4-605 and the **Commission's** rules. In considering a request application for a zoning map amendment, the **Commission** and **Common Council** shall pay reasonable regard to:

- [A] The **Comprehensive Plan**;
- [B] Current **conditions** and the character of current **structures** and **uses** in each **district**;
- [C] The most desirable **use** for which the land in each **district** is adapted;
- [D] The conservation of property values throughout the jurisdiction; and
- [E] Responsible **development** and growth.

### (iii) Notice of Recommendation

Notice of the **Commission's** recommendation on a proposed zoning map amendment shall be provided as established in the **Commission's** rules.

### (iv) Certification of Recommendation

The **Commission's** recommendation shall be certified to the **Common Council**, in accordance with IC 36-7-4-605 and IC 36-7-4-608.

### (d) **Common Council** Consideration of **Commission** Recommendation

The **Common Council** shall consider and take action on the **Commission's** recommendation in accordance with its rules and procedures, and in conformance with IC 36-7-4-608.

### (e) Veto by Mayor

Any proposed zoning map amendment shall be subject to veto by the Mayor as set forth in IC 36-7-4-609 and **City Code**.

## Zoning Text Amendments

### 1) Purpose

The following procedures are established to allow for proper **Commission** review and consideration of ordinance text amendments, in conformance with objectives and strategies of the **Comprehensive Plan**, and to comply with the provisions of IC 36-7-4-600 series (Zoning

## DEPARTMENT OF PLANNING SERVICES

### Allen County Planning Jurisdiction REZONING PETITION SUBMISSION REQUIREMENTS

These questions have been prepared to achieve two goals. First, they are to direct your attention to the goals of the Allen County Comprehensive Plan as they relate to your rezoning proposal. Second, they are your guide in preparing your presentation for the Plan Commission's public hearing.

An original and ten copies of your answers must be included with your rezoning petition. You should use the following format for your answers. Graphics to support your answers may also be submitted.

- Answers should be submitted on 8.5 by 11-inch paper.
- The name of your development should be on the top of the first sheet of answers.
- Each question as shown below should be presented and your answer to the question should appear below it.
- The name and address of the person(s) who prepared the answers should conclude your submission.

1. The Allen County Comprehensive Plan mandates that "adjacent growth/infill growth" be one of the goals accomplished by new development. In that Title 36 of the Indiana code identifies the contents of the comprehensive plan as a consideration in all rezoning petitions, please identify specifically how approval of this proposal will meet Allen County's adjacent growth or infill growth goal.
2. Compatibility of new land uses with existing uses is one of the main objectives of the zoning process. What special provisions are you proposing in order to make this proposed land use compatible with adjacent land uses in different zoning districts? How will this proposal assist in the conservation of property values in the immediate area? In your answer to this question, please indicate the perimeter length of your site as well as the breakdown of that total figure showing the various districts surrounding the site (i.e. "This site has a perimeter of 3,000 feet. One thousand feet (33 percent) of this perimeter border an A-1/Agriculture district and 2,000 feet (66 percent) border a C-1/General Commercial district").
3. Past rezoning decisions are often cited as precedents when petitioners apply for new zoning classifications. How would approval of this petition establish a desirable precedent for any nearby undeveloped land?
4. The presence of adequate utilities and other community facilities are essential for quality development. Please indicate the distances your site is away from each of the following: sanitary sewers; water lines; schools; fire stations, and an adequate storm drainage outlet. How does your proposal relate to each one of these?
5. Good site design, including elements such as sidewalks, landscaping, appropriate signage, and lighting is often the primary factor distinguishing quality development from average development. How does the site design of your project create a quality development?
6. Local roads and highways that provide access to property are one of the more important reasons that specific sites are selected for development. Keeping these roads functioning as they were designed is a responsibility of the Plan Commission. Please identify the impacts this project will have on the local roadway network. How does this proposal avoid creating strip development along Allen County roadways? How do you plan to mitigate any traffic-related problems this proposal could create?
7. The protection of prime agricultural land (distinguished by high crop yields contiguous tracts of land) is a goal mandated by the Allen County Comprehensive Plan. How does this proposal avoid creating an adverse impact on prime agricultural land?
8. "Current conditions" is a factor identified by Indiana state law for local plan commissions to consider in rezoning decisions. What are the current conditions and character of the area where you seek this rezoning? How have these conditions and character changed since the present zoning was established?
9. The Allen County Plan Comprehensive Plan urges the use of currently existing zoned sites before rezoning new real estate. What is your view of the market need in the immediate area for additional land to be rezoned to this classification? With what evidence do you support this view? What is the anticipated market area of this proposal?
10. Urban planning principles and Indiana state law mandate the "highest and best use" policy is followed in zoning or rezoning land. How do you justify that your proposal is the highest and best use of the property?

PARK VIEW

Dupont

Oiebold

N Clinton 2 Lanes

Supports for 469 overpass

469

7 more blind rises  
Not depicted from origin  
N Clinton 2 lanes until becomes  
4 lanes

Blind Rises

195  
105

Proposed Development

Arbors

New Curb Cut onto Clinton

Boundary Line between City of Fort Wayne and Unincorporated Allen County

St Joseph River

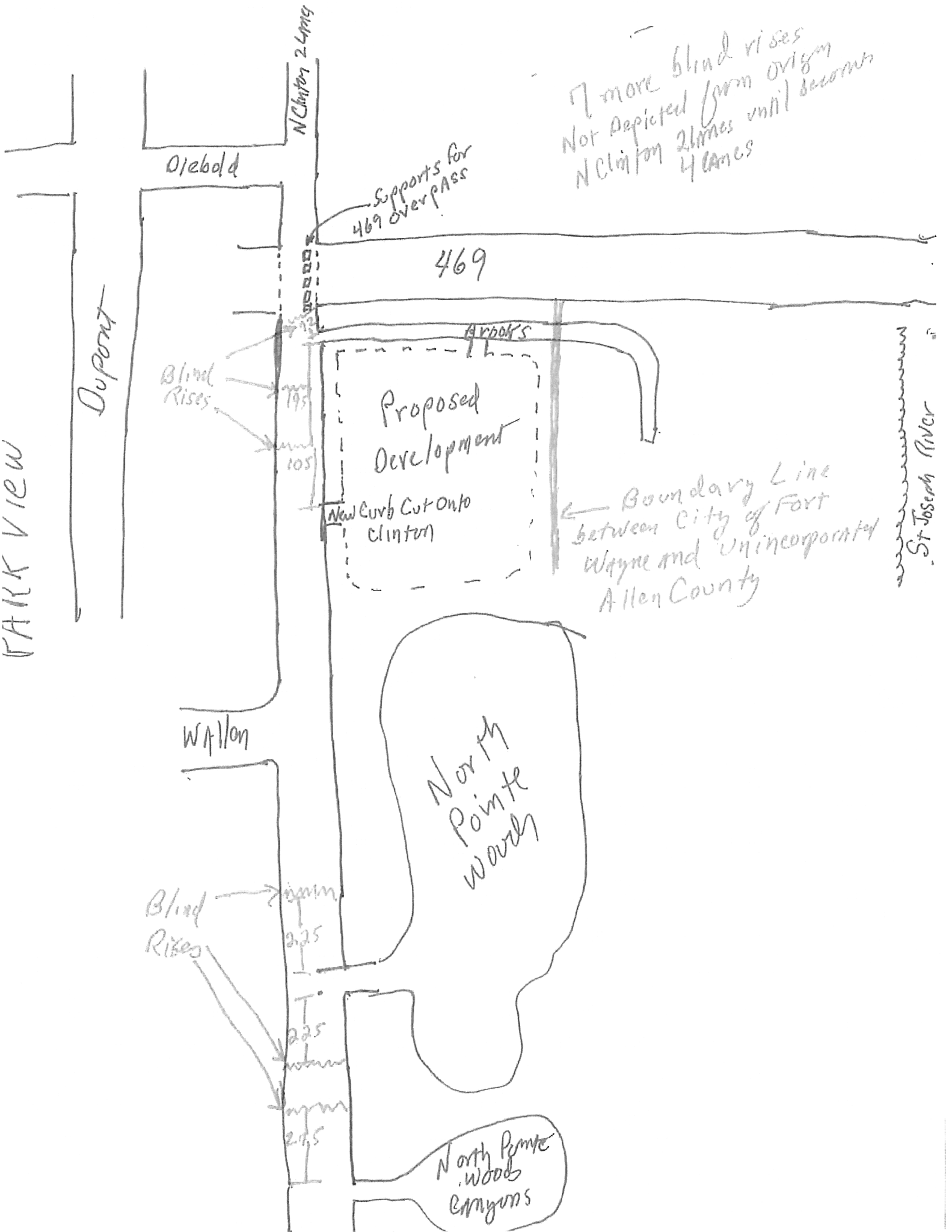
Wallon

North Pointe Woods

Blind Rises

225  
225  
275

North Pointe Woods Canyons



## Unsafe Site Plan

- East edge of proposed development is the boundary line between the city of Fort Wayne and unincorporated Allen County
- Shooting of firearms and hunting is not against the law in unincorporated Allen County as it is in the city of Fort Wayne
- Site plan shows 74 single family lots on east edge of proposed development 10-20 feet from where hunting and discharge of fire arms is occurring
- The area east of proposed development in Allen County is in the Deer Reduction Zone demarcated by the state of Indiana in the circle of 469 and 69. Deer hunting season there extends from September 15 until January 31 rather than a shorter season everywhere else. The zone also allows a much greater bag limit of 10 deer.
- Maximum distance from east edge of proposed development to far east edge of hunting area up to the St. Joseph River is 600 to 700 yards. The range of a 308 high-powered deer rifle is 1000 yards. So children in backyards of proposed single-family lots or wandering onto hunting land are vulnerable to poorly aimed shots or ricochets from hunting land

# UnSAFE Site PLAN

469

← Boundary Line City Fort Wayne and Unincorporated Allen County

Brooks Road

Deer Reduction Zone  
Hunting Season 9/15-1/31  
Firearms can be  
shot year round

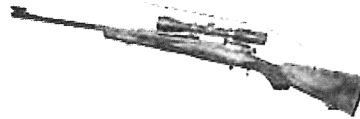
Woods  
HUNTER  
Hunter

Woods  
Hunters



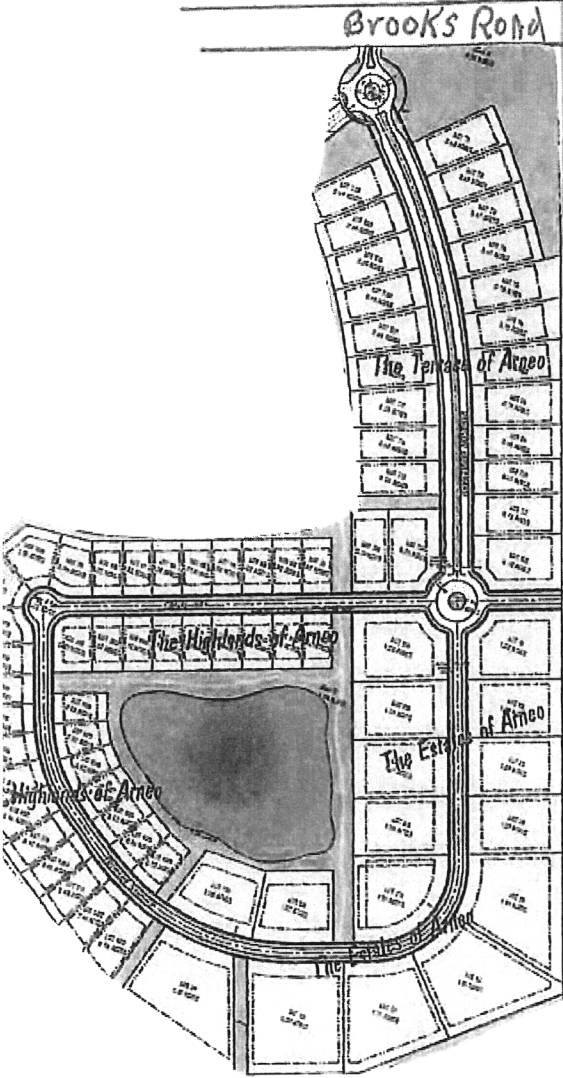
Distance From  
these BACK yards to River  
600-700 yards  
Range High Powered 308  
Deer Rifle 1000 yards

WOODS



Woods  
Hunters

St Joseph River



St Joseph River

January 4, 2022

Christian J. Beebe, Principal Land Use Planner  
Department of Planning Services  
Fort Wayne Plan Commission  
Suite 150 Citizens Square  
200 East Berry  
Fort Wayne, IN 46802

RE: ARNEO Protect – North Clinton

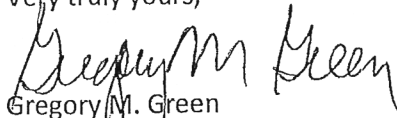
Dear Mr. Beebe and Fort Wayne Plan Commission Members:

Regarding the proposal to rezone AR/Low Intensity Residential to RP and NC, I am opposed to this rezoning.

1. The so called "mixed use" Section is to be located directly next to Woodhollow Trail in North Pointe Woods subdivision. It is far too close to the existing property.
2. Mixed use is not what we would want due to the noise, lighting and traffic issues and I don't want businesses located there.
3. The entire mixed use section needs to be removed from consideration. I'm referring to the section that borders directly on North Clinton Street and looks to be the westernmost section of the proposed development.
4. I have no problem with the single family residential portion.
5. And the single biggest issue here is this. Simply stated, the Wallen Road and North Clinton intersection is currently a clogged up freakshow traffic mess. Adding 1,000 additional cars daily directly adjacent to that intersection will create a traffic brick wall for all of us who currently live in North Pointe Woods and currently struggle with the traffic mess.

No rezoning should be remotely considered until the Wallen Road and Clinton Street intersection is updated and "fixed" so as to be able to accommodate the massive increase in daily traffic.

Very truly yours,



Gregory M. Green  
2818 Woodhollow Trail  
Fort Wayne, IN 46825  
260-413-9783  
gmgmbacpa@gmail.com

**BILL NO. Z-22-05-02**

**REPORT OF COMMITTEE ON REGULATIONS**

**June 7, 2022**

***Tom Freistroffer Chair***

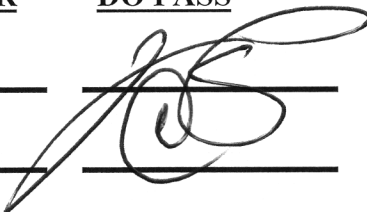
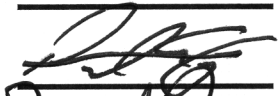

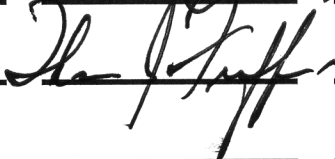

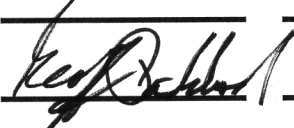
***Paul Ensley Co-Chair***

***All Council Members***

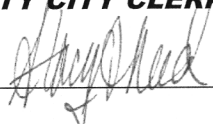
An Ordinance amending the City of Fort Wayne Zoning Map Nos. R-54, S-54, and S-50 (Sec. 31 of St Joseph Wayne Township)

To rezone approximately 64 acres from AR/Low Intensity Residential to NC/Neighborhood Center at the 9000 to 9100 block of North Clinton

**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: May 9, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

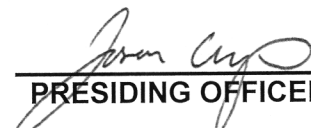
DATED: June 14, 2022

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

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 Zoning Ordinance No. Z-22-05-02 on the 14th day of June, 2022

ATTEST:

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

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

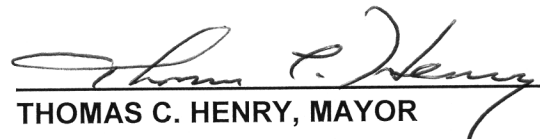
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th  
 of June 2022, at the hour of 11:10 o'clock A.M. E.S.T.

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

Approved and signed by me this 15<sup>th</sup> day of June 2022, at the

hour of 3:00 o'clock PM E.S.T.

FORT WAYNE, INDIANA  
**RECEIVED**  
 JUN 16 2022  
 LANA R. KEESLING  
 CITY CLERK

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

1 THE ARC OF SAID 100.00 FOOT RADIUS CURVE, A DISTANCE OF 205.08 FEET AND  
2 BEING SUBTENDED BY A CHORD BEARING SOUTH 14 DEGREES 39 MINUTES 36  
3 SECONDS EAST AND A CHORD LENGTH OF 170.98 FEET TO THE POINT OF A  
4 1470.00 FOOT NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY  
5 ALONG THE ARC OF SAID 1470.00 FOOT RADIUS CURVE, A DISTANCE OF 118.37  
6 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 32 DEGREES 05  
7 MINUTES 30 SECONDS WEST AND A CHORD LENGTH OF 118.33 FEET TO THE POINT  
8 OF TANGENCY; THENCE SOUTH 29 DEGREES 47 MINUTES 06 SECONDS WEST, A  
9 DISTANCE OF 340.68 FEET TO A POINT ON THE WEST LINE OF SAID LANDS OF  
10 ARNEO, INC. (DOCUMENT NUMBER 81-20527); THENCE SOUTH 20 DEGREES 18  
11 MINUTES 20 SECONDS EAST ON AND ALONG SAID WEST LINE A DISTANCE OF  
12 550.73 FEET; THENCE SOUTH 58 DEGREES 51 MINUTES 25 SECONDS WEST A  
13 DISTANCE OF 493.50 FEET; THENCE SOUTH 33 DEGREES 32 MINUTES 39 SECONDS  
14 WEST, A DISTANCE OF 383.05 FEET TO THE WESTERLY CORNER OF SAID LANDS  
15 OF ARNEO, INC (DOCUMENT NUMBER 81-20528), SAID CORNER BEING MARKED BY  
16 A MAG NAIL SET IN A TREE ROOT; THENCE NORTH 70 DEGREES 47 MINUTES 44  
17 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO,  
18 INC. AND THE EASTERLY LINE OF NORTH POINTE WOODS AS RECORDED IN PLAT  
19 CABINET "A" PAGE 112, WITHIN THE OFFICE OF THE RECORDER OF ALLEN  
20 COUNTY, INDIANA, A DISTANCE OF 999.90 FEET TO A CARVED STONE; THENCE  
21 NORTH 19 DEGREES 22 MINUTES 14 SECONDS WEST ON AND ALONG THE  
22 WESTERN LINE OF SAID LANDS OF ARNEO, INC., A DISTANCE OF 1151.26 FEET TO  
23 THE POINT OF BEGINNING. CONTAINING 63.904 ACRES OF LAND MORE OR LESS  
24 AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.


25 and the symbols of the City of Fort Wayne Zoning Map Nos. R-54, R-50, S-54 and S-50  
26 (Sec. 31 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code  
27 of the City of Fort Wayne, Indiana is hereby changed accordingly.

28 SECTION 2. If a written commitment is a condition of the Plan Commission's  
29 recommendation for the adoption of the rezoning, or if a written commitment is modified and  
30 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:

  
\_\_\_\_\_  
City Attorney

City of Fort Wayne Common Council  
**DIGEST SHEET**

---

**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2021-0071  
Bill Number: Z-22-05-02  
Council District: 2-Russ Jehl

---

Introduction Date: May 10, 2022

Plan Commission  
Public Hearing Date: May 9, 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 64 acres from AR/Low Intensity Residential to NC/Neighborhood Center.

Location: 9000 to 9100 block of North Clinton Road

Reason for Request: For approval of a mixed use commercial and residential development.

Applicant: B1 Enterprises, LLC

Property Owner: B1 Enterprises, LLC

---

Related Petitions: Primary Development Plan, Arneo

---

Effect of Passage: Property will be rezoned to the NC/Neighborhood zoning district, which will allow the currently vacant parcel to be developed with a variety of commercial, residential and office uses.

Effect of Non-Passage: The property will remain zoned AR and may develop with low-intensity residential uses and limited agricultural uses.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant B1 Enterprises, LLC  
 Address 203 E. Berry Street, Ste. 602  
 City Fort Wayne State IN Zip 46802  
 Telephone \_\_\_\_\_ E-mail james@obical.com

**Contact Person**  
 Contact Person Joshua C. Neal, Barrett McNagny, LLP  
 Address 215 E. Berry Street  
 City Fort Wayne State IN Zip 46802  
 Telephone (260) 423-9551 E-mail jcn@barrettllaw.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 9218 North Clinton Street  
 Present Zoning AR Proposed Zoning NC Acreage to be rezoned \_\_\_\_\_  
 Proposed density \_\_\_\_\_ units per acre  
 Township name St. Joseph Township section # 31  
 Purpose of rezoning (attach additional page if necessary) To permit the development and construction of a comprehensive mixed-use development including space for restaurants, professional office and retail uses.  
 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 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.

See attached Exhibit A. \_\_\_\_\_  
 (printed name of applicant) (signature of applicant) (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)

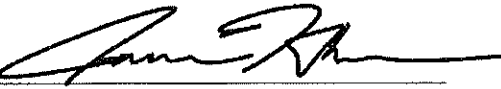
\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
12-7-2021	139067	1-10-2022	REZ-2021-0071

EXHIBIT A  
REZONING APPLICATION  
SIGNATURE PAGE

**“APPLICANT”**

B1 ENTERPRISES, LLC

By: 

Date: December 6th, 2021

Name: James Khan

Its: President

**“PROPERTY OWNER”**

Arneo, Inc.

By: Mark H. Kramer

Date: December 6, 2021

Name: Mark H. Kramer

Its: President, Arneo, Inc.

Commercial Property Legal Description

A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID BOURIE'S RESERVE WITH THE CENTERLINE OF CLINTON STREET (FORMERLY FORT WAYNE AND LEO ROAD); THENCE NORTH 54 DEGREES 59 MINUTES 14 SECONDS EAST (INDIANA STATE PLANE GRID BEARING AND BASIS OF BEARINGS TO FOLLOW) ON AND ALONG SAID CLINTON STREET CENTERLINE, A DISTANCE OF 1056.76 FEET; THENCE SOUTH 35 DEGREES 00 MINUTES 46 SECONDS EAST A DISTANCE OF 25.00 FEET TO THE WESTERLY MOST CORNER OF THE LANDS OF THE STATE OF INDIANA AS RECORDED IN DOCUMENT NUMBER 93-37229 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID CORNER BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 73 DEGREES 46 MINUTES 54 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 121.31 FEET TO A POINT BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 59 DEGREES 42 MINUTES 55 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 170.42 FEET TO A POINT BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE NORTH 87 DEGREES 10 MINUTES 53 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 788.20 FEET TO THE NORTHERN CORNER OF A 137.78 ACRE TRACT OF LAND, SAID CORNER BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT – BOUNDARY" IDENTIFICATION CAP;

THE FOLLOWING 8 COURSES BEING ON AND ALONG THE NORTHWESTERLY LINE OF SAID 137.78 ACRE TRACT OF LAND WITH CORNERS BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT – BOUNDARY" IDENTIFICATION CAP.

THENCE SOUTH 02 DEGREES 49 MINUTES 07 SECONDS EAST, A DISTANCE OF 165.91 FEET TO THE POINT OF CURVATURE OF A 385.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID 385.00 FOOT RADIUS CURVE, A DISTANCE OF 103.81 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 10 DEGREES 32 MINUTES 35 SECONDS EAST AND CHORD LENGTH OF 103.49 FEET TO THE POINT OF A 100.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID 100.00 FOOT RADIUS CURVE, A DISTANCE OF 205.08 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 14 DEGREES 39 MINUTES 36 SECONDS EAST AND A CHORD LENGTH OF 170.98 FEET TO THE POINT OF A 1470.00 FOOT NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID 1470.00 FOOT RADIUS CURVE, A DISTANCE OF 118.37 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 32 DEGREES 05 MINUTES 30 SECONDS WEST AND A CHORD LENGTH OF 118.33 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 47 MINUTES 06 SECONDS WEST, A DISTANCE OF 340.68 FEET TO A POINT ON THE WEST LINE OF SAID LANDS OF ARNEO, INC. (DOCUMENT NUMBER 81-20527); THENCE SOUTH 20 DEGREES 18 MINUTES 20 SECONDS EAST ON AND ALONG SAID WEST LINE A DISTANCE OF 550.73 FEET; THENCE SOUTH 58 DEGREES 51 MINUTES 25 SECONDS WEST A DISTANCE OF 493.50 FEET; THENCE SOUTH 33 DEGREES 32 MINUTES 39 SECONDS WEST, A DISTANCE OF 383.05 FEET TO THE WESTERLY CORNER OF SAID LANDS OF ARNEO, INC (DOCUMENT NUMBER 81-20528), SAID CORNER BEING MARKED BY A MAG NAIL SET IN A TREE ROOT; THENCE NORTH 70 DEGREES 47 MINUTES 44 SECONDS WEST ON AND ALONG THE

WESTERN LINE OF SAID LANDS OF ARNEO, INC. AND THE EASTERLY LINE OF NORTH POINTE WOODS AS RECORDED IN PLAT CABINET "A" PAGE 112, WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, A DISTANCE OF 999.90 FEET TO A CARVED STONE; THENCE NORTH 19 DEGREES 22 MINUTES 14 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO, INC., A DISTANCE OF 1151.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 63.904 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

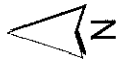
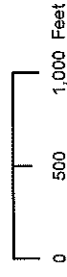


REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo



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.

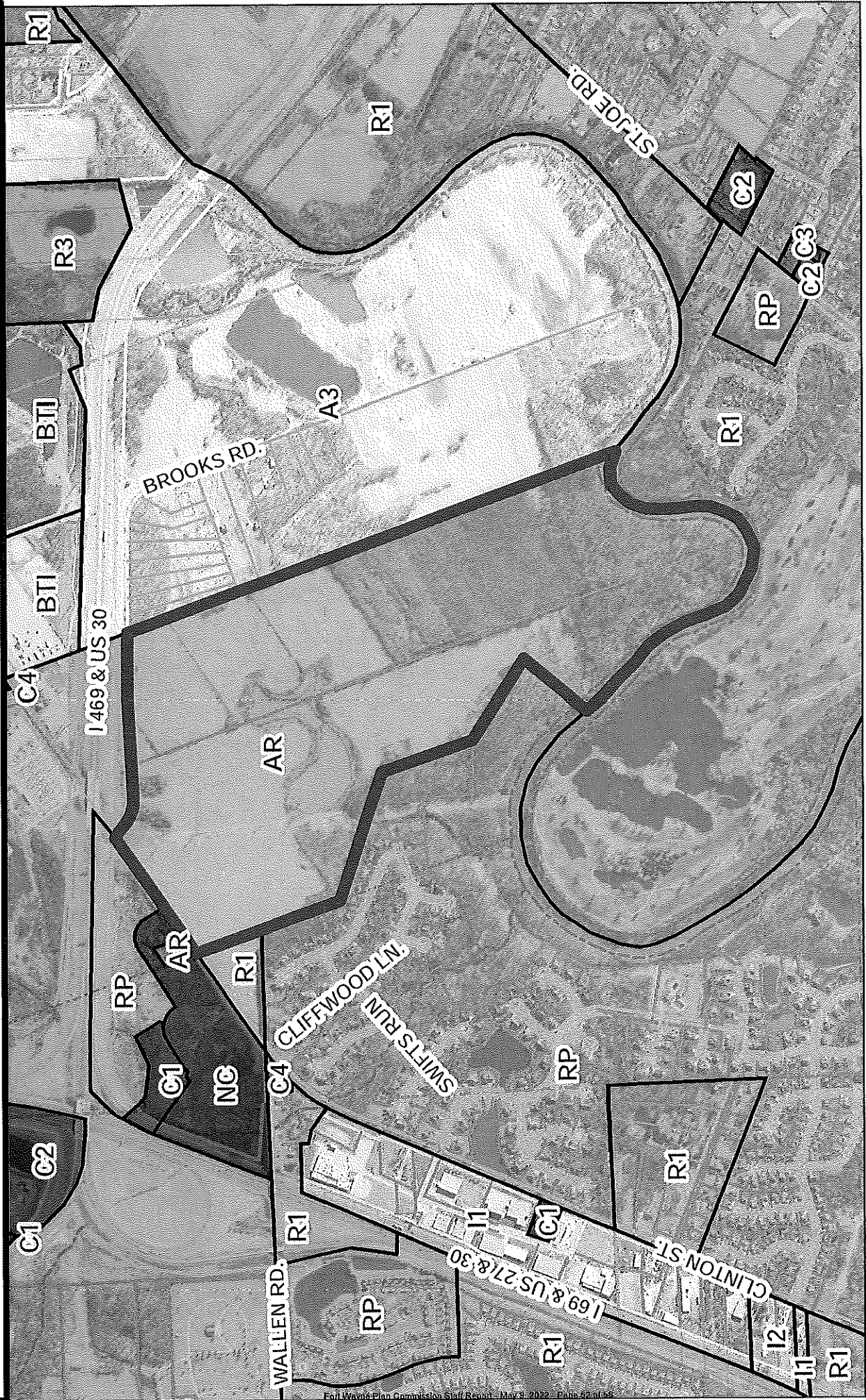
© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours, Spring 2009  
Date: 12/30/2021



1 inch = 1,000 feet

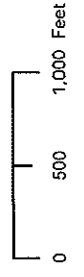


REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo



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North American Datum 1983  
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Photos and Contours, Spring 2009  
Date: 12/30/2021



1 inch = 1,000 feet

Primary Development Plan For  
**Arneo Commercial Center**  
 9218 North Clinton Street, Fort Wayne, Indiana

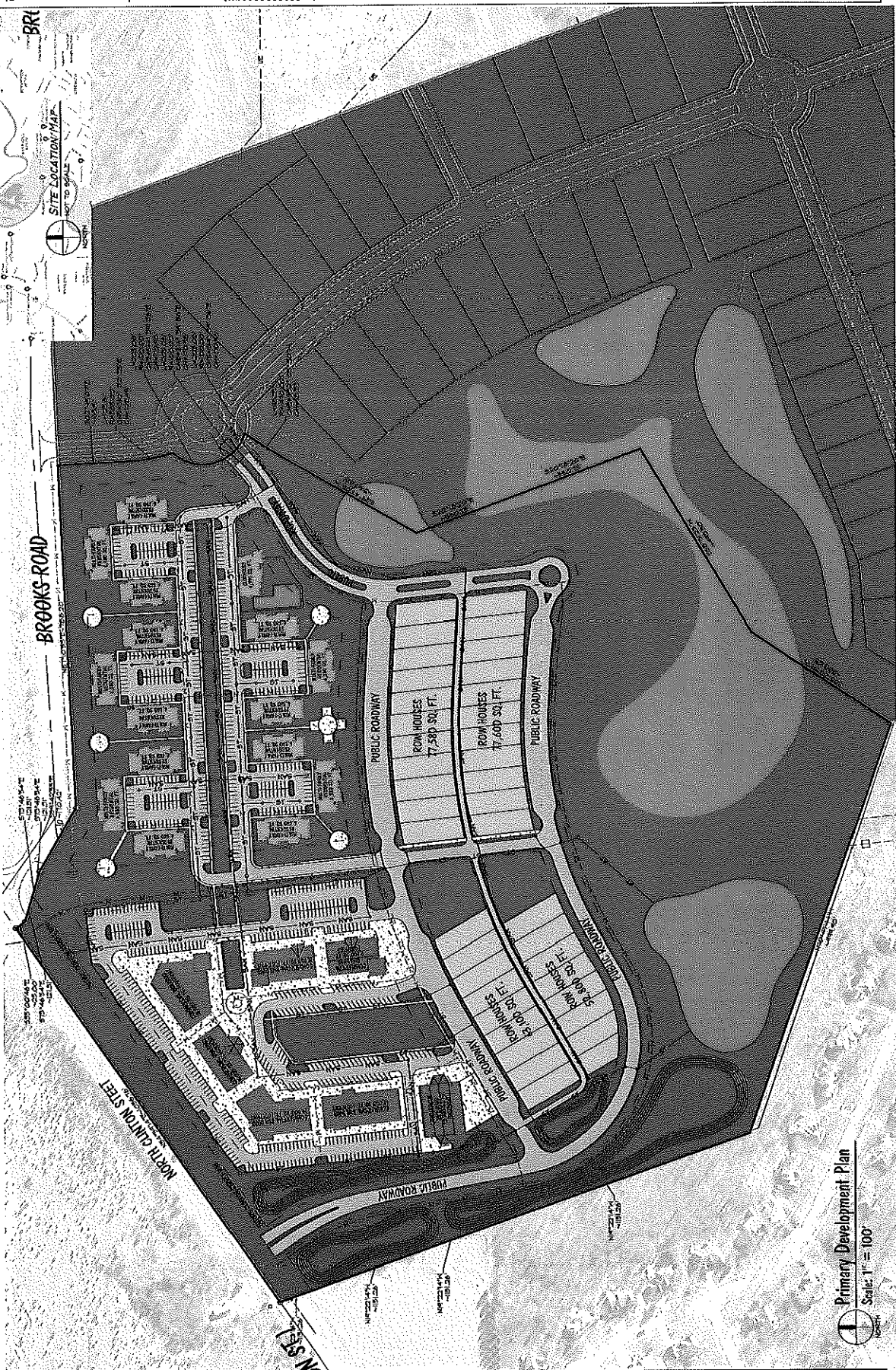
Project Civil Engineer/Land Surveyor:  
 Foresight Consulting, LLC  
 1910 St. Joe Center Road, Suite 51  
 Fort Wayne, Indiana 46837  
 Phone: 317-484-9930  
 Fax: 317-484-9930



Professional Engineers & Surveyors  
 1910 St. Joe Center Road, Suite #51  
 Fort Wayne, Indiana 46837  
 260.484.9930  
 260.484.9930 FAX  
 www.foresight.biz

**BROOKS ROAD**

**NORTH CLINTON STREET**



Primary Development Plan  
 Scale: 1" = 100'

Primary Development Plan For:  
**Arneo Commercial Center**  
 9218 North Clinton Street, Fort Wayne, Indiana 46825

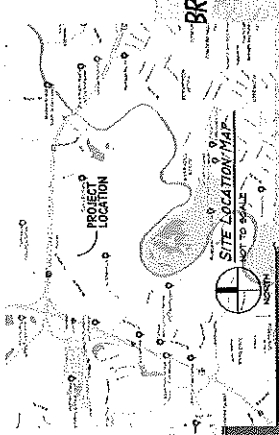
Drawing: Residential

Commission Number:  
 213178  
 Date:  
 April 27th, 2022  
 Title:  
 Primary Development Plan  
 Sheet Number

**PDI**



Performed for:



Primary Development Plan For  
**Arneo Commercial Center**  
 9218 North Clinton Street, Fort Wayne, Indiana

Project Civil Engineer/Land Surveyor:  
 Foresight Consulting, LLC  
 1910 St. Joe Center Road, Suite 51  
 Fort Wayne, Indiana 46825  
 Phone: 260.454.9300  
 Fax: 260.454.9306



Professional Engineers & Surveyors  
 1910 St. Joe Center Road, Suite #51  
 Fort Wayne, Indiana 46825  
 260.454.9300  
 www.fsic.biz



Certification:



Performed For:  
 Arneo Commercial Center  
 9218 North Clinton Street, Fort Wayne, Indiana 46825

Primary Development Plan For:  
**Arneo Commercial Center**  
 9218 North Clinton Street, Fort Wayne, Indiana 46825

Drawing Revisions

Commission Number  
 213176

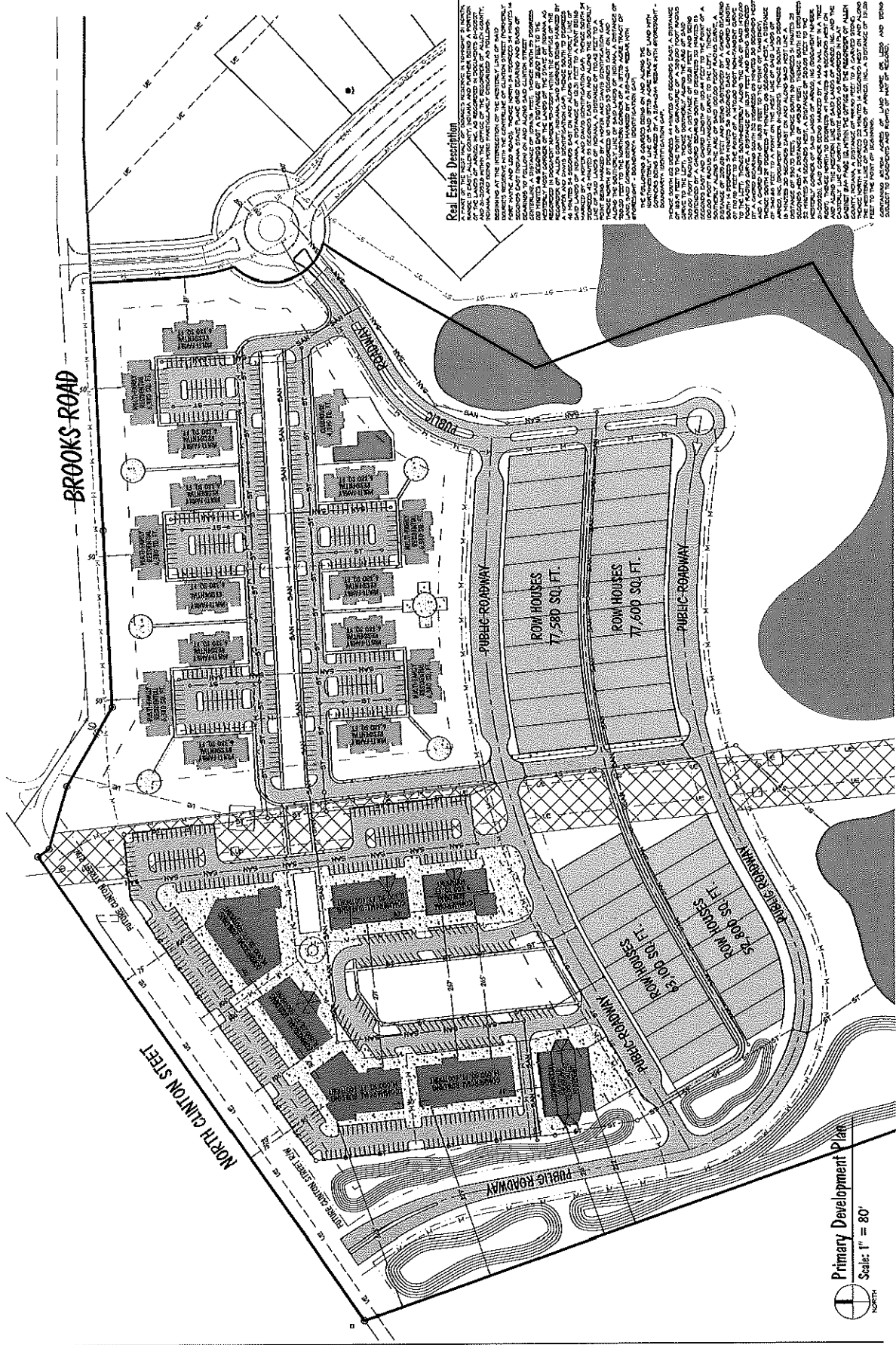
Date

April 27th, 2022

Title

Primary  
 Development Plan  
 Sheet Number

**PD2**



Primary Development Plan  
 Scale: 1" = 80'

## FACT SHEET

Case #REZ-2021-0070 and 0071 Bills # Z-22-05-01 and Z-22-05-02  
Project Start: January 2022

PROPOSALS:	Rezoning Petitions REZ-2021-0070 and REZ-2021-0071 for the Primary Development Plan and Primary Plat for the Arneo mixed use development
APPLICANT:	B1 Enterprises, LLC
REQUEST:	To rezone property from AR/Low Intensity Residential to RP/Planned Residential (REZ-2021-0070) and NC/Neighborhood Center (REZ-2021-0071).
LOCATION:	The site is located on the east side of the 9000 to 9100 blocks of North Clinton Street and on the south side of Brooks Road; north and east of North Pointe Woods Section 2 (Section 8 of St. Joseph Township).
LAND AREA:	Approximately 138 acres for RP zoning Approximately 64 acres for NC zoning
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	RP/Planned Residential and NC/Neighborhood Center
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECT:	Primary Development Plan and Primary Plat - Arneo
SPONSOR:	City of Fort Wayne Plan Commission

### May 9, 2022 Public Hearing

- Three residents spoke at the public hearing and in support.
- Three residents spoke at the hearing and staff received an additional letter of opposition to NC.
- Rachel Tobin Smith, Judi Wire, and Tom Freistroffer were absent.

### May 16, 2022 Business Meeting – REZ-2021-0070 (RP Zoning)

- Plan Commission Recommendation: **DO PASS**
- A motion was made by Judi Wire and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation to Common Council for their final decision.
- **7-0 MOTION PASSED**
- Connie Haas Zuber and Rachel Tobin Smith were absent.

### May 16, 2022 Business Meeting – REZ-2021-0071 (NC Zoning)

- Plan Commission Recommendation: **DO PASS w/Written Commitment**
- A motion was made by Judi Wire and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation with a Written Commitment to Common Council for their final decision.
- **7-0 MOTION PASSED**
- Connie Haas Zuber and Rachel Tobin Smith were absent.

## PROJECT SUMMARY

### SUBMITTAL REQUIREMENTS

All required documents were submitted by the filing deadline of December 7, 2021

### SITE HISTORY

- Site has been historically an agricultural field with a lake installed sometime between 1986 and 1995.

### STAFF DISCUSSION:

The petitioner, B1 Enterprises is requesting to rezone approximately 138 acres to RP/Planned Residential zoning and approximately 64 acres to NC/Neighborhood to allow a subdivision plat as well as a mixed-use development. The site is currently undeveloped and has historically been vacant. There are no known users for the mixed-use development at this time.

The general area has a mixture of land uses ranging from single family subdivision to the west, vacant land zoned commercial and residential to the north, and metes and bounds residential located in unincorporated Allen County to the east. The Saint Joseph River is adjacent to the south. The I-69 and 469 interchange is located to the northwest of the proposed development.

### Rezoning and Development Plan of Arneo Commercial Center:

The applicant is proposing to rezone approximately 64 acres from AR/Low Intensity Residential to NC/Neighborhood Center for an eight-tract commercial development. The proposed commercial development is adjacent to residential zoning, with a small area of NC/Neighborhood Center Zoning on the north side of North Clinton Street.

The submitted plan shows multiple buildings including residential apartments, townhomes, and mixed-use buildings. The plan also includes stormwater detention areas to the south as well as large recreational spaces to the north and south. A trail network is planned throughout the development as well. The plan is showing an entrance off of North Clinton Street. The interior street system is proposed to be public with several roundabouts planned. An overhead electrical easement is shown running north and south on the site. The applicant has not requested any waivers for this development.

A written commitment was submitted for review by the Plan Commission to restrict certain uses in the NC district, as well as guide development standards such as: building size, lighting, signage, outdoor storage, landscaping and buffering. The following uses will be prohibited:

Air Conditioning Sales	Store
Animal kennel	Collection Agency
Automobile accessory store	Consignment Shop
Automobile rental (indoor)	Correctional Services Facility
Automobile sales (indoor)	Costume and Clothing Rental
Bait sales	Credit service
Bankruptcy service	Customer Service Facility
Bingo establishment	Diagnostic Center
Bowling Alley	Diaper Service Facility
Campus Housing	Dormitory
Catalog Showroom	Employment Agency
Child Care Home (class I or II)	Fireworks Sales
Cigarette/Tobacco/Cigar	Flea Market

Fraternity House  
 Furrier  
 Group Residential Facility  
 (large)  
 Group Residential Facility  
 (small)  
 Haunted House  
 Heating Sales  
 Homeless/Emergency  
 Shelter  
 Laundromat  
 Library  
 Parking Structure  
 Planetarium  
 Public Transportation  
 Facility  
 Radio Station  
 Rental and/or Leasing  
 Store

Residential Facility for  
 Homeless Individuals  
 Sign Sales Store  
 Skating Rink  
 Social Service Agency  
 Sorority House  
 Swimming Pool/Hot Tub  
 Sales  
 Taxi Service  
 Television Station  
 Tire Sales  
 Treatment Center  
 Variety Store  
 Veterinary Clinic  
 Wind Energy Conversion  
 System  
 Window Sales  
 Zoo

The zoning request to NC/Neighborhood Center is intended to provide areas for the day-to-day shopping needs of the surrounding residential neighborhoods. Uses typically found within this zoning district include offices, personal services, limited retail, and certain residential facilities. The proposed rezone would attract commercial uses not otherwise located in the immediate vicinity. The proposal can be supported 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.

**Rezoning and Arneo Place Primary Plat:**

On the southern portion of this development is a proposal to develop a 78-lot subdivision. The property is currently zoned AR/Low Intensity Residential, which permits a continuation of agriculture uses as well as low intensity residential uses. The proposed development plans from large estate sized lots as well as traditional suburban sized lots, but all within what is permitted in the RP/Planned Residential Zoning District.

The proposed plat would connect to Brooks Road and through the mixed-use portion to North Clinton, providing the required two entrances to a public street. The proposed subdivision will be adjacent to several meets and bounds lots that are within unincorporated Allen County. The plat also has several bodies of water and is showing a recreation area on the southern part of the parcel which is in the Floodplain and is adjacent to the St Joseph River. No lots are being proposed within the floodplain.

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;

**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 presented the request to Plan Commission as outlined above.

Public Comments:

William Heilshorn, 8134 N Clinton – In support. Feels the location is right and this is a good concept for Fort Wayne. rezoning.

David Ludwig, 2024 Florida Drive – In support. Local home builder, need more housing construction options within the city.

Anthony Peyton, 7910 S Anthony – Supportive of the applicant and his creative and community spirit.

Robert Cheek, North Pointe Woods Treasurer – Primary concern is the possible negative effects on the neighborhood or property values. They would like additional buffering along the property line and more discussion on restricted uses.

John Brandt, 2819 Woodhollow Court – Concerned about wildlife and feels the commercial portion is out of place.

John Crawford, 2805 Chichester Lane – In opposition. Concerns include the amount of growth in the Parkview area and amount of traffic on North Clinton. Does not feel this is responsible growth with the traffic concerns. Also, hunting takes place on the adjacent agricultural land within the County jurisdiction.

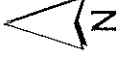
Closing Comments/Post-Hearing Updates:

The City has plans to widen North Clinton with a timeline of 5 to 7 years for completion. Traffic studies will determine immediate improvements and possible signalization. Buffering will be extended along the west property line and addressed in the written commitment. Hunting on adjacent land can be an issue on any greenfield site with adjacent growth; gun safety should lie with the shooter.

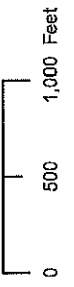
The updated written commitment was coordinated with North Pointe Woods and a new letter of support is included in this packet.



REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo



1 inch = 1,000 feet

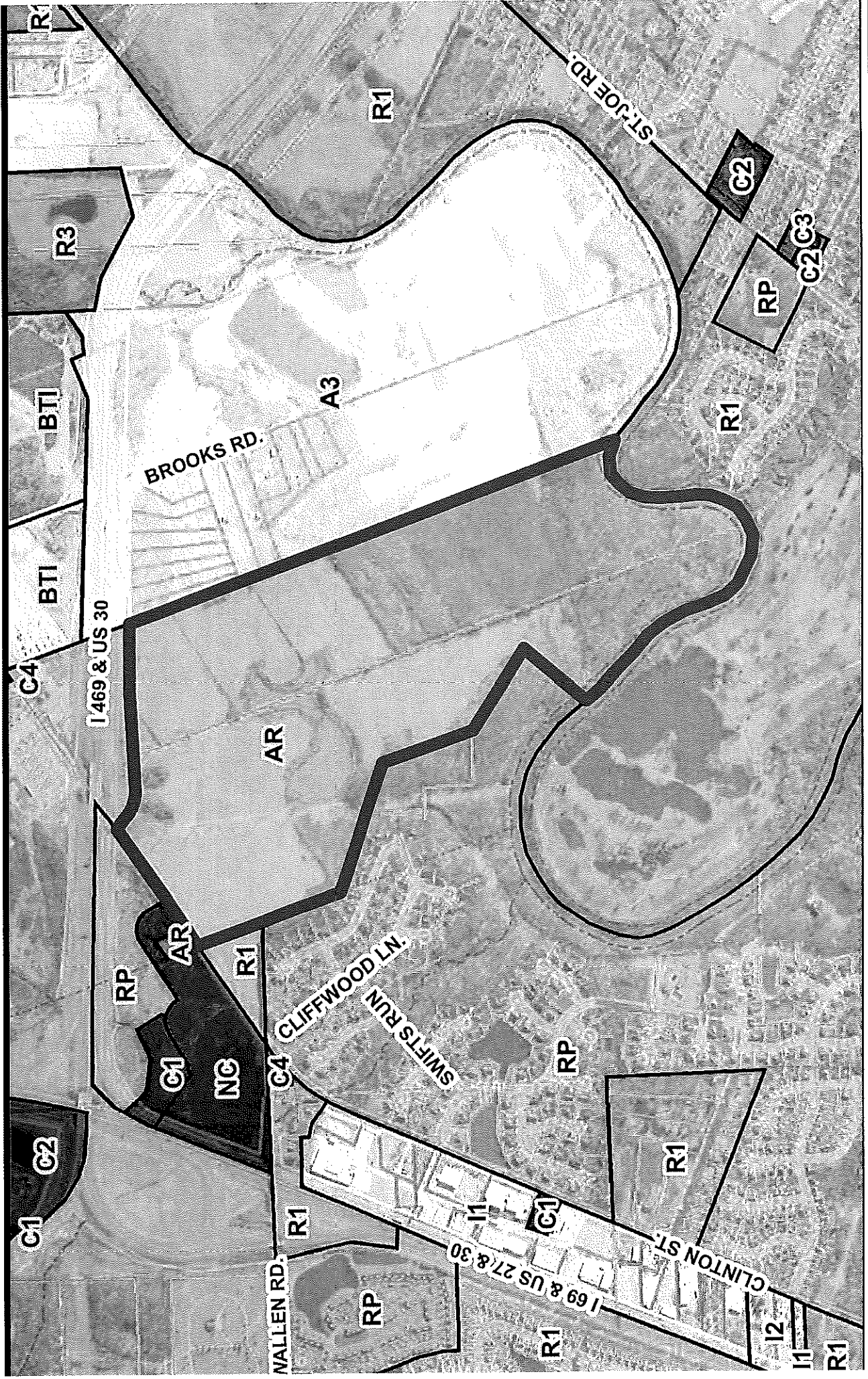


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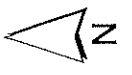
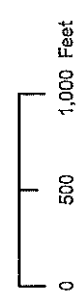


REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo

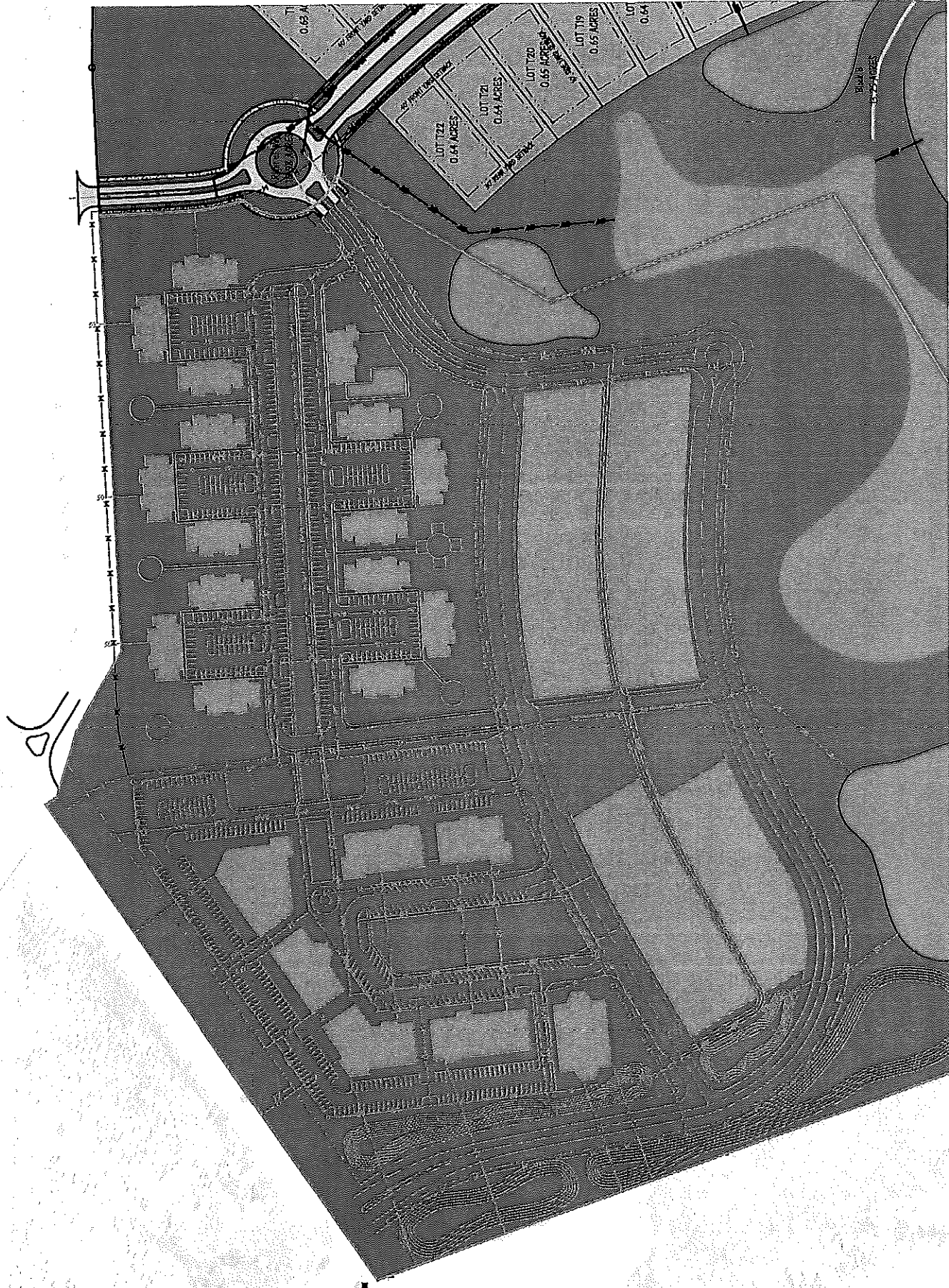


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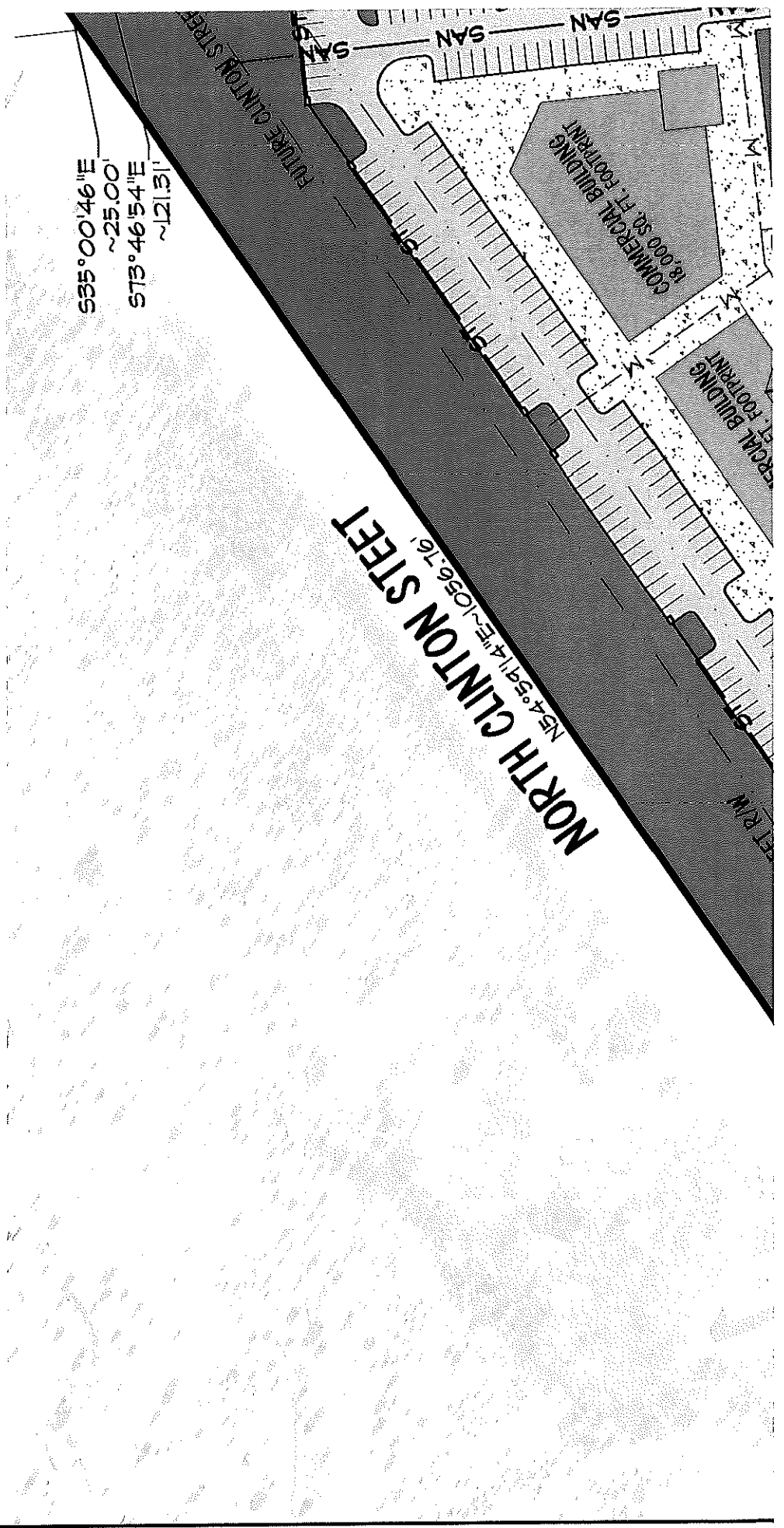
1 inch = 1,000 feet



Primary Development Plan For

# Arneo Commercial Center

9218 North Clinton Street, Fort Wayne, Indiana



**WRITTEN COMMITMENT**

**THIS WRITTEN COMMITMENT** (“Commitment”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2022, by **B1 ENTERPRISES, LLC** (herein the, “Declarant”), under the following circumstances:

**WITNESSETH:**

**WHEREAS**, Declarant is the fee simple owner of approximately 64 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (herein, the “Real Estate”); and

**WHEREAS**, Declarant has submitted a Rezoning Petition Application with the City of Fort Wayne Plan Commission (“Plan Commission”), bearing number REZ-2021-0070 (the “Zoning Application”) and has also submitted a Primary Development Plan Application with the Plan Commission bearing number PDP-2021-0051 (the “Development Plan Application”), both applications with respect to the Real Estate; and

**WHEREAS**, pursuant to the Zoning Application, Declarant has requested the Real Estate be rezoned to an NC (Neighborhood Center) zoning district pursuant to the City of Fort Wayne Zoning Ordinance (the “Ordinance”) which permits development upon the Real Estate of certain business, community, office, personal service and limited retail uses, along with certain residential facilities; and

**WHEREAS**, Declarant, pursuant to Indiana Code 36-7-4-1015 (b)(6) has submitted this Commitment, voluntarily, which contains terms and conditions which are no less stringent for the Real Estate, its use and development, and has requested that this Commitment be considered as part of the Zoning Application.

**NOW, THEREFORE**, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in the NC zoning district, shall be prohibited upon the Real Estate:

Air Conditioning Sales	Automobile rental (indoor)	Bingo establishment
Animal kennel	Automobile sales (indoor)	Bowling Alley
Automobile accessory store	Bait sales	Campus Housing
	Bankruptcy service	Catalog Showroom

Child Care Home (class I or II)	Fraternity House	Rental and/or Leasing Store
Cigarette/Tobacco/Cigar Store	Furrier	Residential Facility for Homeless Individuals
Collection Agency	Group Residential Facility (large)	Sign Sales Store
Consignment Shop	Group Residential Facility (small)	Skating Rink
Correctional Services Facility	Haunted House	Social Service Agency
Costume and Clothing Rental	Heating Sales	Sorority House
Credit service	Homeless/Emergency Shelter	Swimming Pool/Hot Tub Sales
Customer Service Facility	Laundromat	Taxi Service
Diagnostic Center	Library	Television Station
Diaper Service Facility	Parking Structure	Tire Sales
Dormitory	Planetarium	Treatment Center
Employment Agency	Public Transportation Facility	Variety Store
Fireworks Sales	Radio Station	Veterinary Clinic
Flea Market		Wind Energy Conversion System
		Window Sales
		Zoo

In addition to the above, and without expanding the uses permitted on the Real Estate, the following uses shall also be specifically prohibited: (A) the manufacture, storage or distribution of products which increase fire, explosion or radioactive hazards or cause a dangerous or hazardous condition; (B) any business or operation which creates a public or private nuisance by reason of noise, or excess emissions of odors, dust, fumes, smoke, liquid waste, glare, vibration or radiation; (C) adult book store, night club or discotheque, massage parlor, or any other establishment which provides live adult entertainment or which sells, rents or exhibits pornographic or obscene materials; (D) advertising sign or billboard; (E) manufactured home or mobile home; (F) gas station; (G) any medical or related professional use that provides abortion procedures or similar procedures; (H) a residential facility for the developmentally disabled or the mentally ill; (I) an indoor shooting range; (J) a retail plant nursery or greenhouse; (K) an automobile maintenance facility; and (L) any building, improvement or use which violates the applicable zoning ordinance or any other applicable law or regulation.

2. Landscaping, Buffering, and Site Development Features. Declarant shall improve the Real Estate with the landscape and buffering plan as depicted on the primary development plan approved by the Plan Commission, which improvements shall be no less than as described in this Commitment ("Landscape and Buffering Plan"). The Landscape and Buffering Plan shall be completed prior to the issuance of a certificate of compliance for the improvement(s) constructed on the Real Estate; provided, however, that the Plan Commission or its Department of Planning Services may grant an additional and commercially reasonable period of time to complete the Landscape and Buffering Plan due solely to weather related conditions of the Real Estate and upon Declarant furnishing a written commitment to complete said improvements within the agreed upon extended time frame. Conceptually, the Landscape and Buffering Plan shall be comprised of both an earthen berm and with trees of various species planted on the top

of said berm. Specifically, the Landscape and Buffering Plan shall be designed within the following parameters:

a. Declarant shall construct an earthen berm on the along the west property line of the Real Estate to provide buffering for the lots within North Pointe Woods. Such earthen berm shall be no less than six feet (6') above the finished grade level in closest proximity of the earthen berm (the "Earthen Berm");

b. Declarant shall plant on the top of the Earthen Berm a mixture of evergreen trees, shade trees, and shrubs in order to screen or buffer adjacent properties from visual, lighting, and noise impacts from the proposed building improvements as well as or better than compliance with the standards set forth in Section 157.408 of the Ordinance. Declarant shall reasonably cooperate with the City of Fort Wayne – Allen County Department of Planning Services staff to determine the appropriate design, location and type of landscaping improvements.

c. All landscaping planted installed by Declarant upon the Real Estate shall be maintained, watered and fertilized by Declarant pursuant to a commercially reasonable standard for similar landscaping ~~and fencing~~ in Allen County, Indiana and shall be replaced within a commercially reasonable time in the event of decay, disease or death of said landscaping.

3. Lighting. All pole and parking lot lighting upon the Real Estate shall be restricted to a height of no greater than eighteen feet (18') from grade level; provided, however, that public street lighting shall be constructed in compliance with the standards and specifications of the applicable reviewing agency. All pole, parking lot, and building mounted lighting shall utilize sharp cut-off fixtures as defined by the Illuminating Engineers Society of North America and otherwise be of a type to minimize light pollution onto any adjacent residential property. No lighting poles, wall pack lighting or other light fixture shall be located between the top of any earthen berm constructed as part of the Landscape and Buffering Plan and the property line of the Real Estate

4. Signage.

a. No pole or pylon signage shall be permitted upon the Real Estate. Freestanding monument signage erected upon the Real Estate shall be no greater than fifteen feet (15') in height.

b. All building mounted signs must be mounted either flat on the surface of the walls or mounted on raceways which blend with the building exterior color and do not extend beyond six (6) feet from the building wall surface, and no signage is to project above the roof line. Individual, internally illuminated channel letters are encouraged. No hand-painted or flashing signs are permitted. No rooftop mounted signage is permitted.

- c. No banners, mobile or trailer signs, commercial flags, pennants, balloons, or temporary signs shall be permitted. This excludes temporary real estate signage for the purpose of marketing parcels or buildings as for sale or lease.

5. Outside Storage. Outside storage of trash, trash receptacles, and ground mounted HVAC units must be visually screened on three sides with a wood fence or masonry structure no less than eight (8) feet in height, with a gate enclosure on the fourth side. Except as otherwise provided herein, outside storage of any inventory or business related materials is prohibited.

6. Building Size Limitations. No individual building shall be constructed upon the Real Estate with a ground floor area in excess of Fifty Thousand (50,000) square feet.

7. 6-Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

8. 7-Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

9. 8-Amendment or Termination. Modification or amendment of this Commitment may only be made in accordance with I.C. § 36-7-4-1015, as such statute may be amended from time to time.

10. 9-Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

11. ~~10. Attorney Fees.~~ In the event any action is brought to enforce the terms and conditions of this Commitment, the prevailing party shall be awarded its costs and reasonable attorney fees.

12. ~~11. Severability.~~ Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

13. ~~12. Governing Law.~~ This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

14. ~~13. Effective Date.~~ This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

15. ~~14. Statutory Authority.~~ This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

“DECLARANT”

B1 ENTERPRISES, LLC

By: \_\_\_\_\_  
James Khan, Manager

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF ALLEN        )

Before me, the undersigned, a Notary Public, in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, personally appeared James Khan, Manager of B1 Enterprises, LLC, and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

\_\_\_\_\_  
\_\_\_\_\_, Notary

Public

My Commission Expires: \_\_\_\_\_  
My County of Residence: \_\_\_\_\_  
My Commission Number: \_\_\_\_\_

THIS INSTRUMENT prepared by Joshua C. Neal, Esq., Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joshua C. Neal

When recorded, return to: Joshua C. Neal, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

**EXHIBIT "A"**

A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID BOURIE'S RESERVE WITH THE CENTERLINE OF CLINTON STREET (FORMERLY FORT WAYNE AND LEO ROAD); THENCE NORTH 54 DEGREES 59 MINUTES 14 SECONDS EAST (INDIANA STATE PLANE GRID BEARING AND BASIS OF BEARINGS TO FOLLOW) ON AND ALONG SAID CLINTON STREET CENTERLINE, A DISTANCE OF 1056.76 FEET; THENCE SOUTH 35 DEGREES 00 MINUTES 46 SECONDS EAST A DISTANCE OF 25.00 FEET TO THE WESTERLY MOST CORNER OF THE LANDS OF THE STATE OF INDIANA AS RECORDED IN DOCUMENT NUMBER 93-37229 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID CORNER BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 73 DEGREES 46 MINUTES 54 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 121.31 FEET TO A POINT BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 59 DEGREES 42 MINUTES 55 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 170.42 FEET TO A POINT BEING MARKED BY A HOFER AND DAVIS IDENTIFICATION CAP; THENCE NORTH 87 DEGREES 10 MINUTES 53 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF INDIANA, A DISTANCE OF 788.20 FEET TO THE NORTHERN CORNER OF A 137.78 ACRE TRACT OF LAND, SAID CORNER BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT - BOUNDARY" IDENTIFICATION CAP;

THE FOLLOWING 8 COURSES BEING ON AND ALONG THE NORTHWESTERLY LINE OF SAID 137.78 ACRE TRACT OF LAND WITH CORNERS BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT - BOUNDARY" IDENTIFICATION CAP.

THENCE SOUTH 02 DEGREES 49 MINUTES 07 SECONDS EAST, A DISTANCE OF 165.91 FEET TO THE POINT OF CURVATURE OF A 385.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID 385.00 FOOT RADIUS CURVE, A DISTANCE OF 103.81 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 10 DEGREES 32 MINUTES 35 SECONDS EAST AND CHORD LENGTH OF 103.49 FEET TO THE POINT OF A 100.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID 100.00 FOOT RADIUS CURVE, A DISTANCE OF 205.08 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 14 DEGREES 39 MINUTES 36 SECONDS EAST AND A CHORD LENGTH OF 170.98 FEET TO THE POINT OF A 1470.00 FOOT NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID 1470.00 FOOT RADIUS CURVE, A DISTANCE OF 118.37 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 32 DEGREES 05 MINUTES 30 SECONDS WEST AND A CHORD LENGTH OF 118.33 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 47 MINUTES 06 SECONDS WEST, A DISTANCE OF 340.68 FEET TO A POINT ON THE WEST LINE OF SAID

LANDS OF ARNEO, INC. (DOCUMENT NUMBER 81-20527); THENCE SOUTH 20 DEGREES 18 MINUTES 20 SECONDS EAST ON AND ALONG SAID WEST LINE A DISTANCE OF 550.73 FEET; THENCE SOUTH 58 DEGREES 51 MINUTES 25 SECONDS WEST A DISTANCE OF 493.50 FEET; THENCE SOUTH 33 DEGREES 32 MINUTES 39 SECONDS WEST, A DISTANCE OF 383.05 FEET TO THE WESTERLY CORNER OF SAID LANDS OF ARNEO, INC (DOCUMENT NUMBER 81-20528), SAID CORNER BEING MARKED BY A MAG NAIL SET IN A TREE ROOT; THENCE NORTH 70 DEGREES 47 MINUTES 44 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO, INC. AND THE EASTERLY LINE OF NORTH POINTE WOODS AS RECORDED IN PLAT CABINET "A" PAGE 112, WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, A DISTANCE OF 999.90 FEET TO A CARVED STONE; THENCE NORTH 19 DEGREES 22 MINUTES 14 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO, INC., A DISTANCE OF 1151.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 63.904 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

## Michelle Wood

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**From:** Robert Cheek <cheekbt@msn.com>  
**Sent:** Sunday, May 15, 2022 1:50 PM  
**To:** Joshua C. Néal  
**Cc:** Greg Gerbers; John Brandt; Robert Cheek  
**Subject:** RE: Arneo [IWOV-iManage8.FID582481]  
**Attachments:** 213178 PD1 Primary Development Plan Amended 051222 v2 5-14-2022.pdf; Written Commitment - Arneo - Written Commitment - Arneo 5-14-2022.pdf

Good afternoon Josh,

First, thank you and Mr. Khan for giving North Pointe Woods the opportunity to express our concerns relative to the proposed Arneo Commercial Center and Arneo Place Subdivision. The open exchange of ideas has contributed to what is believed to be a development that the City of Fort Wayne will be proud of and the Residents of North Pointe Woods can feel comfortable having as a neighbor. The final documents you sent to me, attached to your below note, have been reviewed and NPW provides its support for them as the documents B1 Enterprises will submit to the Fort Wayne Plan Commission.

I personally have enjoyed working on this project and with you and Mr. Khan. Good luck with tomorrows decision.

Regards, B  
Bob Cheek  
Treasurer, North Pointe Woods Community Association

Sent from [Mail](#) for Windows

**From:** [Joshua C. Neal](#)  
**Sent:** Saturday, May 14, 2022 8:48 AM  
**To:** [Robert Cheek](#)  
**Cc:** [F582481.iManage8@emm.barrettlaw.com](#)  
**Subject:** Arneo [IWOV-iManage8.FID582481]

Bob-

As a follow up to our call on Thursday, attached is a revised draft of the site plan showing an additional 4 foot tall mound adjacent to the western detention pond.


Also attached is a redline draft of the written commitment. I have removed the misplaced reference to a fence and included a limitation that any building would have a ground floor area no greater than 50,000 square feet.

Assuming the attached are acceptable, I will send these on to Michelle Wood at the Department of Planning Services with a note that we have made further modifications to the site plan and commitment based on your feedback and that you are in agreement with the changes. We would hope, as well, that this would alleviate any concerns as to the zoning or use of the real estate as this project heads to City Council.

Thanks,

Josh

Joshua C. Neal | PARTNER

 **Barrett** *Law Firm*  
ATTORNEYS AT LAW  
215 East Berry Street  
Fort Wayne, Indiana 46802  
Direct: (260) 423-8935 | Fax: (260) 423-8920  
Email: [jcn@barrettlaw.com](mailto:jcn@barrettlaw.com) | [barrettlaw.com](http://barrettlaw.com)

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Fort Wayne Plan Commission

Rezoning petitions REZ - 2021-0070 and REZ - 2021-0071 for 9218 North Clinton should receive a DO NOT PASS.

Fort Wayne Zoning Ordinance under section E of Consideration Criteria for rezoning proposals lists "responsible development and growth."

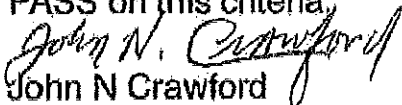
North Clinton is already inadequate for present traffic flow. This proposed development will increase the traffic burden on North Clinton and make it more unsafe. This proposal is not "responsible development."

Keeping local roads functioning as they were designed is a responsibility of Plan Commissions. This proposed development will make the traffic situation worse on North Clinton and there is no way for the developer to mitigate the traffic problems it will create.

North Clinton is a two lane road here. The other major north south roads are wider - Lima six lanes, Coldwater four lanes, and Maplecrest four lanes. The area served by North Clinton has seen the most growth and this continues to accelerate with Parkview and surrounding area growth.

North Clinton is already not only inadequate for traffic flow but is unsafe. Undulating nature of roadway creates 12 blind rises between North Clinton's northern origin and the entry into North Pointe Woods Canyons subdivision. There are five blind spots in close proximity to the proposed development from 72 yards to 225 yards away from where oncoming cars can be seen. A car traveling north on Clinton at 50-60 mph will cover 100 yards in 3-4 seconds. So, it will be very unsafe to get onto North Clinton from Brooks Road, the new proposed curb cuts, and surrounding subdivision entry points.

Fort Wayne Zoning Ordinance under section D of consideration criteria for rezoning proposals lists "conservation of property values throughout the jurisdiction." It is likely property values of homes in surrounding jurisdiction will be adversely impacted if North Clinton traffic is made worse and more unsafe. So the proposed development rezoning petitions should also receive a DO NOT PASS on this criteria.

  
John N Crawford

## FORT WAYNE ZONING ORDINANCE

review of a proposed zoning map amendment, as set forth in § 157.503(A)(5), the Commission may defer action on the request until the commitment has been executed. Any action by the Commission shall be taken in accordance with IC 36-7-4-605 and the Commission's rules. In considering a request application for a zoning map amendment, the Commission and Common Council shall pay reasonable regard to:

- [A] The Comprehensive Plan;
- [B] Current conditions and the character of current structures and uses in each district;
- [C] The most desirable use for which the land in each district is adapted;
- [D] The conservation of property values throughout the jurisdiction; and
- [E] Responsible development and growth.

(iii) Notice of Recommendation

Notice of the Commission's recommendation on a proposed zoning map amendment shall be provided as established in the Commission's rules.

(iv) Certification of Recommendation

The Commission's recommendation shall be certified to the Common Council, in accordance with IC 36-7-4-605 and IC 36-7-4-608.

(d) Common Council Consideration of Commission Recommendation

The Common Council shall consider and take action on the Commission's recommendation in accordance with its rules and procedures, and in conformance with IC 36-7-4-608.

(e) Veto by Mayor

Any proposed zoning map amendment shall be subject to veto by the Mayor as set forth in IC 36-7-4-609 and City Code.

### Zoning Text Amendments

1) Purpose

The following procedures are established to allow for proper Commission review and consideration of ordinance text amendments, in conformance with objectives and strategies of the Comprehensive Plan, and to comply with the provisions of IC 36-7-4-600 series (Zoning

## DEPARTMENT OF PLANNING SERVICES

### Allen County Planning Jurisdiction REZONING PETITION SUBMISSION REQUIREMENTS

These questions have been prepared to achieve two goals. First, they are to direct your attention to the goals of the Allen County Comprehensive Plan as they relate to your rezoning proposal. Second, they are your guide in preparing your presentation for the Plan Commission's public hearing.

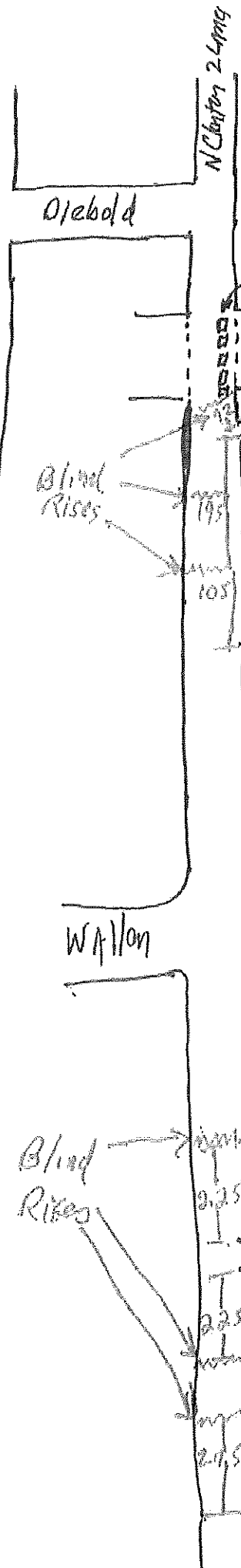
An original and ten copies of your answers must be included with your rezoning petition. You should use the following format for your answers. Graphics to support your answers may also be submitted.

- Answers should be submitted on 8.5 by 11-inch paper.
- The name of your development should be on the top of the first sheet of answers.
- Each question as shown below should be presented and your answer to the question should appear below it.
- The name and address of the person(s) who prepared the answers should conclude your submission.

1. The Allen County Comprehensive Plan mandates that "adjacent growth/infill growth" be one of the goals accomplished by new development. In that Title 36 of the Indiana code identifies the contents of the comprehensive plan as a consideration in all rezoning petitions, please identify specifically how approval of this proposal will meet Allen County's adjacent growth or infill growth goal.
2. Compatibility of new land uses with existing uses is one of the main objectives of the zoning process. What special provisions are you proposing in order to make this proposed land use compatible with adjacent land uses in different zoning districts? How will this proposal assist in the conservation of property values in the immediate area? In your answer to this question, please indicate the perimeter length of your site as well as the breakdown of that total figure showing the various districts surrounding the site (i.e. "This site has a perimeter of 3,000 feet. One thousand feet (33 percent) of this perimeter border an A-1/Agriculture district and 2,000 feet (66 percent) border a C-1/General Commercial district").
3. Past rezoning decisions are often cited as precedents when petitioners apply for new zoning classifications. How would approval of this petition establish a desirable precedent for any nearby undeveloped land?
4. The presence of adequate utilities and other community facilities are essential for quality development. Please indicate the distances your site is away from each of the following: sanitary sewers; water lines; schools; fire stations, and an adequate storm drainage outlet. How does your proposal relate to each one of these?
5. Good site design, including elements such as sidewalks, landscaping, appropriate signage, and lighting is often the primary factor distinguishing quality development from average development. How does the site design of your project create a quality development?
6. Local roads and highways that provide access to property are one of the more important reasons that specific sites are selected for development. Keeping these roads functioning as they were designed is a responsibility of the Plan Commission. Please identify the impacts this project will have on the local roadway network. How does this proposal avoid creating strip development along Allen County roadways? How do you plan to mitigate any traffic-related problems this proposal could create?
7. The protection of prime agricultural land (distinguished by high crop yields contiguous tracts of land) is a goal mandated by the Allen County Comprehensive Plan. How does this proposal avoid creating an adverse impact on prime agricultural land?
8. "Current conditions" is a factor identified by Indiana state law for local plan commissions to consider in rezoning decisions. What are the current conditions and character of the area where you seek this rezoning? How have these conditions and character changed since the present zoning was established?
9. The Allen County Plan Comprehensive Plan urges the use of currently existing zoned sites before rezoning new real estate. What is your view of the market need in the immediate area for additional land to be rezoned to this classification? With what evidence do you support this view? What is the anticipated market area of this proposal?
10. Urban planning principles and Indiana state law mandate the "highest and best use" policy is followed in zoning or rezoning land. How do you justify that your proposal is the highest and best use of the property?

PARK VIEW

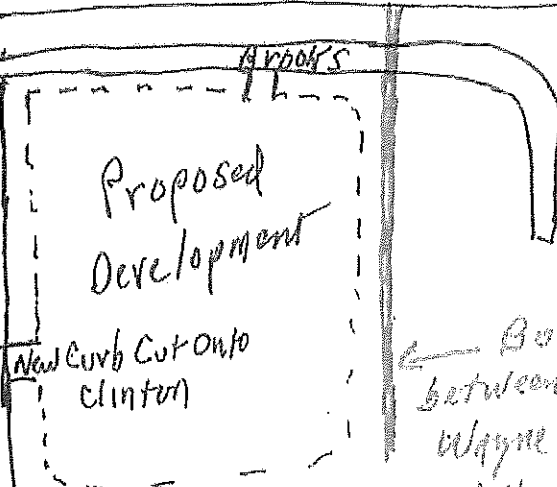
DuPont



N Clinton 2 Lanes

Supports for 469 Overpass

469



7 more blind rises  
Not depicted from overpass  
N Clinton 2 lanes until becomes  
4 lanes

Boundary Line  
between City of Fort  
Wayne and unincorporated  
Allen County

St Joseph River

Wallon

North Pointe  
Woods

Blind  
Rises

North Pointe  
Woods  
Canyons

## Unsafe Site Plan

- East edge of proposed development is the boundary line between the city of Fort Wayne and unincorporated Allen County
- Shooting of firearms and hunting is not against the law in unincorporated Allen County as it is in the city of Fort Wayne
- Site plan shows 74 single family lots on east edge of proposed development 10-20 feet from where hunting and discharge of fire arms is occurring
- The area east of proposed development in Allen County is in the Deer Reduction Zone demarcated by the state of Indiana in the circle of 469 and 69. Deer hunting season there extends from September 15 until January 31 rather than a shorter season everywhere else. The zone also allows a much greater bag limit of 10 deer.
- Maximum distance from east edge of proposed development to far east edge of hunting area up to the St. Joseph River is 600 to 700 yards. The range of a 308 high-powered deer rifle is 1000 yards. So children in backyards of proposed single-family lots or wandering onto hunting land are vulnerable to poorly aimed shots or ricochets from hunting land

Unsafe Site Plan

469

← Boundary Line City Fort Wayne and Unincorporated Allen County

Brooks Road

Woods Hunter

Hunter

Deer Reduction Zone  
Hunting Season 9/15-1/31  
Firearms can be shot year round

Woods Hunters



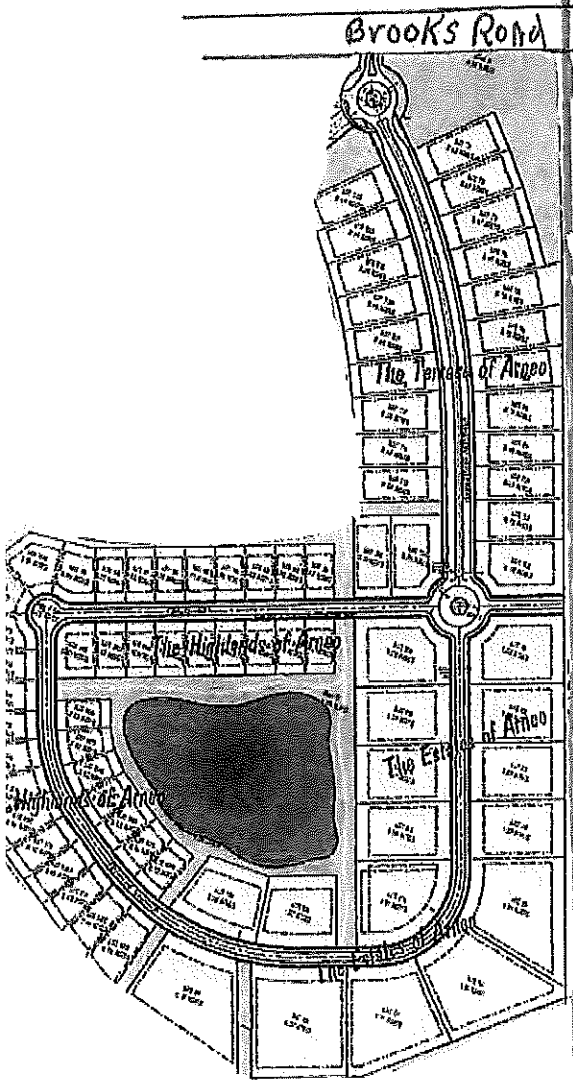
Distance From these Back yards to River  
600-700 yards  
Range High Powered 308  
Deer Rifle 1000 yards

WOODS



Woods Hunters

St Joseph River



St Joseph River

January 4, 2022

Christian J. Beebe, Principal Land Use Planner  
Department of Planning Services  
Fort Wayne Plan Commission  
Suite 150 Citizens Square  
200 East Berry  
Fort Wayne, IN 46802

RE: ARNEO Protect – North Clinton


Dear Mr. Beebe and Fort Wayne Plan Commission Members:

Regarding the proposal to rezone AR/Low Intensity Residential to RP and NC, I am opposed to this rezoning.

1. The so called "mixed use" Section is to be located directly next to Woodhollow Trail in North Pointe Woods subdivision. It is far too close to the existing property.
2. Mixed use is not what we would want due to the noise, lighting and traffic issues and I don't want businesses located there.
3. The entire mixed use section needs to be removed from consideration. I'm referring to the section that borders directly on North Clinton Street and looks to be the westernmost section of the proposed development.
4. I have no problem with the single family residential portion.
5. And the single biggest issue here is this. Simply stated, the Wallen Road and North Clinton intersection is currently a clogged up freakshow traffic mess. Adding 1,000 additional cars daily directly adjacent to that intersection will create a traffic brick wall for all of us who currently live in North Pointe Woods and currently struggle with the traffic mess.

No rezoning should be remotely considered until the Wallen Road and Clinton Street intersection is updated and "fixed" so as to be able to accommodate the massive increase in daily traffic.

Very truly yours,

  
Gregory M. Green  
2818 Woodhollow Trail  
Fort Wayne, IN 46825  
260-413-9783  
gmgmbacpa@gmail.com