

#REZ-2021-0071

BILL NO. Z-22-05-02

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map Nos. R-54, R-50, S-54 and S-50 (Sec. 31 of St. 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 NC
(Neighborhood Center) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

Commercial Property Legal Description

A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH,
RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF
THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528
WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID BOURIE'S
RESERVE WITH THE CENTERLINE OF CLINTON STREET (FORMERLY FORT WAYNE
AND LEO ROAD); THENCE NORTH 54 DEGREES 59 MINUTES 14 SECONDS EAST
(INDIANA STATE PLANE GRID BEARING AND BASIS OF BEARINGS TO FOLLOW) ON
AND ALONG SAID CLINTON STREET CENTERLINE, A DISTANCE OF 1056.76 FEET;
THENCE SOUTH 35 DEGREES 00 MINUTES 46 SECONDS EAST A DISTANCE OF 25.00
FEET TO THE WESTERLY MOST CORNER OF THE LANDS OF THE STATE OF
INDIANA AS RECORDED IN DOCUMENT NUMBER 93-37229 WITHIN THE OFFICE OF
THE RECORDER OF ALLEN COUNTY, INDIANA, SAID CORNER BEING MARKED BY A
HOFER AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 73 DEGREES 46 MINUTES
54 SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF
INDIANA, A DISTANCE OF 121.31 FEET TO A POINT BEING MARKED BY A HOFER
AND DAVIS IDENTIFICATION CAP; THENCE SOUTH 59 DEGREES 42 MINUTES 55
SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF
INDIANA, A DISTANCE OF 170.42 FEET TO A POINT BEING MARKED BY A HOFER
AND DAVIS IDENTIFICATION CAP; THENCE NORTH 87 DEGREES 10 MINUTES 53
SECONDS EAST ON AND ALONG THE SOUTHERLY LINE OF SAID LANDS OF
INDIANA, A DISTANCE OF 788.20 FEET TO THE NORTHERN CORNER OF A 137.78
ACRE TRACT OF LAND, SAID CORNER BEING MARKED BY A 5/8"x24" REBAR WITH
"FORESIGHT- BOUNDARY" IDENTIFICATION CAP; THE FOLLOWING 8 COURSES
BEING ON AND ALONG THE NORTHWESTERLY LINE OF SAID 137.78 ACRE TRACT
OF LAND WITH CORNERS BEING MARKED BY A 5/8"x24" REBAR WITH "FORESIGHT
-BOUNDARY" IDENTIFICATION CAP; THENCE SOUTH 02 DEGREES 49 MINUTES 07
SECONDS EAST, A DISTANCE OF 165.91 FEET TO THE POINT OF CURVATURE OF A
385.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC
OF SAID 385.00 FOOT RADIUS CURVE, A DISTANCE OF 103.81 FEET AND BEING
SUBTENDED BY A CHORD BEARING SOUTH 10 DEGREES 32 MINUTES 35 SECONDS
EAST AND CHORD LENGTH OF 103.49 FEET TO THE POINT OF A 100.00 FOOT
RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHERLY ALONG

1 THE ARC OF SAID 100.00 FOOT RADIUS CURVE, A DISTANCE OF 205.08 FEET AND
2 BEING SUBTENDED BY A CHORD BEARING SOUTH 14 DEGREES 39 MINUTES 36
3 SECONDS EAST AND A CHORD LENGTH OF 170.98 FEET TO THE POINT OF A
4 1470.00 FOOT NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY
5 ALONG THE ARC OF SAID 1470.00 FOOT RADIUS CURVE, A DISTANCE OF 118.37
6 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 32 DEGREES 08
7 MINUTES 30 SECONDS WEST AND A CHORD LENGTH OF 118.33 FEET TO THE POINT
8 OF TANGENCY; THENCE SOUTH 29 DEGREES 47 MINUTES 06 SECONDS WEST, A
9 DISTANCE OF 340.68 FEET TO A POINT ON THE WEST LINE OF SAID LANDS OF
10 ARNEO, INC. (DOCUMENT NUMBER 81-20527); THENCE SOUTH 20 DEGREES 18
11 MINUTES 20 SECONDS EAST ON AND ALONG SAID WEST LINE A DISTANCE OF
12 550.73 FEET; THENCE SOUTH 58 DEGREES 51 MINUTES 25 SECONDS WEST A
13 DISTANCE OF 493.50 FEET; THENCE SOUTH 33 DEGREES 32 MINUTES 39 SECONDS
14 WEST, A DISTANCE OF 383.05 FEET TO THE WESTERLY CORNER OF SAID LANDS
15 OF ARNEO, INC (DOCUMENT NUMBER 81-20528), SAID CORNER BEING MARKED BY
16 A MAG NAIL SET IN A TREE ROOT; THENCE NORTH 70 DEGREES 47 MINUTES 44
17 SECONDS WEST ON AND ALONG THE WESTERN LINE OF SAID LANDS OF ARNEO,
18 INC. AND THE EASTERLY LINE OF NORTH POINTE WOODS AS RECORDED IN PLAT
19 CABINET "A" PAGE 112, WITHIN THE OFFICE OF THE RECORDER OF ALLEN
20 COUNTY, INDIANA, A DISTANCE OF 999.90 FEET TO A CARVED STONE; THENCE
21 NORTH 19 DEGREES 22 MINUTES 14 SECONDS WEST ON AND ALONG THE
22 WESTERN LINE OF SAID LANDS OF ARNEO, INC., A DISTANCE OF 1151.26 FEET TO
23 THE POINT OF BEGINNING. CONTAINING 63.904 ACRES OF LAND MORE OR LESS
24 AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

25 and the symbols of the City of Fort Wayne Zoning Map Nos. R-54, R-50, S-54 and S-50
26 (Sec. 31 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code
27 of the City of Fort Wayne, Indiana is hereby changed accordingly.

28 SECTION 2. If a written commitment is a condition of the Plan Commission's
29 recommendation for the adoption of the rezoning, or if a written commitment is modified and
30 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:

City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0071
Bill Number: Z-22-05-02
Council District: 2-Russ Jehl

Introduction Date: May 10, 2022

Plan Commission
Public Hearing Date: May 9, 2022 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 64 acres from AR/Low Intensity Residential to NC/Neighborhood Center.

Location: 9000 to 9100 block of North Clinton Road

Reason for Request: For approval of a mixed use commercial and residential development.

Applicant: B1 Enterprises, LLC

Property Owner: B1 Enterprises, LLC

Related Petitions: Primary Development Plan, Arneo

Effect of Passage: Property will be rezoned to the NC/Neighborhood zoning district, which will allow the currently vacant parcel to be developed with a variety of commercial, residential and office uses.

Effect of Non-Passage: The property will remain zoned AR and may develop with low-intensity residential uses and limited agricultural uses.

Department of Planning Services
Rezoning Petition Application

Applicant B1 Enterprises, LLC
Address 203 E. Berry Street, Ste. 602
City Fort Wayne State IN Zip 46802
Telephone _____ E-mail james@obical.com

Contact Person Joshua C. Neal, Barrett McNagny, LLP
Address 215 E. Berry Street
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9551 E-mail jcn@barrettllaw.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 9218 North Clinton Street
Present Zoning AR Proposed Zoning NC Acreage to be rezoned _____
Proposed density _____ units per acre
Township name St. Joseph Township section # 31
Purpose of rezoning (attach additional page if necessary) To permit the development and construction of a comprehensive mixed-use development including space for restaurants, professional office and retail uses.
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)

See attached Exhibit A.

(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	Receipt No.	Hearing Date	Petition No.
12-7-2021	139067	1-10-2022	REZ-2021-0071

EXHIBIT A
REZONING APPLICATION
SIGNATURE PAGE

"APPLICANT"

B1 ENTERPRISES, LLC

By: 

Date: December 6th, 2021

Name: James Khan

Its: President

"PROPERTY OWNER"

Arneo, Inc.

By: Mark H. Kramer

Date: December 6, 2021

Name: Mark H. Kramer

Its: President, Arneo, Inc.

Commercial Property Legal Description

A PART OF THE WEST HALF OF BOURIE'S RESERVE IN TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA AND FURTHER BEING A PORTION OF THE LANDS OF ARNEO, INC. AS RECORDED IN DOCUMENTS 81-20527 AND 81-20528 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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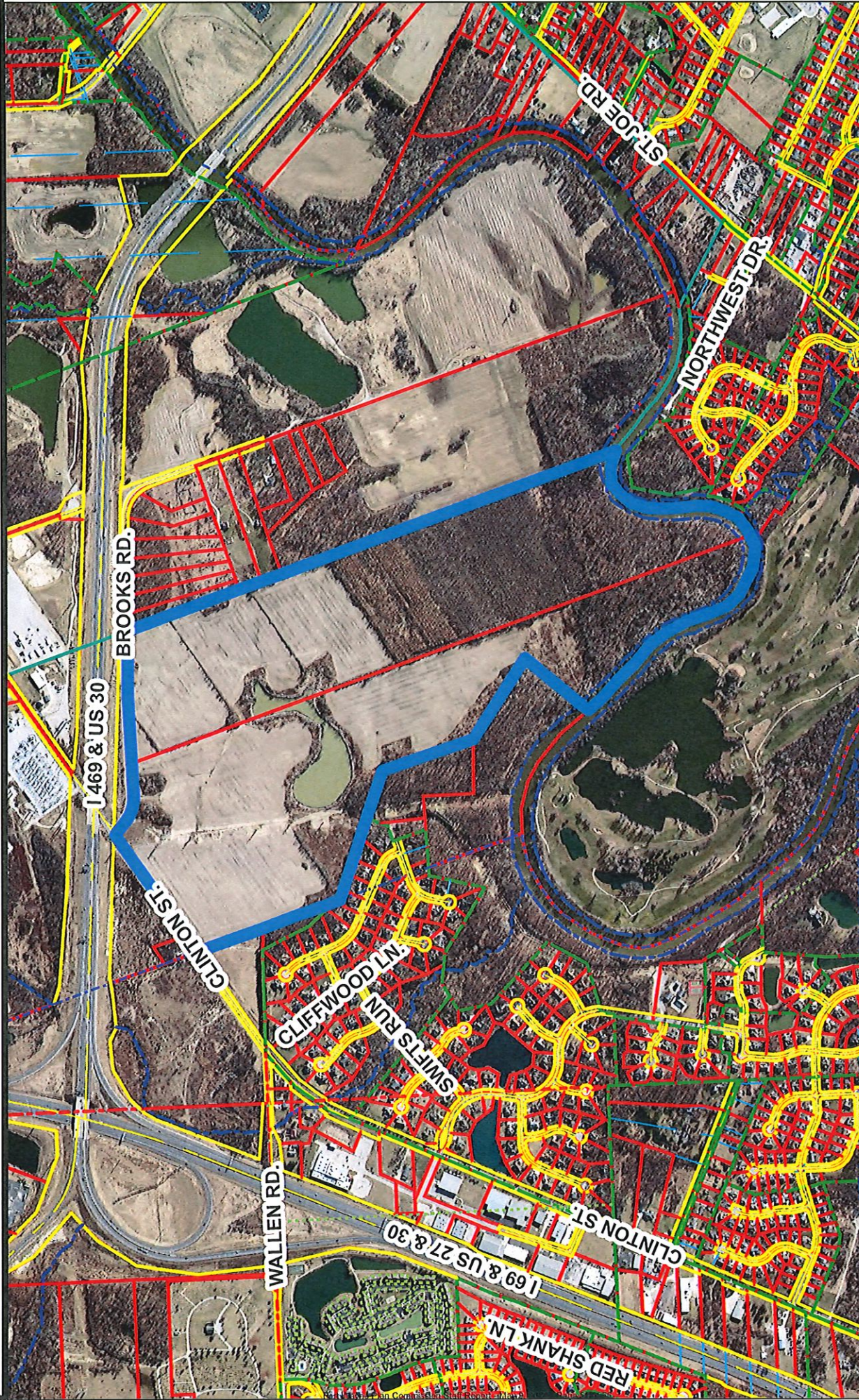
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CONTAINING 63.904 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.



REZ-2021-0070, REZ-2021-0071, PP-2021-0038, and PDP-2021-0051 - Arneo



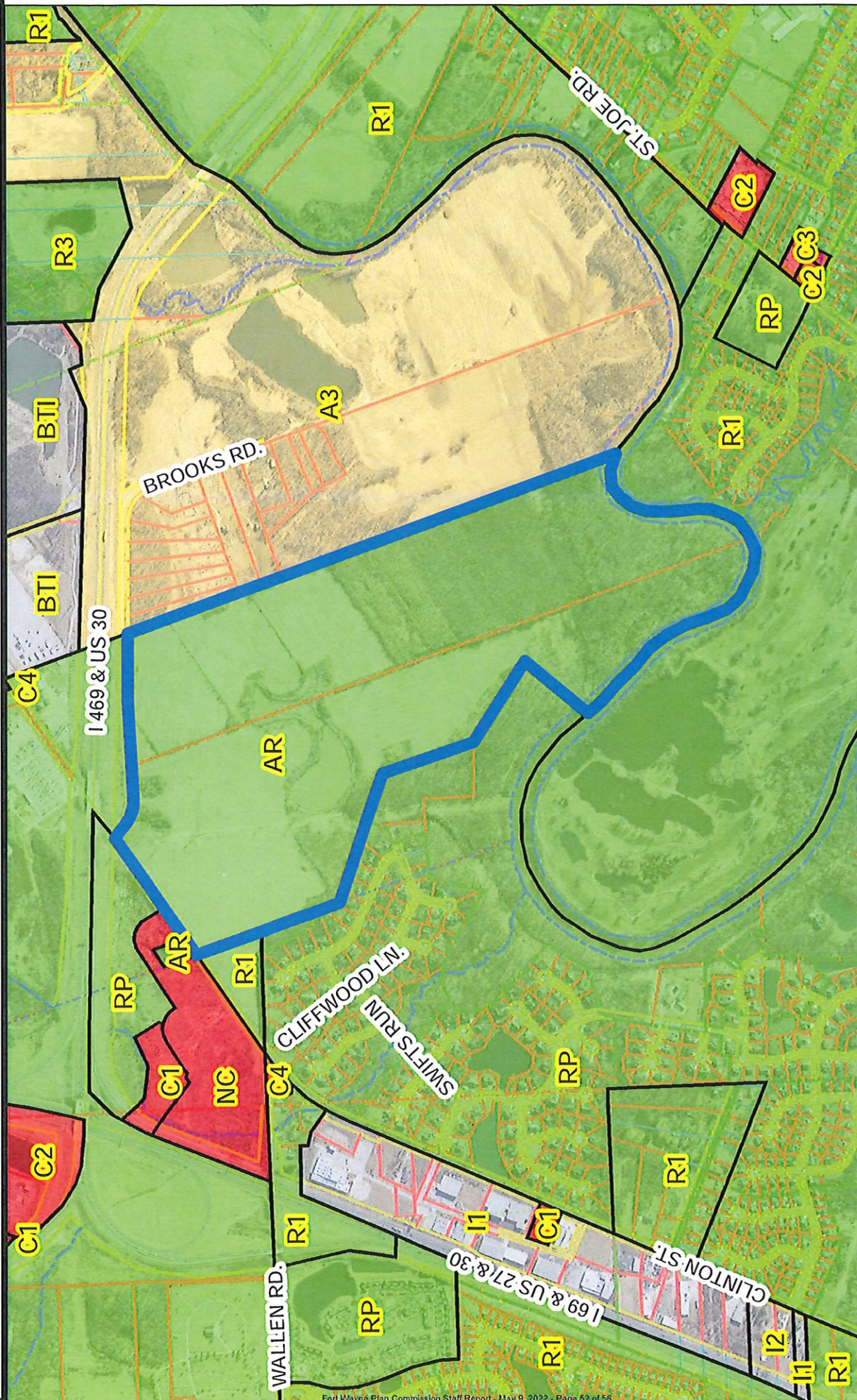
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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 12/30/2021



0 500 1,000 Feet

1 inch = 1,000 feet



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 12/30/2021



1 inch = 1,000 feet

Primary Development Plan For Arneo Commercial Center 9218 North Clinton Street, Fort Wayne, Indiana

Project Civil Engineer/Land Surveyor:

ForeSight Consulting, LLC
1910 St. Joe Center Road, Suite 51
Fort Wayne, Indiana 46825
Phone: 260.484.9900
Fax: 260.484.9980



ForeSight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite 51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.fshtc.biz

BROOKS ROAD

NORTH CLINTON STREET



Primary Development Plan
Scale: 1" = 100'

Primary Development Plan For:
Arneo Commercial Center
9218 North Clinton Street, Fort Wayne, Indiana 46825

Drawing Revisions

Commission Number
213178

Date
April 27th, 2022

Title
Primary

Development Plan
Sheet Number

PD1

Certification:



Performed for:

ForeSight Consulting, LLC
1910 St. Joe Center Road, Suite 51
Fort Wayne, Indiana 46825
Phone: 260.484.9900
Fax: 260.484.9980

ForeSight Consulting, LLC
1910 St. Joe Center Road, Suite 51
Fort Wayne, Indiana 46825
Phone: 260.484.9900
Fax: 260.484.9980

Scale: 1" = 80'



Real Estate Description

PD2

Primary Development Plan For:
Arneo Commercial Center
9218 North Clinton Street, Fort Wayne, Indiana 46825

Forensight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite # 51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9900 fax
www.45re.biz

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