

1 **#REZ-2015-0063**

2 **BILL NO. Z-15-11-24**

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

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. D-03 (Sec. 7 of Wayne 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 **Recorder's Document #2011005562**

12 Five acres of land in the fractional SW ¼ of Section 7, Township 30 North, Range 12 East in Allen
13 County, Indiana, and being more particularly described as follows, to-wit:

14 Beginning at a point on the North and South centerline of fractional Section 7, Township 30 North,
15 Range 12 East, said point being located 461.5 feet North of the Southeast corner of the Northeast
16 Quarter of the fractional Southwest Quarter of Section 7, above Township and Range; thence West at
17 right angles to the North and South center line of Section 7, above Township and Range, a distance of
18 793.5 feet; thence North a distance of 275.0 feet to an iron pin; thence East a distance of 791.4 feet to
19 the North and South centerline of fractional Section 7, above Township and Range; thence South
20 along the North and South centerline of fractional Section 7, Township 30 North, Range 12 East; a
21 distance of 275.0 feet to the Point of Beginning, containing 5.0 acres of land, more or less.

22 **EXCEPTING THEREFROM:** (Recorder's Document #93-024428, conveyed to the City of Fort Wayne)

23 Part of the fractional Southwest One-Quarter of Section 7, Township 30 North, Range 12 East, Allen
24 County, Indiana, the West 15 feet of the East 40 feet of the following described property containing
25 4,125 square feet more or less:

26 Beginning at a point on the north and south center line of fractional Section 7, Township 30 North,
27 Range 12 East, said point being located four hundred sixty-one and five tenths (461.5) feet north of the
28 southeast corner of the north east one-quarter (1/4) of the fractional southwest one-quarter (1/4) of
29 Section 7, above Township and Range; thence west at right angles to the north and south center line
30 of Section 7, above Township and Range, a distance of seven hundred ninety-three and five tenths
(793.5) feet thence north a distance of two hundred and seventy-five (275.0) feet to an iron pin; thence
east a distance of seven hundred ninety-one and four tenths (791.4) feet to the north and south center
line of fractional Section 7, above Township and Range; thence south along the north and south center
line of fractional Section 7, Township 30 North, Range 12 East in Allen County, Indiana, a distance of
two hundred seventy-five (275.0) feet to the place of beginning. The intent of this deed is to establish a
40 feet right of way from the centerline of Getz Road.

31 **AND**

32 **Recorder's Document #2011005563**

33 A parcel of land located in the Southwest one quarter of Section 7, Township 30 North, Range 12 East,
34 Allen County, Indiana and more particularly described as follows:

35 Commencing at the South Quarter corner of Section 7, Township 30 North, Range 12 East as now
36 established; thence North 00 degrees 30 minutes West (bearing basis for description) along the West
37 line of said Southwest one quarter, a distance of 1347.06 feet (deed and measured); thence South 89
38 degrees 34 minutes 14 seconds West a distance of 283.0 feet to the point of beginning. Beginning at

the above described point; thence North 06 degrees 34 minutes 14 seconds East, a distance of 249.70 feet (249.2 feet -- Deed); thence North 88 degrees 44 minutes 21 seconds East, a distance of 252.29 feet (252.6 feet -- Deed) to a point on the West line of said Southwest one quarter; thence North 00 degrees 30 minutes 00 seconds West along said West line, a distance of 155.94 feet; thence along the meanderings of the centerline of an existing drive as now established on the following six courses; thence South 89 degrees 30 minutes 00 seconds West, a distance of 41.84 feet; thence South 46 degrees 26 minutes 12 seconds West, a distance of 90.18 feet; thence South 60 degrees 16 minutes 29 seconds West, a distance of 50.47 feet; thence South 88 degrees 09 minutes 12 seconds West, a distance of 85.89 feet; thence South 71 degrees 54 minutes 06 seconds West, a distance of 45.20 feet; thence South 60 degrees 10 minutes 47 seconds West, a distance of 25.01 feet to a point on centerline of the Flaugh Ditch as now established; thence on and along the centerline of the Flaugh Ditch on the following five courses; thence North 38 degrees 16 minutes 47 seconds West, a distance of 21.11 feet; thence North 49 degrees 09 minutes 37 seconds West, a distance of 71.29 feet; thence North 50 degrees 55 minutes 34 seconds West, a distance of 137.38 feet; thence North 69 degrees 40 minutes 52 seconds West, a distance of 32.05 feet; thence North 70 degrees 52 minutes 35 seconds West, a distance of 16.47 feet; thence South 89 degrees 30 minutes 00 seconds West, a distance of 273.16 feet; thence South 00 degrees 01 minutes 47 seconds East, a distance of 460.53 feet (457.5 feet -- Deed) to a steel post found; thence North 89 degrees 34 minutes 14 seconds East, a distance of 514.17 feet (514.8 feet -- Deed) to the Point of Beginning, containing 5.707 acres of land, more or less.

Together with and subject to an Access Easement described as follows:

Forty (40) feet wide Access Easement described as twenty (20) feet either side of the following described line: Commencing at the South Quarter corner of Section 7, Township 30 North, Range 12 East as now established; thence North 00 degrees 30 minutes West (bearing basis for description) along the West line of said Southwest one quarter, a distance of 1753.50 feet to the Point of Beginning. Beginning at the above described point; thence continuing on the meanderings of the centerline of an existing Drive on the following six courses; thence South 89 degrees 30 minutes West, a distance of 41.84 feet; thence South 46 degrees 26 minutes 12 seconds West, a distance of 90.18 feet; thence South 60 degrees 16 minutes 29 seconds West, a distance of 50.47 feet; thence South 88 degrees 09 minutes 12 seconds West, a distance of 85.89 feet; thence South 71 degrees 54 minutes 06 seconds West, a distance of 45.20 feet; thence South 60 degrees 10 minutes 47 seconds West, a distance of 25.01 feet to the point of terminus of this easement.

AND

Recorder's Document #2011032504

A parcel of land located in the Southwest One-quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, and more particularly described as follows:

Commencing at the South Quarter corner of Section 7, Township 30 North, Range 12 East as now established; thence North 00 degree 30 minutes West (bearing basis for description) along the West line of said Southwest One-quarter, a distance of 1753.50 feet to the point of beginning. Beginning at the above described point; thence along the meanderings of the centerline of an existing drive as now established on the following six courses; thence South 89 degrees 30 minutes 00 seconds West, a distance of 41.84 feet; thence South 46 degrees 26 minutes 12 seconds West, a distance of 90.18 feet; thence South 60 degrees 16 minutes 29 seconds West, a distance of 50.47 feet;

thence South 88 degrees 09 minutes 12 seconds West, a distance of 85.89 feet; thence South 71 degrees 54 minutes 06 seconds West, a distance of 45.20 feet; thence South 60 degrees 10 minutes 47 seconds West, a distance of 25.01 feet to a point on the centerline of the Flaugh Ditch as now established; thence on and along the centerline of Flaugh Ditch on the following five courses; thence North 38 degrees 16 minutes 47 seconds West, a distance of 21.11 feet; thence North 49 degrees 09 minutes 37 seconds West, a distance of 71.29 feet; thence North 50 degrees 55 minutes 34 seconds West, a distance of 137.38 feet; thence North 69 degrees 40 minutes 52 seconds West, a distance of 32.05 feet; thence North 70 degrees 52 minutes 35 seconds West, a distance of 16.47 feet; thence North 89 degrees 30 minutes 00 seconds East, a distance of 520.34 feet to a point on the West line of said Southwest One-quarter; thence South 00 degrees 30 minutes 00 seconds East along the West line, a distance of 54.06 feet to the point of beginning, containing 1.178 acres of land, more or less.

1 Together with a non-exclusive easement for ingress and egress over real estate described in a Joint
2 Easement and Common Driveway Agreement recorded August 3, 2006 as Document Number
206046663.

3 AND

4 Lots Numbered 1, 2, 3, 4, 5, and 6 in Covington Acres Addition Amended, as recorded in the plat
5 thereof, in the Office of the Recorder of Allen County, Indiana.

6 and the symbols of the City of Fort Wayne Zoning Map No. D-03 (Sec. 7 of Wayne
7 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
8 Wayne, Indiana is hereby changed accordingly.

9
10 SECTION 2. That this Ordinance shall be in full force and effect from and after its
11 passage and approval by the Mayor.

12 _____
13 Council Member

14 APPROVED AS TO FORM AND LEGALITY:

15 _____
16 Carol T. Helton, City Attorney
17
18
19
20
21
22
23
24
25
26
27
28
29
30

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2015-0063
Bill Number: Z-15-11-24
Council District: 4-Mitch Harper

Introduction Date: November 24, 2015

Plan Commission
Public Hearing Date: December 7, 2015

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

Synopsis of Ordinance: To rezone approximately 23.05 acres of property from R1-Single Family
Residential to R3-Multiple Family Residential

Location: 2010, 2014, 2016, 2118, 2220, 2226, and 2230 Getz Road

Reason for Request: To allow the properties to be redeveloped into a 672-unit apartment
complex.

Applicant: Walnut Hills Apartment Homes

Property Owner: Walnut Hills Development, LLC

Related Petitions: Primary Development Plan, Walnut Hills Apartment Homes

Effect of Passage: Property will be rezoned to the R3-Multiple Family Residential zoning
district which will all the development of an apartment complex.

Effect of Non-Passage: The property will remain zoned for single-family residential use.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant WALNUT HILLS DEVELOPMENT, LLC
Address 522 PINEGROVE LANE
City FORT WAYNE State INDIANA Zip 46807
Telephone 317-491-2100 E-mail jhcalkins@gmail.com

Contact Person
Contact Person PETER G. MALLERS OF BEERS MALLERS BACKS & SALIN, LLP
Address 110 WEST BERRY STREET, SUITE 1100
City FORT WAYNE State INDIANA Zip 46802
Telephone 260-426-9706 E-mail pgmallers@beersmallers.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 2010, 2014, 2106, 2118, 2128, 2220, 2226 AND 2230 GETZ ROAD
Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned 23.046
Proposed density 12.75 units per acre
Township name WAYNE Township section # 7
Purpose of rezoning (attach additional page if necessary) TO ESTABLISH A ZONING CLASSIFICATION FOR AN APARTMENT COMPLEX USE
Sewer provider AQUA INDIANA 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.

WALNUT HILLS DEVELOPMENT, LLC BY: [Signature]

(printed name of applicant)

(signature of applicant)

11-3-15
(date)

WALNUT HILLS DEVELOPMENT, LLC BY: [Signature]

(printed name of property owner)

(signature of property owner)

11-3-15
(date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

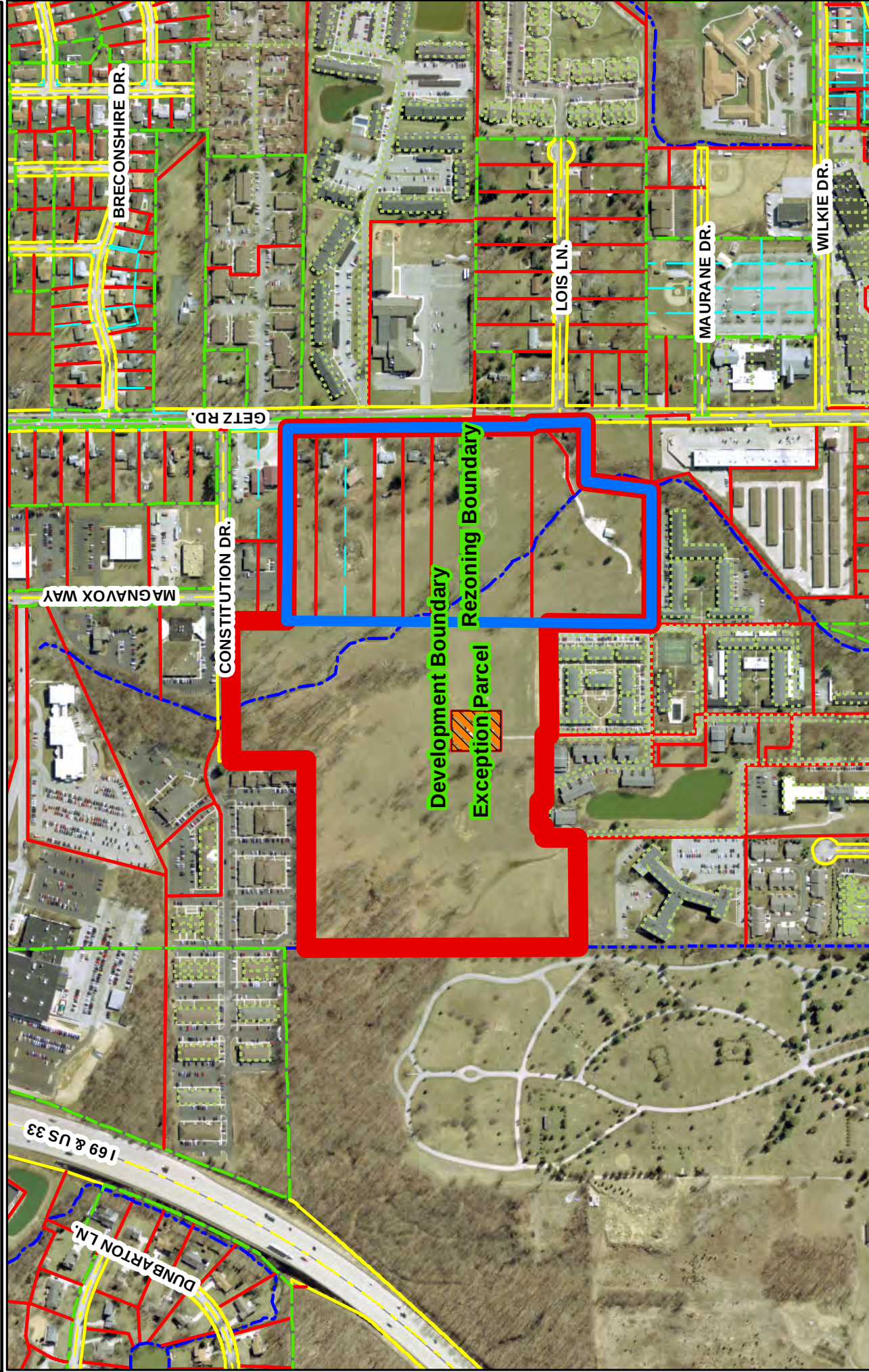
(signature of property owner)

(date)

Received	Receipt No.	Hearing Date	Petition No.
<u>11/3/15</u>	<u>119483</u>	<u>12/7/15</u>	<u>Re2-2015-0063</u>



Rezoning Petition REZ-2015-0063 and Primary Development Plan - Walnut Hills Apartment Homes



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

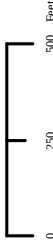
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 11/17/2015

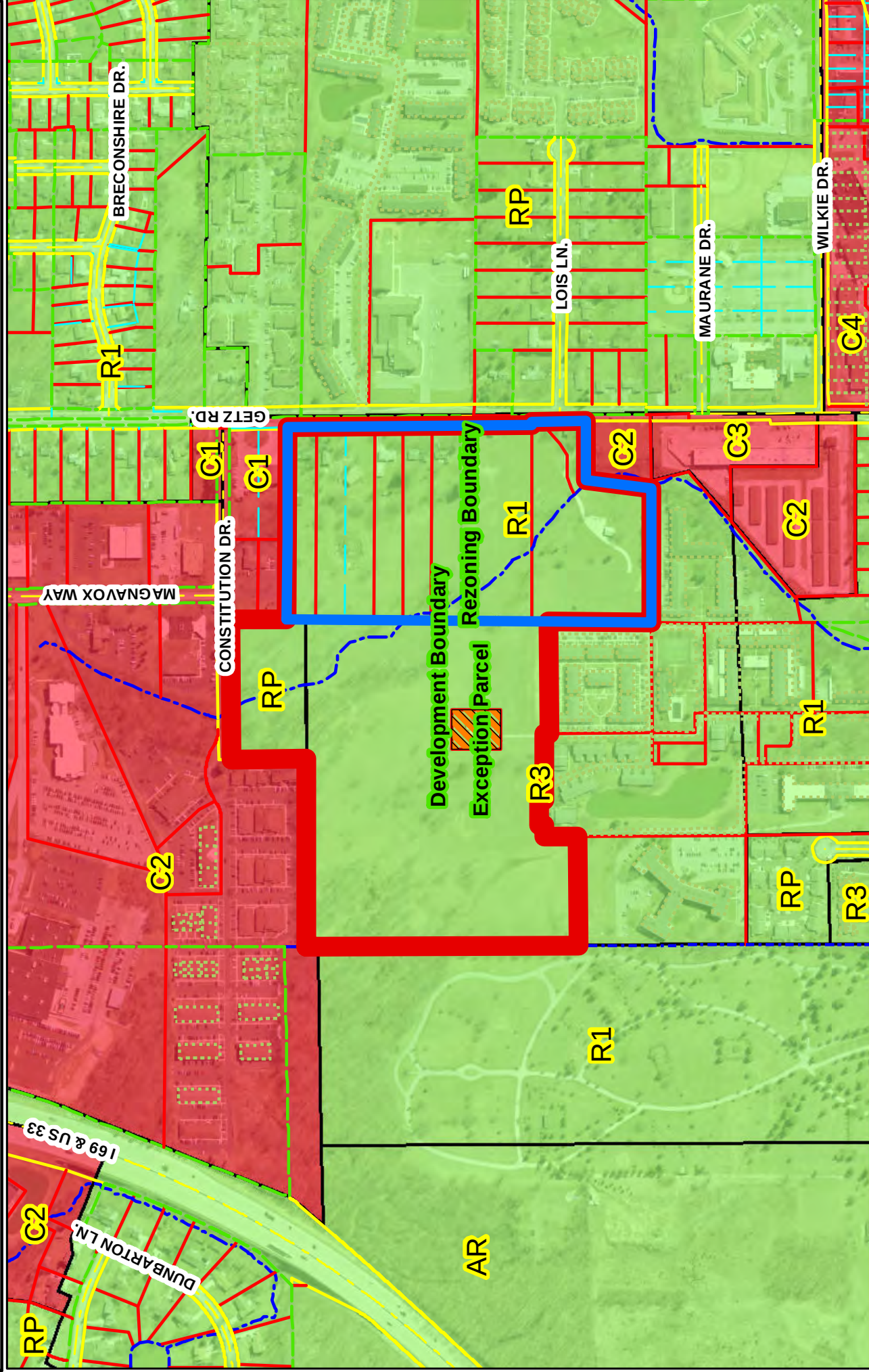


1 inch = 500 feet





Rezoning Petition REZ-2015-0063 and Primary Development Plan - Walnut Hills Apartment Homes



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



1 inch = 500 feet

Date: 11/17/2015

0 250 500 Feet

