

1 **#REZ-2014-0012**

2 **BILL NO. Z-14-02-09**

3 **ZONING MAP ORDINANCE NO. Z-_____**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. A-06 (Sec. 2 of Aboite 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 R1
9 (Single Family Residential) District under the terms of Chapter 157 Title XV of the Code of
10 the City of Fort Wayne, Indiana:

11 Part of the West Half of the Southeast Quarter of Section 2, Township 30 North,
12 Range 11 East, Allen County, Indiana, being more particularly described as follows,
13 to-wit:

14 Commencing at the South Quarter corner of said Section 2, being marked by a cast
15 iron monument; thence North 88 degrees 52 minutes 01 seconds East (GPS grid
16 bearing used as the basis of all bearings in this descriptions), a distance of 1.00 feet
17 to a point; thence North 00 degrees 24 minutes 57 seconds West, on and along the
18 West line of said Southeast Quarter, a distance of 429.65 feet to a #5 rebar at the
19 Northwest corner of a 0.303 acre tract of real estate described in a deed to John W.
20 Marshall and Ashley M. Marshall in Document Number 204049591 in the office of
21 the Recorder of Allen County, Indiana, this being the true point of beginning; thence
22 North 00 degrees 24 minutes 57 seconds West, continuing on and along said West
23 line, a distance of 419.75 feet to the Southwest corner of a 0.474 acre tract of real
24 estate described in a deed to Robert G. Poinsett and Ellanor Poinsett in Document
25 Number 204019923 in the office of said Recorder; thence North 88 degrees 43
26 minutes 17 seconds East, on and along the South line of said 0.474 acre tract, a
27 distance of 165.00 feet to the Southeast corner thereof; thence North 00 degrees 24
28 minutes 57 seconds West, on and along the East line of said 0.474 acre tract, a
29 distance of 125.00 feet to the Northeast corner thereof; thence South 88 degrees 43
30 minutes 17 seconds West, on and along the North line of said 0.474 acre tract, a
 distance of 165.00 feet to the Northwest corner thereof, being a point on the West
 line of said Southeast Quarter; thence North 00 degrees 24 minutes 57 seconds West,
 on and along said West line, a distance of 322.53 feet to a #5 rebar at the Southwest
 corner of a 16.316 acre tract of real estate described in a deed to Southwest Allen
 High School Bldg. Corp. in Document Number 960013132 in the office of said
 Recorder; thence North 88 degrees 32 minutes 59 seconds East, on and along the
 South line of said 16.316 acre tract, a distance of 640.67 feet to the Southeast corner
 thereof, being a point on the West line of the plat of Whispering Meadows, Section

IV, as recorded in plat Cabinet C, page 10, in the office of said Recorder; thence South 00 degrees 24 minutes 57 seconds East, on and along the West line of said plat, a distance of 520.49 feet to a #4 rebar at the Northeast corner of a 1.663 acre tract of real estate described in a deed to Hans Peter Barleben and Sandra Kay Barleben in Document Number 207002970 in the office of said Recorder; thence South 88 degrees 49 minutes 21 seconds West, on and along the North line of said 1.663 acre tract, a distance of 426.00 feet to a #4 rebar at the Northwest corner thereof; thence South 00 degrees 24 minutes 57 seconds East, on and along the West line of said 1.663 acre tract, a distance of 170.00 feet to a #4 rebar at the Southwest corner thereof; thence North 88 degrees 49 minutes 21 seconds East, on and along the South line of said 1.663 acre tract, a distance of 426.00 feet to a #4 rebar at the Southeast corner thereof, being a point on the West line of said plat of Whispering Meadows, Section IV; thence South 00 degrees 24 minutes 57 seconds East, on and along said West line, and its Southerly projection, a distance of 390.00 feet to a point lying North 00 degrees 24 minutes 57 seconds West, 220.00 feet from the South line of said Southeast Quarter; thence South 88 degrees 52 minutes 01 seconds West and parallel with the South line of said Southwest Quarter, a distance of 440.61 feet to the Northwest corner of a 0.606 acre tract of real estate described in a deed to Dennis J. Patterson and Melanie L. Patterson in Document Number 950050712 in the office of said Recorder; thence South 00 degrees 24 minutes 57 seconds East, on and along the West line of said 0.606 acre tract, a distance of 154.38 feet to the Northeast corner of a 0.029 acre tract of real estate described in a deed to the State of Indiana in Document Number 206078720 in the office of said Recorder; thence South 88 degrees 52 minutes 01 seconds West, on and along the North line of said 0.029 acre tract, a distance of 50.00 feet to the Northwest corner thereof, being a point on the East line of a 0.62 acre tract of real estate described in a deed to Steven E. Yates and Kathleen Yates in Document Number 204023890 in the office of said Recorder; thence North 00 degrees 24 minutes 57 seconds West, on and along said East line, a distance of 154.38 feet to a 1.5 inch diameter pipe at the Northeast corner thereof, also being a most Southerly corner of a 0.025 acre tract of real estate described in a deed to Joel W. Amberg and Tamara S. Amberg in Document Number 980019720 in the office of said Recorder; thence Northerly, on and along the East line of said 0.025 acre tract, as defined by the arc of a tangent circular curve to the right having a radius of 175.00 feet, an arc distance of 30.54 feet, being subtended by a long chord having a length of 30.50 feet and a bearing of North 04 degrees 35 minutes 03 seconds East to the point of tangency; thence North 09 degrees 35 minutes 03 seconds East, continuing on and along said East line and tangent to said curve, a distance of 60.13 feet to the point of curvature of a tangent circular curve to the left having a radius of 125.00 feet; thence Northerly, continuing on and along said East line as defined by the arc of said curve, an arc distance of 21.82 feet, being subtended by a long chord having a length of 21.79 feet and a bearing of North 04 degrees 35 minutes 03 seconds East to the point of tangency; thence North 00 degrees 24 minutes 57 seconds West, continuing on and along said East line and the East line of said 0.303 acre tract, a distance of 98.96 feet to a #4 rebar at the Northeast corner of said 0.303 acre tract; thence South 88 degrees 43 minutes 17 seconds West, on and along the North line of said 0.303 acre tract, a distance of

1 165.00 feet to the true point of beginning, containing 13.129 acres of land, subject to
2 all easements of record.

3
4 and the symbols of the City of Fort Wayne Zoning Map No. A-06 (Sec. 02 of Aboite
5 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
6 Wayne, Indiana is hereby changed accordingly.

7 SECTION 2. That this Ordinance shall be in full force and effect from and after its
8 passage and approval by the Mayor.

9 _____
Council Member

10
11 APPROVED AS TO FORM AND LEGALITY:

12
13 _____
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-2014-0012
Bill Number: Z-14-02-09
Council District: 4 – Mitch Harper

Introduction Date: February 25, 2014

Plan Commission
Public Hearing Date: March 10, 2014

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

Synopsis of Ordinance: To rezone approximately 13.13 acres of property from AR-Low Intensity Residential to R1-Single Family Residential

Location: 8620 Illinois Road

Reason for Request: To allow the existing residential property to be platted into 15 single family lots.

Applicant: SWM Development Corp

Property Owner: Anton and Marta Mannes

Related Petitions: Primary Plat, Mayerling Estates

Effect of Passage: Property will be rezoned to R1-Single Family Residential which will allow the acreage to be subdivided into 15 lots.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and will likely remain as currently developed. R1 zoning is required to subdivide and record a plat.

Department of Planning Services
Rezoning Petition Application

Applicant SWM Development Corp. by Joseph L. Zehr, President
Address 10808 LaCabreah Lane
City Fort Wayne State IN Zip 46845
Telephone 260/489-7095 Fax 260/489-7950 E-mail jmm@northeasterngroup.com

Property Owner Anton and Marta Sue Mannes
Address 8620 Illinois Road
City Fort Wayne State IN Zip 46804
Telephone 260/432-2640 Fax _____ E-mail _____

Contact Person Jim Morlan
Address 10808 LaCabreah Lane
City Fort Wayne State IN Zip 46845
Telephone 260/489-7095 Fax 260/489-7950 E-mail jmm@northeasterngroup.com

All staff correspondence will be sent only to the designated contact person.

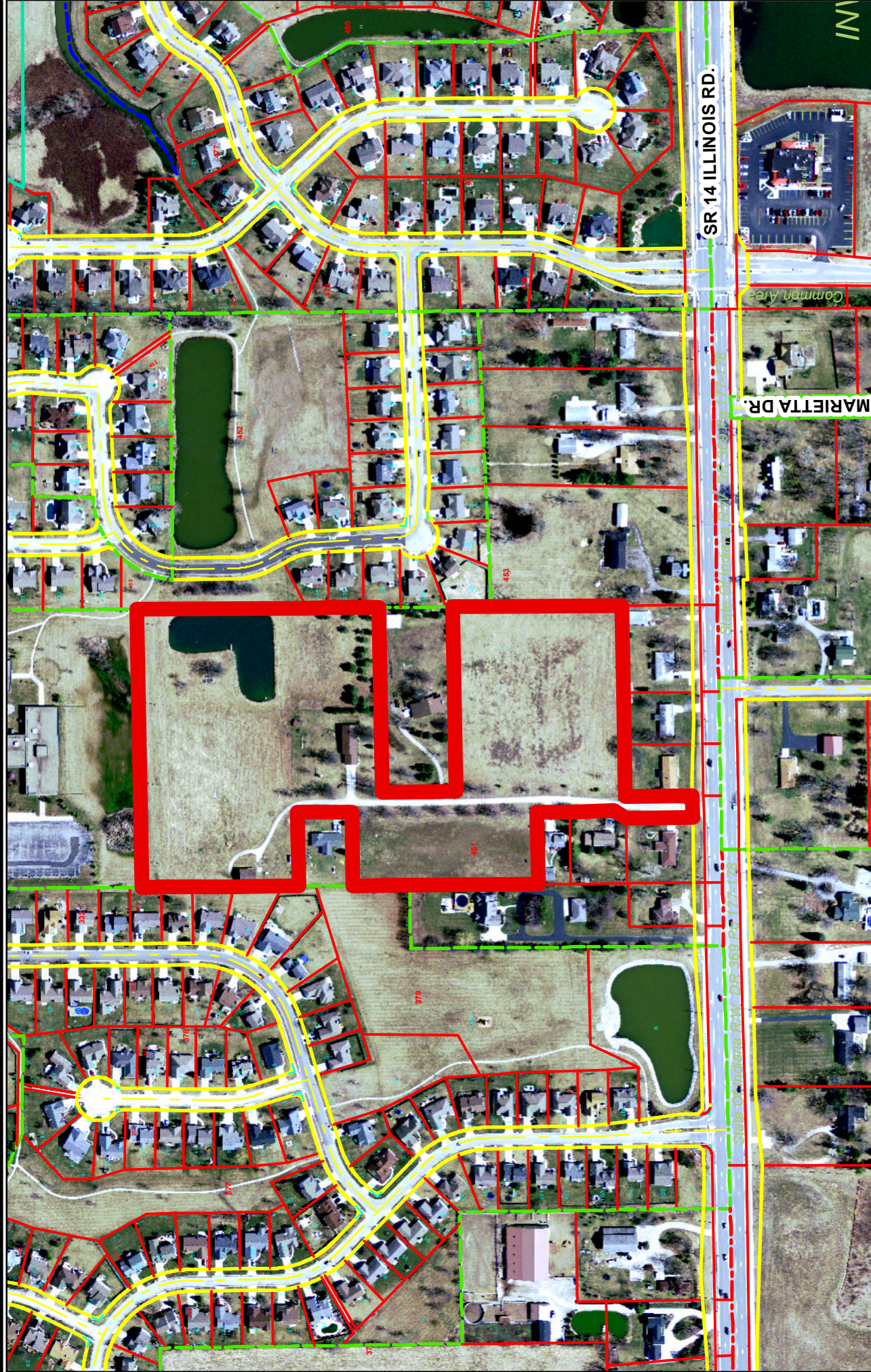
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 8620 Illinois Road
Present Zoning AR Proposed Zoning R1 Acreage to be rezoned 13.129
Proposed density 1.2 units/acre units per acre
Township name Aboite Township section # 2
Purpose of rezoning (attach additional page if necessary) _____
To establish a 15 lot single-family detached subdivision
Sewer provider Aqua Indiana Water provider Aqua Indiana

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 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.

Joseph L. Zehr President [Signature] 2/5/2014
(printed name of applicant) (signature of applicant) (date)
Anton Mannes [Signature] 2/5/2014
(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.
2-5-14	114035	3-10-14	REZ 2014-0012

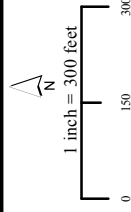


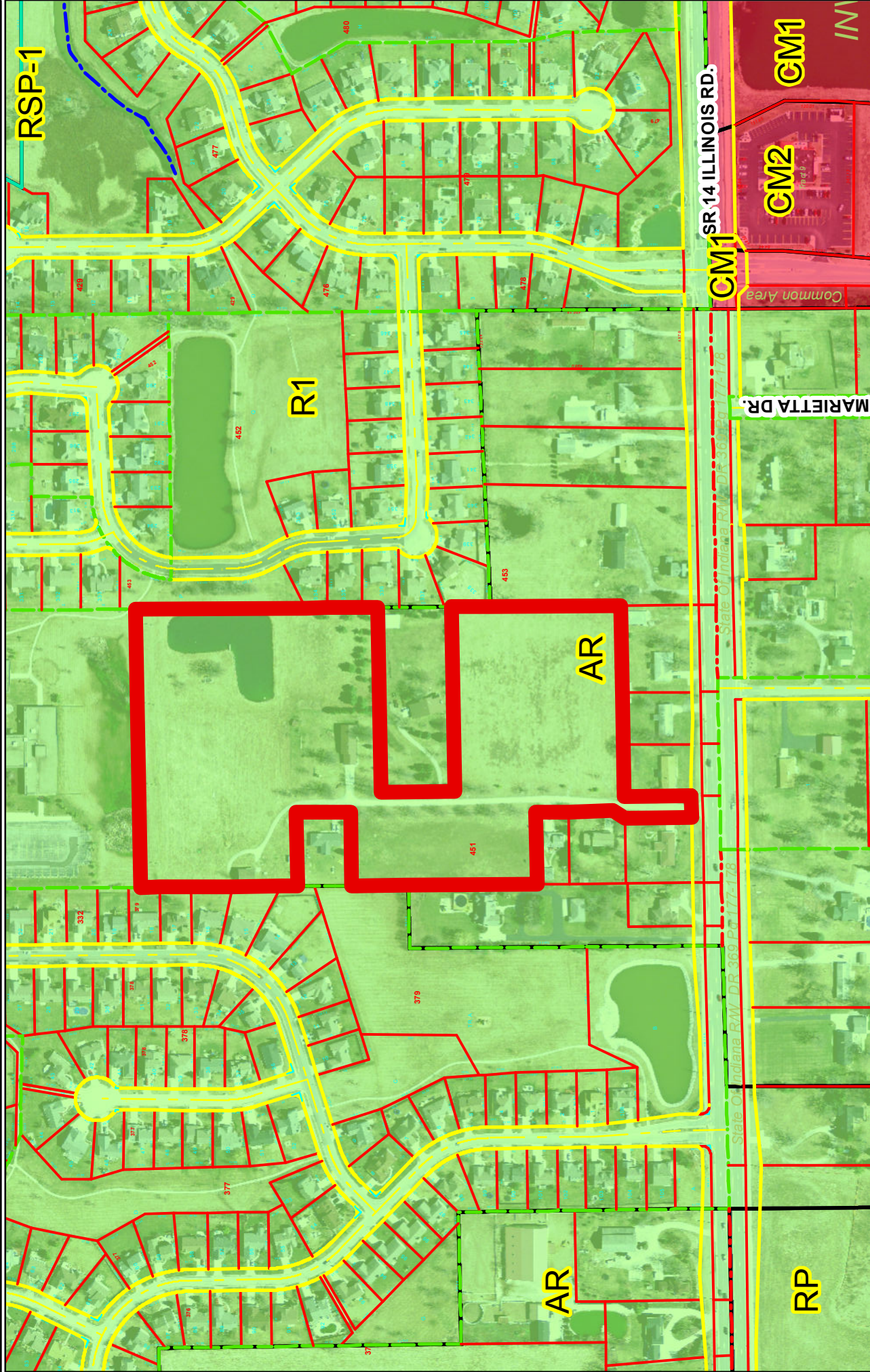
Project boundaries represented by bold colored lines are for representational purposes only.

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: 2/19/2014





Project boundaries represented by bold colored lines are for representational purposes only.

Primary Plat of:

*A Subdivision of part of the West Half of the Southeast Quarter of Section 2,
Township 30 North, Range 11 East, Allen County, Indiana*

Developer:

Surveyor - Planner:

PRIMARY PLAT DESCRIPTION

Part of the West Half of the Southeast Quarter of Section 2, Township 30 North, Range 11 East, Allen County, Indiana, being more particularly described as follows, to-wit:

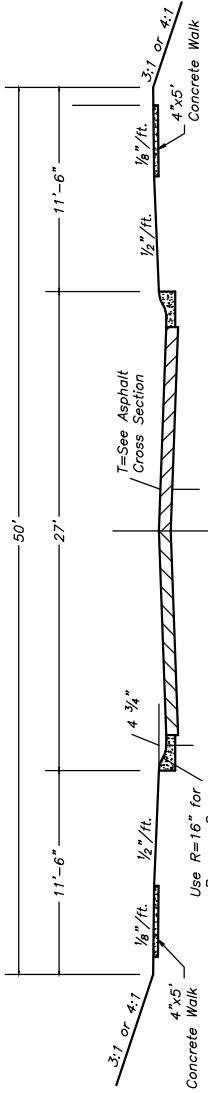
Commencing at the South Quarter corner of said Section 2, being marked by a cast iron monument, thence North 88 degrees 45 minutes 01 seconds East (GPS grid bearing used as the basis of all bearings in this description), a distance of 1.00 feet to the Northwest Quarter 24 minutes 57 seconds West, on and along the West line of said Southwest Quarter, a distance of 429.65 feet to a #5 rebar at the Northwest corner of a 0.303 acre tract of real estate described in a deed to John W. Marshall and Ashley M. Marshall, thence North 00 degrees 24 minutes 57 seconds East, on and along the East line of said Southwest Quarter, a distance of 119.75 feet to the Southwest corner of a 0.414 acre tract of real estate described in a deed to Robert G. Fouts and Eleanor Fouts in Document Number 2004049591 in the office of the Recorder of Allen County, Indiana, being the true point of beginning, thence North 00 degrees 24 minutes 57 seconds West, continuing on and along said West line, a distance of 419.75 feet to the Southwest corner of a 0.414 acre tract of real estate described in a deed to Robert G. Fouts and Eleanor Fouts in Document Number 200415952 in the office of said Recorder, thence North 88 degrees 44 minutes 17 seconds East, on and along the South line of said Southwest Quarter, a distance of 125.00 feet to the Northeast corner of a 0.303 acre tract of real estate described in a deed to John W. Marshall and Ashley M. Marshall, thence North 00 degrees 24 minutes 57 seconds East, on and along the North line of said 0.424 acre tract, a distance of 125.00 feet to the Northeast corner of the said North 88 degrees 43 minutes 17 seconds West, on and along the North line of said 0.474 acre tract, a distance of 165.00 feet to the Northwest corner thereof, being a point on the West line of said Southeast Quarter, thence North 00 degrees 24 minutes 57 seconds West, on and along the West line of said Southeast Quarter, a distance of 322.53 feet to a #5 rebar at the Southwest corner of a 16.316 acre tract of real estate described in a deed to John W. Marshall and Ashley M. Marshall, thence North 00 degrees 24 minutes 57 seconds East, on and along the South line of said Northwest Quarter, a distance of 429.65 feet to the Southwest corner of said 0.303 acre tract, a distance of 640.67 feet to the Northeast corner thereof, being a point on the West line of the plat of Whispering Meadows, Section IV, as recorded in plat said Cabinet C, page 10, in the office of said Recorder, thence North 00 degrees 24 minutes 57 seconds East, on and along the West line of said plat, a distance of 520.49 feet to a #4 rebar at the Northwest corner of a 1.663 acre tract of real estate described in a deed to Hans Peter Barboren and Sandy Kay Barboren in Document Number 200202570 in the office of said Recorder, thence North 88 degrees 49 minutes 21 seconds West, on and along the West line of said Southeast Quarter, a distance of 166.3 acre tract, a distance of 170.00 feet to a #4 rebar at the Southwest corner thereof, thence North 88 degrees 49 minutes 21 seconds East, on and along the South line of said 1.663 acre tract, a distance of 426.00 feet to a #4 rebar at the Southeast corner thereof, being a point on the West line of said plat of Whispering Meadows, Section IV; thence South 00 degrees 24 minutes 57 seconds East, on and along said West line, and its Southerly projection, a distance of 390.00 feet to a point lying South 00 degrees 24 minutes 57 seconds West, 220.00 feet from the South line of said Southeast Quarter, thence South 88 degrees 43 minutes 01 seconds East, on and parallel with the South line of said Southwest Quarter, a distance of 440.61 feet to the Northwest corner of a 0.066 acre tract of real estate described in a deed to Dennis J. Patterson and Melanie L. Patterson in Document Number 950509172 in the office of said Recorder, thence South 00 degrees 24 minutes 57 seconds East, on and along the West line of said plat, a distance of 154.38 feet to the Northeast corner of a 0.029 acre tract of real estate described in a deed to the State of Indiana (Number 200079720) in the office of said Recorder, thence South 00 degrees 24 minutes 57 seconds East, on and along the North line of said 0.029 acre tract, a distance of 16.63 feet to the East line of said 0.066 acre tract, thence East 00 degrees 24 minutes 57 seconds West, on and along the North line of said 0.066 acre tract, a distance of 165.00 feet to the East line of said 0.029 acre tract, thence North 00 degrees 24 minutes 57 seconds West, on and along said East line, a distance of 154.38 feet to a 1.5 inch diameter pipe at the Northeast corner thereof, also being a most Southerly corner of a 0.025 acre tract of real estate described in a deed to Joel W. Anberg and Tamara S. Anberg in Document Number 980019720 in the office of said Recorder, thence Northerly, on and along the East line of said 0.025 acre tract, as defined by the arc of a circular arc tangent to the East line of said 0.066 acre tract, having a radius of 175.00 feet, on and along the East line of said 0.025 acre tract, being subtended by a long chord having a length of 30.50 feet and bearing on said East line of said 0.066 acre tract to the point of tangency, thence North 09 degrees 35 minutes 03 seconds East, continuing on and along said East line and tangent to said curve, a distance of 60.13 feet to the Northwest corner of a 0.025 acre tract of real estate described in a deed to the State of Indiana (Number 200028890) in the office of said Recorder, thence North 00 degrees 24 minutes 57 seconds West, on and along said East line, a distance of 154.38 feet to the East line of said 0.025 acre tract, as defined by the arc of a circular arc, an arc bearing of 21.82 feet, being subtended by a long chord having a length of 21.79 feet and bearing on North 04 degrees 35 minutes 03 seconds East, continuing on and along said East line, a distance of 154.38 feet to the East line of said 0.025 acre tract, as defined by the arc of a circular arc, an arc bearing of 21.82 feet, being subtended by a long chord having a length of 21.79 feet and bearing on North 04 degrees 35 minutes 03 seconds East, continuing on and along said East line, a distance of 154.38 feet to the East line of said 0.025 acre tract, as defined by the arc of a circular arc, an arc bearing of 21.82 feet, being subtended by a long chord having a length of 21.79 feet and bearing on North 04 degrees 35 minutes 03 seconds East, continuing on and along the North line of said 0.025 acre tract, a distance of 165.00 feet to the true point of beginning, containing 13.29 acres of land, subject to all easements of record.

CENTERLINE CURVE DATA

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	26.18'	150.00'	10°00'00"	S 04°35'03" W	26.15'
C2	26.18'	150.00'	10°00'00"	S 04°35'03" W	26.15'

LOT AREAS

LOT#	Area
1	13958
2	13958
3	13958
4	13958
5	13918
6	44092
7	30378
8	33349
9	25456
10	45170
11	44105
12	29849
13	26614
14	23424
15	37907
Block "A"	46009
Block "B"	48910
Block "C"	40025
Across Block	10320



Note: All sidewalks though driveways shall be at a 1/8" per ft. cross-slope

Not to Scale

TYPICAL STREET CROSS-SECTION