

1 #REZ 2024 0047

2 BILL NO. Z-24-12-03

3
4 ZONING MAP ORDINANCE NO. Z- 2-25

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. B-11 (Sec. 13 of Aboite 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 a RP
10 (Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
11 City of Fort Wayne, Indiana:

12 **Legal Description:**

13 A tract of land located in the Southwest Quarter of Section 13, Township 30 North,
14 Range 11 East, in Allen County, the State of Indiana, based on a survey prepared by
15 Duane A. Brown PS (LS #80040337), D. A. Brown Engineering Consultants, Inc.,
Job No. 2408-02, Plat of Survey #30-11-13-01, dated October 7, 2024), more fully
described as follows:

16 **COMMENCING** at a Railroad Spike situated in the Northwest corner of said
17 Southwest Quarter; Thence South 00 Degrees 37 Minutes 46 Seconds East (Indiana
18 State Plane Coordinate System East Zone-GNSS Grid Basis of Bearings), a distance
19 of 302.80 feet along the West line of said Southwest Quarter to a Marker Spike with
20 tag (FIRM 0042) in the Southwest corner of the tract of land described in the
21 conveyance to Darren E. & Kathryn A. Walker in Allen County Document No.
22 2013066431, the **TRUE POINT OF BEGINNING**; Thence North 89 Degrees 12
23 Minutes 58 Seconds East, a distance of 575.50 feet along the South line of said
24 Walker tract to a Rebar stake with cap (FIRM 0042) in the Southwest corner thereof;
25 Thence North 00 Degrees 37 Minutes 46 Seconds West, a distance of 302.80 feet
26 along the East line of said Walker tract and along the East line of the tract of land
27 described in the conveyance to Zachary A. & Karly J. Chapman in Allen County
28 Document No. 2018011532 to a Rebar stake with cap (Anderson 29A) in the
29 Northeast corner thereof; Thence North 89 Degrees 12 Minutes 58 Seconds East, a
30 distance of 750.21 feet along the South line of Waterside Woods as recorded in Allen
County Document No. 201042408 to a Rebar stake with cap (FIRM 0042) in the
Southeast corner of Lot 17 therein (said Rebar stake with cap also being on the East
side of an 8" X 8" Wood Post); Thence South 00 Degrees 36 Minutes 32 Seconds
East, a distance of 1320.76 feet along the West line of Woodland Hills Addition as
recorded in Allen County B18B-P102 to a Rebar stake with cap (FIRM 0042) in the
Northeast corner of the tract of land described in the conveyance to Joseph M. Bruce
in Allen County Document No. 2018023024; Thence South 89 Degrees 36 Minutes
35 Seconds West, a distance of 1325.24 feet along the North line of said Bruce tract

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and along the North lines of the tracts of land described in the conveyances to Jessica & Joshua Reibs (Document No. 2021056785 & 2021055918), to Jack E. & Ann R. DeGrandchamp (Document No. 890002699), and to David & Nancy Joest (Document No. 2020057462) to a Marker Spike with tag (FIRM 0042) in the West line of said Southwest Quarter; Thence North 00 Degrees 37 Minutes 46 Seconds West, a distance of 1008.85 feet along the West line of said Southwest Quarter to the **POINT OF BEGINNING**, said tract containing 36.050 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. B-11 (Sec. 13 of Aboite Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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-2024-0047
Bill Number: Z-24-12-03
Council District: 4 – Dr. Scott Myers

Introduction Date: November 26, 2024
Plan Commission
Public Hearing Date: December 9, 2024 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

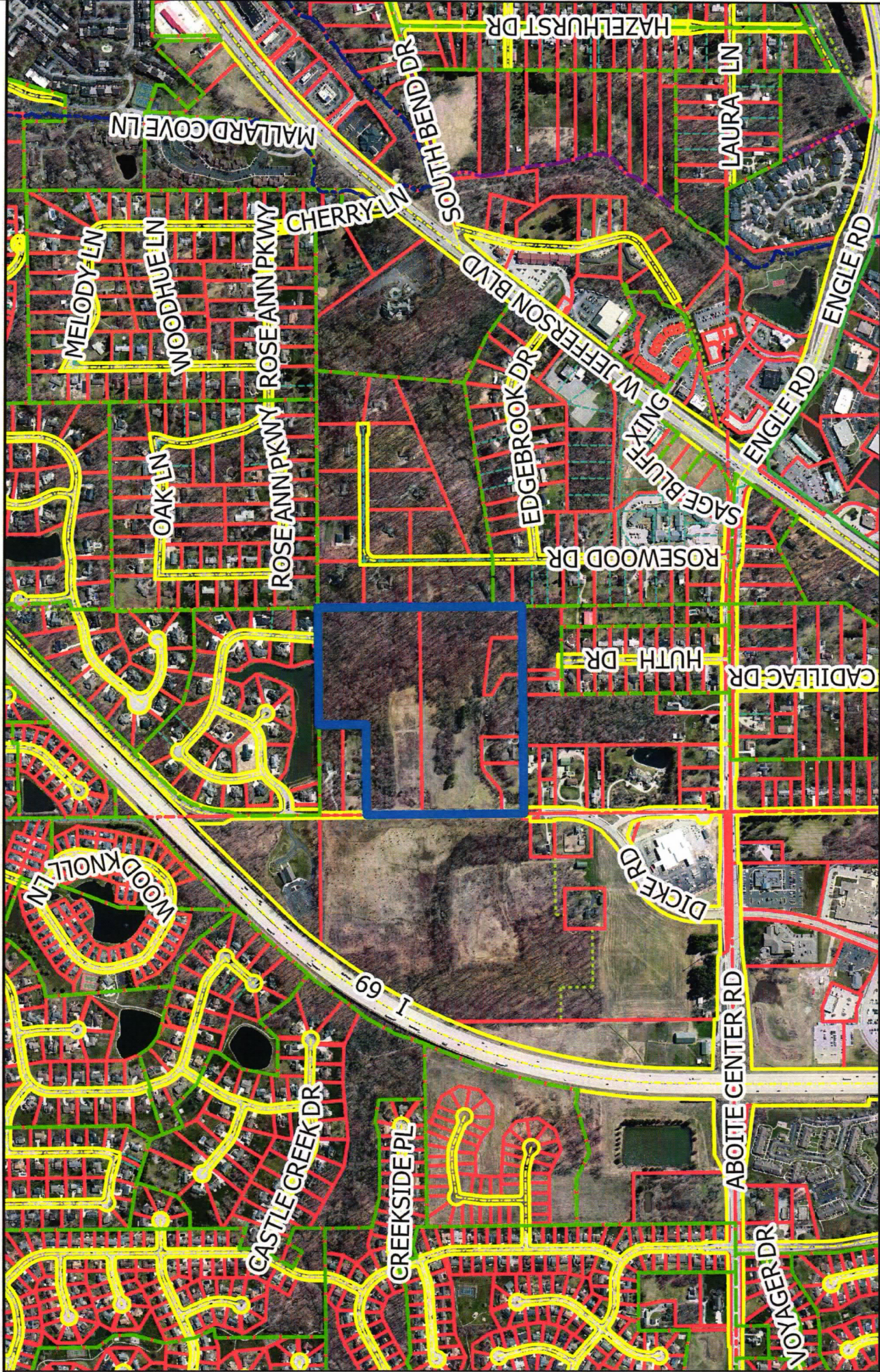
Synopsis of Ordinance: To rezone 36.05 acres from AR/Low Intensity Residential to RP/Planned Residential
Location: East side of the 3500-3700 Block of Dicke Road (Section 13 of Aboite Township)
Reason for Request: To permit an assisted living facility and independent senior housing
Applicant: Leo Brown Group, LLC
Property Owner: Richard Schlup, Janelle Schlup, Ann DeGrandchamp, and the Estate of James W Schlup

Related Petitions: Primary Development Plan – Dicke Road Development

Effect of Passage: Property will be rezoned to the RP/Planned Residential zoning district, which permits an assisted living facility and independent senior housing.
Effect of Non-Passage: Property will remain zoned AR/Low Intensity Residential, which does not permit an assisted living facility and independent senior housing. The site will continue with existing uses, and may be redeveloped with the continuation of agricultural land uses while also allowing low intensity residential development.



Rezoning Petition REZ-2024-0047 and Primary Development Plan PDP-2024-0052 - Dicke Road Development



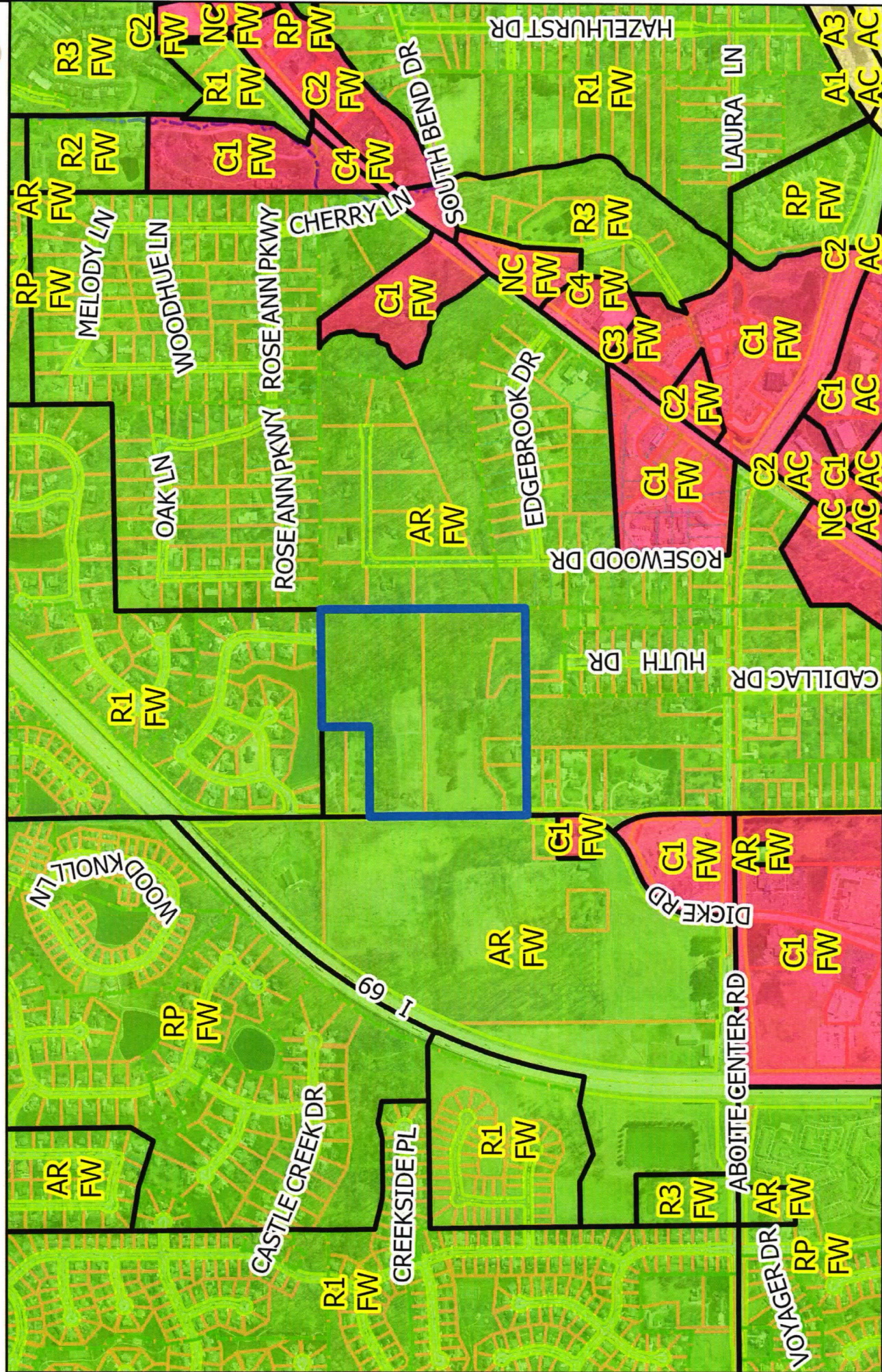
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 Photos and Contours: Spring 2009
 Date: 11/20/2024





Rezoning Petition REZ-2024-0047 and Primary Development Plan PDP-2024-0052 - Dicke Road Development



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 Date: 11/30/2024



**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Leo Brown Group, LLC
 Address 802 E 86th St.
 City Indianapolis State IN Zip 46240
 Telephone 317-552-2284 E-mail bmorton@leobrowngroup.com

Property Ownership
 Property Owner See attached list of owners.
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ E-mail _____

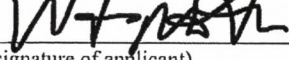
Contact Person
 Contact Person Patrick R. Hess, Beckman Lawson, LLP
 Address 201 W. Wayne St.
 City Fort Wayne State IN Zip 46802
 Telephone 260-422-0800 E-mail phess@beckmanlawson.com

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 Dicke Road Township and Section Aboite 13
 Present Zoning AR Proposed Zoning RP Acreage to be rezoned 36
 Purpose of rezoning (attach additional page if necessary) To allow the development of an assisted living facility and independent senior housing.
 Sewer provider City Water provider City

Filing Checklist
Applications will not be accepted unless the following filing requirements are submitted with this application.
 Filing fee \$1000.00
 Surveys showing area to be rezoned
 Legal Description of parcel to be rezoned
 Rezoning Criteria (please complete attached document)

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 Fort Wayne and Allen County Plan Commissions 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

Leo Brown Group, LLC  _____
 (printed name of applicant) (signature of applicant) (date)

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



Received	Receipt No.	Hearing Date	Petition No.
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Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



REZONING PETITION AND DEVELOPMENT PLAN SIGNATURE PAGE

PIN 02-11-13-301-004.000-075 and 02-11-13-301-006.000-075 and 02-11-13-301-009.000-015

Richard Schlup

Richard Schlup

Signature

Ann DeGrandchamp

Ann DeGrandchamp

Signature

PIN 02-11-13-301-007.000-075

Richard Schlup

Richard Schlup

Signature

Janelle Schlup

Janelle Schlup

Signature

PIN 02-11-13-301-003.000-075

Estate of James W. Schlup

James W. Schlup Jr.

Signature

Printed name:

James W. Schlup Jr.

OWNERS

PIN 02-11-13-301-004.000-075 and 02-11-13-301-006.000-075 and 02-11-13-301-005.000-075

Richard Schlup
Ann DeGrandchamp
9623 Tallow Dr.
Ft. Wayne IN 46804

PIN 02-11-13-301-007.000-075

Richard Schlup
Janelle Schlup
9623 Tallow Dr.
Ft. Wayne IN 46804

PIN 02-11-13-301-003.000-075

Estate of James W. Schlup
3805 N 300 W
Angola, IN 46703

Rezoning Petition REZ-2024-_____ ; AR to RP

Applicant: Leo Brown Group

Fort Wayne Plan Commission

December 9, 2024, Public Hearing

Rezoning Criteria:

1. The Comprehensive Plan

On the Generalized Future Land Use for the Southwest Quadrant of Fort Wayne map in the All in Allen Comprehensive Plan (“Comprehensive Plan”) (p. 70), this area is designated as appropriate for Suburban Residential development. The subject 36-acre parcel (approx.) proposed for RP will complement the single family development to the north, east and south, and will serve as a buffer to the medical uses farther to the south.

Goal 1.1 (p. 110) of the Comprehensive Plan encourages compact infill development and increased density. Higher density promotes the overall goal of “15 Minute Neighborhoods” where residents have access to commercial and service amenities within a 15-minute walk. This development features a 5-foot walk along the Dicke Road frontage providing connectivity to the commercial areas to the west and residential parcels to the east. The site represents infill development as it is mostly surrounded by developed subdivisions.

The Future Growth and Development Map in the Comprehensive Plan (p. 55) shows this site as being “urban infill area.” It is not reserved as a low intensity residential area. Policy 1.3 encourages compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities. One attractive characteristic of this site for senior living is its proximity to several health care centers and providers. Policy 1.1.1 further states mixed use redevelopment opportunities on vacant or underutilized properties within Priority Investment and Urban Infill Opportunity Areas on the Future Growth and Development map are encouraged. These parcels have been listed for sale by the owners for development for over two years. While it was once used as an orchard and a farm, as well as a farmer’s market, it is now considered as an opportunity area for infill development due to surrounding development.

The Land Use Compatibility Index (p. 213) shows that planned residential is potentially compatible with adjacent single family suburban development with additional mitigation efforts, building design, landscaping and connectivity are provided. The plan meets current landscaping requirements in the zoning ordinance and many of the existing trees along the

perimeter of the property will be retained. A walk is required to be constructed along the frontage of Dicke Road. The villas will be single-story structures; a low-impact design for a multi-family use. The design of this development meets zoning ordinance standards and thus is compatible with adjacent development.

2. *Current conditions and the character of current structures and uses in the district*

The project is bounded by Waterside Woods on the north, Woodland Hills Addition to the east, metes and bounds single family development to the south, and vacant acreage to the west. Beyond the vacant acreage lies I-69. The Comprehensive Plan considers RP Planned Residential and multi-family uses to be compatible with single family uses. The current conditions in this area, with the real estate being an infill parcel, support this development proposed. Public sewer and water services are available.

3. *The most desirable use for which the land in the district is adapted*

Multi-family land uses are considered as suburban development by the Comprehensive Plan. The Comprehensive Plan states this area as appropriate for suburban development. Furthermore, this form of multi-family development, being senior housing and assisted living, is considerably less intensive than the usual form of 3-story apartment building typically used in multi-family developments.

4. *The conservation of property values throughout the jurisdiction*

This criterion asks the plan commission and legislative body to consider the effects of the proposed rezoning on property values “throughout the jurisdiction,” not just perceived effects on adjacent properties. Creating valuable community uses on vacant property, such as we have here, bolsters property values throughout the jurisdiction.

5. *Responsible development and growth*

The proposed development follows the Comprehensive Plan. It is consistent with current development in the area in that the independent living uses will be single story. No waivers are requested for this use. The property has been underutilized for many years. A low-impact use such as assisted and independent senior living represents the highest and best use for this property.

FACT SHEET

Case #REZ-2024-0047 Bill # Z-24-12-03 Project Start: December 2024

PROPOSAL:	Rezoning Petition REZ-2024-0047 – Dicke Road Development
APPLICANT:	Leo Brown Group, LLC
REQUEST:	To rezone to RP/Planned Residential to permit an assisted living facility and independent senior housing
LOCATION:	East side of the 3500-3700 Block of Dicke Road (Section 13 of Aboite Township)
LAND AREA:	36.05 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	RP/Planned Residential
COUNCIL DISTRICT:	4 – Dr. Scott Myers
SPONSOR:	Fort Wayne Plan Commission

December 9, 2024 Public Hearing

- Two residents spoke about concerns.
- Rachel Tobin-Smith, Paul Sauerteig, and Amos Norman were absent.

December 16, 2024 Business Meeting

Plan Commission Recommendation: DO PASS,

A motion was made by Ryan Neumeister and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-2 MOTION PASSED

Karen Richards and Rachel Tobin-Smith voted nay.

Fact Sheet Prepared by:
Michelle Wood, Senior Land Use Planner
January 9, 2025

PROJECT SUMMARY

The petitioner is requesting to rezone property from AR/Low Intensity Residential to RP/Planned Residential and to approve a primary development plan for an assisted living facility and independent senior housing development with an alternative landscape plan. The site today consists of unimproved wooded fields, a single-family home and a natural drain. The surrounding properties consist of residential homes to the north, east, and south. An unimproved wooded field is located on the west side of Dicke Road.

The submitted primary development plan includes 14-structures including 1 assisted living facility and 13 independent living structures. The site is proposing two access points on Dicke Road. The drives are proposed to be private. Parking consists of 93 spaces located on the south side of the assisted living facility and on the northeast side. Two detention ponds are shown with one on the west side of the parcel adjacent to Dicke Road and the other on the north side of the parcel. The site features a substantial portion of floodplain. The applicant is proposing to leave the floodway undisturbed.

The applicant proposed an alternative landscape plan, to use existing plant material around the perimeter instead of installing the required 6-foot solid fence. There was much discussion regarding the north boundary at the public hearing. The Plan Commission approved the alternate plan for the southern boundary, as there is a large amount of natural area that will not be disturbed. On the north boundary, in Phase I, the Plan Commission is requiring a solid row of evergreen trees and large native shrubs (75% coverage). For Phase II, the eastern side of the project, Plan Commission will review the proposed landscape plan at the time of Secondary Development Plan submittal. The application did not include any development standard waivers and intends to meet the zoning ordinance required 40-foot height for all structures on site.

PUBLIC HEARING SUMMARY:

Presenter: Pat Hess, Beckman Lawson, represented the request as outlined above.

Public Comments:

Rob Kruger, representing Michael Ashpole, 3925 Dicke Road – Feels the request is too large and institutional, and doesn't fit the comprehensive plan.

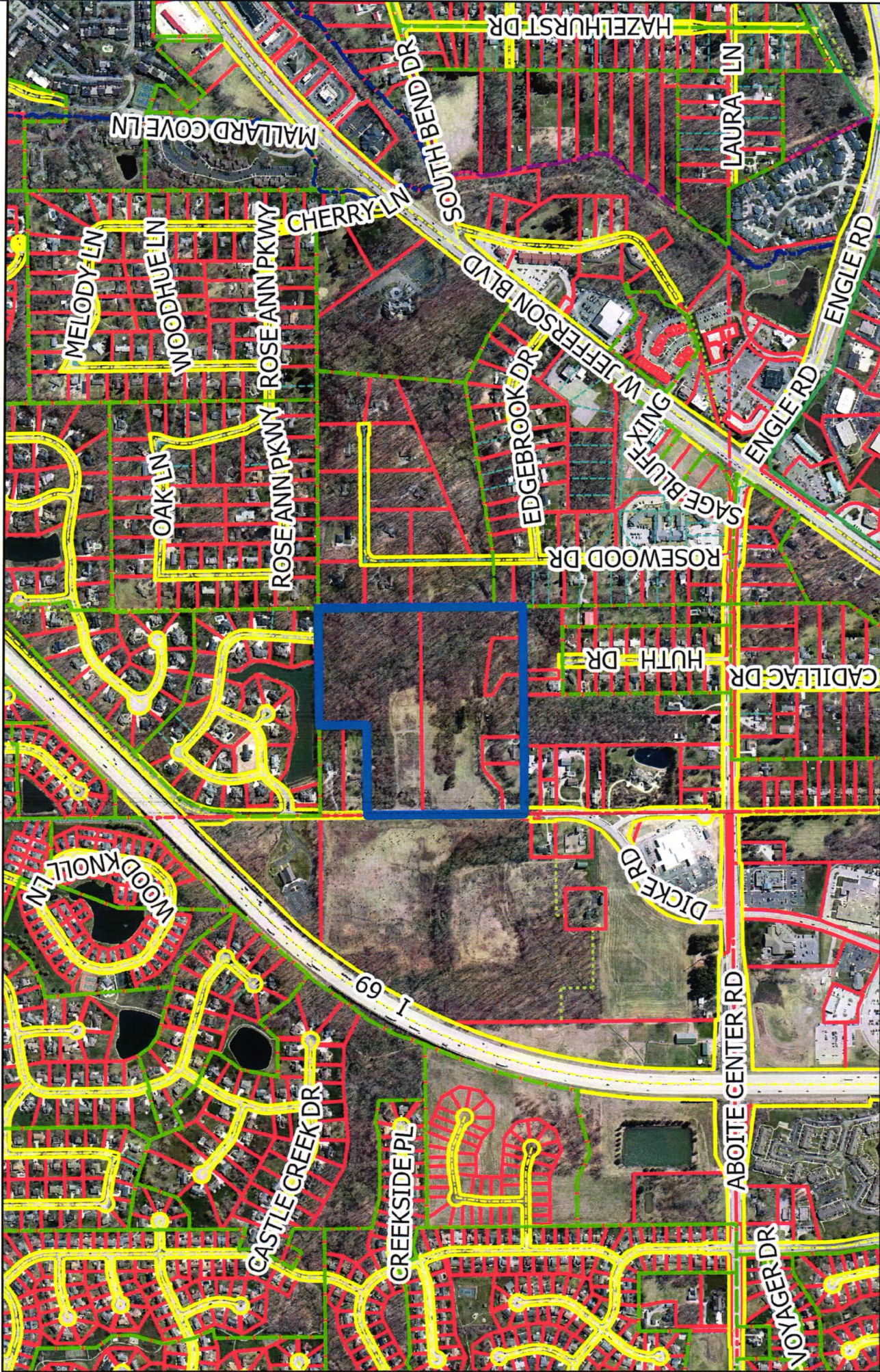
Cathy Gerring – 3406 Tarrant Spring Trail – Spoke about natural habitat and the building conditions of the project site, according to her realtor. Wants more of a buffer between her house and the development.

Closing Comments:

The comprehensive plan recommends managing growth and the proposed use is in compliance. The developer and operator also manages Park Place near Parkview, which is directly adjacent to single family neighborhoods. 90% of Leo Brown's developments are adjacent to residential.



Rezoning Petition REZ-2024-0047 and Primary Development Plan PDP-2024-0052 - Dicke Road Development



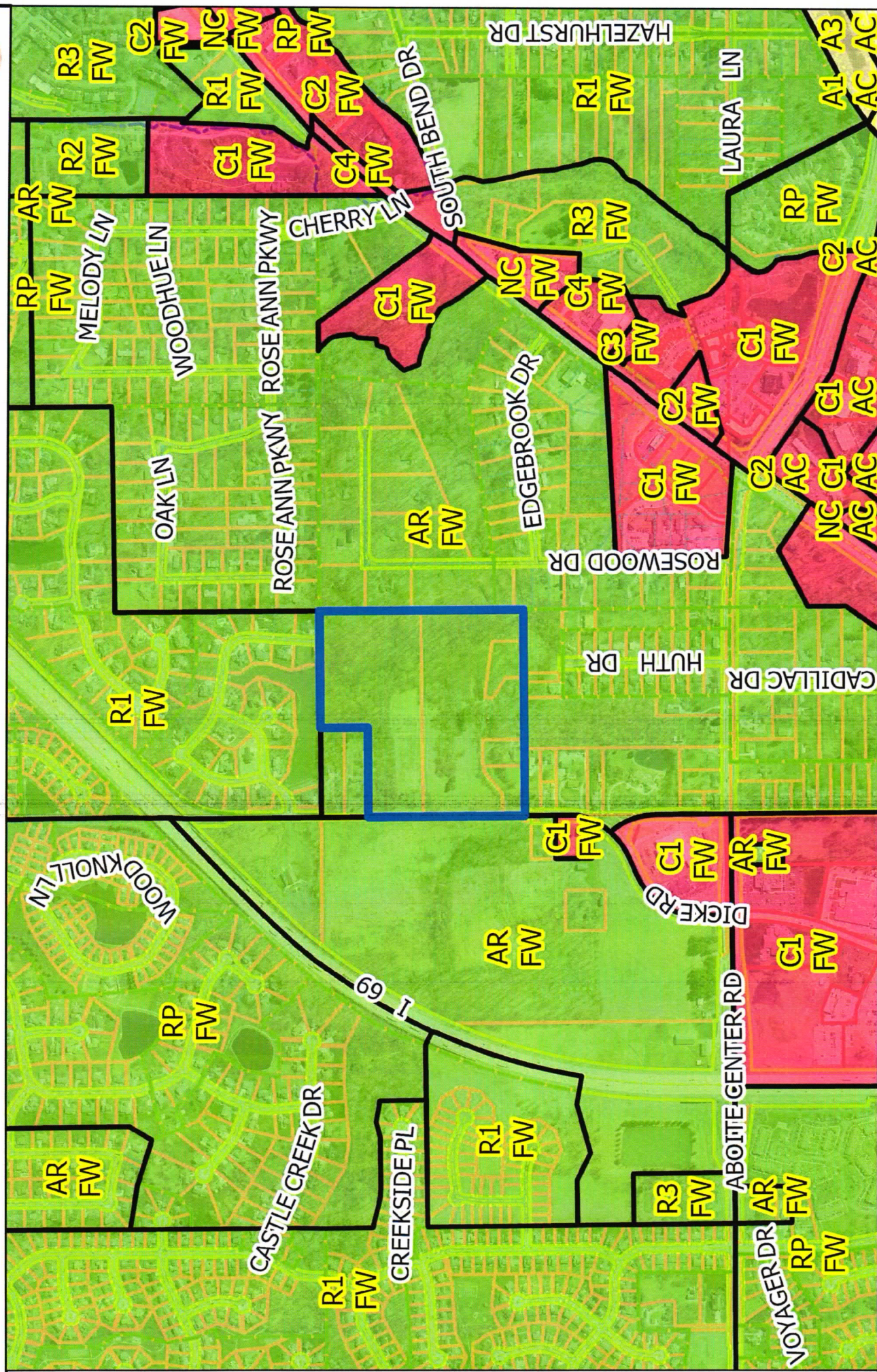
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Rezoning Petition REZ-2024-0047 and Primary Development Plan PDP-2024-0052 - Dicke Road Development



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BILL NO. Z-24-12-03

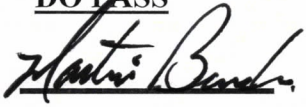

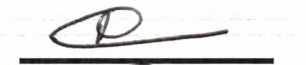

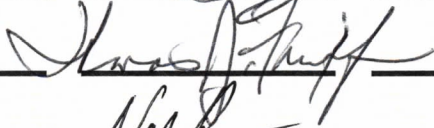

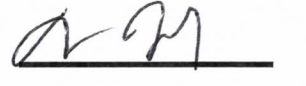
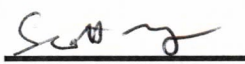

REPORT OF COMMITTEE ON REGULATIONS
January 14, 2025

Michelle Chambers Chair
Thomas Freistroffer Co-Chair
All Council Members

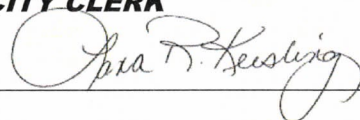
An Ordinance amending the City of Fort Wayne Zoning Map No. B-11 (Sec. 13 of Aboite Township)

To rezone 36.05 acres from AR/Low Intensity Residential to RP/Planned Residential at the east side of the 3500-3700 Block of Dicke Road, to permit an assisted living facility and independent senior housing

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>
<u>BENDER</u>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: N/A

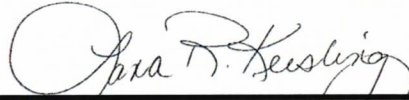
Read the first time in full and on motion by Councilperson Chambers.

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
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"/>
HARTMAN	<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"/>
MYERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: January 14, 2025

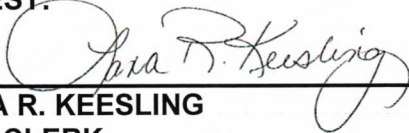


LANA R. KEESLING, CITY CLERK

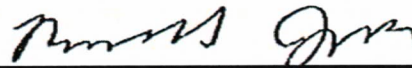
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. Z-24-12-03 on the 14th day of January, 2025

ATTEST:



LANA R. KEESLING
CITY CLERK



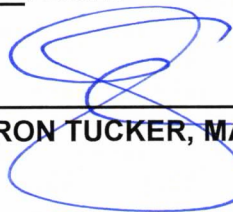
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of January 2025, at the hour of 2:10 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of January 2025, at the hour of 4:35 o'clock p.m. E.S.T.



SHARON TUCKER, MAYOR

