

#REZ-2021-0023

BILL NO. Z-21-05-11

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. P-58 (Sec. 6 of Saint Joseph 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 R1 (Single
Family) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Part of the Northwest Quarter of Section 6, Township 31 North, Range 13 East of the
Second Principal Meridian, St. Joseph Township in Allen County, Indiana, based on
an original survey by Brett R. Miller, Indiana Professional Surveyor Number
20300059 of Miller Land Surveying, Inc. Survey No. 20025409, dated March 13,
2020 and being more particularly described as follows:

Commencing at a bronze plug at the intersection of the North line of the Northeast
Quarter of said Section 6 with the centerline of Auburn Road; thence South 00
degrees 34 minutes 00 seconds West (deed bearing and basis of bearings to follow),
a distance of 972.36 (Deed) along said centerline to the South line of existing 0.61
acre tract described in Document Number 2016055311 in the Office of the Recorder
of Allen County, Indiana; thence South 89 degrees 10 minutes 14 seconds West, a
distance of 194.78 feet (Deed) along said South line to the East line of an existing
1.74 acre tract described in Document Number 2015046727 in the Office of the
Recorder; thence North 01 degrees 08 minutes 08 seconds West, a distance of 540.93
feet (Deed) along said East line to the South line of Reinig's Subdivision as shown in
Plat Book 17, Page 44 in the Office of said recorder; thence South 89 degrees 46
minutes 05 seconds West a distance of 408.30 feet along said South line to a 5/8"
steel rebar with a "Karst" identification cap on the West line of existing 1.863 acre
tract described in Document Number 2018009959 in the Office of said Recorder;
thence South 00 degrees 13 minutes 55 seconds East , a distance of 190.99 feet
(Deed) along said West line to a 5/8" steel rebar at the point of curvature of a tangent
curve, concave to the West, having a radius of 180.00 feet (Deed); thence Southerly
along said curve and along said West line a distance of 19.04 feet, having a central
angle of 06 degrees 03 minutes 41 seconds, and a chord of 19.03 feet bearing South
03 degrees 16 minutes 35 seconds West to the POINT OF BEGINNING; thence
continuing Southerly along said curve and along said West line, a distance of 13.98

feet, having a central angle of 04 degrees 26 minutes 54 seconds, and a chord of 13.97 feet bearing South 08 degrees 31 minutes 53 seconds West to a 5/8" steel rebar with a "Karst" identification cap on the Westerly line of an existing 1.749 acre tract described in Document Number 205068004 in the Office of said Recorder, also being the point of compound curvature of a non-tangent curve, concave to the West, having a radius of 167.94 feet (Deed); thence Southwesterly along said curve and along said Westerly line a distance of 89.81 feet (Deed), having a central angle of 30 degrees 38 minutes 26 seconds (Deed), a chord of 88.74 feet bearing South 24 degrees 39 minutes 58 seconds West (Deed) to a 5/8" steel rebar with a "Karst" identification cap; thence South 51 degrees 03 minutes 45 seconds East, a distance of 100.86 feet (Deed) along said Westerly line to a 5/8" steel rebar with a "Karst" identification cap; thence South 00 degrees 00 minutes 00 seconds West, a distance of 63.44 feet (Deed) along said Westerly line to a 5/8" steel rebar with a "Karst" identification cap on the Westerly line of an existing 3.251 acre tract described in Document Number 202017902 in the Office of said Recorder; thence South 16 degrees 51 minutes 11 seconds West (South 16 degrees 54 minutes 12 seconds West Deed), a distance of 137.76 feet (137.38 Deed) along said West line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap; thence South 20 degrees 34 minutes 22 seconds West, a distance of 239.10 feet (Deed) along said West line and along the West line of an existing 0.430 acre tract described in Document Number 203095796 in the Office of said Recorder to a 5/8" steel rebar with a "Miller Firm #0095" identification cap; thence South 42 degrees 55 minutes 35 seconds West, a distance of 96.80 (Deed) along said West line and along the West line of an existing 2.592 acre tract described in Document Number 205068007 in the Office of said Recorder to a 5/8" steel rebar; thence South 25 degrees 39 minutes 26 seconds West (South 25 degrees 33 minutes 11 seconds West Deed), a distance of 52.25 feet (52.46 feet Deed) along said west line to a 5/8" steel rebar with a "Karst" identification cap; thence South 11 degrees 15 minutes 52 seconds West, a distance of 19.44 feet (Deed) along said West line to a 5/8" steel rebar at the point of curvature of a tangent curve, concave to the East, having a radius of 400.00 feet (Deed); thence Southerly along said curve and along said West line a distance of 29.57 feet (Deed), having a central angle of 04 degrees 14 minutes 08 seconds (Deed), and a chord of 29.56 feet bearing South 09 degrees 08 minutes 46 seconds West (Deed) to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the Northerly line of Estates of Sandy Pointe Section I as shown in Plat Cabinet "D", Page 30 in the Office of said recorder; thence North 82 degrees 58 minutes 18 seconds West, a distance of 107.95 feet (Plat) along said Northerly line to a 5/8" steel rebar with a "Karst" identification cap on an Easterly line of Sandy Pointe Section II as shown in Plat Cabinet "F", Page 75 in the Office of said Recorder; thence North 24 degrees 05 minutes 11 seconds East, a distance of 183.19 feet (Plat) along said Easterly line to a 5/8" steel rebar with a "Karst" identification cap; thence North 03 degrees 15 minutes 13 seconds East, a distance of 126.90 feet (Plat) along said Easterly line to a 5/8" steel rebar with a "Karst" identification cap; thence North 36 degrees 12 minutes 25 seconds West, a distance of 310.32 feet along said Easterly line and said line extended to a 5/8" steel rebar; thence South 54 degrees 06 minutes 54 seconds West, a distance of 42.43 feet to a 5/8" steel rebar at the point of

1 curvature of a tangent curve, concave to the North, having a radius of 175.00 feet;
2 thence Westerly along said curve a distance of 106.58 feet, having a central angle of
3 34 degrees 53 minutes 45 seconds, and a chord of 104.94 feet bearing South 71
4 degrees 33 minutes 46 seconds West to a 5/8" steel rebar; thence South 89 degrees
5 00 minutes 39 seconds West, a distance of 254.96 feet to a 5/8" steel rebar at a point
6 on a non-tangent curve, concave to the West, having a radius of 50.00 feet; thence
7 Northerly along said curve a distance of 26.18 feet, having a central angle of 30
8 degrees 00 minutes 00 seconds, and a chord of 25.88 feet bearing North 14 degrees
9 00 minutes 39 seconds East to a 5/8" steel rebar; thence North 89 degrees 00 minutes
10 39 seconds East, a distance of 248.26 feet to a 5/8" steel rebar at the point of
11 curvature of a tangent curve, concave to the North, having a radius of 150.00 feet;
12 thence Northeasterly along said curve a distance of 91.36 feet, having a central angle
13 of 34 degrees 53 minutes 45 seconds, a chord of 89.95 feet bearing North 71 degrees
14 33 minutes 45 seconds East to a 5/8" steel rebar; thence North 54 degrees 06 minutes
15 54 seconds East, a distance of 186.74 feet to a 5/8" steel rebar at the point of
16 curvature of a tangent curve, concave to the Northwest, having a radius of 150.00
17 feet; thence Northeasterly along said curve a distance of 99.47 feet, having a central
18 angle of 37 degrees 59 minutes 48 seconds, and a chord of 97.66 feet bearing North
19 35 degrees 07 minutes 00 seconds East to a 5/8" steel rebar; thence North 89 degrees
20 46 minutes 05 seconds East, a distance of 231.69 feet to the Point of Beginning.
21 Containing 4.217 acres, more or less. Subject to easements of record.

22
23 and the symbols of the City of Fort Wayne Zoning Map No. P-58 (Sec. 6 of Saint Joseph
24 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
25 Wayne, Indiana is hereby changed accordingly.

26
27 SECTION 2. If a written commitment is a condition of the Plan Commission's
28 recommendation for the adoption of the rezoning, or if a written commitment is modified and
29 approved by the Common Council as part of the zone map amendment, that written
30 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



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.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/18/2021

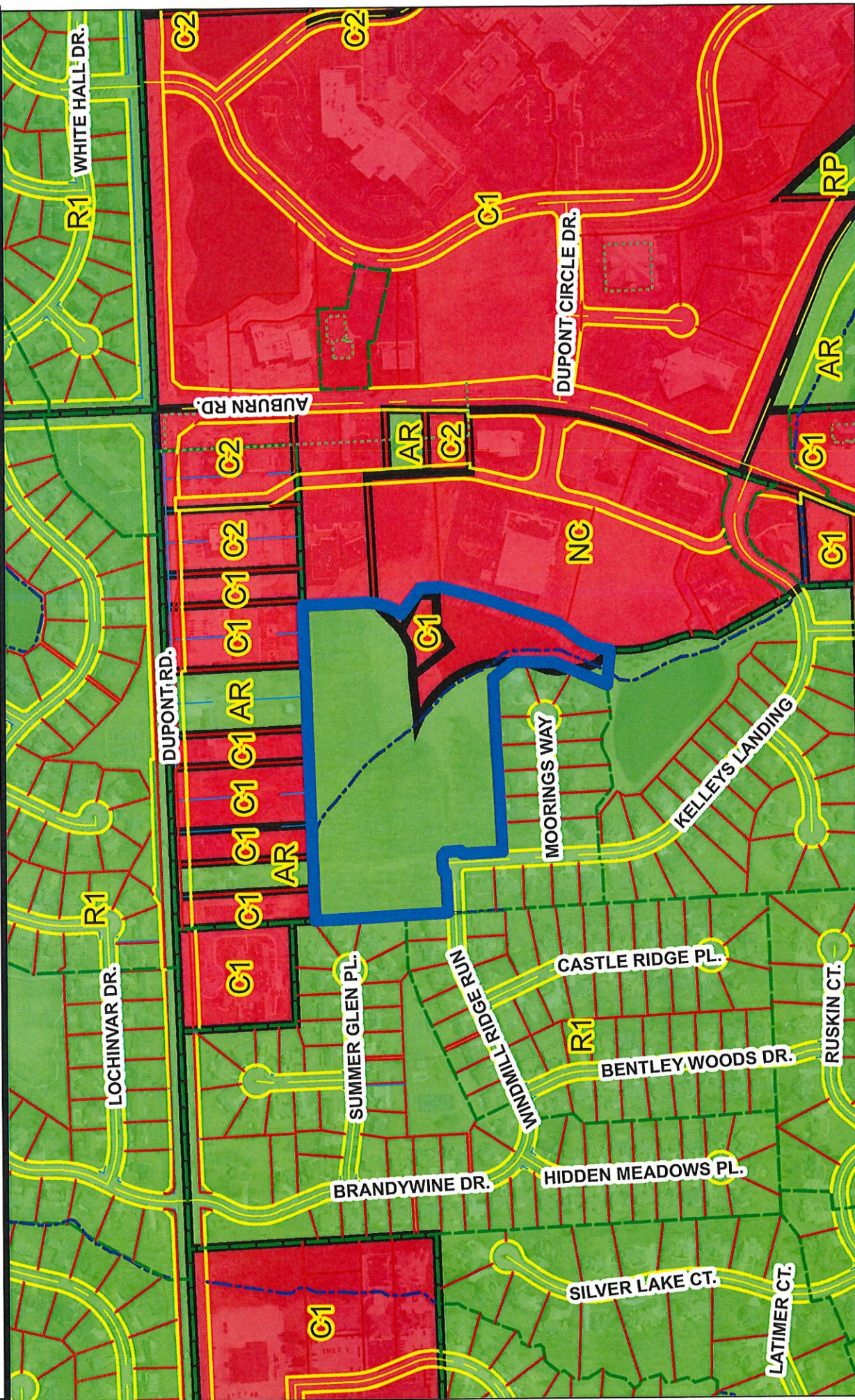
0 125 250 Feet



1 inch = 400 feet



REZ-2021-0023 and PP-2021-0017 Runners Ridge



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Photos and Contours: Spring 2009
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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant JDM Development, LLC
Address 5525 State Road 930
City Fort Wayne State IN Zip 46803
Telephone 260-466-5065 E-mail don@motorsportsinc.com

Contact Person
Contact Person Thomas M. Niezer
Address 215 East Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-8898 E-mail tmn@barrettllaw.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 TBD
Present Zoning C-1; NC Proposed Zoning R-1 Acreage to be rezoned 2.779
Proposed density _____ units per acre
Township name St. Joseph Township section # 6
Purpose of rezoning (attach additional page if necessary) Applicant desires to establish an overall and single zoning classification for an integrated single family residential development for 13.632 acres +/- known as Runners Ridge
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.

See attached Exhibit "A"

_____ (printed name of applicant)	_____ (signature of applicant)	_____ (date)
_____ (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>5-1-2021</u>	Receipt No. <u>136987</u>	Hearing Date <u>6-7-2021</u>	Petition No. <u>REZ-2021-0023</u>
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EXHIBIT A

Signature Page

JDM DEVELOPMENT, LLC
Applicant

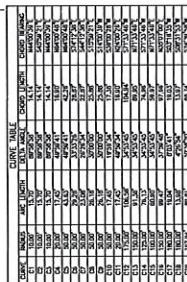
By:


Donald Ehlerding, Manager


Date

PRIMARY PLAT

RECORDED DISPOSITION FOR SURVEY BY BRETT R. LADD, RECORDED IN DOCUMENT NO. 20020200001

[illegible]

DEVELOPER
JDM DEVELOPMENT, LLC
5525 SR 930
NEW HAVEN, INDIANA 46774



1987 2021
DONOVAN
ENGINEERING, INC.
3521 Lake Avenue, Suite 2
Fort Wayne, Indiana 46805
Office 260.424.7418
Fax 260.424.1918
www.donovan-eng.com

20251 DONOVAN ENGINEERING, INC., ALL RIGHTS RESERVED
5-10-21

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0023
Bill Number: Z-21-05-11
Council District: 2 – Russell Jehl

Introduction Date: May 25, 2021

Plan Commission
Public Hearing Date: June 7, 2021 (not heard by Council)

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

Synopsis of Ordinance: To rezone 2.8 acres from C1/Professional Office and Personal Services, and NC/Neighborhood Center, to R1/Single Family Residential

Location: North and east of the intersection of Downeys Landing and Windmill Ridge Run, also west of Debrand's on Auburn Park Drive.

Reason for Request: To allow for a single family subdivision of up to 7 lots.

Applicant: JDM Development LLC

Property Owners: JDM Development LLC

Related Petitions: Primary Plat, Runners Ridge

Effect of Passage: Property will be rezoned to a single classification of Single Family Residential, and allow the development of a residential subdivision.

Effect of Non-Passage: The property will remain zoned with a mixture of commercial districts, which lessens the area available for residential development. The commercially zoned area is left over from the Auburn Park development, and is not needed for commercial uses.

FACT SHEET

Case #REZ-2021-0023 Bill # Z-21-05-11 Project Start: May 2021	
APPLICANT:	JDM Development, LLC
REQUEST:	To rezone a portion of property from C1/Professional Office and Personal Services and NC/Neighborhood Center to R1/Single Family Residential; and approve a primary plat for a 7-lot single family residential plat.
LOCATION:	The site is the location of the former development of the Estates of Sandy Pointe Section 3, located at the intersection of Windmill Ridge Run and Downeys Landing (Section 6 of St. Joseph Township).
LAND AREA:	Approximately 2.8 acres for rezoning Approximately 13.6 acres for total development
PRESENT ZONING:	C1/Professional Office and Personal Services, NC/Neighborhood Center, and R1/Single Family Residential
PROPOSED ZONING:	R1/Single Family Residential
COUNCIL DISTRICT:	2-Russell Jehl
ASSOCIATED PROJECT:	Primary Plat, Runners Ridge Subdivision
SPONSOR:	City of Fort Wayne Plan Commission

June 14, 2021 Public Hearing

- One property owner spoke at the hearing with concerns.
- Ryan Neumeister and Justin Shurley were absent.

June 21, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Judi Wire and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Ryan Neumeister and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
July 2, 2021

PROJECT SUMMARY

SITE HISTORY

- This majority of the property was approved as part of the original primary plat of The Estates of Sandy Pointe (2003). In 2007 another primary plat was approved for the Estates of Sandy Pointe Section III. In 2020 a secondary plat was filed for the Estates of Sandy Pointe Section III, but was never recorded. The commercial zoning on the site was rezoned with the commercial uses to the east.

The applicant is proposing to rezone approximately 2.8 acres from C1/Professional Office and Personal Services and NC/Neighborhood Center to R1/Single Family Residential for a 7-lot single family subdivision. The proposed development site was previously approved to be the Estates of Sandy Pointe Section III. The adjacent parcels surrounding the site to the south and west are developed subdivision lots and zoned R1/Single Family Residential. The property is bordered by commercial zoning and uses to the north and east. The detention basin on the site and some of the real estate surrounding it was rezoned commercially in conjunction with the commercial development to the east.

The proposed zoning district can be supported by the Comprehensive Plan in that it will offer infill development and investment in the area. The single-family residential proposal will be compatible with surrounding land uses and provide additional living options within proximity to retail and services in the area. The comprehensive plan supports this development through the following objectives:

LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

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

LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;

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

The proposed plat will consist of 7 single family lots. Lots vary from 1.277 acres to 4.217 acres in area. Access to the site will be from existing public streets. No new streets are proposed. Stormwater detention is existing at the southeast corner of the site. A variety of easements traverse the site including sanitary sewer easements and also a legal open drain easement. Site lighting is existing at the street intersection. The homes, after construction, may provide for typical residential lighting.

All development standards are being met with this proposed plat.

PUBLIC HEARING SUMMARY:

Presenter: Greg Roberts, engineer for the project, represented Mr. Ehlerding and presented the proposal as outlined above.

Public Comments:

Keith Lytton, 10023 Hidden Meadows Place – Wants the property to stay wooded and undeveloped. Concern with the driveway coming out to the public road.

Rebuttal:

The property was already part of the subdivision. The amendment is to have fewer lots, and the owners want larger lots to be able to keep more trees.



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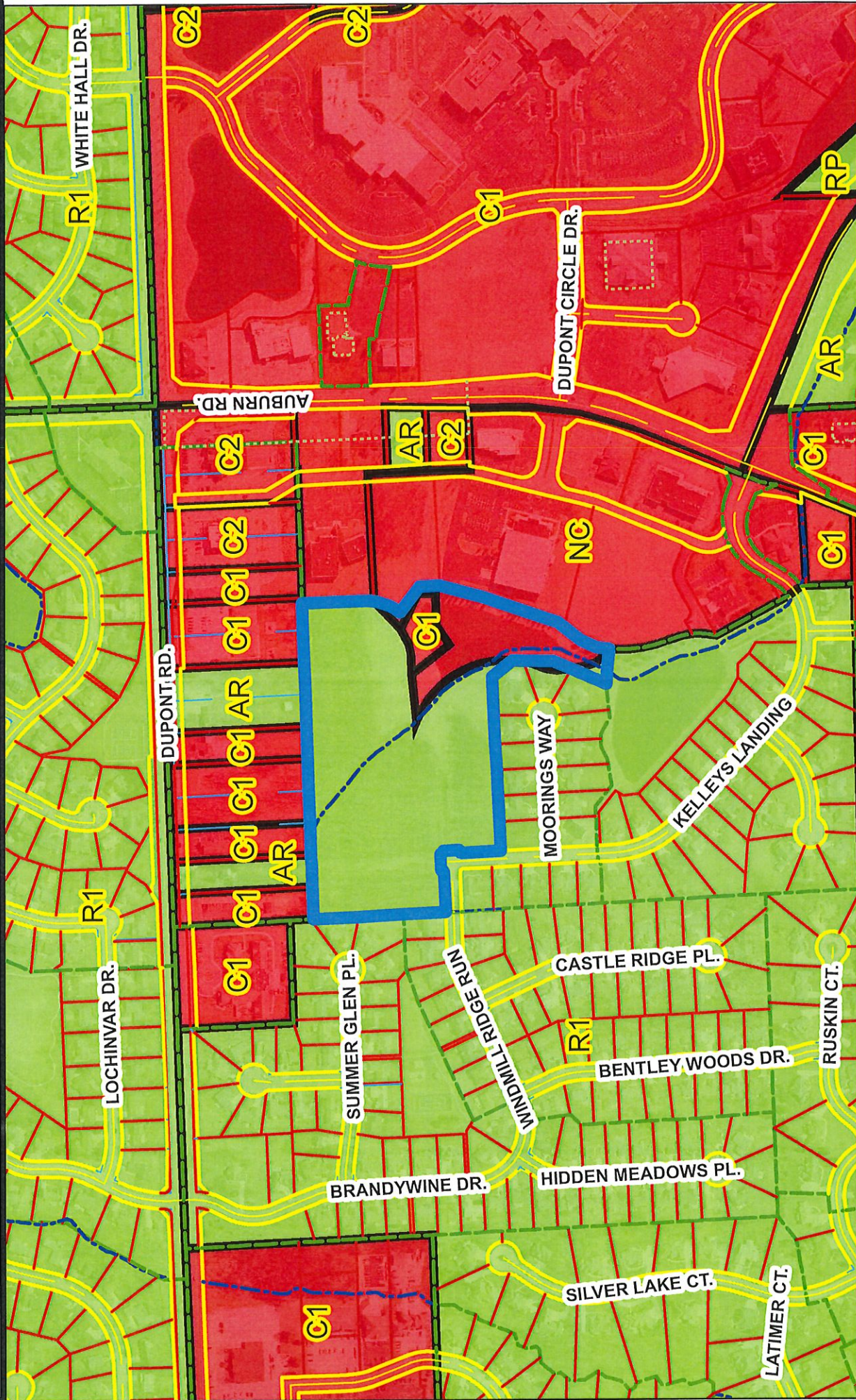
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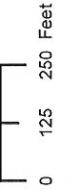


REZ-2021-0023 and PP-2021-0017 Runners Ridge



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Rezoning Petition Application**

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Applicant JDM Development, LLC
Address 5525 State Road 930
City Fort Wayne State IN Zip 46803
Telephone 260-466-5065 E-mail don@motorsportsinc.com

Contact Person
Contact Person Thomas M. Niezer
Address 215 East Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-8898 E-mail tmn@barrettllaw.com

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

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
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Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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- ☒ 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

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Received	Receipt No.	Hearing Date	Petition No.
5-4-2021	136987	6-7-2021	REZ-2021-0023

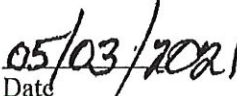
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Applicant

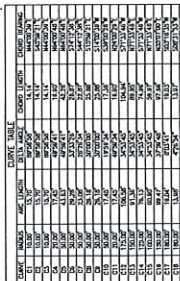
By:


Donald Ehlerding, Manager


Date

PRIMARY PLAT

part of the Northwest Quarter of Section 31, Township 31 North, Range 13 East of the Second Principal Meridian, St. Joseph Township in Allen County, Indiana, based on an original survey by Brett R. Miller, a Licensed Professional Surveyor Number 20300008 of Miller Land Surveying, Inc. Survey No. 20022-450, dated March 13, 2020 and being more particularly described as follows:



DEVELOPER
JDM DEVELOPMENT, LLC
5525 SR 930
NEW HAVEN, INDIANA 46774
260.466.5065

1997 2023
DONOVAN
ENGINEERING, INC.
3521 Lake Avenue, Suite 2
Fort Wayne, Indiana 46805
Office 260.424.7418
Fax 260.424.1918
www.donovan-engine.com

5-10-21
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These results are consistent with the idea that the effect of the intervention is to increase the number of people who are aware of the need for a change in behavior.