

#REZ-2019-0019

BILL NO. Z-19-04-15

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-62 (Sec. 34 of Perry 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 R3
(Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of
the City of Fort Wayne, Indiana:

Part of the Southwest Quarter of Section 27, Township 32 North, Range 12 East of the
Second Principal Meridian, Perry Township in Allen County, Indiana, more particularly
described as follows:

BEGINNING at the Northwest corner of Lot Number 391 in Pine Valley County Club 5th
Addition as shown in Plat Book 30, Page 75 in the Office of the Recorder of Allen County,
Indiana, said point also being the Southwest corner of an existing tract described in
Document Number 2010013885 in the Office of the Recorder of Allen County, Indiana;
thence North 02 degrees 12 minutes 14 seconds West (Indiana East SPC, 1983 bearing and
basis of bearings to follow), a distance of 130.18 feet (132.00 feet Deed) along the Easterly
right-of-way line of Pine Mills Road to the point of curvature of a tangent curve, concave to
the Southwest, having a radius of 165.62 feet (Deed); thence Northwesterly along said curve
and along said right-of-way line a distance of 132.00 feet (Deed), having a central angle of
45 degrees 39 minutes 54 seconds, and a chord of 128.53 feet bearing North 25 degrees 02
minutes 11 seconds West to the point of tangency of said curve; thence North 47 degrees 11
minutes 27 seconds West, a distance of 196.30 feet (Deed) along said right-of-way line to
the point of curvature of a tangent curve, concave to the Northeast, having a radius of 162.95
feet (Deed); thence Northwesterly along said curve and along said right-of-way line a
distance of 130.98 feet (Deed), having a central angle of 46 degrees 03 minutes 14 seconds,
and a chord of 127.48 feet bearing North 24 degrees 09 minutes 50 seconds West to the
point of tangency of said curve; thence North 01 degrees 08 minutes 03 seconds West, a
distance of 376.05 feet (Deed) along said right-of-way line; thence South 88 degrees 51
minutes 57 seconds West, a distance of 5.00 feet (Deed) along said right-of-way line; thence
North 01 degrees 08 minutes 03 seconds West, a distance of 529.75 feet (Deed) along said
right-of-way line to the point of curvature of a tangent curve, concave to the Southeast,
having a radius of 150.00 feet (Deed); thence Northeasterly along said curve and along said
right-of-way line a distance of 197.24 feet (Deed), having a central angle of 75 degrees 20
minutes 30 seconds, and a chord of 183.34 feet bearing North 34 degrees 48 minutes 04
seconds East to the point of tangency of said curve, said point also being on the West line of
Lot Number 31 in Pine Valley County Club 1st Addition as shown in Plat Book 29, Page 24
in the Office of the Recorder of Allen County, Indiana; thence South 03 degrees 45 minutes

04 seconds East, a distance of 165.92 feet (167.92 feet Deed) along said West line to the South line of said Lot 31 in Pine Valley County Club 1st Addition, said point also being on a Northerly line of said Document Number 2010013885; thence South 85 degrees 57 minutes 24 seconds East, a distance of 437.26 feet along the South lines of Lot Number 31, Lot Number 32, and Lot Number 33 in said Pine Valley County Club 1st Addition and along the Northerly line of said Document Number 2010013885; thence South 00 degrees 00 minutes 00 seconds West, a distance of 1345.86 feet to the North line of Lot 393 in said Pine Valley County Club 5th Addition, said point also being on a South line of said Document Number 2010013885; thence South 87 degrees 53 minutes 25 seconds West, a distance of 273.33 feet along the North lines of Lot 393, Lot 392, and Lot 391 in said Pine Valley Country Club 5th Addition and along said South line to the Point of Beginning. Containing 15.41 acres, more or less. Subject to easements of record.

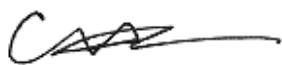
and the symbols of the City of Fort Wayne Zoning Map No. O-62 (Sec. 34 of Perry Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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:



Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant JATS, LLC - Todd Ramsey
 Address 10050 Bent Creek Blvd
 City Fort Wayne State IN Zip 46825
 Telephone (260) 489-0109 E-mail tramsey@rcidevelops.com

Contact Person
 Contact Person Cody Ward
 Address 10060 Bent Creek Boulevard
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-8571 E-mail cody@mlswebsite.us

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 10900 Pine Mills Road, Fort Wayne, IN 46845
 Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned 10
 Proposed density TBD units per acre
 Township name Perry Township section # 34
 Purpose of rezoning (attach additional page if necessary) The applicant is rezoning the property for a proposed clubhouse, 1st floor, for the Pine Valley Country Club with multi-family residential units on the 2nd and 3rd floors.
 Sewer provider City of Fort Wayne 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.

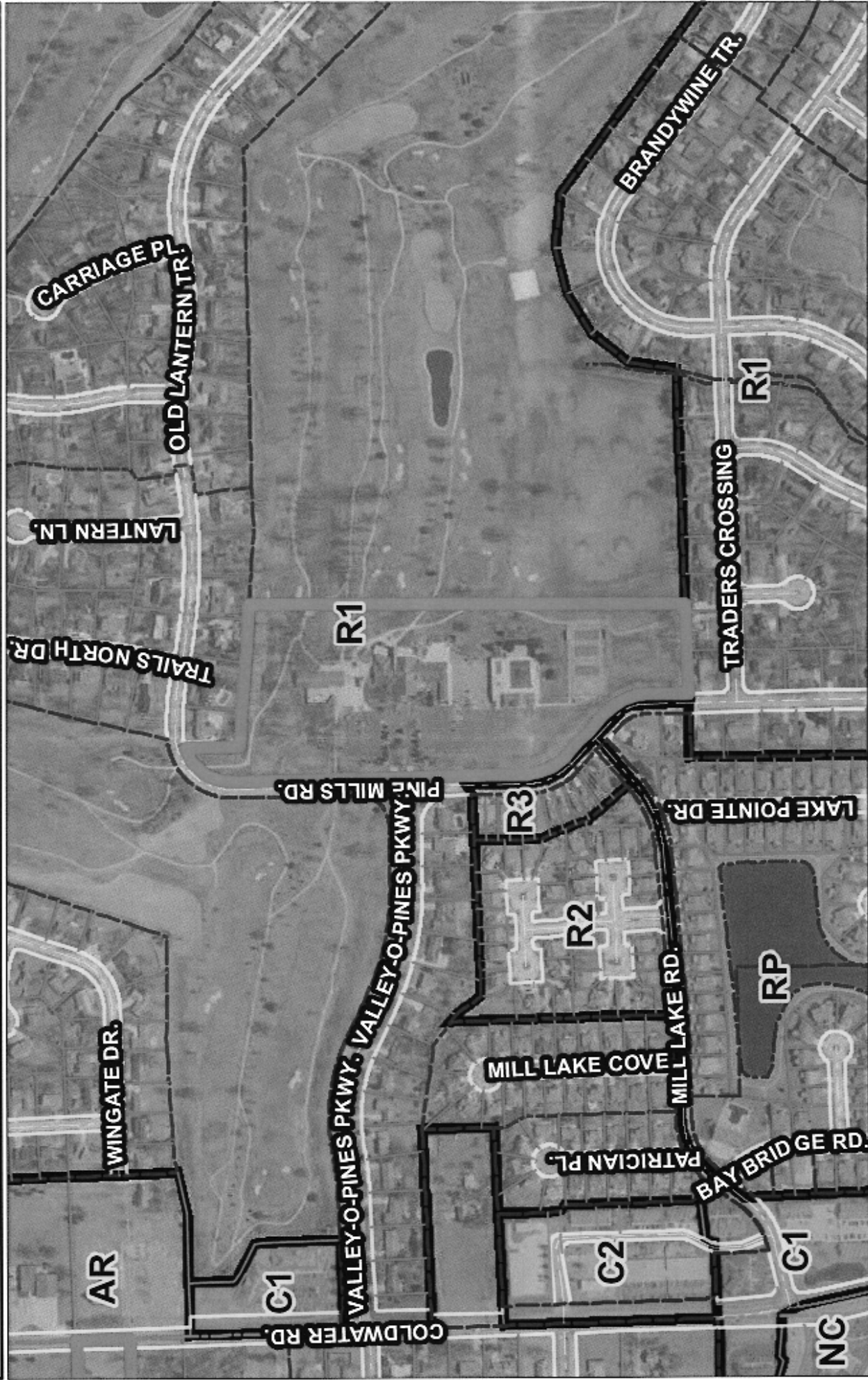
Todd Ramsey
 (printed name of applicant) (signature of applicant) (date)
Anthony Stiles
 (printed name of property owner) (signature of property owner) (date)
 (printed name of property owner) (signature of property owner) (date)
 (printed name of property owner) (signature of property owner) (date)

Received <u>4-2-2019</u>	Receipt No. <u>129913</u>	Hearing Date <u>5-6-2019</u>	Petition No. <u>REZ-2019-0019</u>
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1 inch = 400 feet

[illegible]



All rezoning and primary development plans are
subject to review and approval by the Board of
Zoning Appeals. The Board of Zoning Appeals
may, at its discretion, require additional information
and documentation from the applicant, including but
not limited to, a site plan, a site description, a
survey, or other information as it may deem
necessary. The Board of Zoning Appeals may also
require the applicant to provide a site plan, a
survey, or other information as it may deem
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1 inch = 400 feet

0 200 400 Feet

**City of Fort Wayne Common Council
DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0019
Bill Number: Z-19-04-15
Council District: 2-Russ Jehl

Introduction Date: April 23, 2019

Plan Commission
Public Hearing Date: May 6, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 10 acres of property from R1-Single Family Residential to R3-Multiple Family Residential

Location: 10900 Pine Mills Road

Reason for Request: To rezone a portion of the Pine Valley Country Club to build a new clubhouse with attached condominiums.

Applicant: JATS, LLC – Todd Ramsey

Property Owner: Anthony Stites

Related Petitions: Primary Development Plan, Pine Valley Clubhouse and Condominiums

Effect of Passage: Property will be rezoned to the R3-Multiple Family Residential which allows for multiple residential units.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential. The clubhouse can be approved by the Board of Zoning Appeals but the condominiums will not be permitted.

FACT SHEET

Case #	REZ-2019-0019	Bill #	Z-19-04-15	Project Start:	23 April 2019
APPLICANT:	JATS, LLC – Todd Ramsey				
REQUEST:	To rezone property from R1/Single Family Residential to R3/Multiple Family Residential; and approve a primary development plan for a clubhouse with multiple family residential units on upper floors, including waiver of building height.				
LOCATION:	The site is located on the east side of the 10900 block of Pine Mills Road, the current location of the Pine Valley Country Club. The address of the subject property is 10900 Pine Mills Road (Section 33 of Perry Township).				
LAND AREA:	Approximately 10 acres				
PRESENT ZONING:	R1/Single Family Residential				
PROPOSED ZONING:	R3/Multiple Family Residential				
COUNCIL DISTRICT:	2-Russ Jehl				
ASSOCIATED PROJECTS:	Primary Development Plan, Pine Valley Clubhouse and Condominiums				
SPONSOR:	City of Fort Wayne Plan Commission				

6 May 2019 Public Hearing

- Four residents spoke in support at the hearing.
- Four letters of support are in the project file.
- Three residents had questions at the hearing.
- Four residents were in opposition at the hearing.
- A petition in opposition, representing 25 properties, is in the file.
- Don Schmidt, Tom Friestroffer and Billy Davenport were absent.

13 May 2019 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

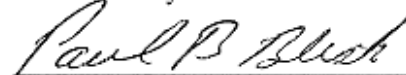
A motion was made by Paul Sauerteig and seconded by Don Schmidt to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

- Billy Davenport was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
23 May 2019

Reviewed by:



Paul B. Blisk
Deputy Land Use Director

PROJECT SUMMARY

The petitioner requests a rezoning from R1/Single Family Residential to R3/Multiple Family Residential to permit a multiple family residential development and new clubhouse for the Pine Valley Country Club. The property has been developed as a clubhouse for the Pine Valley Country Club since the late 1960's. The proposed rezoning and development is surrounded by existing subdivision and golf course. There are duplexes zoned R3 immediately west of the property. The proposal can be supportive by the following goals and policies of the Comprehensive Plan:

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

LU5.D Encourage development proposals that provide housing, designed to allow adequate pedestrian and bicycle access, in close proximity to existing neighborhood commercial, civic, institutional and other similar uses.

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

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

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

The proposed site plan includes a new single building clubhouse for the Pine Valley Country Club with an additional 36 residential units located above the clubhouse. The building will be three stories tall with a walk out basement and underground parking. Parking is proposed to be a combination of improved surface parking and 80 underground parking spaces. A new sidewalk will be installed along the frontage of the proposed redevelopment.

Stormwater will be managed in the existing stormwater system for the golf course. The applicant is proposing to utilize an alternative landscaping plan to utilize the existing plant materials where they exist as well as meeting the Code requirements in other areas. The applicant is proposing one waiver of Zoning Ordinance standards. They are requesting the Plan Commission waive the required building height from 40 feet to 47, with permitted mechanical equipment reaching to approximately 60 feet, which will be screened by a parapet wall and architectural details. The applicant has stated that the waiver will have no impact on contiguous residentially developed properties given the distance separation. Additionally, the well-developed trees to the north and east will screen the building from the closest single family properties. The failure to have the waiver granted would result in the loss of the proposed third floor and half of the dwelling units. A Written Commitment has been submitted to memorialize the commitments made at the hearing, and to restrict some uses allowed in the R3 district.

PUBLIC HEARING SUMMARY:

Presenter: Josh Neal with Barrett McNagny, representing JATS, presented the proposal to the Plan Commission, as outlined above.

Public Comments In Support:

Tom Wood, 13685 Montoro Court
Doug Adelsperger, 10810 Sandpiper Cove
Doug Middleton, 1307 Old Lantern Trail
Chris Pflieger, 12312 Orchard Place

Public Comments with Questions:

Maxine Hoffman, 10624 Lake Pointe Drive – Which road will handle construction traffic?

Omid Zahedi, 1409 Colony Court – Will their taxes go up if their property values go up?

Caroline Davis, 10801 Sandpiper Cove – Concerned about traffic and landscaping.

Public Comments In Opposition:

Curt Irvén, 1206 Valley O'Pines – Opposed to zoning and height, noise and light.

Christopher Lenhart, 10531 Pine Mills Road – Opposed to zoning and height.

Kristine Simonsen, 1408 Old Lantern Trail – Building will dominate the neighborhood.

Linda Polley, 1316 Old Lantern Trail – Height will dwarf her house, landscaping.

Rebuttal:

- Construction traffic will be coordinated with City staff. Possibly use one side of Valley O'Pines to separate resident traffic from truck traffic.
- There are 36 units, with half likely owned by current residents, so traffic increase will not be substantial.
- Noise – the clubhouse activity will be the same as it is now. The residents will have the same living considerations as the neighborhood and will be part of the association.
- Aesthetics – there are over 800 homes in Pine Valley, all of different architectural styles.
- Applicant agrees to plant additional trees on the Polley property.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

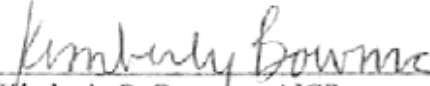
Rezoning Petition REZ-2019-0019

APPLICANT:	JATS, LLC – Todd Ramsey
REQUEST:	To rezone property from R1/Single Family Residential to R3/Multiple Family Residential; and approve a primary development plan for a clubhouse with multiple family residential units on upper floors, including waiver of building height.
LOCATION:	The site is located on the east side of the 10900 block of Pine Mills Road, the current location of the Pine Valley Country Club. The address of the subject property is 10900 Pine Mills Road (Section 33 of Perry Township).
LAND AREA:	Approximately 10 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2019-0019 be returned to Council with an approved Written Commitment, with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The R3/ Multiple Family Residential zoning will provide the opportunity to redevelop the existing country club while providing additional living opportunities in the Northeast quadrant of the City. This proposal will provide redevelopment using existing infrastructure.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Site plan and architectural review from the Plan Commission and staff will ensure a compatible development that complements the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the property.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on May 13, 2019.


Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant JATS, LLC - Todd Ramsey
Address 10050 Bent Creek Blvd
City Fort Wayne State IN Zip 46825
Telephone (260) 489-0109 E-mail tramsey@rcidevelops.com

Contact Person
Contact Person Cody Ward
Address 10060 Bent Creek Boulevard
City Fort Wayne State IN Zip 46825
Telephone 260-489-8571 E-mail cody@mlswebsite.us

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 10900 Pine Mills Road, Fort Wayne, IN 46845
Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned 10
Proposed density TBD units per acre
Township name Perry Township section # 34
Purpose of rezoning (attach additional page if necessary) The applicant is rezoning the property for a proposed clubhouse, 1st floor, for the Pine Valley Country Club with multi-family residential units on the 2nd and 3rd floors.
Sewer provider City of Fort Wayne 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.

Todd Ramsey
(printed name of applicant) [Signature] (date)
Anthony Stiles
(printed name of property owner) [Signature] (date)
[Signature] (date)
(printed name of property owner) [Signature] (date)
[Signature] (date)
(printed name of property owner) [Signature] (date)

Received <u>4-2-2019</u>	Receipt No. <u>129913</u>	Hearing Date <u>5-6-2019</u>	Petition No. <u>REZ-2019-0019</u>
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All maps shall meet minimum standards have been employed in the preparation of this map. All maps shall be subject to review and approval by the City of Cary. The information contained herein is for informational purposes only and does not constitute a warranty or any other form of insurance. The City of Cary is not responsible for any errors or omissions in this map. © 2019 Board of Commissioners of the City of Cary, North Carolina. Cary, NC 27513. State: North Carolina. County: Wake County. Date: 4/17/2019.

1 inch = 400 feet



Although SHUT ASSURANCE standards have been applied to the completion of this map, the City 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.

© 2019 Board of Commissioners of the County of Allen
 North American System, Inc. 1983
 State Plane Coordinate System, Indiana East
 Projection and Datum: NAD 83
 Date: 4/17/2019

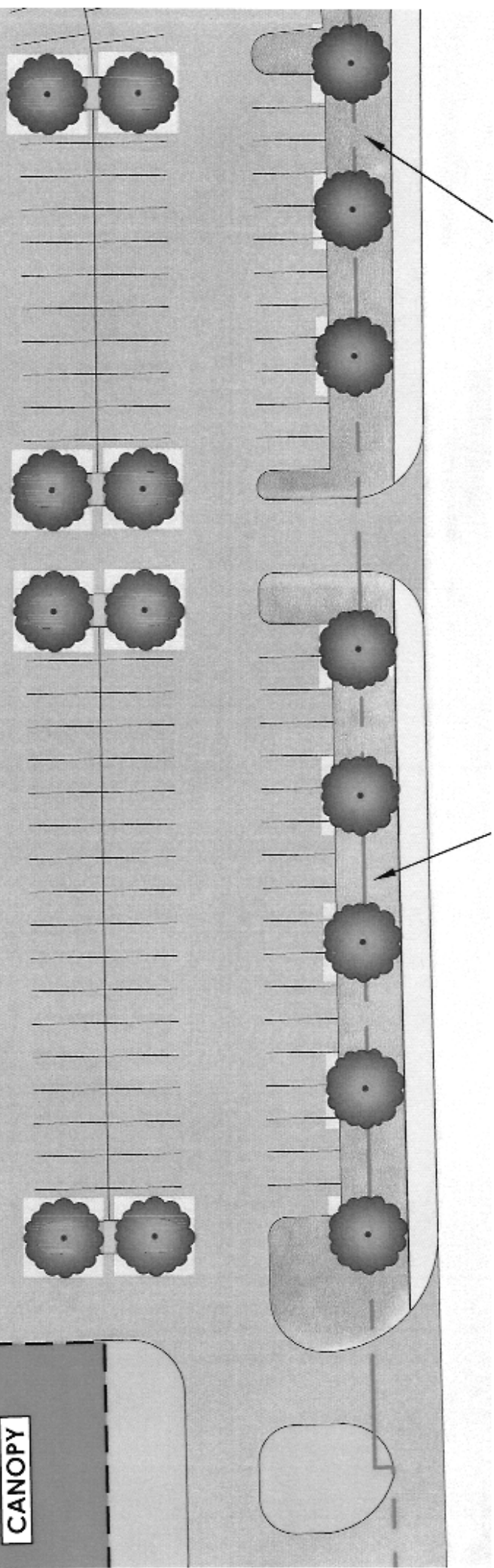
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POSED BUILDING
(602'x130')
(±55,500 SF)

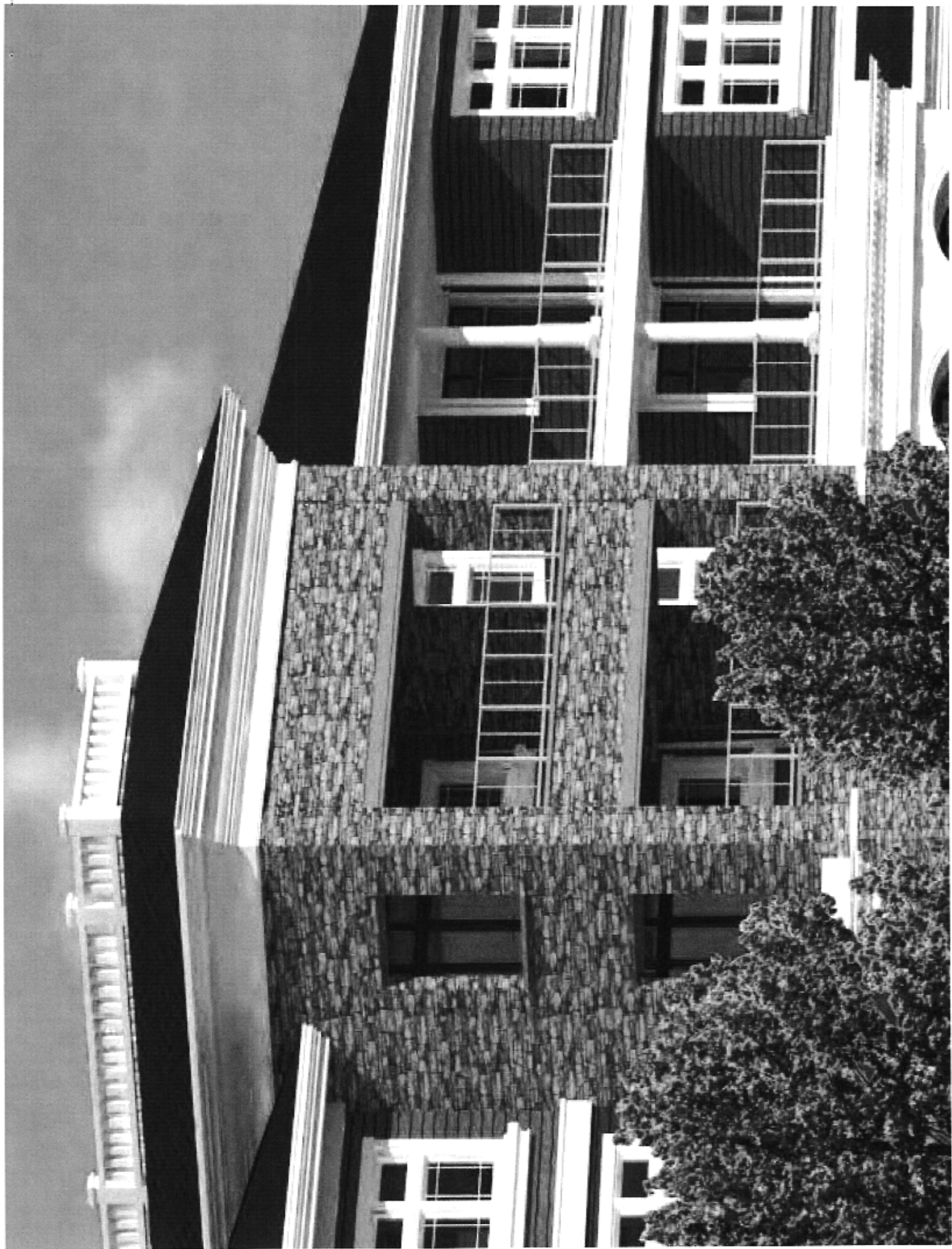
VERANDA

BASEMENT
PARKING
GARAGE
ENTRY

CANOPY









**Adelsperger &
Kleven, LLP**
Attorneys at Law

Douglas R. Adelsperger

Certified Civil Mediator

Board Certified, Business Bankruptcy Law,
American Board of Certification

April 29, 2019

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
2000 E. Berry Street, Ste. 150
Fort Wayne, IN 46802

RE: Rezoning Petition REZ-2019-0019
and Primary Development Plan PDP-2019-0017, Pine Valley Clubhouse

Dear Ms. Wood:

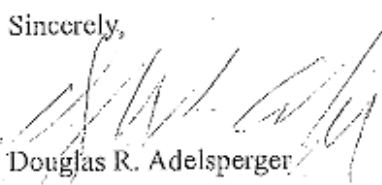
The purpose of this letter is to advise you of my support of the above-referenced proposal. While my family and I have been a member of Pine Valley Country Club for over 25 years, neither I nor anyone in my family, are owners of the country club, nor are we owners of the Applicant. We do, however, own two (2) properties adjacent to the location related to the proposal. These properties are located in The Isles at 10810 Sandpiper Cove, and 10830 Sandpiper Cove.

I have reviewed the proposal, discussed it with various parties in interest and neighbors, and have come to the conclusion that the addition of a mixed-use building to replace the aging club house for Pine Valley Country Club will not only be a great addition to the neighborhood, but should increase the values of the adjacent properties. The proposed renderings are nothing short of stunning. Moreover, the existing club house facility is at such an age that a new facility will enhance the appearance of the overall country club, golf course, and surroundings.

Furthermore, having my professional offices in a mixed-use building in downtown Fort Wayne, I have experienced both the repopulation and renaissance of downtown Fort Wayne in part due to similar mixed-use facilities. These facilities include the old Anthony Wayne Bank building, The Harrison, and Midtown Crossing, just to name a few. It is clear to me that mixed-use facilities, such as those being proposed at Pine Valley Country Club, enhance both the use and value of not only the subject property, but the surrounding properties as well.

In closing, it is my hope that the proposal is approved so that this development can move forward. While I do intend to be at the public hearing on May 6, 2019, please do not hesitate to contact me if you have questions with regard to my position prior to that time.

Sincerely,


Douglas R. Adelsperger

DRA/ddl

111 West Wayne Street, Fort Wayne, Indiana 46802
Telephone: (260) 407-7077 Facsimile: (260) 407-7137
Email: dra@adelspergerkleven.com Internet: www.adelspergerkleven.com

Fort Wayne Plan Commission

4/25/19

200 E Berry St

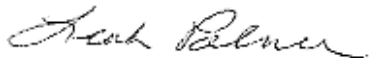
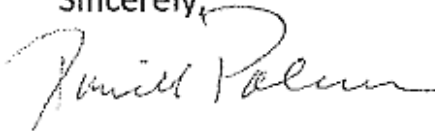
Ft Wayne IN 46802

RE: REZ-2019-0019 and PDP-2019-0017, Pine Valley Clubhouse

To Whom It May Concern

We were notified by letter about the above meeting but are unable to attend. We own property on Pine Mills Rd directly across the street from the Pine Valley Country Club. We have no opposition the project or the multiple family zoning. This project will have a positive impact on the area.

Sincerely,



Daniel and Leah Palmer

DOUGLAS MIDDLETON, ARCHITECT

1307 OLD LANTERN TRAIL, FORT WAYNE, IN. 46845

April 16, 2019

Patrick D. Rew
Allen County
Department of Planning Services
Via e-mail

RE: The Community at Pine Valley
10900 Pine Mills Road
REZ-2019-0019
PDP-2019-0017

I am writing in support of the applications noted above for the rezoning and development plan for the proposed development of condominiums above a new clubhouse for the Pine Valley Country Club.

My wife and I moved to our home adjacent to the 15th green just around the corner from PVCC this past June from California and I am a member of the Club. We have invested a substantial sum to remodel the interior, exterior and landscaping of our new home and would be adamantly opposed to any development that we felt was going to be injurious to the unique character of Pine Valley or to our property values. As both an Architect and proud homeowner I strongly support this development.

The existing Clubhouse facilities are in need of substantial updating and I find the vision of this project truly inspiring and forward thinking. In addition to the obvious positive impact of the increase to the tax base with the addition of the 36 condominiums and the economic impact of the reported twenty-five million dollars of project development costs there will be the additional impact of the 36 condominium owners fitting out their individual units once the base construction is completed. (The condos are being sold as unfinished and the Buyer is responsible for the design and completion of each unit.)

In addition to the aforementioned, this project will substantially increase the safety for pedestrians and access for the handicapped with the addition of the sidewalk along Pine Mills Road that will connect with existing walks that currently exist on Old Lantern Trail and to the neighborhood south of the property. Currently pedestrians (many school children) walking north along Pine Mills must walk in the street at least from Valley O' Pines to Old Lantern Trail. This situation is only exasperated for the handicapped as there is no link to existing sidewalks and curb depressions along Old Lantern Trail and to the south.

Another benefit will be the increased parking provided by the development. By my count the surface parking is increased by eighty spaces over the current parking. This does not include the additional eighty underground spaces to be provided for the condominium owners. Many times during year, especially when there are swim meets and golf tournaments, the existing parking overflows onto the street and into the neighborhood.

I intend to be at the hearing that is currently scheduled for May 6th and welcome you to contact me via email or at 949-637-1135 should you wish to discuss this further. Thank you.

Sincerely,

Douglas Middleton

April 29, 2019

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
2000 E. Berry Street, Ste. 150
Fort Wayne, IN 46802

RE: Rezoning Petition REZ-2019-0019
and Primary Development Plan PDP-2019-0017, Pine Valley Clubhouse

Dear Ms. Wood:

The purpose of this letter is to advise you of my support of the above-referenced proposal. While my family and I have been a member of Pine Valley Country Club for over 25 years, neither I nor anyone in my family, are owners of the country club, nor are we owners of the Applicant. We do, however, own two (2) properties adjacent to the location related to the proposal. These properties are located in The Isles at 10810 Sandpiper Cove, and 10830 Sandpiper Cove.

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In closing, it is my hope that the proposal is approved so that this development can move forward. While I do intend to be at the public hearing on May 6, 2019, please do not hesitate to contact me if you have questions with regard to my position prior to that time.

Sincerely,

Douglas R. Adelsperger

DRA/ddl

Submitted
@ PH 5/6/19

Petition Against the Proposed Pine Valley Country Club Condominium Project

We the undersigned are opposed to the proposed rezoning and height variance that is being applied for by JATS, LLC- Todd Ramsey—REZ-2019-0019 and Primary Development Plan PDP-2019-0017 At The Pine Valley Country Club.

NAME	ADDRESS	EMAIL	PHONE
Christopher Lenhart	10531 Pine Mills Road	four2one@hotmail.com	260-437-5731
Alice Lenhart	10531 Pine Mills Road	lenhartals@frontier.com	260-437-4988
Corey Calland	10517 Pine Mills Rd.	callands@comcast.net	260-637-3719
Jennifer Calland	10517 Pine Mills Rd.	"	260-637-3719
Kara Harz	1305 Chanterelle Dr	Karaharz@gmail.com	260-418-4131
David Harz	1305 Chanterelle Dr	"	260-705-2353
Karen Adesko	1305 Chanterelle Dr		260-437-1805
Heidi Ridenour	1316 Chanterelle	SweetGalAlways03@aol.com	260-402-6009
Paul Gardiner	1320 Chanterelle	rgardiner@ibex.com	317-460-7125
DEAN P STANLEY	1404 CHANTERELLE DR	sixstanleys@hotmail.com	260-341-6891
PETER SCAR	1412 CHANTERELLE DR	PETER SCAR @CTSFw.ED	260-633-6403
AMY SCAR	1412 Chanterelle Dr		260-633-0403
Jessica Schwartz	1407 Chanterelle Dr	jessica.schwartz@gmail.com	(254) 230-4591
Stephanie Hendry	10506 Pine Mills Rd.	Hendry, Stephanie@gmail	260-403-3881

Petition Against the Proposed Pine Valley Country Club Condominium Project

We the undersigned are opposed to the proposed rezoning and height variance that is being applied for by JATS, LLC- Todd Ramsey—REZ-2019-0019 and Primary Development Plan PDP-2019-0017 At The Pine Valley Country Club.

NAME	ADDRESS	EMAIL	PHONE
Blake Siebenaler <i>BS</i>	1319 Pine Mills Ct		
Maureen DeWurter	10504 Pine Mills Rd	madewinter@live.com	
<i>FTWAYNEPOPS</i> Grace Pops	10610 Pine Mills Rd FT. Wayne	FTWAYNEPOPS@aol.com	
Cecelia Noble <i>Cecelia Noble</i>	10419 Pine Mills Rd. 46845	cecilia.noble@comcast.net	443-603-2194
Matthew Noble <i>Matthew Noble</i>	10419 Pine Mills Rd 46845	cecilia.noble@comcast.net	443-603-2194
Don Polley	1316 Old Lantern	Saintfield galleries aboutlook.com	760-7708
LINDA Polley	1316 Old LANTERN	Lpolley@halkscolumbia.com	443-8662
Jill Record <i>Jill Record</i>	1304 Old Lantern Tr!	jillan.moy@gmail.com	
<i>Kristen Simonson</i> Kristen Simonson	1408 Old Lantern Tr!	simonsenk@outlook.com	260 338 2677
<i>Yvonne Zerull</i> Yvonne Zerull	1028 Valley-O-Pines	xjzerull@gmail.com	260-637-8822
<i>Mike Zerull</i> Mike Zerull	1028 Valley-O-Pines	msterull@gmail.com	260-637-8822
Seth Lochmuller	1104 Valley O Pines	Splachmuller@gmail.com	
Stephanie Lochmuller	1104 Valley O Pines	stephmischer@gmail.com	

We the undersigned are opposed to the proposed rezoning and height variance that is being applied for by JATS, LLC- Todd Ramsey—REZ-2019-0019 and Primary Development Plan PDP-2019-0017 At The Pine Valley Country Club.

[illegible]

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made as of this ____ day of May, 2019, by **PV VENTURES, LLC** (herein the "Owner") and **JATS, LLC** (herein the, "Developer"), under the following circumstances:

WITNESSETH:

WHEREAS, Owner is the fee simple owner of approximately ten (10) acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit "A" (herein, the "Real Estate"); and

WHEREAS, Developer has submitted a Zoning Map Amendment Application with the City of Fort Wayne Plan Commission ("Plan Commission"), bearing number REZ-2019-0019 (the "Zoning Application") and has also submitted a Primary Development Plan Application with the Plan Commission bearing number PDP-2019-0017 (the "Development Plan Application"), both applications with respect to the Real Estate; and

WHEREAS, pursuant to the Zoning Application, Developer, with Owner's consent, has requested the Real Estate be rezoned to R-3 pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance") which permits development upon the Real Estate of certain multi-family residential uses; and

WHEREAS, Developer and Owner, in conjunction with the Zoning Application and Development Plan Application, have submitted this written commitment to the Plan Commission, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015, for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Owner hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Owner, Developer and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations.

- a. Prohibited Specific Uses: The following specific uses, which are otherwise allowed in the R-3 zoning district, shall be prohibited upon the Real Estate:
 - i. Fraternity or sorority house;
 - ii. Group residential facility (small);
 - iii. Off-site campus housing.

- b. Prohibited Special Uses: The following specific uses, which are otherwise allowed in the R-3 zoning district with the approval of the Board of Zoning Appeals, shall be prohibited upon the Real Estate:

- i. Animal keeping (outdoor, small animal)
- ii. Class II child care home;
- iii. Educational institution (not otherwise permitted);
- iv. Emergency response facility (transitional use);
- v. Funeral home;
- vi. Group residential facility (large);
- vii. Homeless/emergency shelter (accessory to a religious institution), for up to eight (8) individuals;
- viii. Live-work unit (transitional use);
- ix. Manufactured home, Type II (see §157.503(D)(3)(e) for additional standards);
- x. Museum;
- xi. Nature preserve that includes a structure or parking area;
- xii. Residential facility for a court-ordered re-entry program;
- xiii. Residential facility for homeless individuals, for up to eight (8) individuals;
- xiv. Solar panel (ground mounted);
- xv. Utility facility, private (not otherwise permitted or exempt);
- xvi. Wind energy conversion system, micro (for single family detached buildings on unplatted land only); and
- xvii. Wind energy conversion system, standard (for fire/police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five acres).

2. Construction Traffic. During the development of the Real Estate, there shall be no construction traffic on either Mill Lake Road or Pine Mills Road (except to cross Pine Mills Road at the intersection of Valley O Pines Parkway and Pine Mills Road); instead, construction traffic shall be limited to the north side of Valley O Pines Parkway. During construction activities on the Real Estate, signs shall be posted stating that construction traffic on Mill Lake Road and Pine Mills Road is prohibited. In addition, Developer and Owner shall use commercially reasonable efforts to limit construction traffic on the Real Estate to the south side of the Real Estate.

3. Landscaping and Buffering.

- a. A buffer and landscape area shall be maintained along the north boundary of the Real Estate as follows:
 - i. Existing trees located to the north of the location of the proposed building improvements shall be preserved to the extent reasonably possible, including installation of a fence around the drip line of such trees;

- ii. A mixture of evergreen trees, shade trees, and shrubs shall be planted along the north boundary of the Real Estate in order to screen or buffer adjacent properties from visual, lighting, and noise impacts from the proposed building improvements as well as or better than compliance with the standards set forth in Sections 157.408(A) through (E) of the Ordinance (the landscaping described in Sections 3(a)(i)-(ii) hereof are sometimes referred to herein collectively as the "Buffer Improvements"). Developer and Owner shall reasonably cooperate with the City of Fort Wayne – Allen County Department of Planning Services staff to determine the appropriate design, location and type of Buffer Improvements.
 - b. All landscaping planted and fencing (if any) installed by Developer and/or Owner upon the Real Estate shall be maintained, watered and fertilized by Developer and/or Owner pursuant to a commercially reasonable standard for similar landscaping and fencing in Allen County, Indiana and shall be replaced within a commercially reasonable time in the event of decay, disease or death of said landscaping or vandalism, casualty or other non-repairable condition to such fencing.
4. Architectural Standards. All improvements constructed upon the Real Estate shall be constructed in a first-class manner and shall reflect a high degree of quality, durability, and craftsmanship. Construction of all buildings and related improvements upon the Real Estate shall be substantially as depicted on the renderings attached hereto and incorporated herein by reference as Exhibit B.
5. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Developer shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
6. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Developer, Owner, and their successors and assigns as owners of the Real Estate.
7. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real

Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

8. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of not less than seventy-five percent (75%) of the owners of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination. Written notice of the public hearing shall be given by the applicant for said amendment or termination to the association president of record with the City of Fort Wayne Plan Commission for the Pine Valley Neighborhood Association, with said notice being mailed no later than the date application is made to the Plan Commission for said amendment or termination.

9. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

10. Attorney Fees. In the event any action is brought to enforce the terms and conditions of this Commitment, the prevailing party shall be awarded its costs and reasonable attorney fees.

11. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

12. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

13. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

14. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

"OWNER"

PV VENTURES, LLC

By: _____

Printed Name: _____

Its:

STATE OF INDIANA

)

) SS:

COUNTY OF ALLEN

)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2019, personally appeared _____, the _____ of PV Ventures, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: Allen

"DEVELOPER"

JATS, LLC

By: _____

Printed Name: _____

Its: _____

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2019, personally appeared _____, the _____ of JATS, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: Allen

THIS INSTRUMENT prepared by Joshua C. Neal, Esq., Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joshua C. Neal

When recorded, return to: Joshua C. Neal, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.