

#REZ-2022-0042

BILL NO. Z-22-08-13

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. V-38 (Sec. 15 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 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. 2203-02, based on information contained on Job Number 20000417-G as prepared  
by Gouloff-Jordan Surveying and Design, Inc. (Certified by Timothy C. Gouloff, P.S.; dated  
May 31, 2012; and recorded as Allen County Document No. 2020007750).

A tract of land located in the Southwest Quarter of Section 15, T31N, R13E, in Allen  
County, the State of Indiana, more fully described as follows:

**COMMENCING** at a Harrison Marker in the Northwest corner of said Southwest Quarter;  
Thence South 00 Degrees 32 Minutes 42 Seconds West (Record Basis of Bearings), a  
distance of 568.00 feet along the West line of said Southwest Quarter to the Northwest  
corner of the tract of land described in the conveyance to the County of Allen, State of  
Indiana in Allen County Document No. 960042913; Thence South 89 Degrees 42 Minutes  
38 Seconds East, a distance of 45.00 feet along the North line of said County of Allen tract  
to the Northeast corner thereof, the **TRUE POINT OF BEGINNING**; Thence South 00  
Degrees 32 Minutes 42 Seconds West, a distance of 225.00 feet along the East line of said  
County of Allen tract [also being Forty-five (45) feet East of and parallel with the West line  
of said Southwest Quarter]; Thence South 89 Degrees 42 Minutes 38 Seconds East, a  
distance of 734.90 feet; Thence North 00 Degrees 21 Minutes 54 Seconds East, a distance of  
225.00 feet along the West line of the tracts of land described in the conveyances to Matthew  
F. & Kelli N. Leighty (Document No. 2008002417) and to Phillip W. & Jane S. Borchelt  
(Document No. 880009726); Thence North 89 Degrees 42 Minutes 38 Seconds West, a  
distance of 734.19 feet along the South line of the tract of land described in the conveyance  
to Epiphany Lutheran Church in Allen County Document No. 720002633, to the **POINT OF  
BEGINNING**, said tract containing 3.794 Acres, more or less, and being subject to all  
public road rights-of-way and to all easements of record.

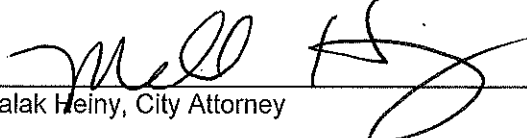
1 and the symbols of the City of Fort Wayne Zoning Map No. V-38 (Sec. 15 of St. Joseph  
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
3 Wayne, Indiana is hereby changed accordingly.  
4

5 SECTION 2. If a written commitment is a condition of the Plan Commission's  
6 recommendation for the adoption of the rezoning, or if a written commitment is modified and  
7 approved by the Common Council as part of the zone map amendment, that written  
8 commitment is hereby approved and is hereby incorporated by reference.  
9

10 SECTION 3. That this Ordinance shall be in full force and effect from and after its  
11 passage and approval by the Mayor.  
12

13 \_\_\_\_\_  
Council Member

14 APPROVED AS TO FORM AND LEGALITY:

15   
16 \_\_\_\_\_  
Malak Heiny, City Attorney  
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City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2022-0042  
Bill Number: Z-22-08-13  
Council District: 1-Paul Ensley

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Introduction Date: August 23, 2022

Plan Commission  
Public Hearing Date: September 12, 2022 (not heard by Council)

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

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Synopsis of Ordinance: To rezone approximately 3.79 acres from R1/Single Family Residential to  
R3/Multiple Family Residential.

Location: 6332 Maplecrest Road

Reason for Request: To allow for the construction of 24 townhomes.

Applicant: Burlington Properties, LLC (Matt Lancia)

Property Owner: Burlington Properties, LLC

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Related Petitions: Primary Development Plan, Paxton Place

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Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning  
district, which will allow for an attached townhome development.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which  
may continue to be used for single family purposes.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
Applicant Burlington Properties, LLC  
Address 10331 Dawsons Creek Blvd., Suite A  
City Fort Wayne State IN Zip 46825  
Telephone 260-417-5553 E-mail mlancia29@msn.com

**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 6332 Maplecrest Road  
Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned \_\_\_\_\_  
Proposed density 6.33 units per acre  
Township name St. Joseph Township section # 15  
Purpose of rezoning (attach additional page if necessary) to allow for the construction  
of 24 townhomes on approximately 3.79 acres.  
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 \$1,000
- ☐ 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.

|                                  |                                                     |                  |
|----------------------------------|-----------------------------------------------------|------------------|
| Burlington Properties, LLC       | <u>Matthew J. Lancia</u>                            | <u>7/29/2022</u> |
| (printed name of applicant)      | (signature of applicant) <u>Matthew Lancia</u>      | (date)           |
| Burlington Properties, LLC       | <u>Matthew J. Lancia</u>                            | <u>7/29/2022</u> |
| (printed name of property owner) | (signature of property owner) <u>Matthew Lancia</u> | (date)           |
| _____                            | _____                                               | _____            |
| (printed name of property owner) | (signature of property owner)                       | (date)           |
| _____                            | _____                                               | _____            |
| (printed name of property owner) | (signature of property owner)                       | (date)           |

|                           |                               |                                |                                      |
|---------------------------|-------------------------------|--------------------------------|--------------------------------------|
| Received<br><u>8/2/22</u> | Receipt No.<br><u>1410591</u> | Hearing Date<br><u>9-12-22</u> | Petition No.<br><u>REZ-2022-0042</u> |
|---------------------------|-------------------------------|--------------------------------|--------------------------------------|



Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



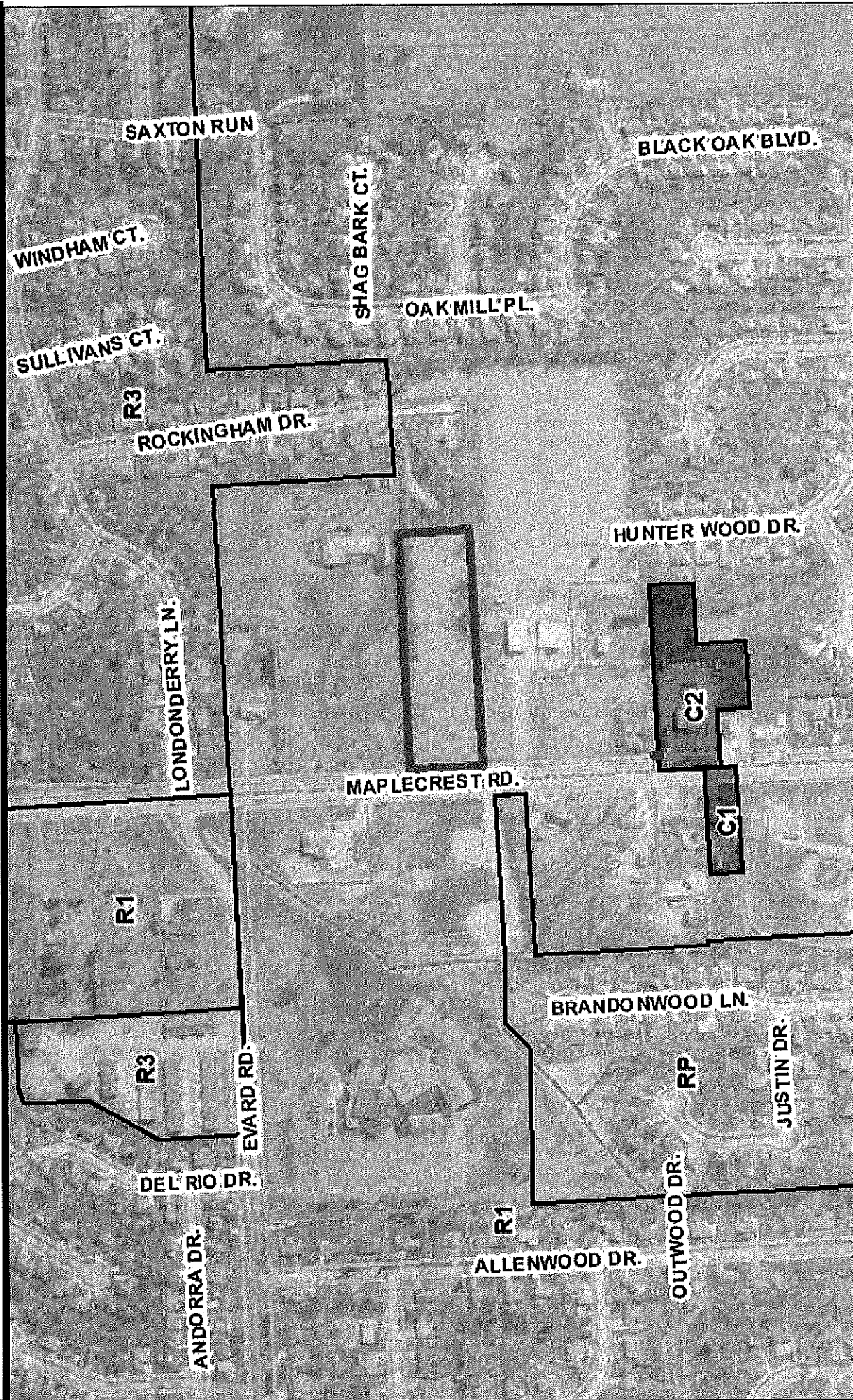
© 2024 Board of Commissioners of the County of Alton  
North American Urban 1000  
State Plane Coordinate System, Indiana East  
Projection and Contour: Spring 2009  
Date: 8/17/2022

Although every accuracy standard has been applied in the compilation of this map, Alton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any errors or omissions in this map.





Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



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© 2024 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 8/17/2022

0 500 1,000 Feet

1 inch = 400 feet

July 28, 2022

**Matt Lancia Homes**  
**Paxton Place**  
**Maplecrest Road**  
**Fort Wayne, IN**  
**Proposed Rezoning**

**Legal Description:**

Prepared by Duane A. Brown, LS #80040337, D. A. Brown Engineering Consultants, Inc., Job No. 2203-02, based on information contained on Job Number 20000417-G as prepared by Gouloff-Jordan Surveying and Design, Inc. (Certified by Timothy C. Gouloff, P.S.; dated May 31, 2012; and recorded as Allen County Document No. 2020007750).

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# Boundary Description

Paxton Place Exhibit

NW Cor SW Qtr  
Sec 15, T31N, R13E  
Harrison Marker Fnd  
POC

Maplecrest Road

S0°32'42"W 568.00ft

S89°42'38"E 45.00ft

P.O.B.

N89°42'38"W 734.19ft

Epiphany Lutheran Church  
Doc#720002633  
Doc#730014259

Proposed Paxton Place  
3.794AC±

S0°32'42"W 225.00ft

S89°42'38"E 734.90ft

Borchelt, Reta L & Edwin D Co-Trust  
Doc. #2012034720

N0°21'54"E 225.00ft

Leighly, Matthew F & Kelli N  
Doc. #2007063509

Borchelt, Philip W & Jane S  
Doc. #880009726

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 IAC 1-12.



**DABEL**  
D.A. Brown Engineering Consultants  
5451 Cooney Road 427 PO Box 385 Auburn, IN 47005  
Phone: (260) 925 - 2020 Fax: (260) 925 -1212  
www.dabrowengineering.com  
Job No: 2203-02





## REZONING FACT SHEET

|                                                                     |                                                                                                                                      |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Petition #REZ-2022-0042    Z-22-08-13    Project Start: August 2022 |                                                                                                                                      |
| APPLICANT:                                                          | Burlington Properties, LLC                                                                                                           |
| REQUEST:                                                            | Approve rezoning from R1/Single Family Residential to R3/Multiple Family Residential to allow a 24-unit multiple family development. |
| LOCATION:                                                           | 6000 block of Maplecrest Road, 700 feet south of its intersection with Evard Road (Section 154 of Saint Joseph Township)             |
| LAND AREA:                                                          | 3.79 acres for multiple family development                                                                                           |
| PRESENT ZONING:                                                     | R1/Single Family Residential                                                                                                         |
| PROPOSED ZONING:                                                    | R3/Multiple-Family Residential (Paxton Place)                                                                                        |
| COUNCIL DISTRICT:                                                   | 1-Paul Ensley                                                                                                                        |
| ASSOCIATED PROJECT:                                                 | Primary Development Plan, Paxton Place                                                                                               |
| SPONSOR:                                                            | City of Fort Wayne Plan Commission                                                                                                   |

### **12 September 2022 Plan Commission Public Hearing**

- Three property owners spoke their concerns at the hearing.
- Ryan Neumeister and Paul Sauerteig were absent.

### **19 September 2022 Business Meeting**

#### **Plan Commission Recommendation: Do Pass**

- A motion was made by Judi Wire and seconded by Patrick Zaharako to return the ordinance to Common Council with a DO PASS recommendation for their final decision.
- **6-0 MOTION PASSED**
- Ryan Neumeister, Tom Freistroffer and Paul Sauerteig were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
October 6, 2022

## PROJECT SUMMARY

### SITE HISTORY:

- The site has remained vacant since aerial imagery was captured.
- The parent parcel was approved for an existing electrical, plumbing, and HVAC contracting business by the Board of Zoning Appeals in August 2022.

### STAFF DISCUSSION:

The applicant proposes to rezone the northwest 3.79 acres of the property from R1/Single Family Residential to R3/Multiple-Family Residential. The site is on the east side of Maplecrest and is surrounded by R1/Single Family Residential. The surrounding uses consist of a church to the north, residential homes to the east, a Board of Zoning Appeals approved contracting business to the south, and a baseball field on the west side of Maplecrest Road.

The proposed rezone meets the following goals and objectives of the Comprehensive Plan:

**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.

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

**H3.B** - Identify appropriate locations for compatible infill housing that would replace vacant or underutilized sites in existing neighborhoods.

**H4** - Provide housing choice within neighborhoods.

**H6** - Promote mixed uses along with proximity of uses.

In association with the rezone, the applicant proposes a multiple-family complex that contains 5 structures for a total of 24 units in the development. The plan includes a private street accessed off of Maplecrest Road. Landscaping is proposed on the north side of the private drive, but does not give a width. B-3 landscaping is required to the south and east which consists of a 6-foot privacy fence. The applicant did not provide any detailed landscaping plan, but indicated that they will meet the zoning ordinance standards.

### PUBLIC HEARING SUMMARY:

Presenter: Pat Hess, representing the applicant, presented the project to the Plan Commission, as outlined above.

#### Public Hearing Comments:

David York, President of Epiphany Lutheran Church – Not opposed to the development but concerned about drainage. They have talked to the project engineers and welcome the development if the drainage can be improved.

Lynnea Numbers, 6631 Rockingham – Does not want to see a connection to Rockingham (separate project) and concerned about rentals and crime.

Matthew Leedy, 6507 Rockingham – Not opposed to the project but would like to work with developer on screening.

#### Closing Comments:

Drainage issues are acknowledged and the design will take the outfall to Maplecrest Road. The developer will work with Mr. Leedy on an acceptable landscape plan.



Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



Although every attempt has been made to ensure the accuracy of this map, the City of Madison does not warrant the use of this map for any purpose other than that for which it was prepared. The City of Madison is not responsible for any errors or omissions on this map.

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North American Datum 1983  
State Plane Coordinate System, Indiana East  
Projection (NAD83/Indiana East)  
Date: 8/1/2002

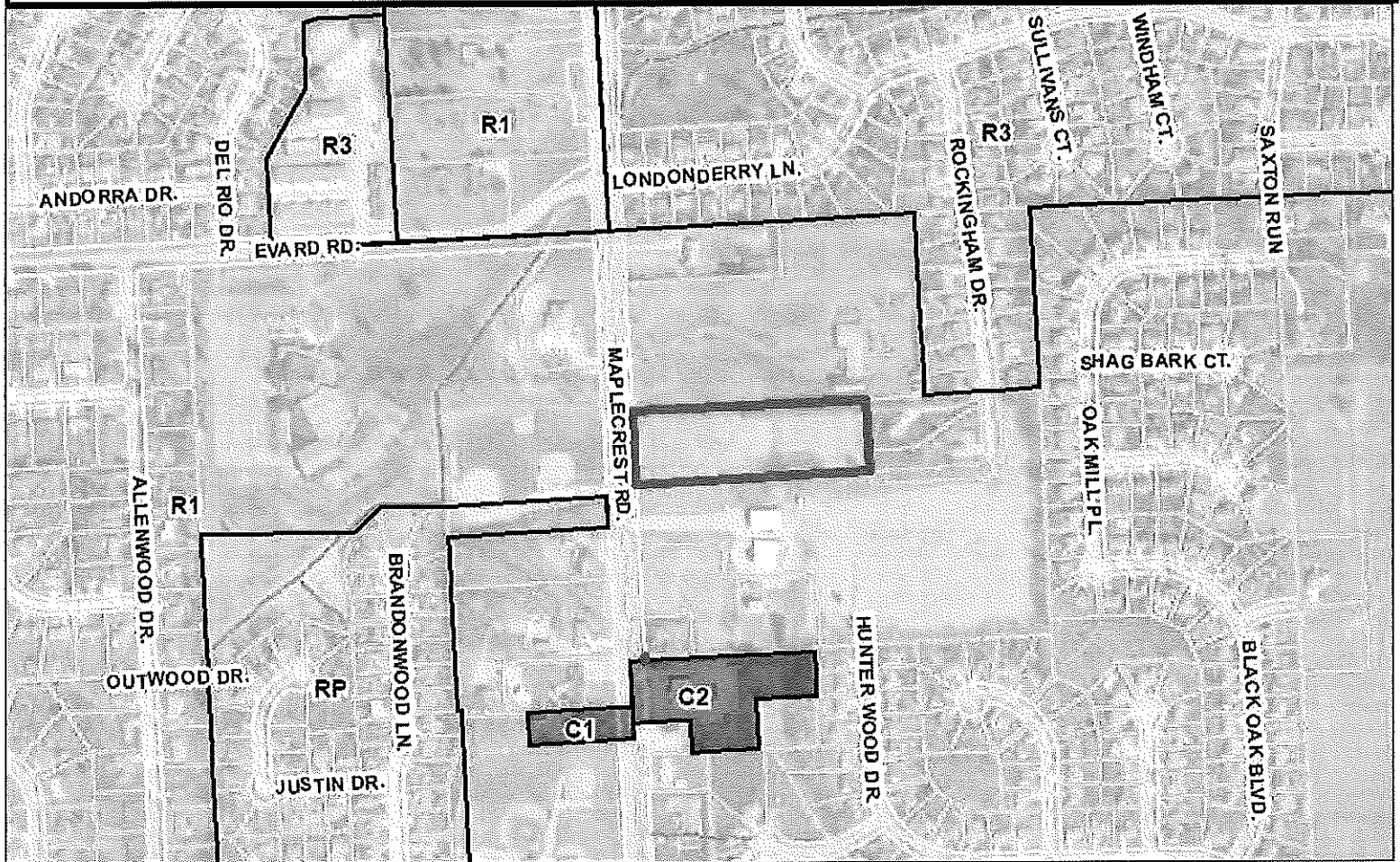
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1 inch = 400 feet



Rezoning Petition REZ-2022-0042 and Primary Development Plan PDP-2022-0027 Paxton Place



Although every attempt has been made to ensure the accuracy of the information contained herein, the City of Allentown does not warrant the accuracy of the information contained herein and shall not be liable for any errors or omissions in this map.

© 2024 Board of Commissioners of the County of Allentown  
Allentown, Pennsylvania  
Surveyed and Certified by the County of Allentown  
Date: 1/1/2024

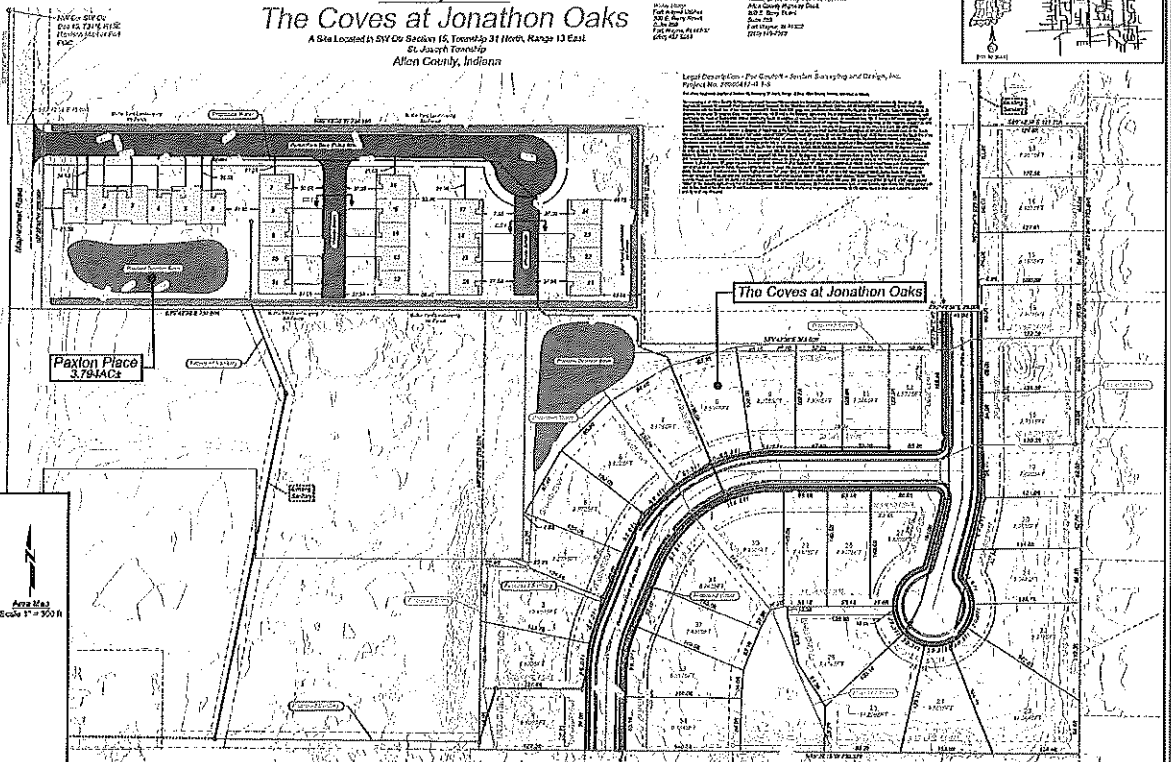
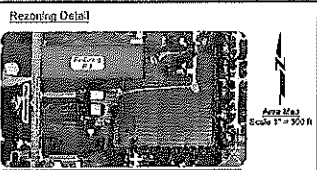
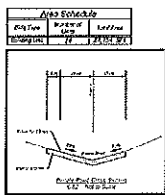
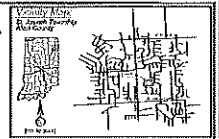
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1 inch = 400 feet



Planning Department  
Alameda County Department of Administrative Services  
201 E. 9th St.  
San Jose, CA 95126  
Fax: (415) 763-2222  
www.alameda.ca.gov

The following is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the Bank of the City of New York, for the year ending December 31, 1900:



**Developer:**  
Mall Landia Signature Homes  
10331 Dawson's Creek Boulevard  
Suite A  
Fort Wayne, IN 46825  
Tel: (260) 417-8553

**Engineer.** **DABEC**  
D.A. Brown Engineering Consultants  
1000 Georgia Road 417, P.O. Box 300, Albany, NY 12212  
Phone (518) 371-1234 Fax (518) 371-1232  
and Albany, NY 12212

|             |                     |            |             |
|-------------|---------------------|------------|-------------|
| <b>RIN</b>  | <b>RIN#</b>         | <b>RIN</b> | <b>GR #</b> |
| 07-26-2002  |                     |            |             |
| <b>Acct</b> | <b>CASH ON HAND</b> |            |             |
| A/R         |                     |            |             |
| AS SA       |                     |            |             |
| 7/26/02     | 9 of 1              |            |             |