

#REZ-2023-0008

BILL NO. Z-23-02-40

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. J-62 (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:

NEW ORIGINAL COMBINATION DESCRIPTION (all of two tracts described in
Documents Numbered 2014058231 & 2021085091):

Part of the Fractional Southeast Quarter of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 139-142 "A", dated February 1, 2023, and being more particularly described as follows, to-wit: Commencing at the South closing Quarter corner of said Section 31, being marked by a 1 inch diameter brass plug; thence North 89 degrees 00 minutes 53 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Fractional Southeast Quarter, being within the right-of-way of West Dupont Road, a distance of 1021.02 feet to a survey nail at the Southeast corner of a 5.482 acre base tract of real estate described in a deed to Lancia Properties, LLC, in Document Number 2021085091 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 89 degrees 00 minutes 53 seconds East, continuing on and along said South line and within said right-of-way, a distance of 339.42 feet to a survey nail at the Southeast corner of said 5.482 acre base tract, being a point on the West right-of-way line of the former Penn Central Railroad; thence North 01 degrees 37 minutes 48 seconds West, on and along said West right-of-way line, a distance of 1151.07 feet to a #5 rebar at the Northeast corner of a 3.54 acre base tract of real estate described in a deed to City of Fort Wayne, Indiana, in Document Number 2014058231 in the Office of said Recorder; thence South 89 degrees 00 minutes 53 seconds West, on and along the North line of said 3.54 acre base tract, a distance of 343.60 feet to a #5 rebar at the Northwest corner thereof; thence South 01 degrees 50 minutes 18 seconds East, on and along the West lines of said 3.54 acre base tract and said 5.482 acre base tract, a distance of 1151.13 feet to the true point of beginning, containing 9.024 acres of land, subject to legal right-of-way for West Dupont Road, and subject to all easements of record.

1 and the symbols of the City of Fort Wayne Zoning Map No. J-62 (Sec. 31 of Perry
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 _____
Council Member

13
14 APPROVED AS TO FORM AND LEGALITY:

15 
16 _____
Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0008
Bill Number: Z-23-02-40
Council District: 3 – Tom Didier

Introduction Date: February 28, 2023

Plan Commission
Public Hearing Date: March 13, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 9.02 acres from AR/Low Intensity Residential
to R3/Multiple Family Residential

Location: North side of the 2400 block of West Dupont Road

Reason for Request: To develop the parcel with a 90-unit townhome complex.

Applicant: Lancia Properties, LLC

Property Owners: Lancia Properties, LLC

Related Petitions: PDP-2023-0008 – Odyssey Townhome Development

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

Effect of Non-Passage: The property will remain zoned AR/Low Intensity Residential, which
supports single family development and low intensity agricultural uses.



Rezoning Petition REZ-2023-0008 and Primary Development Plan PDP-2023-0008 - Odyssey



Although some 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: 2/22/2023



1 inch = 400 feet



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North American Datum 1983
State Plane Coordinate System, Indiana 1440
Photos and Contours: Spring 2009
Date: 2/27/2023



FACT SHEET

Case #REZ-2023-0008		Bill # Z-23-02-40	Project Start: February 2023
PROPOSAL:	Rezoning Petition REZ-2023-0008 and Primary Development Plan PDP-2023-0008 - Odyssey		
APPLICANT:	Lancia Properties LLC		
REQUEST:	Rezone to R3/Multiple Family Residential for a new multiple family complex		
LOCATION:	2000 block of West Dupont Road, 2500 feet west of its intersection with SR 3 (Section 31 of Perry Township)		
LAND AREA:	9.02 acres		
PRESENT ZONING:	AR/Low Intensity Residential		
PROPOSED ZONING:	R3/Multiple Family Residential		
COUNCIL DISTRICT:	3 -- Tom Didier		
SPONSOR:	Fort Wayne Plan Commission		

March 13, 2023 Public Hearing

- One resident spoke in opposition.
- Paul Sauerteig was absent.

March 20, 2022 Business Meeting

Plan Commission Recommendation: DO NOT PASS

A motion was made by Judi Wire and seconded by Rick Briley to return the Ordinance with a Do Not Pass recommendation to Common Council for their final decision.

7-1 MOTION PASSED

- Rachel Tobin-Smith was absent
- Ryan Neumeister voted nay

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
April 5, 2023

PROJECT SUMMARY

- The site was used agriculturally but starting growing scrub since the 1986 aerial imagery.
- The site hosted an Aqua Indiana sewer filtration plant and is now owned by the City of Fort Wayne.

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 in a townhouse style layout. Historically, the site was undeveloped, but Aqua Indiana had a sewer filtration plant on the site which was decommissioned when the City of Fort Wayne took over the Aqua Indiana network. The south and west retain a low-intensity or undeveloped landscape, but subdivisions like Rapids of Keefer Creek are to the North. The Allen County jurisdiction is to the south and maintains A1/Agricultural zoning. Today, West Dupont Road is a two-lane road at the frontage of this site with an average daily traffic count of about 9600 motorists, which is a similar count to Crescent Avenue between State and Anthony.

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 the developing Dupont Meadows subdivision to the southeast of the site, which the Plan Commission approved in late 2021. The site is diagonal from Dupont Meadows but still surrounded by AR zoning. Overall, the area maintains a low-intensity feel but the development of the Lima corridor is moving westward. Subdivision entrances for Oak Glen and Seven Oaks are found to the west of the site, so the proposed development could be considered infill development. The applicant modified the plans since submission to reduce the number of units to make the development more cohesive with the surrounding built conditions.

The proposal can be supportive 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.

In association with the rezoning petition, a Primary Development Plan for an 88-unit multiple family complex is proposed for the site. Originally, the applicant submitted a development plan with 90 units with waivers to reduce building separation, but the overall area lends itself to less dense development, so the plan was revised to reduce the number of units, and now no waivers are being requested for the development plan. The multiple family complex is laid out in a townhouse style, where each unit has its own garage and share common walls, but the development is under one development site and will be under one owner.

Access is obtained with one entrance off West Dupont Road, which is accompanied by a new sidewalk along the frontage of the road. The site is outside of mapped floodplain or wetlands, which will be verified by the floodplain and stormwater managers. Notes on landscaping codes were provided on the site plan but following ordinance standards will require a fence where each building meets a property line. Since a fence requires maintenance, the Plan Commission may want to discuss a more feasible landscaping plan that provides adequate screening and buffering yet requires less maintenance. The eastern boundary is former

railroad right-of-way, and residents of the Rapids at Keefer Creek have since purchased the right-of-way for outlots, creating a bigger buffer between the proposed development and the closest neighbors. Furthermore, the west side is a metes and bounds house, and a lot with one residence extends the entire length of the western boundary. However, ordinance required landscaping (A shade tree every 40 feet and a continuous 6' fence) may be best suited for the north property line, where the site is closest to platted lots in Rapids at Keefer Creek.

Garages and driveways provide the adequate number of parking spaces for parking requirements, but the applicant tucked small parking areas for overflow parking. A turnaround area is also provided, but the development is laid out in two blocks. Each of the surrounding lots are developed, so no interconnection is required. Since the development is a mélange of one- and two-story structures, different setbacks apply for each area. The larger footprint units are one story, and 25-foot setbacks apply. The smaller footprint units are two story and require a 30' setbacks. The applicant meets those requirements. Finally, the building separation in the ordinance is 25' which the applicant originally proposed to waive to 10'. Since the general area still maintains a low-intensity pattern of development, the applicant agreed to meet the ordinance standard of 25', compromising only two units in the process.

PUBLIC HEARING SUMMARY:

Presenter: Jamie Lancia, developer, presented the request as outlined above. Mr. Lancia stated that his company will build all the townhomes and own and manage the property. There will be a mix of two-story and one-story units, with rents ranging from \$1,500 to \$2,000 a month. He also stated that there is a strong need for this product in the Northwest Allen County School District.

Public Comments:

Robert Hine, Stillhollow Run – Not opposed to project, but is requesting a fence along the east property line. Feels the area is congested and worried that people will cut through their properties.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

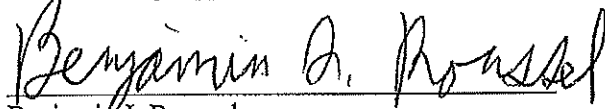
Rezoning Petition REZ-2023-0008

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LAND AREA:	9.02 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0008 be returned to Council, with a "Do Not Pass" recommendation after considering the following:

1. Approval of the rezoning request will not be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and could establish an undesirable precedent in the area. The existing residential development in the general area maintains a lower intensity pattern of development, and current ongoing development in the area is different in character.
2. Approval of the request could 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 among large lot single family residences and adjacent to a single family subdivision. R3 zoning with the proposed development may be considered too intensive to be compatible. Existing R3 zoning to the south was developed with consideration of existing development patterns.

These findings approved by the Fort Wayne Plan Commission on March 20, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission