

#REZ-2021-0057

BILL NO. Z-21-10-10

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. J-58 (Sec. 3 of Washington Township)

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

SECTION 1. That the area described as follows is hereby designated an RP
(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

A tract of land located in the Northwest Quarter of Section 3, T31N, R12E, in Allen County,
the State of Indiana, more fully described as follows:

COMMENCING at an Iron Box in a Monument Box situated in the Northeast corner of said Northwest Quarter; Thence South 88 Degrees 53 Minutes 26 Seconds West (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 1193.00 feet along the North line of said Northwest Quarter to a Marker Spike with tag (FIRM 0042) in the Northwest corner of the tract of land described in the conveyance to Wal-Mart Stores East, LP in Allen County Document No. 206076272 [said corner being 155.75 feet North 88 Degrees 53 Minutes 26 Seconds East from a Marker Spike with tag (FIRM 0042) in the Southwest corner of the Southwest Quarter of Section 32, T32N, R12E); Thence South 01 Degrees 33 Minutes 08 Seconds East, a distance of 60.00 feet along the West line of said Wal-Mart tract to a Rebar stake with cap (FIRM 0042) in the Southeast corner of the tract of land described in the conveyance to the County of Allen, State of Indiana in Allen County Document No. 202024437, the **TRUE POINT OF BEGINNING**; Thence South 01 Degrees 33 Minutes 08 Seconds East, a distance of 645.00 feet along the West line of said Wal-Mart tract to a Rebar stake with cap (FIRM 0042); Thence South 72 Degrees 19 Minutes 50 Seconds West, a distance of 154.40 feet along the West line of said Wal-Mart tract to a Rebar stake with cap (FIRM 0042); Thence South 12 Degrees 38 Minutes 50 Seconds West, a distance of 496.00 feet along the West line of said Wal-Mart tract to a Rebar stake with cap (FIRM 0042); Thence South 01 Degrees 33 Minutes 08 Seconds East, a distance of 821.42 feet along the West line of said Wal-Mart tract to a Rebar stake with cap (FIRM 0042); Thence South 88 Degrees 01 Minutes 13 Seconds West, a distance of 1081.56 feet along the North line of the tracts of land described in the conveyances to Timothy A. & Lisa M. Smith and to Amanda Smith in Allen County Document No. 2016030818 and to Frank Shao & Laura Wei Lee in Allen County Document No. 2010005456 to a #4 Rebar stake in the Northwest corner of said Shao/Lee tract; Thence North 01 Degrees 38 Minutes 16 Seconds West, a distance of 2008.92 feet along the East right-of-way line of the Former Grand Rapids & Indiana Railroad (see also tract GR&I, Line Code 3138 as described in the conveyance to U.S. Railroad Vest Corporation in Allen County Document No. 940045649) to the Southwest corner of the County of Allen tract referenced above (said corner also being 60.00 feet South 01 Degrees 38 Minutes 16 Seconds East from a Brass Rod in the Northwest corner of said Northwest Quarter); Thence North 88 Degrees 54 Minutes 09

Seconds East, a distance of 1198.36 feet along the South line of said County of Allen tract; Thence North 88 Degrees 53 Minutes 26 Seconds East, a distance of 156.22 feet along the South line of said County of Allen tract to the **POINT OF BEGINNING**, said tract containing 54.609 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record. A survey of said tract being represented by Plat of Survey #31-12-03-04 as prepared by D.A. Brown Engineering Consultants, Inc., 5491 County Road 427, P.O. Box 389, Auburn, Indiana 46706.

and the symbols of the City of Fort Wayne Zoning Map No. J-58 (Sec. 3 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. 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

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0057
Bill Number: Z-21-10-10
Council District: 3-Tom Didier

Introduction Date: October 26, 2021

Plan Commission
Public Hearing Date: November 8, 2021 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 55 acres from AR/Low Intensity Residential to R3/Multiple Family Residential.

Location: South side of the 2200 block West Dupont Road

Reason for Request: To allow a single and multiple family residential development.

Applicant: Next Chapter Holdings, LLC

Property Owner: Next Chapter Holdings, LLC

Related Petitions: Primary Development Plan, Dupont Meadows

Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning district, which will allow the currently vacant parcel to be developed with a mixture of housing products.

Effect of Non-Passage: The property will remain zoned AR, and may be used for a single family house and/or low intensity agricultural practices.

#REZ-2021-0057

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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 Next Chapter Holdings LLC
Address 6 Walnut Lane
City North Augusta State SC Zip 29860
Telephone _____ E-mail _____

Contact Person
Contact Person Patrick R. Hess, Beckman Lawson, LLP
Address 201 W. Wayne St.
City Fort Wayne State IN Zip 46802
Telephone 260-422-0800 E-mail phess@beckmanlawson.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 2200 block of W. Dupont Road
Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 54
Proposed density 4.26 units per acre
Township name Washington Township section # 3
Purpose of rezoning (attach additional page if necessary) To permit a unit single family rental community.
Sewer provider City Water provider City

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) E-filed, DABEC
☒ Legal Description of parcel to be rezoned E-filed DABEC
☒ Rezoning Questionnaire (original and 10 copies) County Rezoning Only NA

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.

Next Chapter Holdings, LLC
(printed name of applicant) _____
(signature of applicant) _____ 10/5/21
(date)
Paragon Partnership
(printed name of property owner) _____
(signature of property owner) _____ 9-3-21
(date)
(printed name of property owner) _____
(signature of property owner) _____
(date)
(printed name of property owner) _____
(signature of property owner) _____
(date)

Received <u>10/5/21</u>	Receipt No. <u>138563</u>	Hearing Date <u>11-8-21</u>	Petition No. <u>REZ-2021-0057</u>
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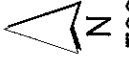
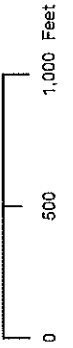


REZ-2021-0057 and PDP-2021-0040 Dupont Meadows



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.

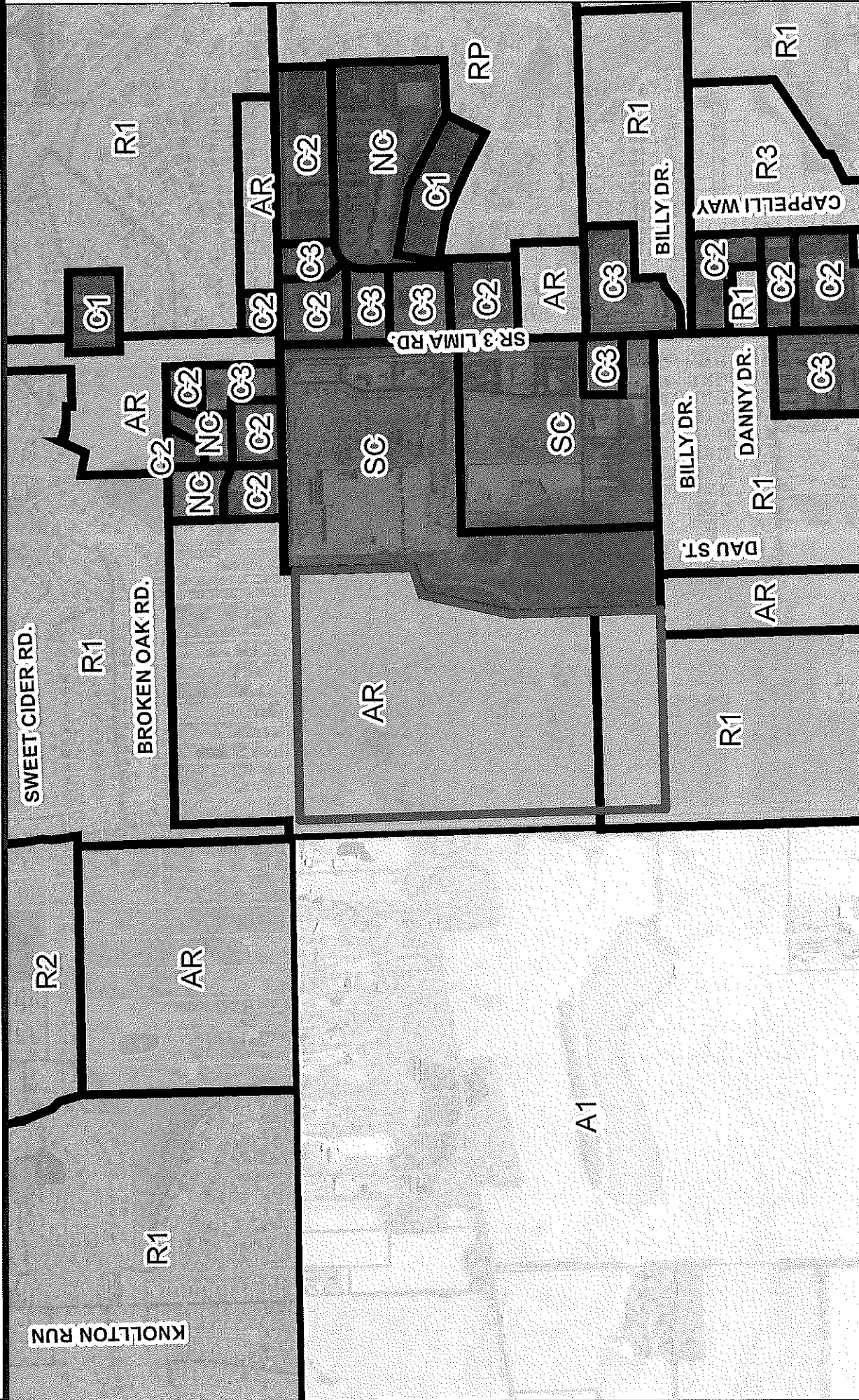
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 10/11/2021



1 inch = 700 feet

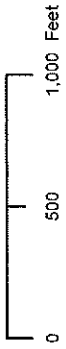
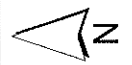


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North American Datum 1983
Sara Piane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 10/11/2021



1 inch = 700 feet

SURVEYOR'S REPORT, CONT'D:

The position of this monument can neither be proved nor disproved. When assessing whether "unlocated" monuments might qualify as "monuments by common report" it is required to recover a variety of monuments that are common to, and are consistent with, the record geometry (e.g. plat, description, etc.) in the area being occupied.

III. UNWARRANTED RIGHTS, OCCUPATION, DISCREPANCIES, & DISAGREEMENTS

There may be unwarranted rights affecting the subject property which may, or may not, be proven. The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

Additionally, there may be ascertainable discrepancies between the location of lines and corners removed by different surveys. Reconciling surveys is invariably an uncertain task consisting of such things as incomplete, conflicting, or ambiguous record data; lack of original or reliable controlling monumentation; and the fact that the surveyor is not the same person as the original surveyor. The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

Unless otherwise noted herein or shown on the attached drawing, there is no evidence of occupation or possession along the boundaries of the subject property.

IV. PURPOSE & BACKGROUND

This Original Survey is executed for the purpose of locating and describing the boundaries of the subject property. The survey is based on the record geometry of the subject property, as shown on the attached drawing, and the surveyor's best judgment as to the location of the subject property. The survey is based on the record geometry of the subject property, as shown on the attached drawing, and the surveyor's best judgment as to the location of the subject property.

These surveys by Survey Land Surveying Services, for areas west of and including portions of the Old G.R. & L. Railroad right-of-way, recorded as follows:

1. Survey 658-134 dated March 2004, recorded as Doc. No. 2005022465
2. Survey 115-173 A, dated February 2016, recorded as Doc. No. 2016022555
3. Survey 120-143 dated July 2016, recorded as Doc. No. 2016046439
4. Survey 120-143 dated July 2016, recorded as Doc. No. 2016046439
5. Survey 120-143 dated July 2016, recorded as Doc. No. 2016046439

and east of the Old G.R. & L. Railroad right-of-way (feet) April 2016, recorded as Doc. No. 20170016870.

V. AVAILABILITY AND CONDITION OF REFERENCED MONUMENTS

Monuments were recovered or set as shown on the attached drawing.

VI. DISCREPANCIES IN LINES OF OCCUPATION OR POSSESSION

The attached drawing shows information regarding inconsistencies in occupation or possession around the perimeter of the subject property versus the record geometry. The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

VII. CLARITY OR AMBIGUITY IN THE RECORD DESCRIPTIONS AND PLATS

The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

VIII. RELATIVE POSITIONAL ACCURACY

The Relative Positional Accuracy (RPA) is the ratio of the horizontal error in measurement of the subject property to the length of the line being measured. The RPA is defined as 1:12,700.

IX. THEORY OF LOCATION

The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

X. MONUMENTS

The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

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XII. MONUMENTS

The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

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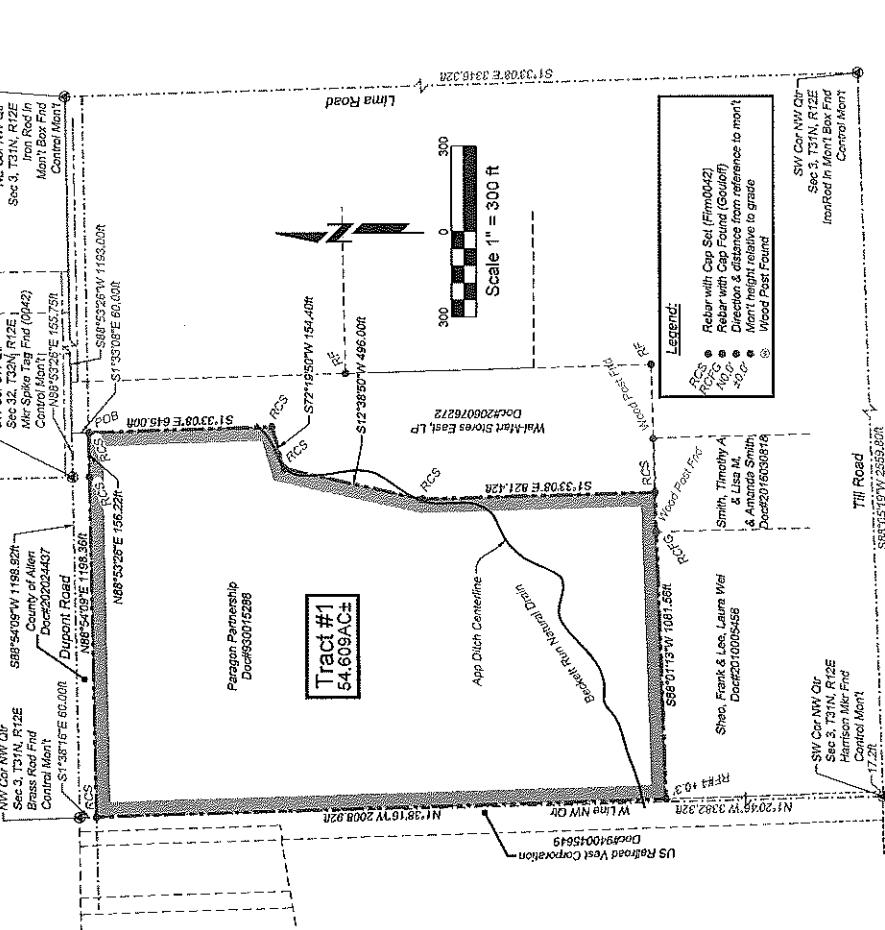
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SURVEYOR'S REPORT:

I. INTRODUCTION

In accordance with Title 885 IAC 1-2-1, at least the following information, descriptions, and opinions are offered regarding inaccuracies in the location of the subject property, as shown on the attached drawing, and the surveyor's best judgment as to the location of the subject property.

II. METHODOLOGY

This survey was conducted in accordance with the standards of the Surveying and Mapping profession. The surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

When original monuments (or acceptable history of preparation of their positions) are located, the surveyor is not responsible for the recovery of monuments that are inconsistent with the record geometry. It should be assumed that there is an amount of uncertainty along any line that is equal, or greater, in magnitude to the discrepancy between the surveyed line and the line of occupation or possession.

(Prepared by Duane A. Brown, LS 200404237, D.A. Brown Engineering Consultants, Inc., Job No. 2109-09, Plat of Survey #31-12-03-04)

A tract of land located in the Northwest Quarter of Section 3, T31N, R12E, in Allen County, the State of Indiana, more fully described as follows:

COMMENCING at an iron box in a monument box situated in the Northwest corner of said Northwest Quarter of Section 3, T31N, R12E, in Allen County, the State of Indiana, containing 54.609 acres, more or less, and being the same as the Northwest Quarter of Section 3, T31N, R12E, in Allen County, the State of Indiana, as shown on the attached drawing, and the surveyor's best judgment as to the location of the subject property.

Flat of Survey #31-12-03-04

Field work completed September, 2021

2109-09

Job No.

Street No.

Checked By:

Survey

Date:

Drawn By:

Revisions

Definition

Allen County

Indiana

Part of the NW Quarter

Section 3

T31N R12E

Dupont Road

Client: Next Chapter Holdings, LLC

Rule 12 Boundary Survey

D.A. Brown Engineering Consultants

5411 County Road 427, P.O. Box 389, Allen, IN 46706

Phone: (260) 926-2020

Fax: (260) 926-1212

www.dabrownengineering.com

FACT SHEET

Case #REZ-2021-0057		Bill # Z-21-10-10	Project Start: October 2021
APPLICANT:	Next Chapter Holdings LLC		
REQUEST:	To rezone the property from AR/Low Intensity Residential to R3/Multiple Family Residential; and approve a primary development plan for a 242-unit multiple family residential complex, including waiver requests for building setbacks and building size of a dwelling.		
LOCATION:	The site is located on the south side of the 2000 to 2300 blocks of West Dupont Road, west of Walmart (Section 3 of Washington Township).		
LAND AREA:	About 54.609 acres		
PRESENT ZONING:	AR/Low Intensity Residential		
PROPOSED ZONING:	R3/Multiple Family Residential		
COUNCIL DISTRICT:	3-Tom Didier		
ASSOCIATED PROJECT:	Primary Development Plan, Dupont Meadows		
SPONSOR:	City of Fort Wayne Plan Commission		

November 8, 2021 Public Hearing

- There were no speakers from the public.
- Tom Freistroffer, Ryan Neumeister and Justin Shurley were absent.

November 15, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

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

7-0 MOTION PASSED

- Tom Freistroffer and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
November 23, 2021

PROJECT SUMMARY

SITE HISTORY

- Site historically used for agricultural purposes
- Site stopped agricultural production between 1986 and 1995
- Adjacent land to the east rezoned in 2004 to accommodate Wal-Mart and Lima Commons
- No Board of Zoning Appeals requests on site

The petitioner is requesting Plan Commission approval to rezone the area in question from AR/Low-Intensity Residential to R3/Multiple Family residential. The purpose of the rezone is to permit construction of a multiple-family complex containing one and two-family homes in a traditional residential pattern of development. Historically, the site was undeveloped, with the eastern side of the parcel rezoned in 2004 for a shopping center. The north, south, and west retain a low-intensity or undeveloped landscape, but subdivisions like Rapids of Keefer Creek and Dau's Suburban Addition lie immediately beyond. The site contains a series of wetlands and the Beckett Run Natural Drain.

Similar zoning to R3 can be found nearby in places like Avalon at Northbrook and Villas at Northbrook (zoned RP/Planned Residential) as well as Cappelli Coves (zoned R3 but is a platted single-family subdivision). While the site will predominantly contain single and two-family residences and some on-site amenities (like a clubhouse, pool, etc.) the overall development pattern will resemble single and two-family development. R3 zoning permits this style of development on a single development parcel. A similar rezoning request was proposed in 2018 with the development of the Piper Trail subdivision, where single family style residences were constructed to make a multiple family complex.

The proposal can be supported 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.

PUBLIC HEARING SUMMARY:

Presenter: Pat Hess presented the proposal as outlined above. He stated that the rental houses will be market rate, with rents ranging from \$1400 to \$2000 per month. Each unit will have residential style lighting, HardiePlank siding, traditional shingled roof, and attached garage. A neighborhood meeting was held before the project was submitted.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

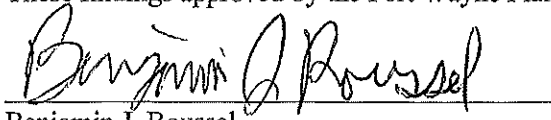
Rezoning Petition REZ-2021-0057

APPLICANT: Next Chapter Holdings LLC
REQUEST: To rezone the property from AR/Low Intensity Residential to R3/Multiple Family Residential
LOCATION: The site is located on the south side of the 2000 to 2300 blocks of West Dupont Road, west of Walmart (Section 3 of Washington Township).
LAND AREA: 54 acres
PRESENT ZONING: AR/Low Intensity Residential
PROPOSED ZONING: R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2021-0057, be returned to Council 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 site adjoins both Shopping Center and Agricultural zoning districts. A multiple family complex provides adequate connectivity and transition between these zoning districts. The proposed new urbanist style, single-family housing within the multiple family complex demonstrates a pioneering housing option for Fort Wayne. Touchpoints from the Comprehensive Plan include:
LU2.C Encourage rezoning petitions for properties that are adjacent to existing development.
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;
LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.
The site is within the Comprehensive Plan's conceptual development map.
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. The site is at the intersection of myriad land uses. The character of current structures will be well accompanied by the proposed development.
3. Approval is consistent with the preservation of property values in the area. The proposed use of a multiple-family building should not depreciate existing property values.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Adequate review from city, county, and other agencies will assure minimal impact on existing infrastructure. The associated development demonstrates innovative land uses that follow national housing trends.

These findings approved by the Fort Wayne Plan Commission on November 15, 2021.


Benjamin J. Roussel
Interim Zoning Administrator
Secretary to the Commission

Department of Planning Services
Rezoning Petition Application

Applicant Next Chapter Holdings LLC
Address 6 Walnut Lane
City North Augusta State SC Zip 29860
Telephone _____ E-mail _____

Contact Person Patrick R. Hess, Beckman Lawson, LLP
Address 201 W. Wayne St.
City Fort Wayne State IN Zip 46802
Telephone 260-422-0800 E-mail phess@beckmanlawson.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 2200 block of W. Dupont Road
Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 54
Proposed density 4.26 units per acre
Township name Washington Township section # 3
Purpose of rezoning (attach additional page if necessary) To permit a unit single family rental community.
Sewer provider City Water provider City

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) E-filed, DABEC
☒ Legal Description of parcel to be rezoned E-filed DABEC
☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only NA

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.

Next Chapter Holdings, LLC
(printed name of applicant) _____
(signature of applicant) _____ 10/5/21
(date)
Paragon Partnership
(printed name of property owner) _____
(signature of property owner) _____ 9-3-21
(date)
(printed name of property owner) _____
(signature of property owner) _____
(date)
(printed name of property owner) _____
(signature of property owner) _____
(date)

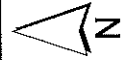
Received 10/5/21	Receipt No. 138563	Hearing Date 11-8-21	Petition No. REZ-2021-0057
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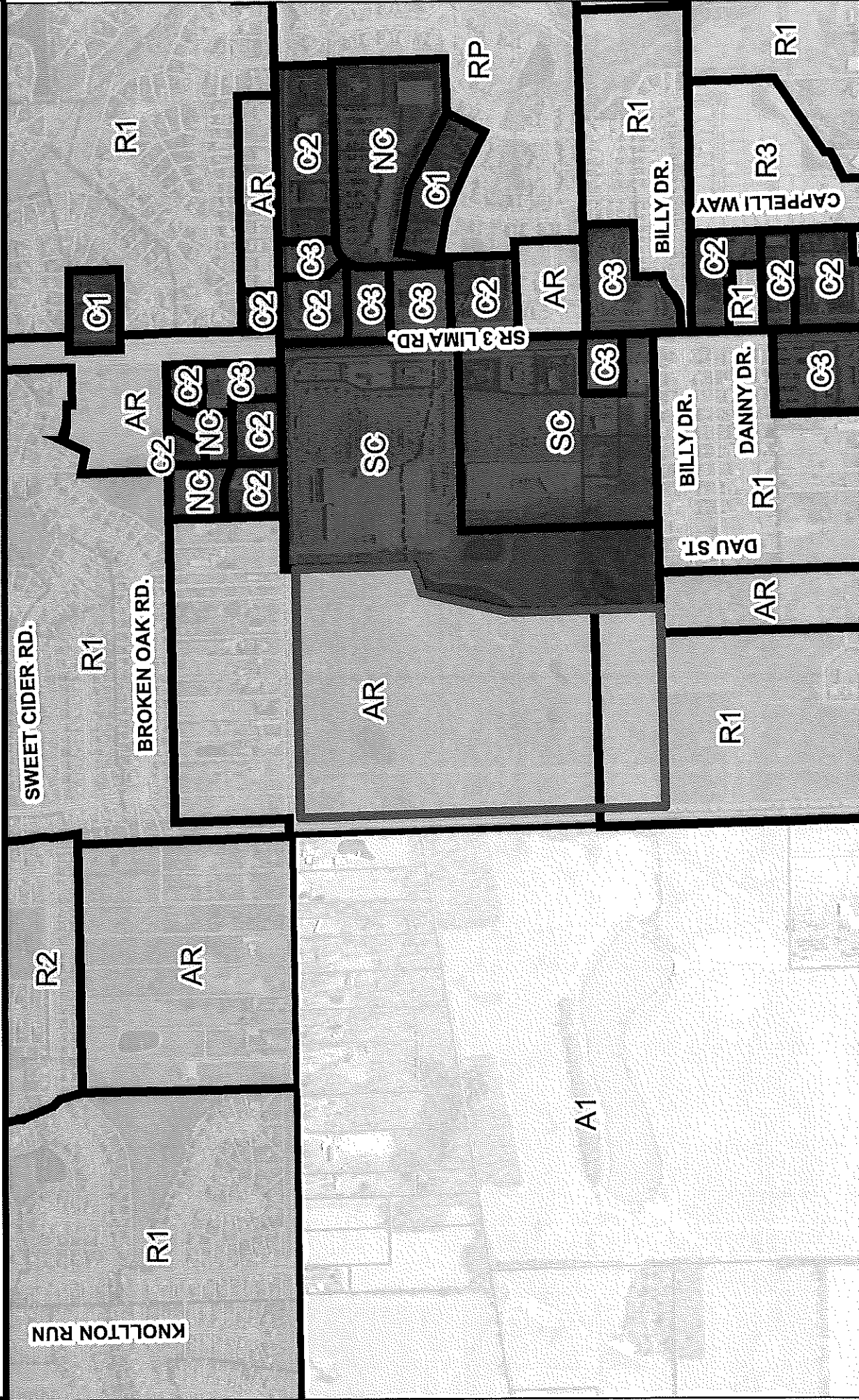
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 Date: 10/11/2021

0 500 1,000 Feet

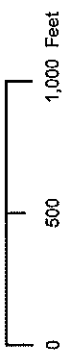


1 inch = 700 feet



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1 inch = 700 feet



