

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0019
Bill Number: Z-20-07-07
Council District: 3 – Tom Didier

Introduction Date: July 28, 2020

Plan Commission
Public Hearing Date: June 8, 2020 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 9.6 acres from AR/Low Intensity Residential to R3/Multiple Family Residential.

Location: 3115 Carroll Road

Reason for Request: To allow for construction of a 64-unit townhome development.

Applicants: Reinke-Norris, LLC

Property Owner: Reinke-Norris, LLC

Related Petitions: Primary Development Plan, PDP-2020-0013, Somerset Townhomes

Effect of Passage: Properties will be rezoned to the R3/Multiple Family Residential district which will allow for the redevelopment of the property.

Effect of Non-Passage: The properties will remain zoned AR/Low Intensity Residential and may develop with single family or agricultural uses.

#REZ-2020-0019

BILL NO. Z-20-07-07

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-66 (Sec. 31 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:

(Prepared by Duane A. Brown, LS #80040337, D. A. Brown Engineering Consultants, Inc.,
Job No. 2003-04, Plat of Survey #32-12-31-01)

A tract of land located in the Northwest Quarter of Section 31, T32N, R12E, in Allen
County, the State of Indiana, more fully described as follows:

COMMENCING at a Harrison Marker situated in the Northwest corner of said Northwest
Quarter; Thence North 89 Degrees 07 Minutes 35 Seconds East (Indiana State Plane
Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 589.26 feet along
the North line of said Northwest Quarter to a Marker Spike with tag (FIRM 0042) in the
Northeast corner of the tract of land described in the conveyance to the Town of Huntertown
in Allen County Document No. 2015066671, the **TRUE POINT OF BEGINNING**; Thence
North 89 Degrees 07 Minutes 35 Seconds East, a distance of 157.55 feet along the North line
of said Northwest Quarter to a Magnail in the Northwest corner of the tract of land described
in the conveyance to C & T Properties, LLC in Allen County Document No. 2012036211;
Thence North 89 Degrees 07 Minutes 35 Seconds East, a distance of 50.01 feet along the
North line of said Northwest Quarter to a Marker Spike with tag (FIRM 0042) in the
Northwest corner of Parcel I as described in the conveyance to 2 MICS, LLC in Allen
County Document No. 2016027153; Thence South 00 Degrees 29 Minutes 35 Seconds
West, a distance of 651.94 feet along the West line of said of Parcel I [also being a line
parallel with and Fifty (50) feet East of the West line of the C & T Properties tract
referenced above] to a 3/4 inch diameter Iron Rod; Thence South 27 Degrees 53 Minutes 25
Seconds East, a distance of 75.50 feet along the South line of said Parcel I to a 3/4 inch
diameter Iron Rod; Thence North 89 Degrees 07 Minutes 35 Seconds East, a distance of
110.26 feet along the South line of said Parcel I; Thence South 02 Degrees 52 Minutes 35
Seconds West, a distance of 457.69 feet along the East line and prolongations thereof of the
tract of land described in the conveyance to Joseph C. Seyfert in Allen County Document
No. 2007038362; Thence South 89 Degrees 07 Minutes 35 Seconds West, a distance of
417.31 feet along the North line of Timberon, Section II as recorded in Allen County
Document No. 201083121 (Plat Cabinet D, page 146) to a #5 Rebar stake in the Northwest

1 corner thereof; Thence North 01 Degrees 02 Minutes 43 Seconds West, a distance of
2 1135.73 feet along the East right-of-way line of Robinar Drive as shown on the Plat of North
3 Woodland Heights Plat A (as recorded in Allen County Plat Book 24B, page 151) and on the
4 Plat of North Woodland Heights Plat B (as recorded in Allen County Plat Book 25A, page
5 27) to a Rebar stake with cap (FIRM 0042) in the Southwest corner of the Town of
6 Huntertown tract referenced above; Thence North 89 Degrees 07 Minutes 35 Seconds East, a
7 distance of 114.07 feet along the South line of said Town of Huntertown tract to a Rebar
8 stake with cap (FIRM 0042) in the Southeast corner thereof; Thence North 00 Degrees 52
9 Minutes 25 Seconds West, a distance of 40.00 feet along the East line of said Town of
10 Huntertown tract to the **POINT OF BEGINNING**, said tract containing 9.614 Acres, more
11 or less, and being subject to all public road rights-of-way and to all easements of record.

12 and the symbols of the City of Fort Wayne Zoning Map No. I-66 (Sec. 31 of Perry Township),
13 as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana
14 is hereby changed accordingly.

15 SECTION 2. If a written commitment is a condition of the Plan Commission's
16 recommendation for the adoption of the rezoning, or if a written commitment is modified and
17 approved by the Common Council as part of the zone map amendment, that written
18 commitment is hereby approved and is hereby incorporated by reference.

19 SECTION 3. That this Ordinance shall be in full force and effect from and after its
20 passage and approval by the Mayor.

21 _____
22 Council Member

23 APPROVED AS TO FORM AND LEGALITY:

24 _____
25 Carol T. Helton, City Attorney
26
27
28
29
30

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Reinke-Norris, LLC
 Address 1020 Woodland Plaza Run
 City Fort Wayne State IN Zip 46825
 Telephone 260-469-6451 E-mail lnorris@graniteridgebuilders.com

Contact Person
 Contact Person David D. Brown
 Address P.O. Box 389 / 5491 County Road 427
 City Auburn State IN Zip 46706
 Telephone 260-925-2020 E-mail davidb@dabrownengineering.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 3115 Carroll Road, Fort Wayne IN 46818
 Present Zoning AR Proposed Zoning R3 Acreage to be rezoned 2.431
 Proposed density 6.7 units per acre
 Township name Perry Township section # 31
 Purpose of rezoning (attach additional page if necessary) To enable construction of a residential single story apartment complex

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 Rezonings 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.

<u>Reinke-Norris</u> (printed name of applicant)	<u>[Signature]</u> (signature of applicant)	<u>5-4-2020</u> (date)
<u>C. J. T. Propp</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>5-4-2020</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>5-8-2020</u>	Receipt No. <u>133734</u>	Hearing Date <u>6-8-2020</u>	Petition No. <u>REZ-2020-0019</u>
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Boundary Exhibit

Somerset Townhomes

NW Cor NW Qtr
Sec 31, T32N, R12E
Harrison Marker Fnd
Control Mon't

Carroll Road

POB

N89°07'35"E 589.26ft

N89°07'35"E 207.56ft

N00°52'25"W 40.00ft

N89°07'35"E 114.07ft

S00°29'35"W 651.94ft

N01°02'43"W 1135.73ft

S27°53'25"E 75.50ft

N89°07'35"E 110.26ft

S02°52'35"W 457.69ft

Somerset Townhomes

9.6139AC±

This drawing is not intended to be
represented as a Retracement or
Original Boundary Survey, a Route
Survey, or a Surveyor Location
Report as defined in 865 AC 1-12.

DABEC

D.A. Brown Engineering Consultants
5491 County Road 427, P.O. Box 389, Auburn, 46706
Phone: (260) 925 - 2020 Fax: (260) 925 - 1212
www.dabrowneengineering.com

Job No: 2003-04

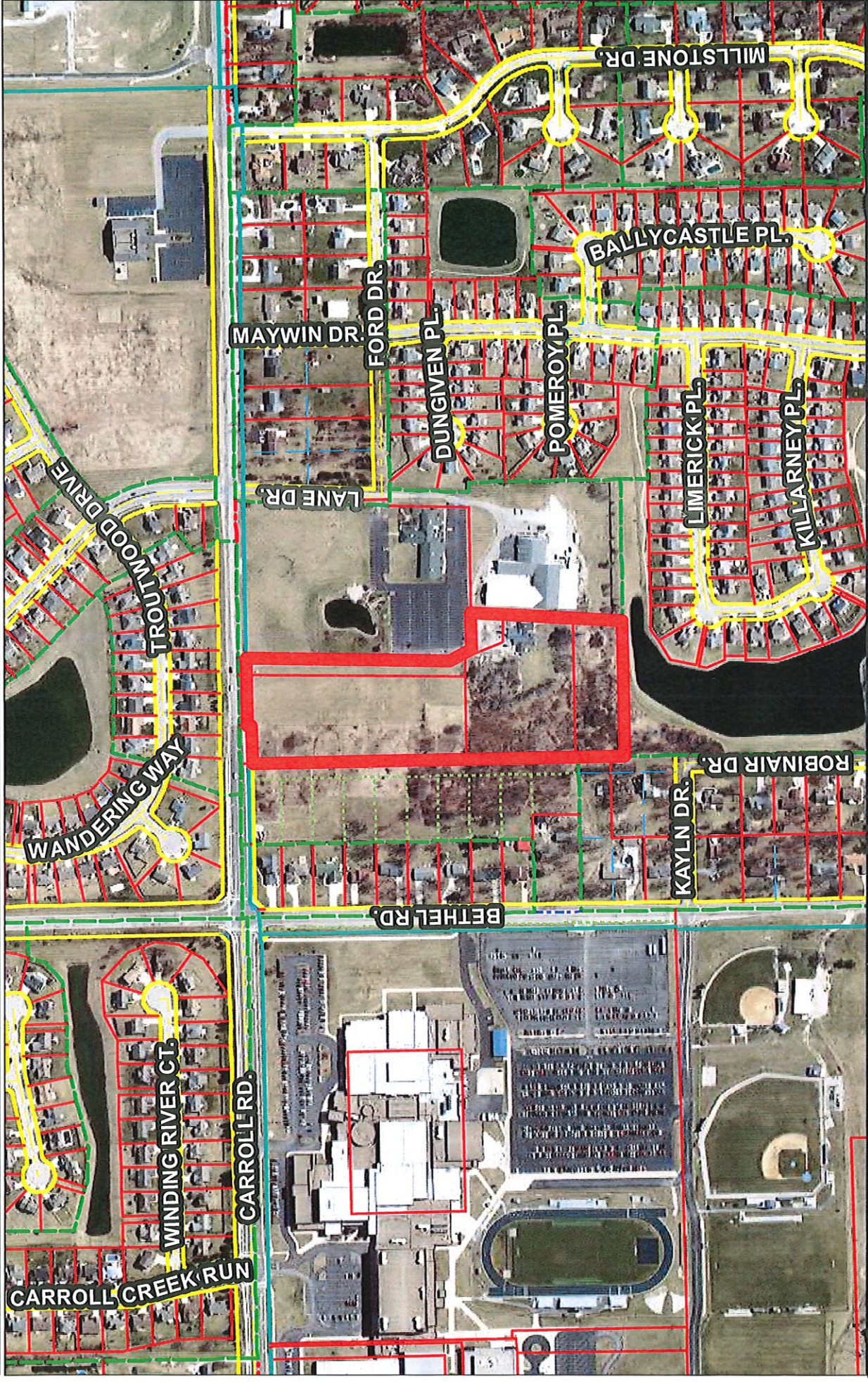
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Scale 1" = 150 ft
July 8, 2020

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Rezoning Petition REZ-2020-0019 and Primary Development Plan PDP-2020-0013 - Somerset Townhomes



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: 5/20/2020

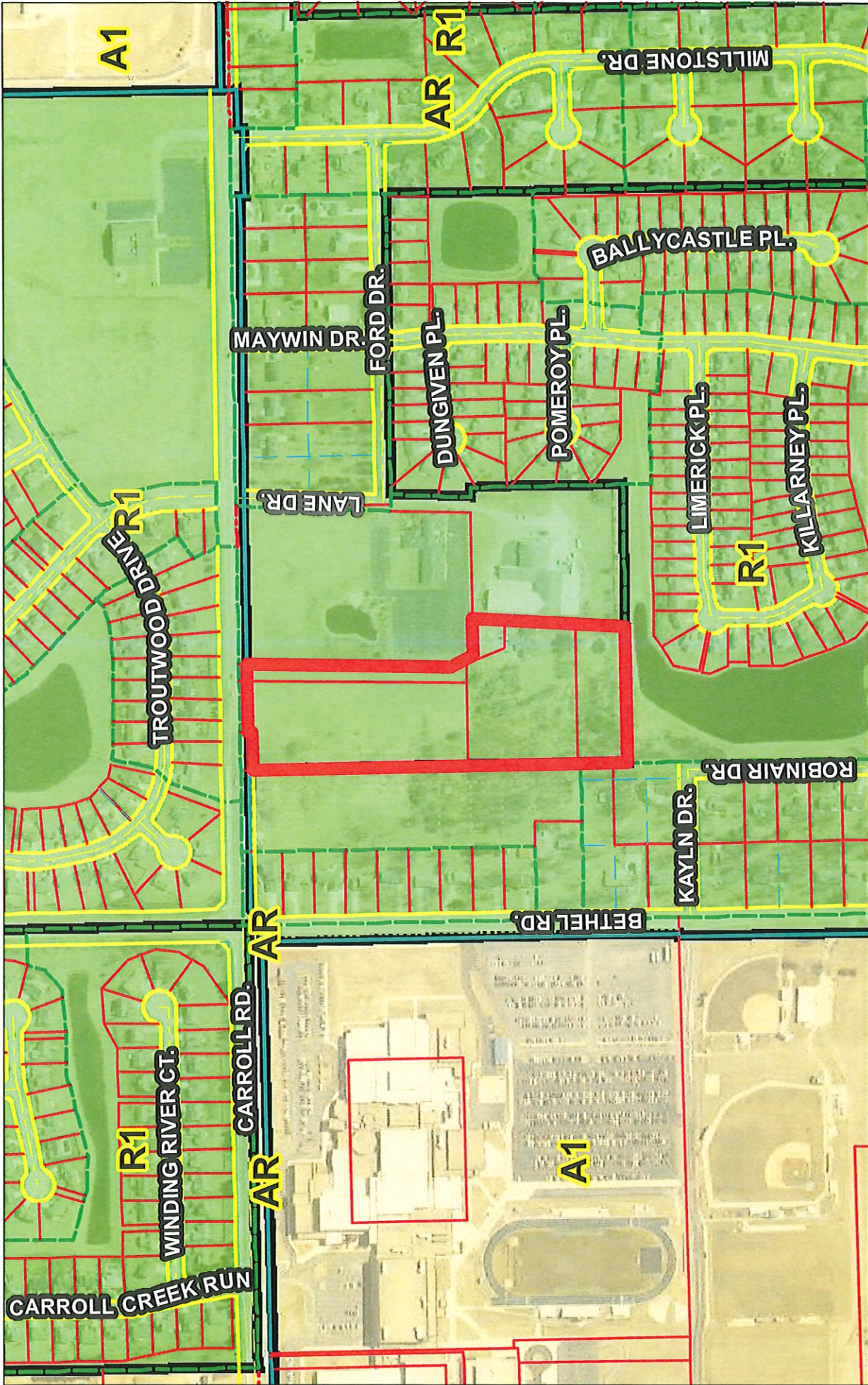


1 inch = 400 feet





Rezoning Petition REZ-2020-0019 and Primary Development Plan PDP-2020-0013 - Somerset Townhomes

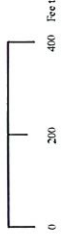


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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contour Spring 2009
Date: 5/20/2020



1 inch = 400 feet



Primary Development Plan Somerset Townhomes

A Site Located in SW Qtr Section 31, Township 32 North, Range 12 East.
Perry Township
Allen County, Indiana



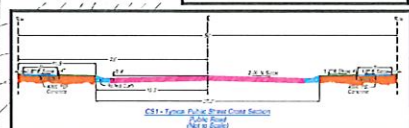
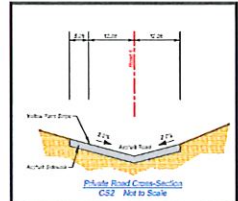
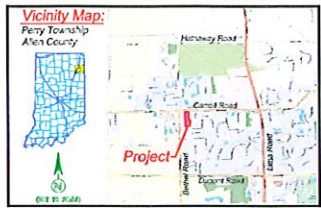
Project Approval Summary

Sanitary Sewer Utility
Fort Wayne Utilities
200 E. Berry Street
Suite 200
Fort Wayne, IN 46802
(317) 437-5524

Drainage Approval
Allen County Surveyors Office
200 E. Berry Street
Suite 300
Fort Wayne, IN 46802
(317) 449-7623

Traffic Street & Right-of-Way Approval
Allen County Highway Dept
200 E. Berry Street
Suite 200
Fort Wayne, IN 46802
(317) 449-7262

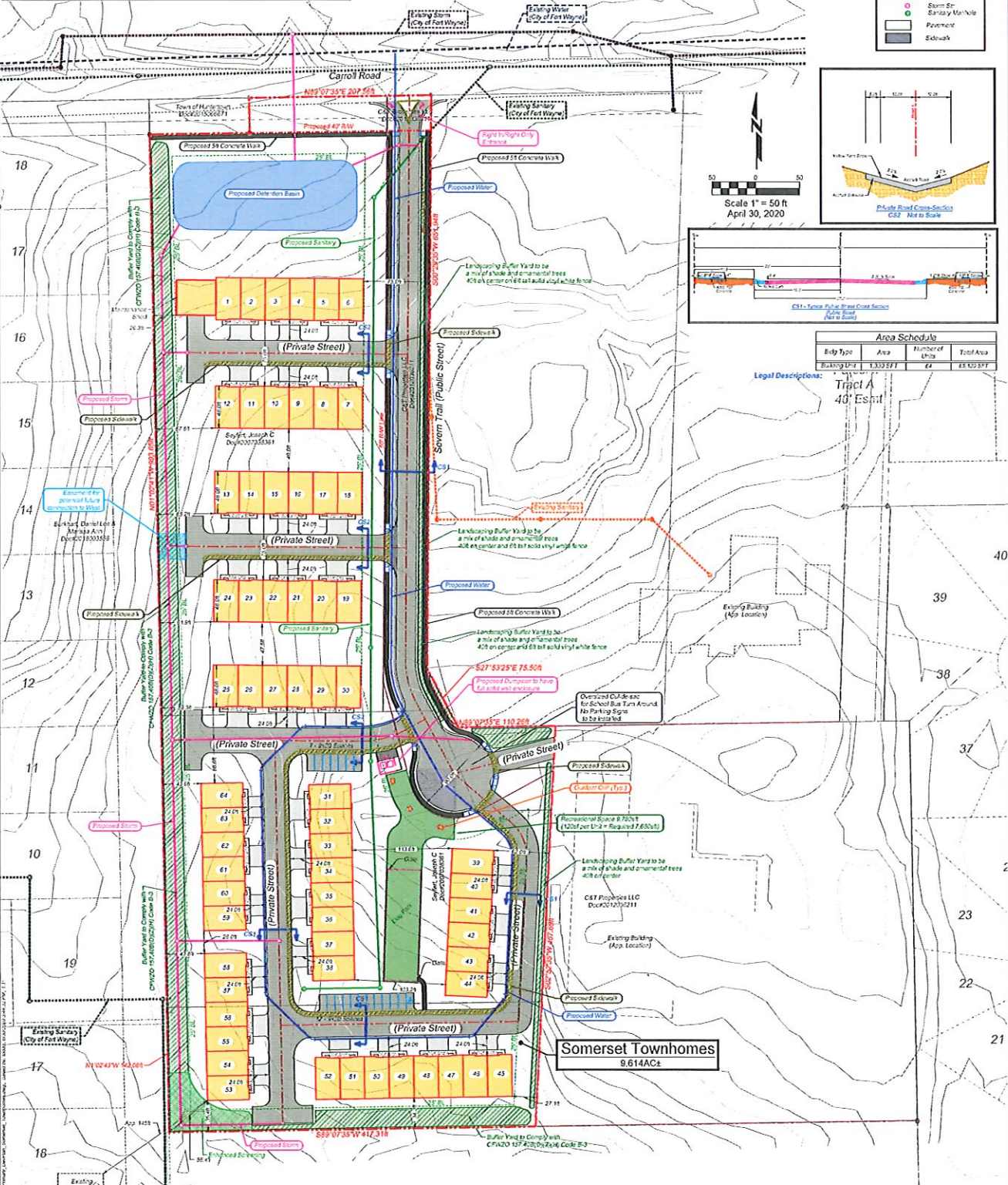
Planning/Development Approval
Allen County Department of Planning Services
200 E. Berry Street
Suite 100
Fort Wayne, IN 46802
(317) 449-7607



Area Schedule			
Edge Type	Area	Number of Units	Total Area
Building Unit	1,332 SFF	24	65,102 SFF

Legal Descriptions:

Tract A
40' Easmt



Developer:
Reincke-Norris, LLC
1020 Woodland Plaza Run
Fort Wayne, IN 46825
Tel: (260) 490-1417

Engineer:
DABEC
D.A. Brown Engineering Consultants
2431 County Road 407, P.O. Box 303, Auburn, IN 47003
Phone: (260) 923-2000 Fax: (260) 923-1212
www.dabecengineering.com

Revisions			
Date	Drawn By	Check By	Revisions
04/30/2020	As Noted	06/03/20	1st Review - Check for Landmark
05/01/20	05/01/20	06/03/20	2nd Review - Check for Landmark
2003-04	1 of 1		

WRITTEN COMMITMENT

This Written Commitment ("Commitment"), dated as of the date recorded on the signature page, is made by Reincke-Norris, LLC, and Indiana limited liability company ("Owner").

RECITALS

A. By virtue of a Warranty Deed dated _____, 2020 and recorded _____, as Document Number _____ in the Office of the Recorder of Allen County, Indiana, Owner is the owner in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" ("Real Estate").

B. On _____, 2020, the Owner received primary development plan approval from the Fort Wayne Plan Commission ("Plan Commission") for the Somerset Townhomes, a 64 unit multifamily project.

C. Pursuant to IC 36-7-4-1015, the Plan Commission may require or permit an owner of real property to make a written commitment concerning the use or development of the real property as part of a primary development plan.

COMMITMENT

Owner consents to the following written commitments which shall govern the Real Estate:

1. **STATEMENT OF COMMITMENTS.** The Owner shall abide by the following commitments:

1.1. The vehicular entrance to the Real Estate will be designed and installed as a right-in, right-out entrance subject to the approval of the City of Fort Wayne Traffic Engineering Department.

1.2. The apartment building constructed closest to the southwest corner of the Real Estate will consist of single story units only.

1.3. The Owner will install enhanced screening and buffering, in excess of the minimum requirements established in the City of Fort Wayne Zoning Ordinance, in the southwest corner of the Real Estate identified by the label "Enhanced Screening" on the Primary Development Plan for Somerset Townhomes, under a revision date of June 30, 2020 (the "Plan"), subject to the review and approval of the staff for the Department of Planning Services.

1.4. The Owner will install a white vinyl fence along the east property line of the Real Estate as an element of the required screening and buffering to a point near the beginning of the cul-de-sac shown on the Plan, subject to the review and approval of the staff for the Department of Planning Services.

1.5. The Owner will cause the four entrances from the Charles Reception Hall facility, adjacent and to the east of the Real Estate, to the main drive serving the Somerset Townhomes development to be closed.

1.6. These conditions are enforceable by the Fort Wayne Plan Commission or any successor agency to the Plan Commission.

2. **BINDING EFFECT, MODIFICATION, TERMINATION.** This Commitment shall run with the Owner, and shall be binding upon Owner unless this Commitment is modified or terminated. The Recitals are incorporated by reference and are expressly made a part of this Commitment. Except as otherwise provided, this Commitment may be modified or terminated only by a decision of the Plan Commission following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure.

3. **RECORDING.** Owner shall, at its expense, record this Commitment with the Allen County Recorder contemporaneously with the closing on the Real Estate by which Owner came into title. Owner shall provide two copies of the recorded Commitment to the Allen County Zoning Administrator.

4. **ENFORCEMENT.** The Plan Commission shall be entitled to all legal and equitable remedies available (including specific performance and injunctive relief and any all remedies provided by state statute for any violation of this Commitment. The Plan Commission's enforcement remedies under this Commitment and the Fort Wayne Zoning Ordinance shall be cumulative, not exclusive.

5. **GOVERNING LAW.** This Commitment with the restrictions and covenants as stated, shall be governed by the laws of the State of Indiana.

6. **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.

7. **EFFECTIVE DATE.** This Commitment shall be effective upon the recording of this commitment in the Office of the Recorder of Allen County, Indiana;

8. **STATUTORY AUTHORITY.** This Commitment is made pursuant to IC 36-7-4-1015.

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

OWNER

Signature

Print

Position with Company (if applicable)

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned notary public in and for said county and state, this _____ day of _____
20____, personally appeared _____, the _____ for
_____, the above named Owner, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

My Commission Expires:

_____, Notary Public
A Resident of _____ County, Indiana

This instrument prepared by Patrick R. Hess, Attorney at Law, Beckman Lawson, LLP, 201 West Wayne Street, Fort Wayne, Indiana, 46802.

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

Patrick R. Hess

EXHIBIT A

Description of the Real Estate

[INSERT LEGAL DESCRIPTION]

END OF EXHIBIT "A"