

1 #REZ-2022-0042

2 BILL NO. Z-22-08-13

3 ZONING MAP ORDINANCE NO. Z- 32-22

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. V-38 (Sec. 15 of St. Joseph Township)

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

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

11 Prepared by Duane A. Brown, LS #80040337, D. A. Brown Engineering Consultants, Inc.,
12 Job No. 2203-02, based on information contained on Job Number 20000417-G as prepared
13 by Goulff-Jordan Surveying and Design, Inc. (Certified by Timothy C. Goulff, P.S.; dated
May 31, 2012; and recorded as Allen County Document No. 2020007750).

14 A tract of land located in the Southwest Quarter of Section 15, T31N, R13E, in Allen
15 County, the State of Indiana, more fully described as follows:

16 **COMMENCING** at a Harrison Marker in the Northwest corner of said Southwest Quarter;
17 Thence South 00 Degrees 32 Minutes 42 Seconds West (Record Basis of Bearings), a
18 distance of 568.00 feet along the West line of said Southwest Quarter to the Northwest
19 corner of the tract of land described in the conveyance to the County of Allen, State of
20 Indiana in Allen County Document No. 960042913; Thence South 89 Degrees 42 Minutes
21 38 Seconds East, a distance of 45.00 feet along the North line of said County of Allen tract
22 to the Northeast corner thereof, the **TRUE POINT OF BEGINNING**; Thence South 00
23 Degrees 32 Minutes 42 Seconds West, a distance of 225.00 feet along the East line of said
24 County of Allen tract [also being Forty-five (45) feet East of and parallel with the West line
25 of said Southwest Quarter]; Thence South 89 Degrees 42 Minutes 38 Seconds East, a
26 distance of 734.90 feet; Thence North 00 Degrees 21 Minutes 54 Seconds East, a distance of
27 225.00 feet along the West line of the tracts of land described in the conveyances to Matthew
28 F. & Kelli N. Leighty (Document No. 2008002417) and to Phillip W. & Jane S. Borchelt
29 (Document No. 880009726); Thence North 89 Degrees 42 Minutes 38 Seconds West, a
30 distance of 734.19 feet along the South line of the tract of land described in the conveyance
to Epiphany Lutheran Church in Allen County Document No. 720002633, to the **POINT OF
BEGINNING**, said tract containing 3.794 Acres, more or less, and being subject to all
public road rights-of-way and to all easements of record.

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and the symbols of the City of Fort Wayne Zoning Map No. V-38 (Sec. 15 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

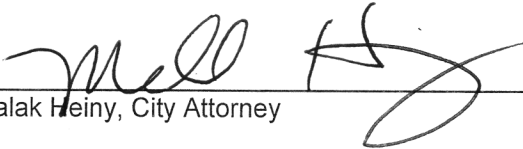
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated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

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:



Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0042
Bill Number: Z-22-08-13
Council District: 1-Paul Ensley

Introduction Date: August 23, 2022
Plan Commission
Public Hearing Date: September 12, 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 3.79 acres from R1/Single Family Residential to R3/Multiple Family Residential.
Location: 6332 Maplecrest Road
Reason for Request: To allow for the construction of 24 townhomes.
Applicant: Burlington Properties, LLC (Matt Lancia)
Property Owner: Burlington Properties, LLC

Related Petitions: Primary Development Plan, Paxton Place

Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning district, which will allow for an attached townhome development.
Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which may continue to be used for single family purposes.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Burlington Properties, LLC
 Address 10331 Dawsons Creek Blvd., Suite A
 City Fort Wayne State IN Zip 46825
 Telephone 260-417-5553 E-mail mlancia29@msn.com

Contact Person
 Contact Person Patrick R. Hess, Beckman Lawson, LLP
 Address 201 W. Wayne St.
 City Fort Wayne State IN Zip 46802
 Telephone 260-422-0800 E-mail phess@beckmanlawson.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 6332 Maplecrest Road
 Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned _____
 Proposed density 6.33 units per acre
 Township name St. Joseph Township section # 15
 Purpose of rezoning (attach additional page if necessary) to allow for the construction of 24 townhomes on approximately 3.79 acres.
 Sewer provider City Water provider City

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.
 Applicable filing fee \$ 1,000
 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.

Burlington Properties, LLC Matthew J Lancia 7/29/2022
 (printed name of applicant) (signature of applicant) (date)
Burlington Properties, LLC Matthew J Lancia 7/29/2022
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received <u>8/2/22</u>	Receipt No. <u>141059</u>	Hearing Date <u>9-12-22</u>	Petition No. <u>REZ-2022-0042</u>
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Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



Although some 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 errors or omissions on this map.

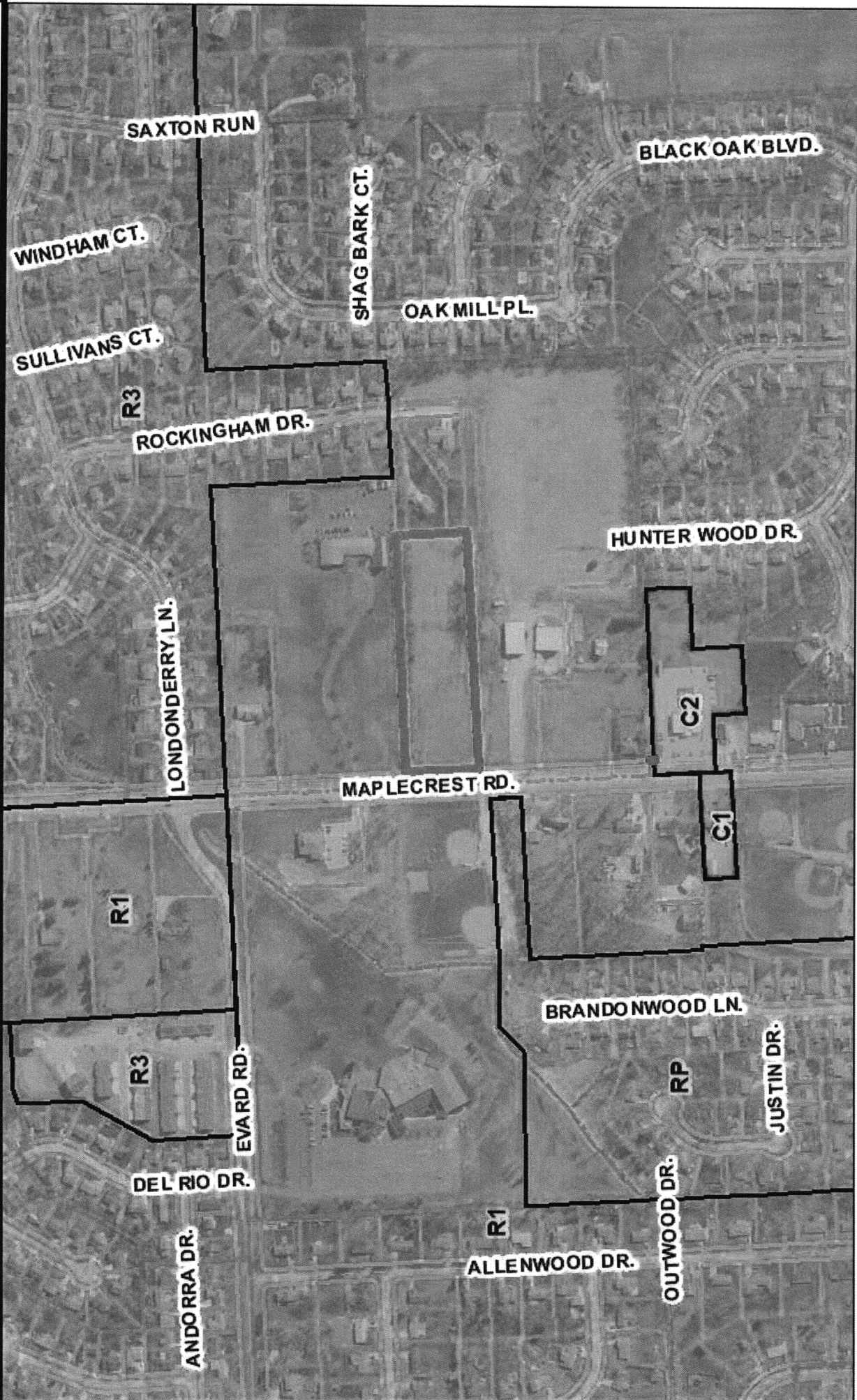
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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 8/17/2022



1 inch = 400 feet

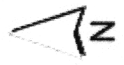
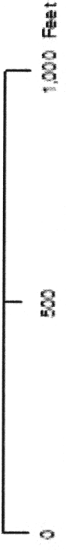


Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



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1 inch = 400 feet

July 28, 2022

Matt Lancia Homes
Paxton Place
Maplecrest Road
Fort Wayne, IN
Proposed Rezoning

Legal Description:

Prepared by Duane A. Brown, LS #80040337, D. A. Brown Engineering Consultants, Inc., Job No. 2203-02, based on information contained on Job Number 20000417-G as prepared by Gouloff-Jordan Surveying and Design, Inc. (Certified by Timothy C. Gouloff, P.S.; dated May 31, 2012; and recorded as Allen County Document No. 2020007750).

A tract of land located in the Southwest Quarter of Section 15, T31N, R13E, in Allen County, the State of Indiana, more fully described as follows:

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Boundary Description

Paxton Place Exhibit

NW Cor SW Qtr
Sec 15, T31N, R13E
Harrison Marker Fnd
POC

S0°32'42"W 568.00ft

S89°42'38"E 45.00ft

P.O.B.

N89°42'38"W 734.19ft

S0°32'42"W 225.00ft

Maplecrest Road

Proposed Paxton Place
3.794AC±

S89°42'38"E 734.90ft

Borchelt, Reta L & Edwin D Co-Trust
Doc. #2012034720

This drawing is not intended to be
represented as a Retracement or
Original Boundary Survey, a Route
Survey, or a Surveyor Location
Report as defined in 865 IAC 1-12.



Scale 1" = 100 ft
July 28th, 2022

N0°21'54"E 225.00ft

Leighly, Matthew F & Kelli N
Doc. #2007063509

Borchelt, Phillip W & Jane S
Doc. #880009726



D.A. Brown Engineering Consultants
5491 County Road 427, PO Box 386, Auburn, IN 46708
Phone: (260) 925-2020 Fax: (260) 925-1212
www.dabecengineering.com

Job No: 2203-02

REZONING FACT SHEET

Petition #REZ-2022-0042 Z-22-08-13 Project Start: August 2022

APPLICANT:	Burlington Properties, LLC
REQUEST:	Approve rezoning from R1/Single Family Residential to R3/Multiple Family Residential to allow a 24-unit multiple family development.
LOCATION:	6000 block of Maplecrest Road, 700 feet south of its intersection with Evard Road (Section 154 of Saint Joseph Township)
LAND AREA:	3.79 acres for multiple family development
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	R3/Multiple-Family Residential (Paxton Place)
COUNCIL DISTRICT:	1-Paul Ensley
ASSOCIATED PROJECT:	Primary Development Plan, Paxton Place
SPONSOR:	City of Fort Wayne Plan Commission

12 September 2022 Plan Commission Public Hearing

- Three property owners spoke their concerns at the hearing.
- Ryan Neumeister and Paul Sauerteig were absent.

19 September 2022 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Judi Wire and seconded by Patrick Zaharako to return the ordinance to Common Council with a DO PASS recommendation for their final decision.
- **6-0 MOTION PASSED**
- Ryan Neumeister, Tom Freistroffer and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
October 6, 2022

PROJECT SUMMARY

SITE HISTORY:

- The site has remained vacant since aerial imagery was captured.
- The parent parcel was approved for an existing electrical, plumbing, and HVAC contracting business by the Board of Zoning Appeals in August 2022.

STAFF DISCUSSION:

The applicant proposes to rezone the northwest 3.79 acres of the property from R1/Single Family Residential to R3/Multiple-Family Residential. The site is on the east side of Maplecrest and is surrounded by R1/Single Family Residential. The surrounding uses consist of a church to the north, residential homes to the east, a Board of Zoning Appeals approved contracting business to the south, and a baseball field on the west side of Maplecrest Road.

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

LU3 - Use land resources efficiently by encouraging new development, revitalization, and redevelopment in areas already served by infrastructure.

LU5 - Encourage sustainable growth and quality development, revitalization, and redevelopment by increasing and enhancing connectivity.

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

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

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

H4 - Provide housing choice within neighborhoods.

H6 - Promote mixed uses along with proximity of uses.

In association with the rezone, the applicant proposes a multiple-family complex that contains 5 structures for a total of 24 units in the development. The plan includes a private street accessed off of Maplecrest Road. Landscaping is proposed on the north side of the private drive, but does not give a width. B-3 landscaping is required to the south and east which consists of a 6-foot privacy fence. The applicant did not provide any detailed landscaping plan, but indicated that they will meet the zoning ordinance standards.

PUBLIC HEARING SUMMARY:

Presenter: Pat Hess, representing the applicant, presented the project to the Plan Commission, as outlined above.

Public Hearing Comments:

David York, President of Epiphany Lutheran Church – Not opposed to the development but concerned about drainage. They have talked to the project engineers and welcome the development if the drainage can be improved.

Lynnea Numbers, 6631 Rockingham – Does not want to see a connection to Rockingham (separate project) and concerned about rentals and crime.

Matthew Leedy, 6507 Rockingham – Not opposed to the project but would like to work with developer on screening.

Closing Comments:

Drainage issues are acknowledged and the design will take the outfall to Maplecrest Road. The developer will work with Mr. Leedy on an acceptable landscape plan.

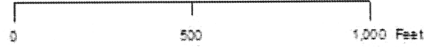


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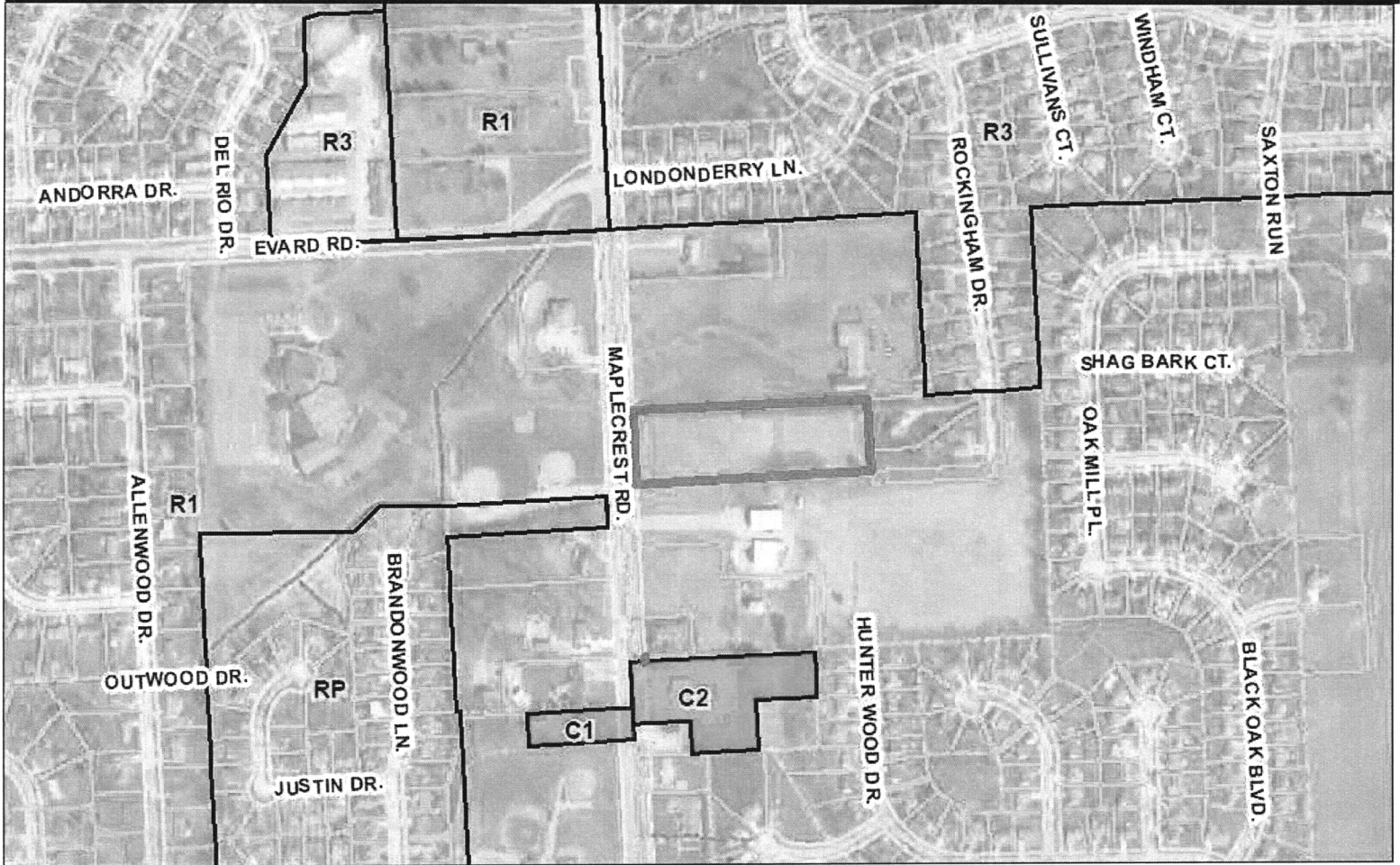
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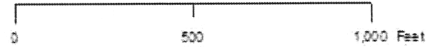


Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



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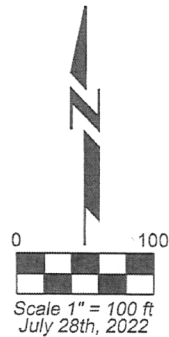
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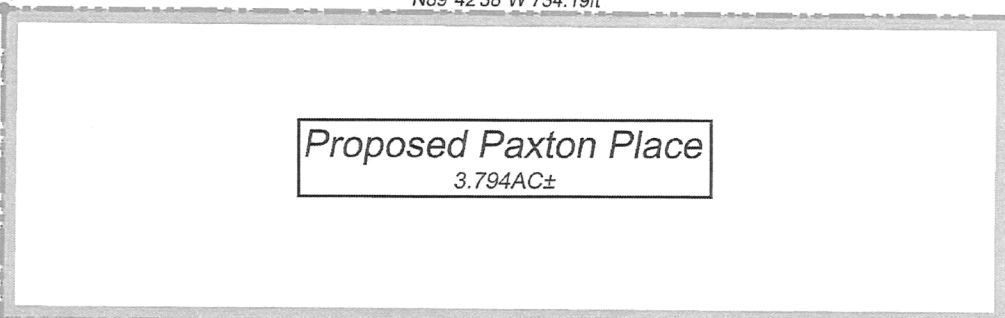
Epiphany Lutheran Church
Doc#720002633
Doc#730014259



Maplecrest Road

S0°32'42"W 568.00ft

S0°32'42"W 225.00ft



Proposed Paxton Place
3.794AC±

Leighly, Matthew F & Kelli N
Doc. #2007063509

Borchelt, Phillip W & Jane S
Doc. #880009726

S89°42'38"E 734.90ft

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DABEC
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www.dabrownengineering.com
Job No: 2203-02

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BILL NO. Z-22-08-13

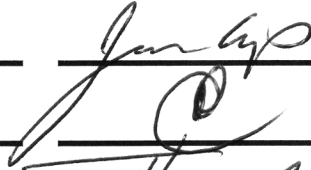
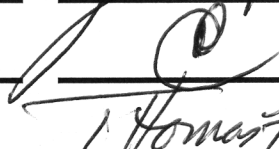
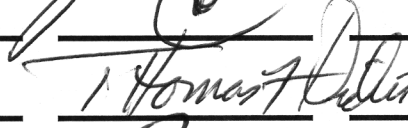
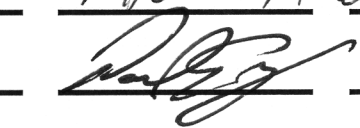
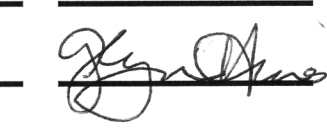
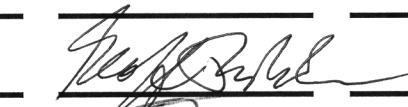

**REPORT OF COMMITTEE ON REGULATIONS
October 18, 2022**

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

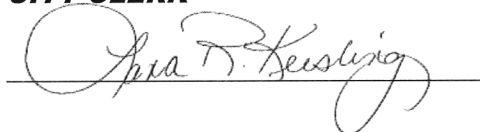
An Ordinance amending the City of Fort Wayne Zoning Map No. V-38 (Sec. 15 of St. Joseph Township)

To rezone approximately 3.79 acres from R1/Single Family Residential to R3/Multiple Family Residential at 6332 Maplecrest Road

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: September 12, 2022

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

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

Read the third time in full and on motion by Councilperson Ensley, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: October 25, 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-22-08-13 on the 25th day of October, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



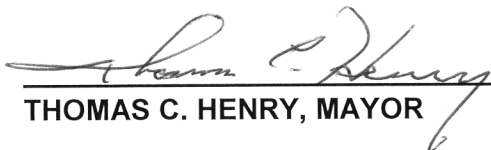
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th
 of October 2022, at the hour of 9:50 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28TH day of OCTOBER 2022, at the
 hour of 2:00 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

