

#REZ-2023-0015

BILL NO. Z-23-04-15

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. T-26 (Sec. 28 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:

THE WEST 210 FEET OF THE NORTH 205 FEET OF LOT NUMBER 1, IN GUY R.
BELL'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 28,
TOWNSHIP 31 NORTH, RANGE 13 EAST, ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT RECORD 13, PAGE 82, IN THE OFFICE OF THE RECORDER
OF ALLEN COUNTY, INDIANA

EXCEPTING THEREFROM,

A PART OF LOT 1 IN GUY R. BELL'S SUBDIVISION, A SUBDIVISION IN THE
NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 31 NORTH, RANGE 13 EAST, THE PLAT OF WHICH SUBDIVISION IS
RECORDED IN PLAT RECORD 13, PAGE 82. IN THE OFFICE OF THE RECORDER
OF ALLEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE-NORTHWEST CORNER OF SAID LOT; THENCE NORTH 86
DEGREES 58 MINUTES 41 SECONDS EAST 210.00 FEET ALONG THE NORTHERN
LINE OF SAID LOT TO THE NORTHEAST CORNER OF THE WEST 210 FEET OF
SAID LOT; THENCE SOUTH 2 DEGREES 17 MINUTES 30 SECONDS EAST 7.3 FEET
ALONG THE EAST LINE OF THE WEST 210 FEET OF SAID LOT; THENCE SOUTH
89 DEGREES 09 MINUTES 42 SECONDS WEST 186.74 FEET, THENCE SOUTH 21
DEGREES 13 MINUTES 55 SECONDS WEST 45.85 FEET; THENCE SOUTH 2
DEGREES 11 MINUTES 30 SECONDS EAST 163.07 FEET TO THE SOUTHERN LINE
OF THE NORTH 205 FEET OF SAID LOT; THENCE SOUTH 86 DEGREES 58
MINUTES 41 SECONDS WEST 5.00 FEET ALONG SAID SOUTHERN LINE TO THE
WEST LINE OF SAID LOT; THENCE NORTH 2 DEGREES 17 MINUTES 40 SECONDS
WEST 205.02 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND
CONTAINING 2,110 SQUARE FEET, MORE OR LESS.

and the symbols of the City of Fort Wayne Zoning Map No. T-26 (Sec. 28 of St. Joseph
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:

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-2023-0015
Bill Number: Z-23-04-15
Council District: 1-Paul Ensley

Introduction Date: April 25, 2023

Plan Commission
Public Hearing Date: May 8, 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 1.0 acre from R1/Single Family Residential to R3/Multiple Residential

Location: 4850 Stellhorn Road

Reason for Request: To allow for the a 36-unit (single bedroom) apartment development.

Applicant: RP Khatana Properties, LLC

Property Owner: Robert Bastian

Related Petitions: Primary Development Plan, Stellhorn Multi-Family

Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning district, which permits single, two, and multiple family housing.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and may continue or redevelop with single family uses. Apartments are not permitted in the R1 district.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant R P Khatana Properties, LLC
Address 2990 Bristoe Lane
City Fort Wayne State IN Zip 46804
Telephone _____ E-mail _____

Contact Person
Contact Person Robert C. Kruger
Address 200 E. Main Street, Suite 1000
City Fort Wayne State IN Zip 46802
Telephone 260-426-1300 E-mail rkruger@burtblee.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 4850 Stellhorn Road
Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned Approx. 1
Proposed density 36 _____ units per acre
Township name St. Joseph Township section # 28
Purpose of rezoning (attach additional page if necessary) to accommodate
development of 36 unit apartment building
Sewer provider Fort Wayne Water provider 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.

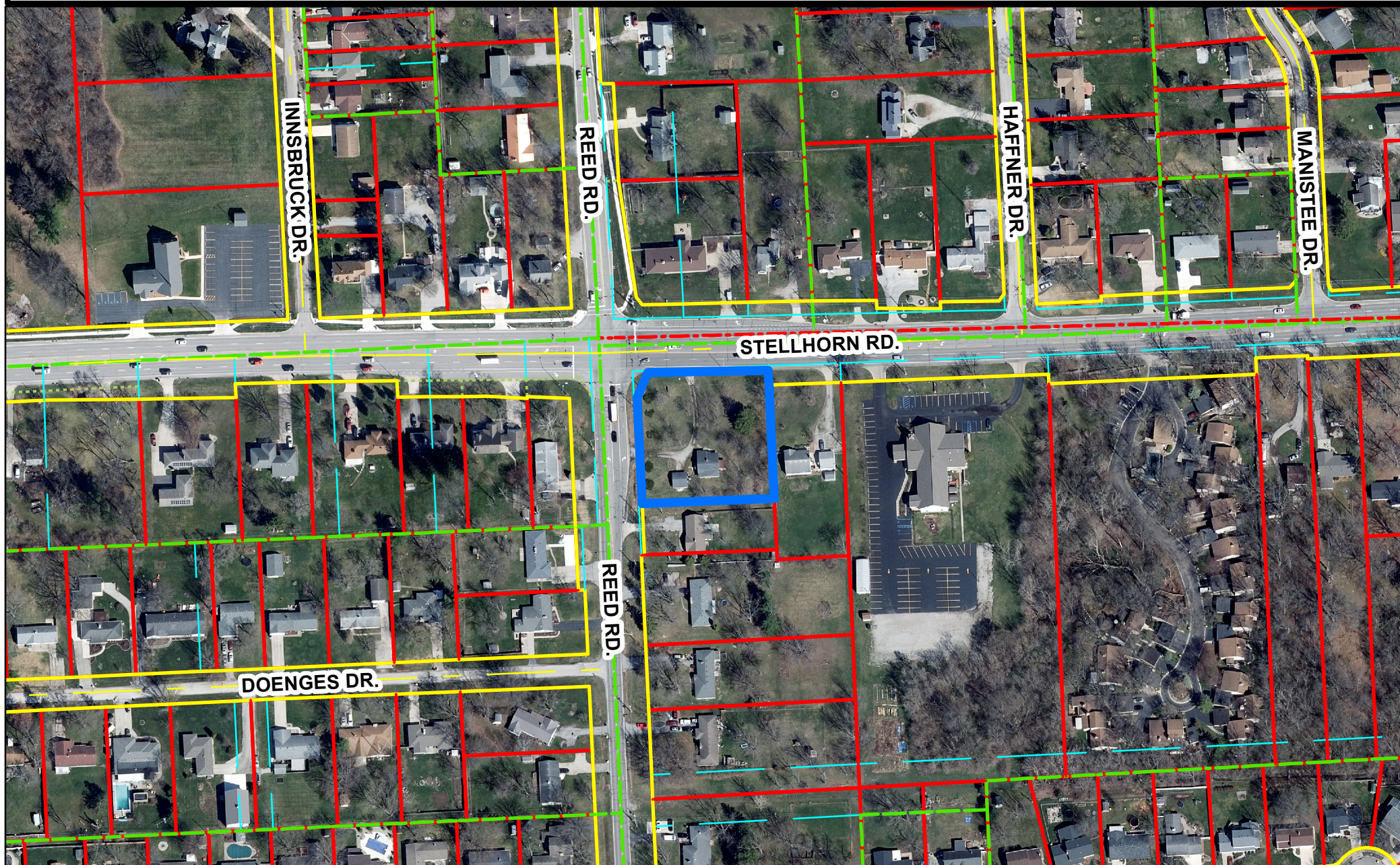
By: Manveer Khatana, Member [Signature] 4/1/2023
(printed name of applicant) (signature of applicant) (date)

By: _____ (Member of RCB Realty, LLC)
(printed name of property owner) (signature of property owner) (date)

ROBERT BARTON [Signature] 4-1-2023
(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.
<u>4-4-23</u>	<u>142865</u>	<u>5-8-23</u>	<u>REZ-2023-0015</u>



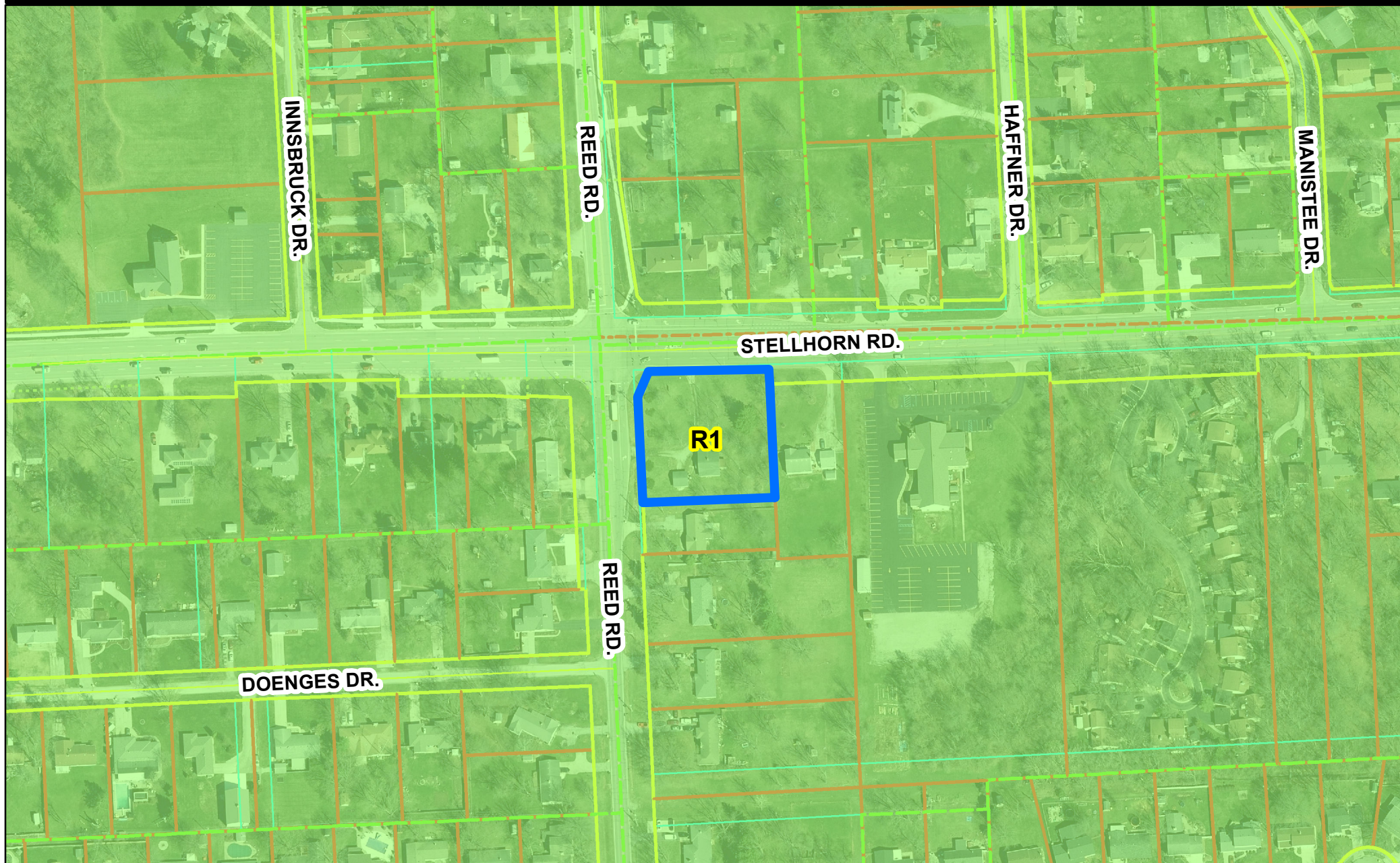
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 4/12/2023

0 50 100 Feet



1 inch = 200 feet



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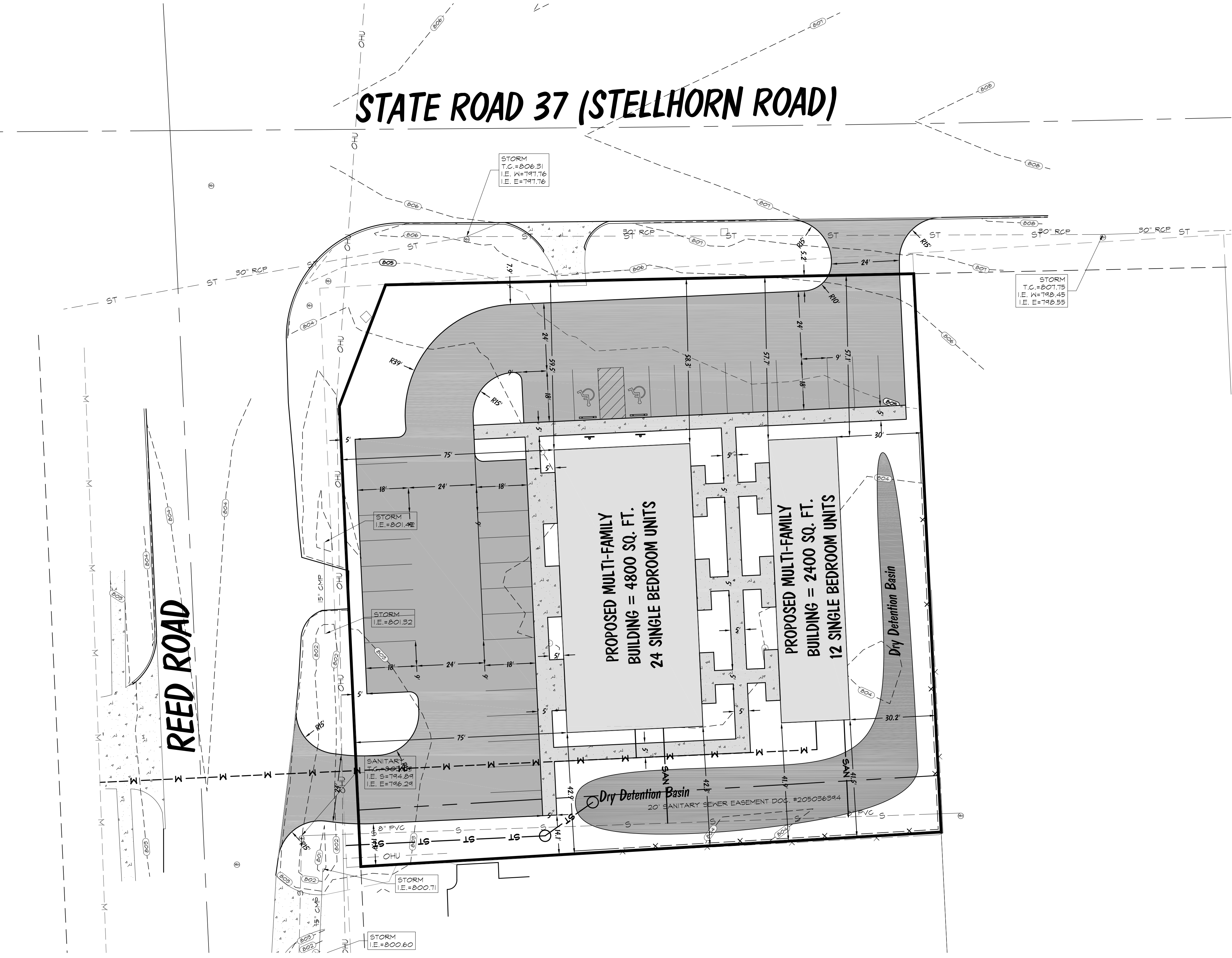
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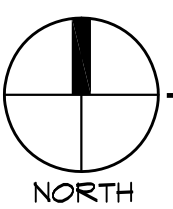
Property Owner/Developer:
Hamilton Lake Petroleum Corp
Manveer Khatana
3955 East Bellefontaine Road
Hamilton Indiana 46742

PROJECT CIVIL ENGINEER/LAND SURVEYOR:
 ForeSight Consulting, LLC
1910 Saint Joe Center Rd, Suite 61
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax www.4site.biz
todd@4site.biz

Primary Development Plan For:
Stellhorn Multi-Family

4850 Stellhorn Road, Fort Wayne, Indiana 46835



 Primary Development Plan
Scale: 1" = 20'

Existing Utility Provider Information	
Water Service	City of Fort Wayne
Sanitary Sewer Service	City of Fort Wayne
Electric	American Electric Power
Gas	NIPSCO

Contact Information	
City of Fort Wayne Department of Land Use Management-Michelle Wood	260-427-1129
City of Fort Wayne Fire Department-Jeremy Elder	260-427-1168
City of Fort Wayne New Water and Sewer Engineering-Rick Seals	260-427-1161
City of Fort Wayne Sewer Engineering Department-Lisa Ramos	260-427-5064
City of Fort Wayne Stormwater Engineering Department-Patrick Joley	260-427-5064
City of Fort Wayne Water Engineering Department-Rick Seals	260-427-5064
City of Fort Wayne Traffic Engineering Department-Kyle Winling	260-427-1172
American Electric Power-Karen Palmer	260-408-1863
Verizon-Amy Heitzman	260-461-3325
NIPSCO-Mike Pruitt	260-439-1408
Comcast-Dawn Leonhardt	765-449-3811

ForeSight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #61
Fort Wayne, Indiana 46825
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Certification:


This is an original design created by ForeSight Consulting, LLC. The concepts, ideas, plans and details are the sole property of ForeSight Consulting, LLC. None of the concepts, ideas, plans or details shall be used by or disclosed to an person, firm or corporation for any purpose without the prior written permission of ForeSight Consulting, LLC. Written dimensions on these drawings shall have precedence over the scale dimensions. The contractor shall verify and be responsible for all dimensions and conditions on the job and ForeSight Consulting, LLC must be notified of variation from the dimensions and conditions shown on these drawings. Shop drawings shall be submitted to ForeSight Consulting, LLC for approval before construction.

Performed for:

Primary Development Plan For:
Stellhorn Multi-Family
4850 Stellhorn Road, Fort Wayne, Indiana 46835

Drawing Revisions

Commission Number
233567
Date
April 4th, 2023
Title
Primary Development Plan
Sheet Number
PD2



Property Owner/Developer:

Hamilton Lake Petroleum Corp
Manveer Khatana
3955 East Bellefontaine Road
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STATE ROAD 37 (STELLHORN ROAD)

REED ROAD

PROPOSED MULTI-FAMILY
BUILDING = 4800 SQ. FT.
24 SINGLE BEDROOM UNITS

PROPOSED MULTI-FAMILY
BUILDING = 2400 SQ. FT.
12 SINGLE BEDROOM UNITS

Development Statistics

Total Project Area	0.939 Acres (40911 Sq. Ft.)
Total Project Green Space	0.357 Acres (15570 Sq. Ft.) (38%)
Total Number of Units	36 Single Bedroom Units
Total Number of Parking Spaces	38 Spaces (Including 2 ADA Accessible Spaces)

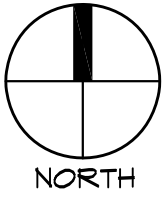
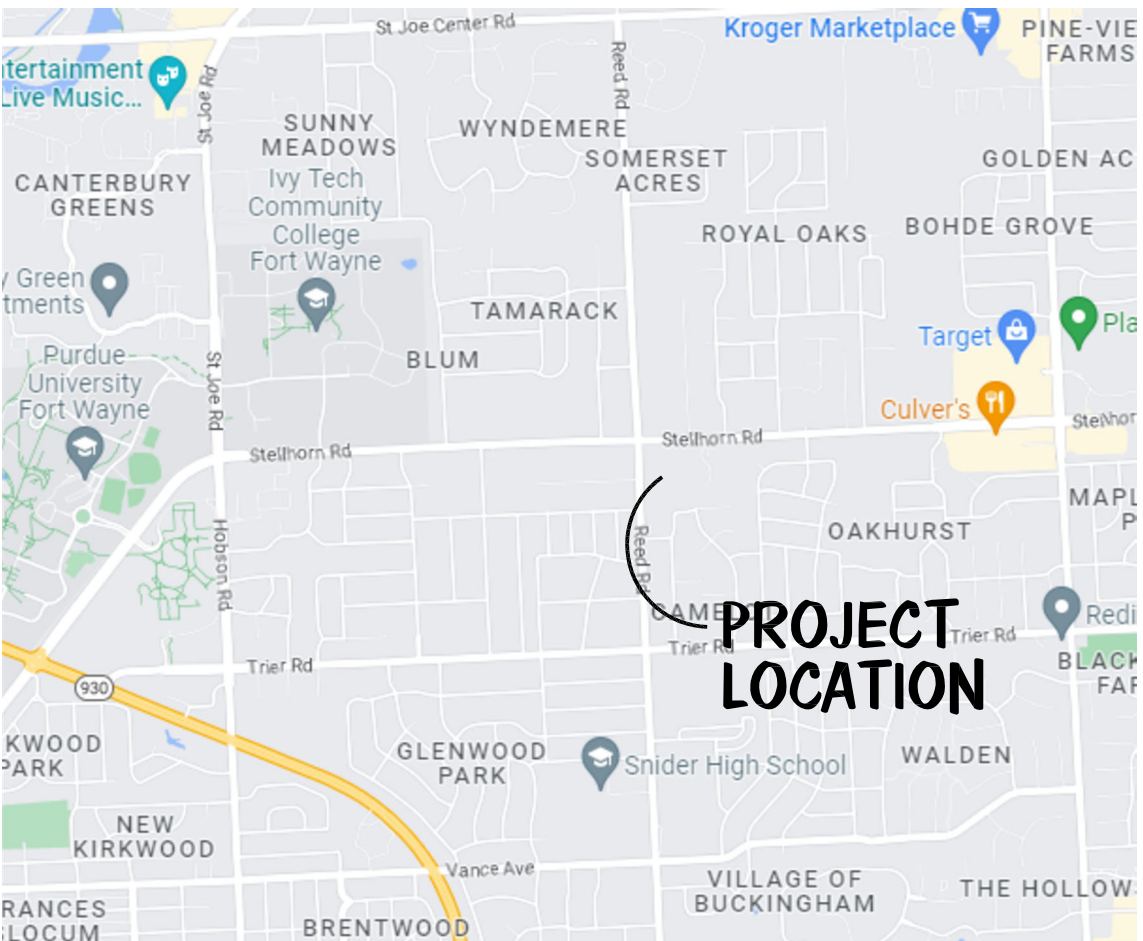
Real Estate Description per Doc. No. 2022056094

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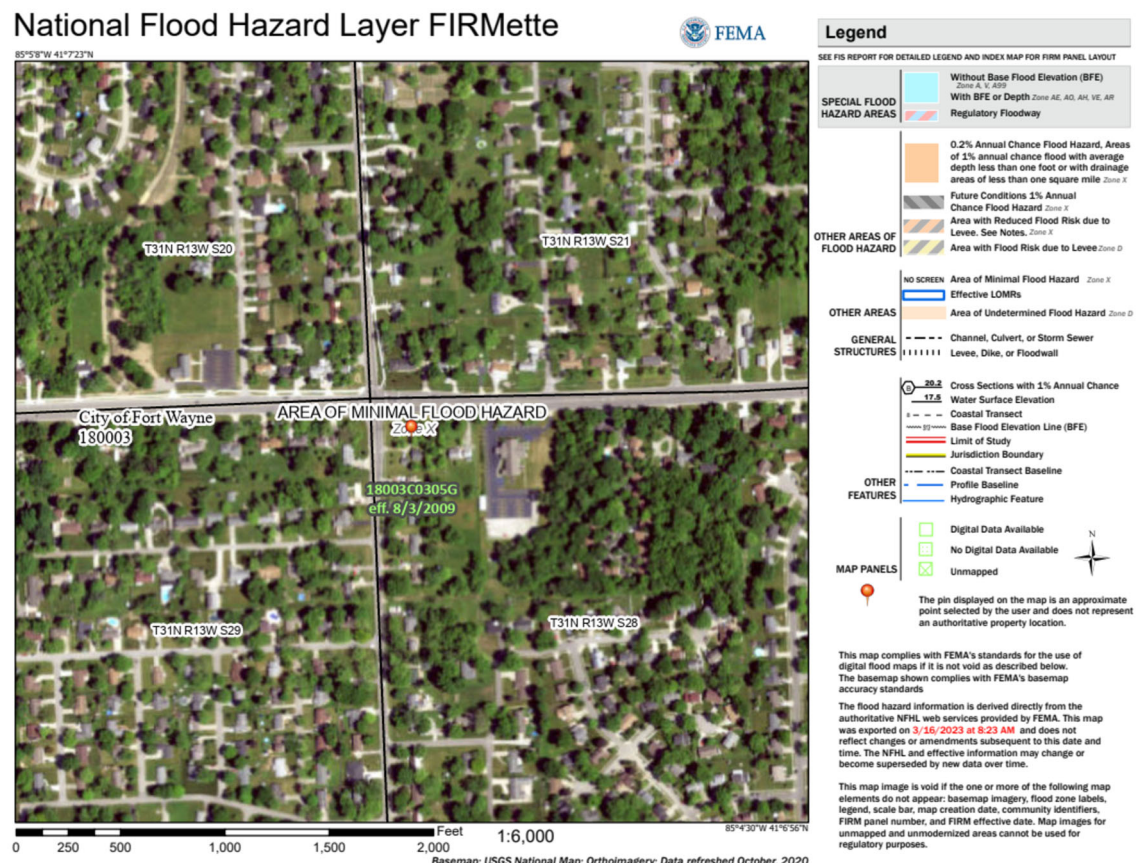
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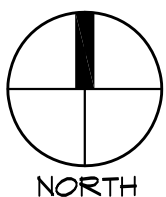
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SITE LOCATION MAP
NOT TO SCALE



Flood Insurance Rate Map
SCALE: N.T.S.



Primary Development Plan

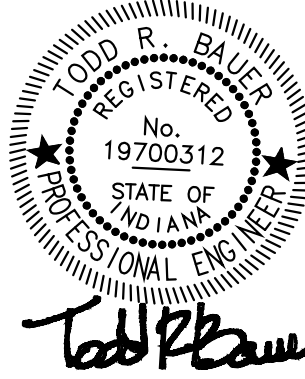
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4850 Stellhorn Road, Fort Wayne, Indiana 46835

Drawing Revisions

Commission Number
233567

Date
April 4th, 2023

Title
Primary
Development Plan
Sheet Number

PD1



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FACT SHEET

Case #REZ-2023-0015		Bill # Z-23-04-15	Project Start: May 2023
APPLICANT:	R P Khatana Properties, LLC		
REQUEST:	Rezone parcel from R1/Single Family Residential to R3/Multiple Family Residential to approve a primary development plan for a 2-building 36-unit multiple family development and to vacate build line along Reed and Stellhorn.		
LOCATION:	4850 Stellhorn Road southeast corner of the intersection of Stellhorn Road and Reed Road (Section 28 of St. Joseph Township)		
LAND AREA:	0.96 acre		
PRESENT ZONING:	R1/Single Family Residential		
PROPOSED ZONING:	R3/Multiple Family Residential		
COUNCIL DISTRICT:	1-Paul Ensley		
SPONSOR:	Fort Wayne Plan Commission		

May 8, 2023 Public Hearing

- Two residents spoke at the hearing with concerns.
- A letter of support with 5 property owner signatures was submitted.
- Paul Sauerteig was absent.

May 15, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Patrick Zaharako and seconded by Rick Briley to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Tom Freistroffer and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
June 2, 2023

PROJECT SUMMARY

Site History:

- This site was platted as the Guy R. Bell's subdivision in 1928.
- A single-family home was constructed between 1938 and 1957. There is no Board of Zoning Appeals or Plan Commission history associated with the site.

Background:

The petitioner requests a rezoning from R1/Single Family Residential to R3/Multiple Family Residential to permit a multiple family development. Despite the zoning, the area is a highly traveled corridor, seeing 8,800 motorists a day from Reed and 20,100 motorists from Stellhorn Road. Stellhorn is an arterial street and would not be able to be platted directly on if developed today. Reed Road is a collector road. In general, the area has different uses that go beyond the permitted uses in R1, including churches, professional businesses under the auspice of Board of Zoning Appeals, and a condominium complex. Further west, several established multiple family complexes are nearby, alongside the Purdue Fort Wayne campus. A 50-foot building line was established on the Guy R. Bell subdivision, which the applicant can meet with the associated development.

The proposed development plan is two structures, containing 36 one-bedroom units total. Associated with the plan are 38 parking spaces and a landscaping plan including a 6-foot fence to the east and south, where residential uses are adjacent to the site. The structures will need to be at least 25 feet apart internally, but the plan does show compliance with the 30-foot perimeter setback, the requirement for two story structures. Two access points are provided, one each from Reed and Stellhorn. An 8-foot trail, coordinated by the Greenways division, is included in the site plan. Internal access is provided in between the two buildings. The plan shows dry detention on the south and east side of the site, within the required setback and landscaping code. While it is not shown on the plan, 5-foot sidewalks will also be required on the west side of the development plan, since the development is over 25 units. The applicant should discuss how these units will compare to the character of the neighborhood and how potential neighborhood concerns on density will be mitigated. No waivers were requested as a part of this proposal.

Comprehensive Plan Review:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area.
- The following Goal would be applicable:
LUD1 - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 2 - Promote complete neighborhoods through sustainable development, preservation, and growth by encouraging and enhancing mixed use neighborhood areas.

Generalized Future Land Use Map

- The project site is located within the Suburban Neighborhood generalized land use category. The primary use is Single Family Detached Residential. Secondary uses include Single Family Attached Residential. Adjacent properties are a mixture of Suburban and Traditional Neighborhoods.

Land Use Related Action Steps

- The following Action Step would be applicable and supportive of this proposal:
HN 1.1.3. Encourage the development of an integrated network of sidewalks, trails, and bike routes within existing and new neighborhoods that will provide safe access to community amenities.

HN.1.1.4. Promote residential development with compact block structure, a mix of uses and housing types, and active transportation access to nearby jobs, recreation, fresh and nutritious food, and schools as well as connections to nearby neighborhoods.

Compatibility Matrix

- This proposed use would fall into R3/Multiple Family Residential which is considered compatible with Traditional Neighborhoods and potentially compatible with Suburban Neighborhoods, considering impact mitigation efforts.

Other applicable plans: none

PUBLIC HEARING SUMMARY:

Presenter: Rob Kruger, representing the developer, presented the request as outlined above. The immediate neighbors were contacted as there is no active association. Mr. Kruger referenced the 2021 Housing Study and met with City Neighborhood Planning and Activation staff and the Northeast Area Partnership. Mr. Kruger presented architectural renderings and a plan with a courtyard and 40% greenspace. Their market is primarily nurses and students. An eight-foot wide trail will be installed along Stelhorn increasing connectivity.

Public Comments:

Larry Osten, Stelhorn Road – Concerns include traffic, size of lot and no need for apartments.

Sue Holm, Dentist Drive – Concerns include traffic, property values and police protection.

Closing Comments:

City Transportation Engineering has approved the plans. Multiple family residential is “residential” and the proposed density is the same as Greystone, approved nearby.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

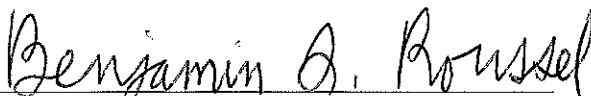
Rezoning Petition REZ-2023-0015

APPLICANT: R P Khatana Properties, LLC
REQUEST: Rezone parcel from R1/Single Family Residential to R3/Multiple Family Residential for two-building 36-unit multiple family development.
LOCATION: 4850 Stellhorn Road southeast corner of the intersection of Stellhorn Road and Reed Road (Section 28 of St. Joseph Township)
LAND AREA: 0.96 acre
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0015 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 is too intensive for R1 today, and the site will be continued to be used for residential purposes.
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 area has been historically residential and follows other multiple family complexes within the area. The associated development plan fits within the existing 50-foot platted building lines along both Reed and Stellhorn Roads.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment within the northeast quadrant of Fort Wayne. Development under the existing zoning classification is impractical. Landscape and buffering can mitigate density concerns for adjacent properties.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments will ensure the required infrastructure is provided to the site.

These findings approved by the Fort Wayne Plan Commission on May 15, 2023.


Benjamin J. Roussel
Executive Director
Secretary to the Commission







