

#REZ-2013-0159

BILL NO. Z-13-11-10

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-54 (Sec. 1 of Washington Township)

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

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

A parcel of land located in the Southeast One-Quarter of Section 1, Township 31 North,
Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the South Quarter corner of said Section 1, said corner also being the
Southwest corner of a 31.00-acre parcel described in Document #95-037145 as found in the
Office of the Recorder of Allen County, Indiana; thence North 00 degrees 59 minutes 55
seconds East (assumed bearing base), on the West line of said Southeast One-Quarter,
also being the West line of said 31.00-acre parcel, 640.20 feet to the Northeast corner of a
6.417-acre parcel described in Document #990070550, said point also being the **Point of
Beginning**; thence continuing North 00 degrees 59 minutes 55 seconds East, on said West
line, 176.77 feet to a point on the centerline of the Water's Ditch; thence along said centerline
by the following 14 courses: South 61 degrees 41 minutes 51 seconds East, 44.61 feet;
thence South 29 degrees 03 minutes 11 seconds East, 65.88 feet; thence South 64 degrees
42 minutes 56 seconds East, 37.29 feet; thence South 81 degrees 04 minutes 53 seconds
East, 58.89 feet; thence South 59 degrees 29 minutes 38 seconds East, 128.68 feet; thence
North 73 degrees 55 minutes 21 seconds East, 50.74 feet; thence North 28 degrees 01
minutes 28 seconds East, 40.62 feet; thence North 51 degrees 18 minutes 04 seconds East,
67.02 feet; thence North 07 degrees 08 minutes 40 seconds East, 115.05 feet; thence North
77 degrees 48 minutes 40 seconds East, 100.00 feet; thence North 60 degrees 47 minutes
54 seconds East, 165.00 feet; thence South 83 degrees 43 minutes 15 seconds East,
100.00 feet; thence North 86 degrees 32 minutes 49 seconds East, 215.00 feet; thence
South 80 degrees 58 minutes 26 seconds East, 65.57 feet to a point on the East line of the
aforementioned 31.00-acre parcel; thence South 00 degrees 59 minutes 55 seconds West,
on said East line, 969.85 feet to the Southeast corner of said 31.00-acre parcel; thence
North 88 degrees 44 minutes 07 seconds West, on the South line of said Southeast One-
Quarter a distance of 642.85 feet; thence North 01 degree 15 minutes 53 seconds East,
638.37 feet; thence North 88 degrees 27 minutes 53 seconds West, on the Easterly
projection of the North line of the aforementioned 6.417-acre parcel, a distance of 386.75
feet to Point of Beginning, containing **14.50 acres**, more or less, and subject to easements
and rights of way of record..

and the symbols of the City of Fort Wayne Zoning Map No. O-54 (Sec. 1 of Washington
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. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0159
Bill Number: Z-13-11-10
Council District: 3-Tom Didier

Introduction Date: November 26, 2013

Plan Commission
Public Hearing Date: December 9, 2013

Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 14.5 acres of property from AR-Low Intensity Residential to R2-Attached Single Family and Two Family Residential

Location: 1200 to 1300 blocks of East Wallen Road.

Reason for Request: To allow for expansion of Majestic Waters subdivision.

Applicant: Performance Property Group, LLC

Property Owner: Performance Property Group, LLC

Related Petitions: Amended Primary Plat, Majestic Waters Subdivision

Effect of Passage: Property will be rezoned to R2-Attached Single Family and Two Family Residential to allow for the expansion of the approved subdivision of Majestic Waters.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and may develop with non-platted single family development or agricultural uses.

LEGAL DESCRIPTION

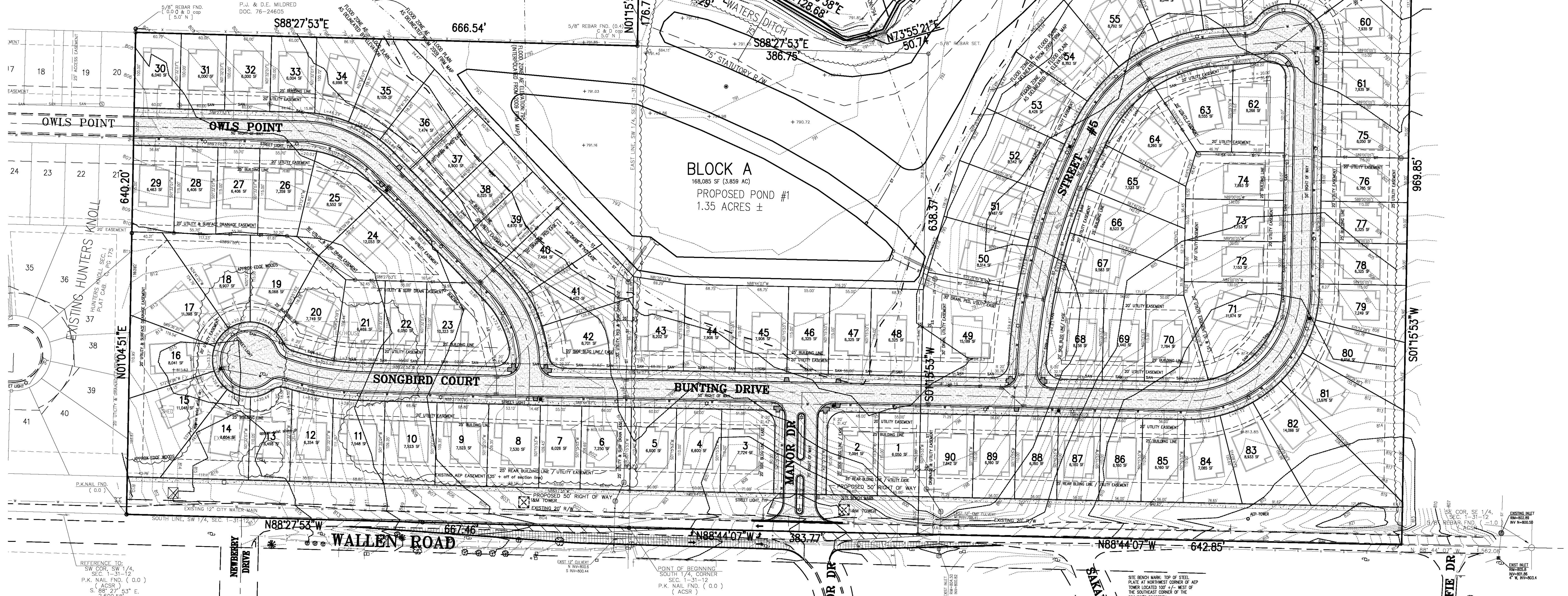
Part of the Southwest and Southeast Quarters of Section 1, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Beginning at the South Quarter corner of said Section 1; thence North 88 degrees 27 minutes 53 seconds West (assumed bearing), on the South line of said Southwest Quarter, 667.46 feet to the Southwest corner of a 3.385-acre parcel described in Document #990070550 as found in the Office of the Recorder of Allen County, Indiana, said corner also being the Southeast corner of Hunters Knoll, Section 1, as recorded in Plat Cabinet "C", page 175; thence North 01 degree 04 minutes 51 seconds East, on the West line of said 3.385-acre parcel and on the East line of said Hunters Knoll, Section 1, a distance of 640.18 feet to the Northwest corner of a 6.417-acre parcel described in said Document #990070550; thence South 88 degrees 27 minutes 53 seconds East, on the North line of said 6.417-acre parcel, 666.52 feet to a point on the East line of said Southwest Quarter, said point being the Northeast corner of said 6.417-acre parcel; thence continuing South 88 degrees 27 minutes 53 seconds East, into the Southeast Quarter of said Section 1, a distance of 386.75 feet to a 5/8" rebar capped "GOU", thence South 01 degree 15 minutes 53 seconds West, 638.37 feet to a point on the South line of said Southeast Quarter; thence North 88 degrees 44 minutes 07 seconds West, on said South line, 383.77 feet to the Point of Beginning, containing 15.456 acres, more or less, and subject to easements and rights of way of record.

TOGETHER WITH:

A parcel of land located in the Southeast One-Quarter of Section 1, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the South Quarter corner of said Section 1, said corner also being the Southwest corner of a 31.00-acre parcel described in Document #95-037145 as found in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 59 minutes 55 seconds East (assumed bearing base), on the West line of said Southeast One-Quarter, also being the West line of said 31.00-acre parcel, 640.20 feet to the Northeast corner of a 6.417-acre parcel described in Document #990070550, said point also being the Point of Beginning; thence continuing North 00 degrees 59 minutes 55 seconds East, on said West line, 176.77 feet to a point on the centerline of the Water's Ditch; thence along said centerline by the following 14 courses: South 61 degrees 41 minutes 51 seconds East, 44.61 feet; thence South 29 degrees 03 minutes 11 seconds East, 65.88 feet; thence South 64 degrees 42 minutes 56 seconds East, 37.29 feet; thence South 81 degrees 04 minutes 53 seconds East, 58.89 feet; thence South 59 degrees 29 minutes 38 seconds East, 128.68 feet; thence North 73 degrees 55 minutes 21 seconds East, 50.74 feet; thence North 28 degrees 01 minutes 28 seconds East, 40.62 feet; thence North 51 degrees 18 minutes 04 seconds East, 67.02 feet; thence North 07 degrees 08 minutes 40 seconds East, 115.05 feet; thence North 77 degrees 48 minutes 40 seconds East, 100.00 feet; thence North 60 degrees 47 minutes 54 seconds East, 165.00 feet; thence South 83 degrees 43 minutes 15 seconds East, 100.00 feet; thence North 86 degrees 32 minutes 49 seconds East, 215.00 feet; thence South 80 degrees 58 minutes 26 seconds East, 65.57 feet to a point on the East line of the aforementioned 31.00-acre parcel; thence South 00 degrees 59 minutes 55 seconds West, on said East line, 969.85 feet to the Southeast corner of said 31.00-acre parcel; thence North 88 degrees 44 minutes 07 seconds West, on the South line of said Southeast One-Quarter a distance of 642.85 feet; thence North 01 degree 15 minutes 53 seconds East, 638.37 feet; thence North 88 degrees 27 minutes 53 seconds West, on the Easterly projection of the North line of the aforementioned 6.417-acre parcel, a distance of 386.75 feet to Point of Beginning, containing 14.50 acres, more or less, and subject to easements and rights of way of record..



PRIMARY PLAT DEVELOPMENT NOTES

- THIS DEVELOPMENT IS A SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH 90 LOTS ON 29.956 ACRES, FOR A DENSITY OF 3.0 LOTS PER ACRE.
- A PRIMARY PLAT FOR LOTS 1 THROUGH 48 AND BLOCK A WAS PREVIOUSLY APPROVED 18 MARCH, 2013 AS 50 LOTS ON 15.456 ACRES KNOWN AS "WATERS PARK VILLAS". THAT AREA IS INCLUDED IN THIS PRIMARY PLAT AS A REVISION OF THAT APPROVAL. IT IS PROPOSED TO ELIMINATE 2 LOTS AND ENLARGE SOME OF THE LOTS PREVIOUSLY APPROVED TO ALLOW FOR SOME 3 CAR GARAGE HOMES.
- LOTS 49 THROUGH 90 AND BLOCK B IS PROPERTY BEING ADDED TO THE PROJECT, REQUIRING THIS PRIMARY PLAT APPLICATION AND NOT JUST AN AMENDMENT TO THE PREVIOUS APPROVAL.
- THE PROPERTY IS LOCATED IN THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 31 NORTH, RANGE 12 EAST, WASHINGTON TOWNSHIP, ALLEN COUNTY, INDIANA.
- THE PROPERTY WITHIN PREVIOUSLY APPROVED PRIMARY PLAT (14.456 ACRES) IS CURRENTLY ZONED R2. THE REMAINING 15.456 ACRES IS PROPOSED TO BE REZONED FROM AR TO R2.
- THIS CURRENT LOT CONFIGURATION IS PROPOSED TO MEET THE LOT REQUIREMENTS OF THE CURRENT REORGANIZED ZONING ORDINANCE FOR THE R2 ZONING DISTRICT AS OUTLINED BELOW:
 - MINIMUM FRONT BUILDING SETBACK: 25'
 - MINIMUM REAR YARD SETBACK: There shall be a rear yard for each lot, tract or development parcel; for residential uses, the minimum rear yard shall be 20% of the lot depth or 25 feet, whichever is less
 - TYPICAL LOT WIDTH IS 55', OR 45' AT FRONT BUILDING LINE FOR CUL-DE-SAC LOTS.
 - MINIMUM LOT AREA: 6,000 SF
 - MINIMUM SIDE YARD SETBACKS:
 - INTERIOR FOR LOTS LESS THAN 60' 5" (7' HAVE TYPICALLY BEEN ALLOWED FOR WITH THE SPECIFIC FLOOR PLANS PROPOSED)
 - CORNER LOT SIDE YARD SETBACKS AS LABELED MEETING:
 - 15' FOR LOTS BETWEEN 50' AND 60'
 - 20' FOR LOTS GREATER THAN 60'

RECREATION SPACE: PER SECTION 155.025 OF THE FORT WAYNE SUBDIVISION CONTROL ORDINANCE THE REQUIRED RECREATION SPACE IS CALCULATED AS:

- PLAY AREA: 29.956 ACRES, OR 1,304,883 SF / 90 LOTS = 14,500± SF
- FROM THE TABLE IN THE ORDINANCE REQUIRED AREA IS 8% OF PLAY AREA
- OR 104,390 SF
- PROPOSED BLOCKS A & B ARE 329,447 SF (7.563 AC) OF PASSIVE RECREATION SPACE EXCEEDING THE REQUIRED AREA.
- SANITARY SEWERS ARE TO BE AN EXTENSION OF THE CITY OF FORT WAYNE SANITARY SEWER SYSTEM EAST OF THE PROJECT.
- WATER MAINS ARE TO BE AN EXTENSION OF THE CITY OF FORT WAYNE WATER DISTRIBUTION SYSTEM AT THE END OF THE ORIGINAL HUNTERS KNOLL AND LOOPED BACK TO WALLEEN ROAD.
- THE STORM WATER FROM THIS SITE WILL DRAIN INTO DETENTION POND #1. TO BE LOCATED IN BLOCK A. THE DETENTION WILL BE DESIGNED TO STORE A 100 YEAR DEVELOPED STORM WHILE OUTLETING AT THE CITY'S STANDARD 0.2 CFS/ACRE OUTLET RATE INTO THE EXISTING WATERS DITCH. A COUNTY REGULATED OPEN DRAIN, NORTH OF THE SITE. A SWPPP WILL BE SUBMITTED WITH DETAILED DESIGN AND CONSTRUCTION PLANS.
- POND #2 IS PROPOSED AS A FLOOD PLAIN COMPENSATION BASIN TO OFFSET THE FLOODPLAIN PROPOSED TO BE FILLED AND OCCUPIED BY POND #1.
- ACCESS TO THIS PROJECT WILL BE FROM WALLEEN ROAD VIA THE ORIGINAL HUNTERS KNOLL STREETS AND A NEW ENTRANCE ACROSS FROM THE EXISTING MANOR DRIVE. STREETS ARE TO BE CURB AND GUTTER, 27' BACK TO BACK, IN ACCORDANCE WITH CITY OF FORT WAYNE STREET DEPARTMENT SPECIFICATIONS. STREETS WILL BE DEDICATED TO THE CITY OF FORT WAYNE.
- STREET RIGHT OF WAYS ARE TO BE 50' WIDE.
- ALL UTILITIES AND DRAINAGE FACILITIES ARE TO BE LOCATED IN EASEMENTS, RIGHT OF WAYS, OR COMMON AREAS.

CONCRETE SIDEWALKS ARE PROPOSED ALONG BOTH SIDES OF THE STREETS. THE SIDEWALKS ACROSS THE LOT FRONTAGE WILL BE CONSTRUCTED BY THE INDIVIDUAL HOME BUILDERS AT THE TIME OF THE HOME CONSTRUCTION.

CONCRETE SIDEWALKS WILL BE CONSTRUCTED ALONG THE WALLEEN ROAD FRONTAGE WITHIN PROPOSED STREET RIGHT OF WAY AS REQUIRED BY CITY STREET DEPARTMENT.

STREET TREES WILL BE PLANTED ALONG WALLEEN AND ALL NEW STREETS IN ACCORDANCE WITH CITY OF FORT WAYNE PARKS DEPARTMENT REQUIREMENTS.

A PORTION OF THE HEREIN DESCRIBED REAL ESTATE LIES IN ZONE AE ACCORDING TO FLOOD INSURANCE RATE MAP 180030107 G FOR ALLEN COUNTY, INDIANA DATED AUGUST 3, 2009. FLOODWAY & FLOOD PLAIN ARE DELINEATED ON THE PLAT FROM THAT MAP.

ALL PROPOSED LOTS WILL HAVE A FLOOD PROTECTION GRADE BASED ON THE STORM DETENTION DESIGN. THAT WILL BE EXCEED THE REQUIRED FIRM MAP FPG+2' STANDARD.

COVENANTS FOR THE PROJECT WILL ESTABLISH AN ASSOCIATION RESPONSIBLE FOR OUTSIDE MAINTENANCE OF THE LOTS AND COMMON GROUND.

UTILITY SERVICE PROVIDERS

NATURAL GAS:
NIPSCO
1501 HALE AVENUE
FORT WAYNE, IN 46802
JONELLE KANOUSE
(260) 439-1227

ELECTRIC:
AMERICAN ELECTRIC POWER
PO BOX 60
FORT WAYNE, IN 46801
KAREN PALMER
(260) 421-1763

TELE-COMMUNICATIONS:
FRONTIER
8001 WEST JEFFERSON
FORT WAYNE, IN 46814
JUSTIN KOCHER
(260) 461-2268

CABLE TELEVISION:
COMCAST CABLEVISION
720 TAYLOR
FORT WAYNE, IN 46802
JOHN GAYDAY
(260) 458-5107

SANITARY & WATER:
CITY OF FORT WAYNE
CITIZEN SQUARE
200 EAST BERRY STREET
FORT WAYNE, IN 46802
NEW WATER & SEWER:
(260) 427-1161

**PRIMARY PLAT FOR
MAJESTIC WATER VILLAS**

OWNER / DEVELOPER:
PERFORMANCE PROPERTY GROUP, LLC
CHRISTOFER BARTKUS, MEMBER
13219 ACADIA COVE
FORT WAYNE, IN 46845
260 437-2614
cbartkus@bndcommercial.com

EXISTING OWNER OF 14.5 AC PARCEL:
PERRY BRUCKER
9726 COLDWATER ROAD
FORT WAYNE, IN 46825

BOUNDARY & TOPOGRAPHY BY:
SURVEYOR:
GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

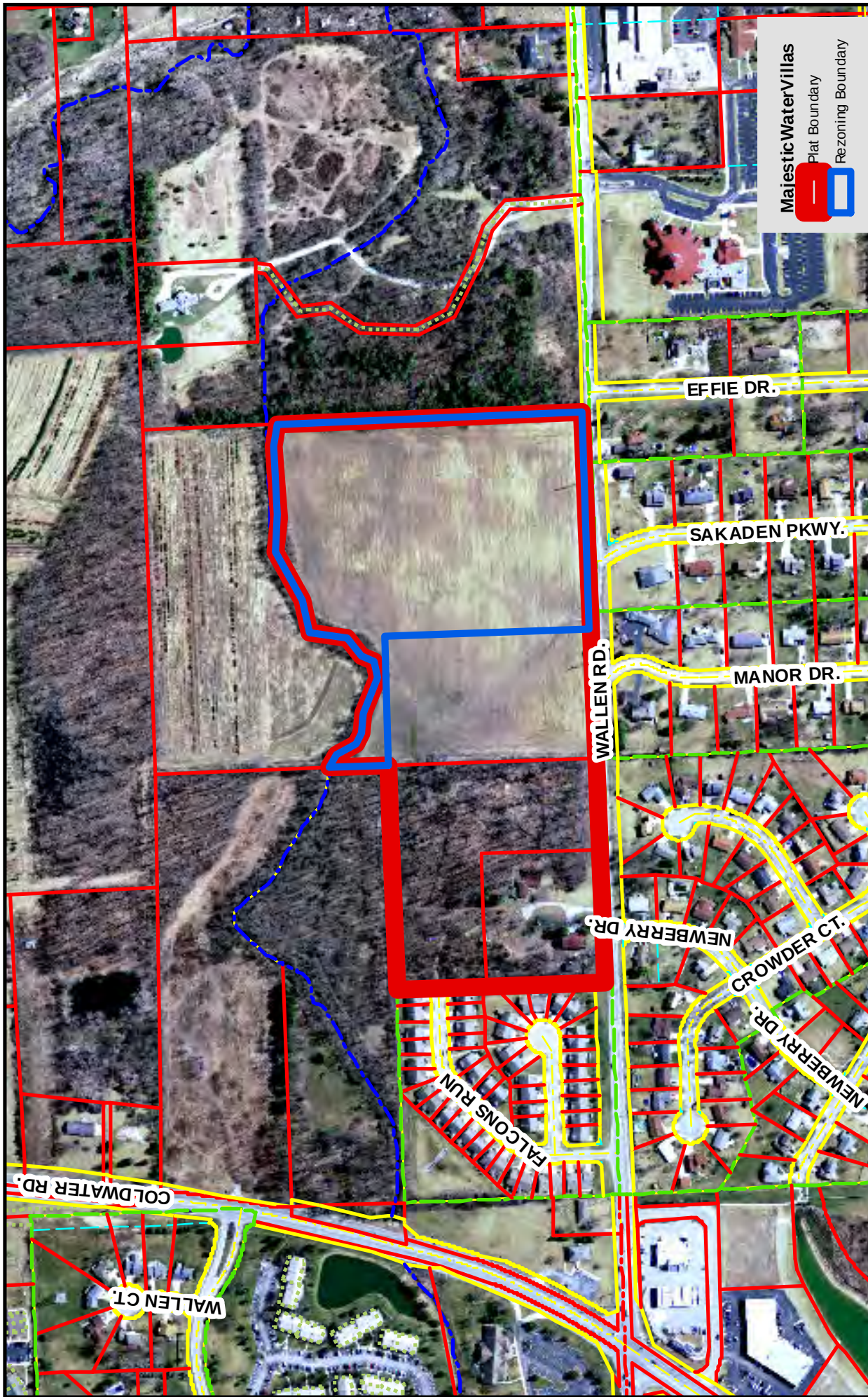
GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

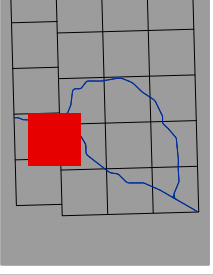
KEVIN McDERMOTT
REGISTERED
No. 900463
STATE OF INDIANA
PROFESSIONAL ENGINEER

LOUGHEED & ASSOCIATES, INC.
CONSULTING ENVIRONMENTAL & CIVIL ENGINEERS
1017 SOUTH HADLEY ROAD * FORT WAYNE, INDIANA 46804
(260)432-3665 ** FAX 436-0224

SCALE: 1"=60'	REVISIONS	DATE
DATE: NOV 5, 2013		
DRAWN BY: KRM		
PRIMARY PLAT		SHEET



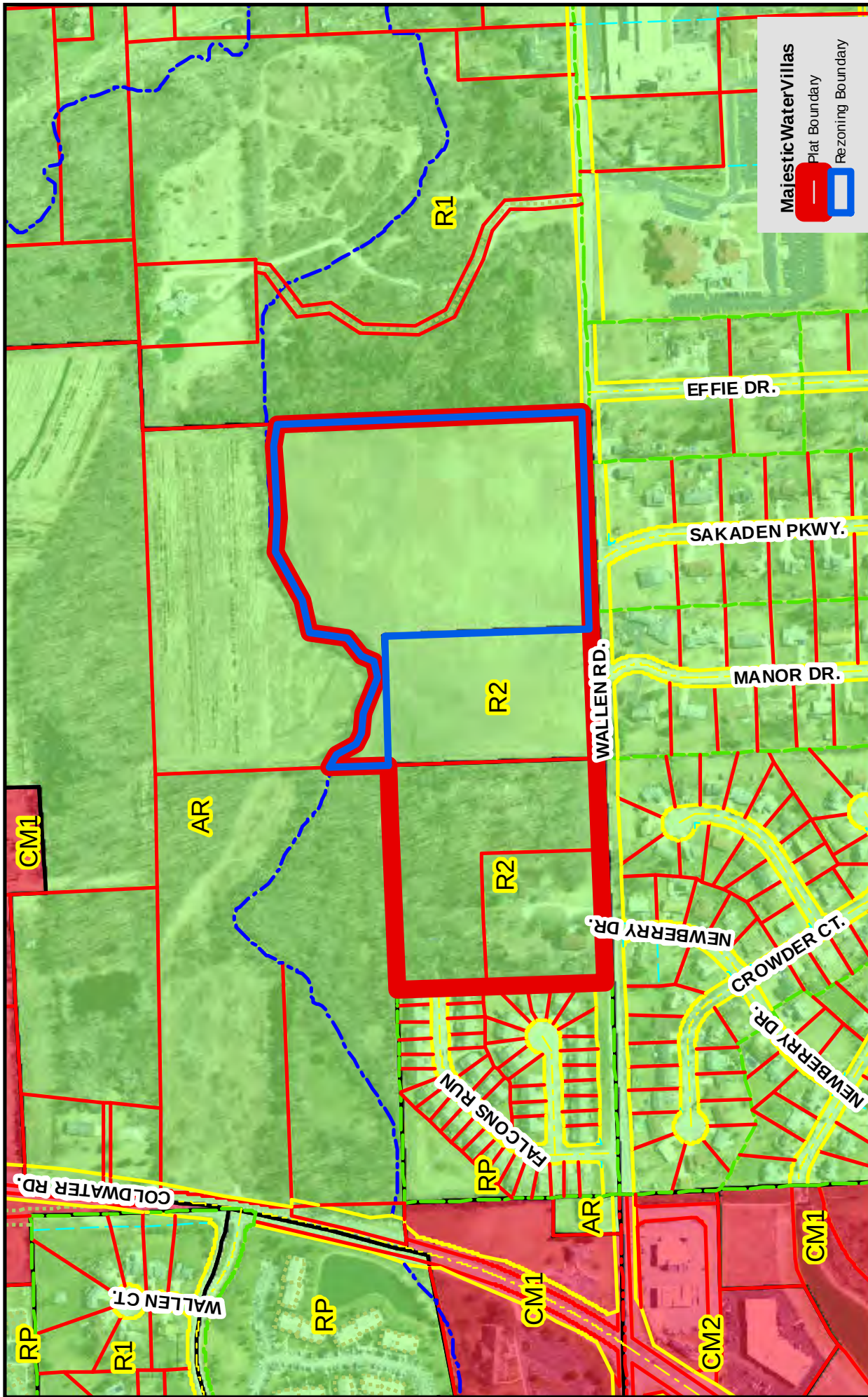
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



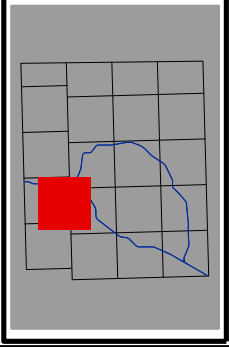


Printed: November 17, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Counties: 1999
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Rezoning Petition REZ-2013-0159 and Primary Plat - Majestic Water Villas



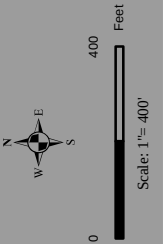
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Rezoning Petition REZ-2013-0159 and Primary Plat - Majestic Water Villas

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 State Plane Coordinate System, Indiana East

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Department of Planning Services
Rezoning Petition Application

Applicant
Applicant Performance Property Group, LLC - Christopher Bartkus, Member
Address 13219 Acadia Cove
City Fort Wayne State IN Zip 46845
Telephone 260.437.2614 Fax _____ E-mail cbartkus@bndcommercial.com

Property Ownership
Property Owner Perry Brucker
Address 9126 A Coldwater Road
City Fort Wayne State IN Zip 46825
Telephone _____ Fax _____ E-mail _____

Contact Person
Contact Person Scott Lougheed
Address 1017 S. Hadley Road
City Fort Wayne State IN Zip 46804
Telephone 260.432.3665 Fax 260.436.0224 E-mail lougheedeng@comcast.net
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 1000 to 1500 Block of E. Wallen Road
Present Zoning AR Proposed Zoning R2 Acreage to be rezoned 14.5
Proposed density _____ 3 units per acre
Township name * Washington Township section # 1
Purpose of rezoning (attach additional page if necessary) This petition is to rezone 14.5 acres to match the approved R2 REZ-2013-0019 petition and combine the existing 15.4 acres and the proposed 14.5 acres into one Amended Primary Plat with 90 lots on 29.9 acres, more or less.
Sewer provider Fort Wayne Water provider Fort Wayne

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.
☒ Applicable filing fee
☒ Applicable number of surveys showing area to be rezoned (plans must be folded)
☒ Legal Description of parcel to be rezoned
☐ Rezoning Questionnaire (original and 10 copies) County Rezonings Only

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

Christopher Bartkus
(printed name of applicant) _____ (signature of applicant) _____ (date) _____
Perry Brucker
(printed name of property owner) _____ (signature of property owner) _____ (date) _____

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

11/6/13 113555 12/9/13 REZ-2013-0159