

#REZ-2023-0017

BILL NO. Z-23-04-17

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. X-10 (Sec. 02 of Adams 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:

TRACT "A": (part of a tract described in Document Number 990030179)

Part of the Fractional Northwest Quarter of Section 2, Township 30 North, Range 13 East,
Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana
Professional Surveyor Number LS20900190 of Sauer Land Surveying, Inc., Survey No.
KYNTA-000, dated April 3, 2023, and being more particularly described as follows, to-wit:

Commencing at the North closing Quarter corner of Section 2, being marked by a #5 rebar;
thence South 87 degrees 29 minutes 32 seconds West (GPS grid bearing and basis of all
bearings in this description), on and along the North line of said Fractional Northwest
Quarter, a distance of 61.72 feet to a #5 rebar at the South Quarter corner of Section 35,
Township 31 North, Range 13 East; thence South 87 degrees 19 minutes 43 seconds West,
continuing on and along said North line, a distance of 1063.20 feet to a steel bar at the
Northwest corner of a 111.77 acre base tract of real estate described in a deed to Thomas A.
Meyer and Debra A. Meyer in Document Number 990030179 in the Office of the Recorder
of Allen County, Indiana; thence South 02 degrees 44 minutes 17 seconds East, on and along
the West line of said 111.77 acre base tract, a distance of 739.34 feet to the point of
intersection of said West line with the centerline of Bohrer Drain, this being the true point of
beginning; thence Southeasterly, on and along said centerline, as defined the by the
following courses and distances: South 46 degrees 44 minutes 27 seconds East, a distance of
18.06 feet; thence South 40 degrees 02 minutes 55 seconds East, a distance of 86.95 feet;
thence South 43 degrees 38 minutes 00 seconds East, a distance of 56.54 feet; thence South
51 degrees 24 minutes 52 seconds East, a distance of 59.68 feet; thence South 54 degrees 26
minutes 43 seconds East, a distance of 203.35 feet; thence South 62 degrees 54 minutes 57
seconds East, a distance of 48.37 feet; thence South 51 degrees 30 minutes 00 seconds East,
a distance of 240.18 feet; thence South 64 degrees 29 minutes 14 seconds East, a distance of
60.37 feet; thence South 57 degrees 07 minutes 37 seconds East, a distance of 180.24 feet;
thence South 73 degrees 11 minutes 15 seconds East, a distance of 280.76 feet; thence South
52 degrees 22 minutes 07 seconds East, a distance of 47.39 feet; thence South 35 degrees 41
minutes 28 seconds East, a distance of 130.01 feet; thence South 19 degrees 08 minutes 01
seconds East, a distance of 60.43 feet; thence South 28 degrees 23 minutes 26 seconds East,
a distance of 18.60 feet; thence South 41 degrees 03 minutes 40 seconds East, a distance of
5.17 feet to the point of intersection of said centerline with the East line of said Fractional

1 Northwest Quarter; thence South 02 degrees 52 minutes 04 seconds East, on and along said
2 East line, a distance of 623.44 feet to a survey nail at the point of intersection of said East
3 line with the centerline of North River Road; thence Westerly, on and along said centerline,
4 as defined by the arc of a non-tangent circular curve to the left having a radius of 600.00
5 feet, an arc distance of 278.27 feet, being subtended by a long chord having a length of
6 275.78 feet and a bearing of South 80 degrees 24 minutes 11 seconds West to the point of
7 tangency; thence South 67 degrees 07 minutes 00 seconds West, continuing on and along
8 said centerline and tangent with said curve, a distance of 525.78 feet to a survey nail at the
9 Southeast corner of a 2.285 acre tract of real estate described in a deed to Suzanne Macon in
10 Document Number 2020028482 in the Office of said Recorder; thence North 01 degrees 51
11 minutes 38 seconds West, on and along the East line of said 2.285 acre tract, a distance of
12 231.47 feet to a #5 rebar at the Northeast corner thereof; thence South 82 degrees 54 minutes
13 53 seconds West, on and along the North line of said 2.285 acre tract, a distance of 367.28
14 feet to a #5 rebar at the Northwest corner thereof, being a point on the West line of said
15 111.77 acre base tract; thence North 02 degrees 44 minutes 17 seconds West, on and along
16 said West line, a distance of 1552.58 feet to the true point of beginning, containing 29.447
17 acres of land, subject to legal right-of-way for North River Road, and subject to all
18 easements of record.

11 and the symbols of the City of Fort Wayne Zoning Map No. X-10 (Sec. 02 of Adams
12 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
13 Wayne, Indiana 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.

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

22
23 _____
Council Member

24 APPROVED AS TO FORM AND LEGALITY:

25
26 _____
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-2023-0017
Bill Number: Z-23-04-17
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 29.5 acres from AR/Low Intensity Residential and R1/Single Family Residential to R3/Multiple Family Residential

Location: 8300 to 8500 blocks of North River Road, adjacent to Kreager Park

Reason for Request: To allow for a 140-unit/lot townhome and single family development.

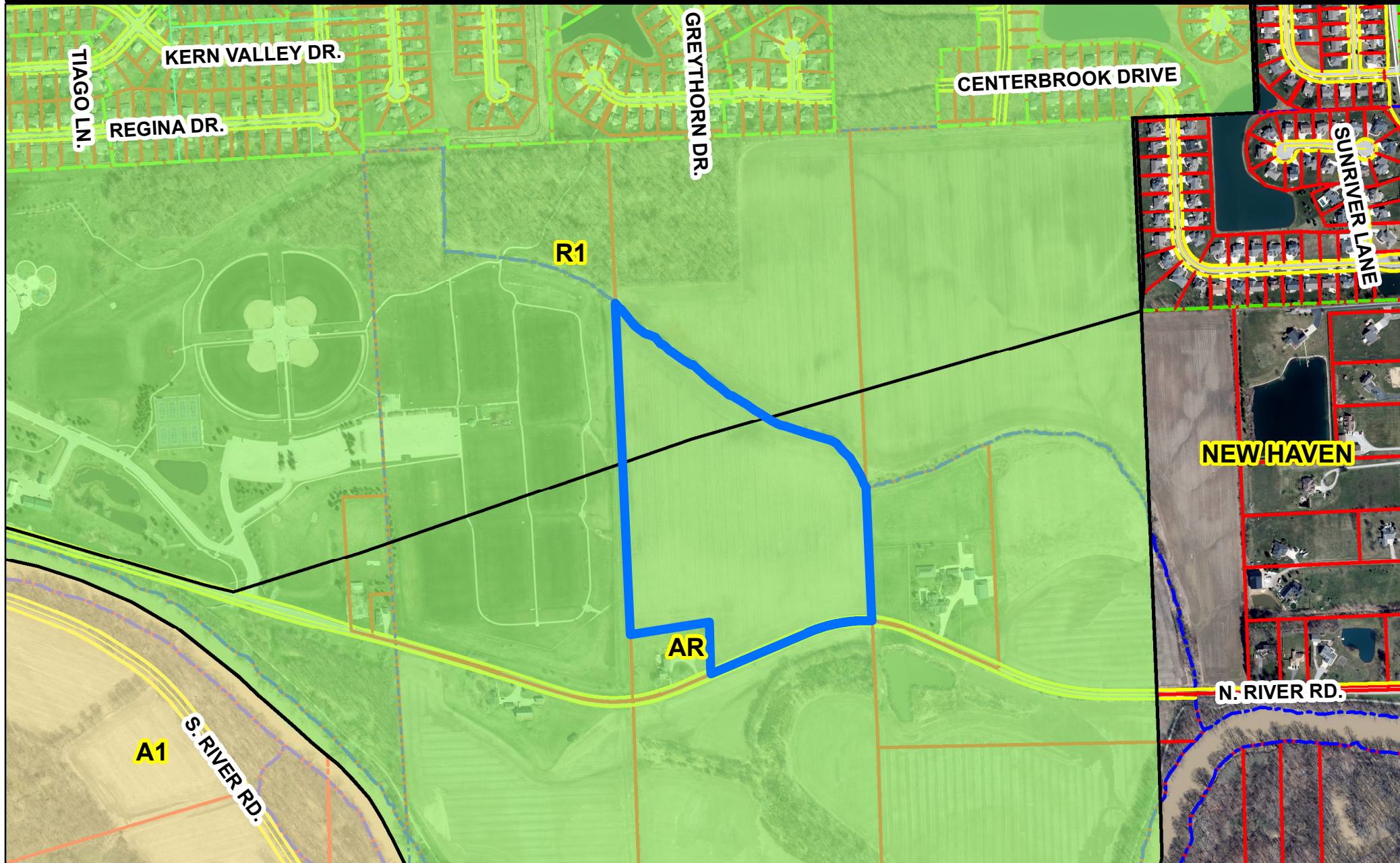
Applicant: Zion Real Estate and Development

Property Owner: Debra Meyer

Related Petitions: Primary Development Plan, Kayenta Subdivision

Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning district, which permits a variety of housing types.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and AR/Low Intensity Residential and the AR portion may not be platted into a subdivision; attached townhomes are not permitted at all in R1 or AR.



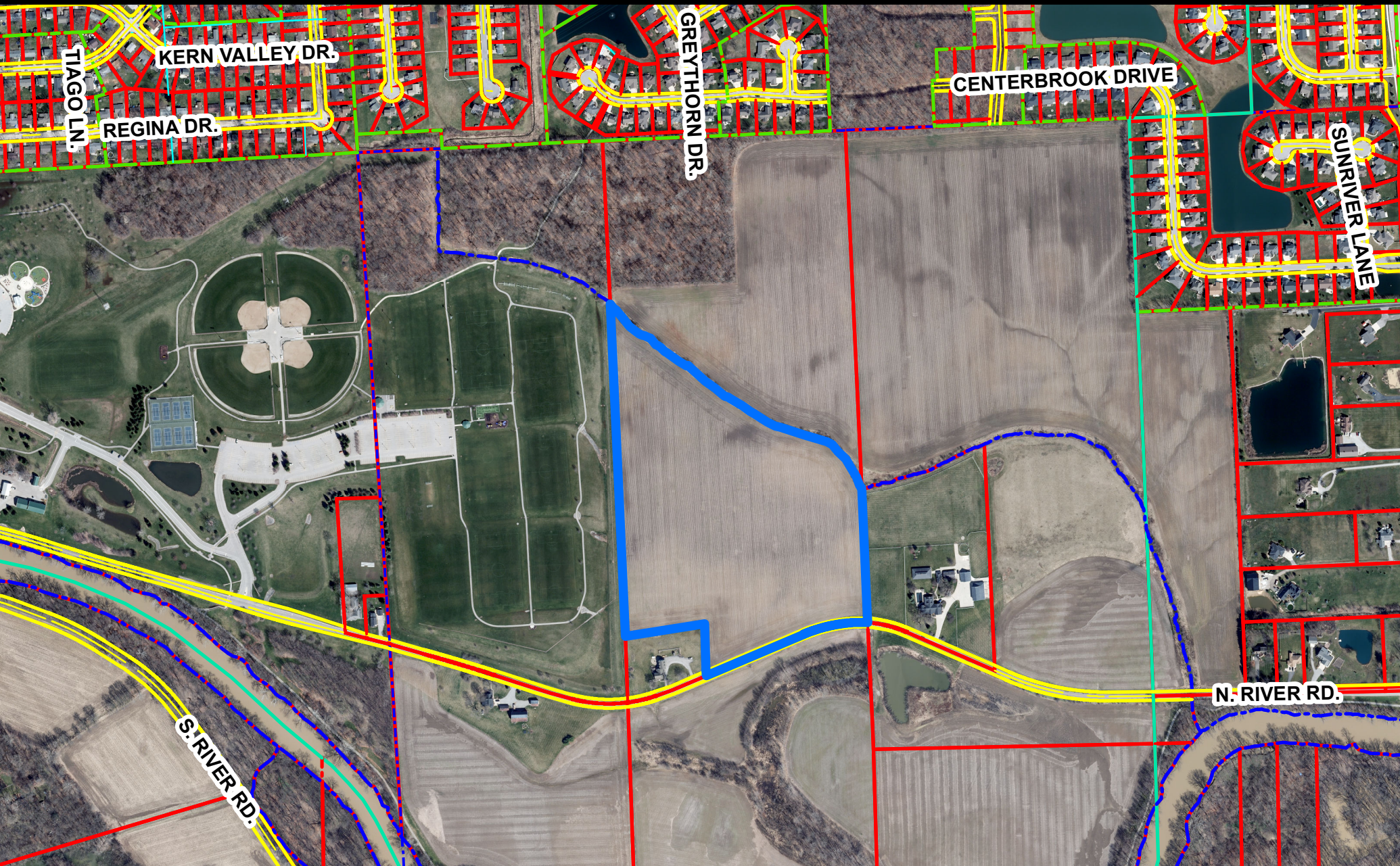
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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

0 500 1,000 Feet



1 inch = 600 feet



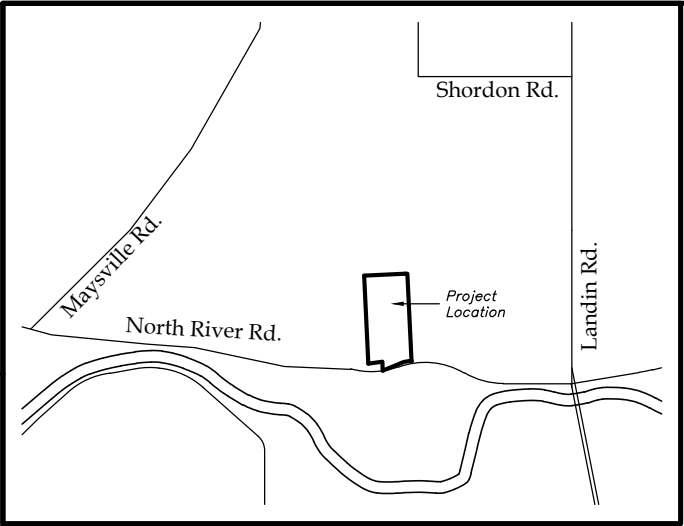
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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

0 500 1,000 Feet



1 inch = 600 feet



Location Map

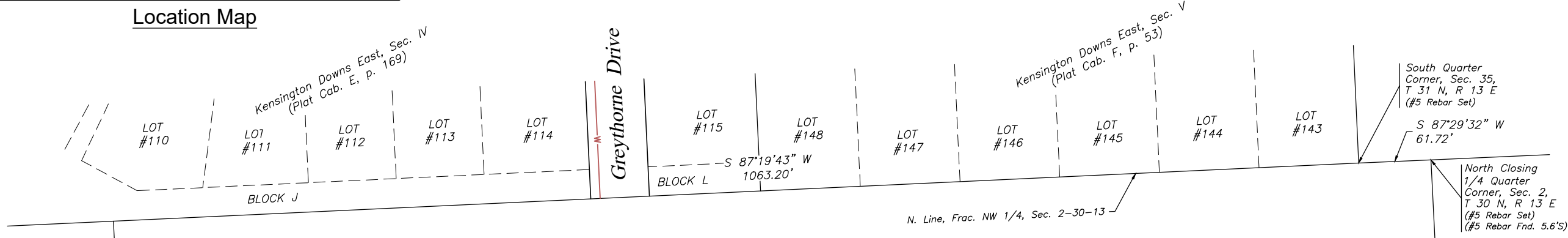
Primary Plat of:

KAYENTA

A subdivision of part of the Fractional Northwest Quarter of Section 2,
Township 30 North, Range 13 East, Allen County, Indiana.

Developer:
Zion Real Estate & Development Co.
5620 Thimlar Road
New Haven, IN 46774
Tel: (260) 438-2524

Surveyor:
Sauer Land Surveying, Inc.
14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300



Part of the Fractional Northwest Quarter of Section 2, Township 30 North, Range 13 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the North closing Quarter corner of Section 2, being marked by a #5 rebar; thence South 87 degrees 29 minutes 32 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the North line of said Fractional Northwest Quarter, a distance of 61.72 feet to a #5 rebar at the South Quarter corner of Section 35, Township 31 North, Range 13 East; thence South 87 degrees 19 minutes 43 seconds West, continuing on and along said North line, a distance of 1063.20 feet to a steel bar at the Northwest corner of a 111.77 acre base tract of real estate described in a deed to Thomas A. Meyer and Debra A. Meyer in Document Number 990030179 in the Office of the Recorder of Allen County, Indiana; thence South 02 degrees 44 minutes 17 seconds East, on and along the West line of said 111.77 acre base tract, a distance of 739.34 feet to the point of intersection of said West line with the centerline of Bohrer Drain, this being the true point of beginning; thence Southeasterly, on and along said centerline, as defined by the following courses and distances:

South 46 degrees 44 minutes 27 seconds East, a distance of 18.06 feet; thence South 40 degrees 02 minutes 55 seconds East, a distance of 86.95 feet; thence South 43 degrees 38 minutes 00 seconds East, a distance of 56.54 feet; thence South 51 degrees 24 minutes 52 seconds East, a distance of 59.68 feet; thence South 54 degrees 26 minutes 43 seconds East, a distance of 203.35 feet; thence South 62 degrees 54 minutes 57 seconds East, a distance of 48.37 feet; thence South 51 degrees 30 minutes 00 seconds East, a distance of 240.18 feet; thence South 64 degrees 29 minutes 14 seconds East, a distance of 60.37 feet; thence South 57 degrees 07 minutes 37 seconds East, a distance of 180.24 feet; thence South 73 degrees 11 minutes 15 seconds East, a distance of 280.76 feet; thence South 52 degrees 22 minutes 07 seconds East, a distance of 47.39 feet; thence South 35 degrees 41 minutes 28 seconds East, a distance of 130.01 feet; thence South 19 degrees 08 minutes 01 seconds East, a distance of 60.43 feet; thence South 28 degrees 23 minutes 26 seconds East, a distance of 18.60 feet; thence South 41 degrees 03 minutes 40 seconds East, a distance of 5.17 feet to the point of intersection of said centerline with the East line of said Fractional Northwest Quarter; thence South 02 degrees 52 minutes 04 seconds East, on and along said East line, a distance of 623.44 feet to a survey nail at the point of intersection of said East line with the centerline of North River Road; thence Westerly, on and along said centerline, as defined by the arc of a non-tangent circular curve to the left having a radius of 600.00 feet, an arc distance of 278.27 feet, being subtended by a long chord having a length of 275.78 feet and a bearing of South 80 degrees 24 minutes 11 seconds West to the point of tangency; thence South 67 degrees 07 minutes 00 seconds West, continuing on and along said centerline and tangent with said curve, a distance of 525.78 feet to a survey nail at the Southeast corner of a 2.285 acre tract of real estate described in a deed to Suzanne Macon in Document Number 2020028482 in the Office of said Recorder; thence North 01 degrees 51 minutes 38 seconds West, on and along the East line of said 2.285 acre tract, a distance of 231.47 feet to a #5 rebar at the Northeast corner thereof; thence South 82 degrees 54 minutes 53 seconds West, on and along the North line of said 2.285 acre tract, a distance of 367.28 feet to a #5 rebar at the Northwest corner thereof, being a point on the West line of said 111.77 acre base tract; thence North 02 degrees 44 minutes 17 seconds West, on and along said West line, a distance of 1552.58 feet to the true point of beginning, containing 29.447 acres of land, subject to legal right-of-way for North River Road, and subject to all easements of record.

KAYENTA LOT AREAS:

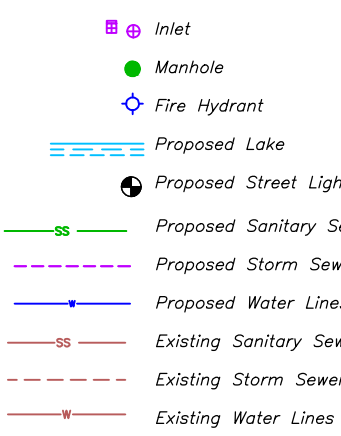
LOT	AREA
1	6511
2	6500
3	6500
4	6500
5	6500
6	6500
7	6500
8	6500
9	6706
10	7393
11	6384
12	6635
13	7389
14	7278
15	7001
16	6438
17	6500
18	6500
19	7031
20	7506
21	7027
22	6945
23	9289
24	6250
25	6250
26	6250
27	6250
28	6250
29	6250
30	6250
31	6401
32	6197
BLOCK A	203430
BLOCK B	73877
BLOCK H	40163

KAYENTA TOWNHOMES LOT AREAS:

LOT	AREA	LOT	AREA
33	3300	91	3300
34	3300	92	3300
35	3300	93	3300
36	3300	94	5547
37	3300	95	5968
38	3300	96	3300
39	3587	97	3300
40	3797	98	3300
41	3776	99	3300
42	3776	100	3300
43	3776	101	3300
44	3776	102	3300
45	3776	103	3300
46	3776	104	3300
47	3776	105	3300
48	3776	106	3300
49	3776	107	3300
50	3500	108	3300
51	3300	109	3978
52	3300	110	7031
53	3300	111	3301
54	3300	112	3300
55	3300	113	3300
56	3300	114	3300
57	3300	115	3300
58	3300	116	3300
59	3300	117	3300
60	3300	118	3300
61	3300	119	3300
62	3300	120	3300
63	3300	121	3300
64	3300	122	3300
65	3300	123	3300
66	3300	124	6414
67	3300	125	6312
68	3300	126	3300
69	3300	127	3300
70	3300	128	3300
71	3300	129	3300
72	3300	130	3300
73	3948	131	3300
74	4185	132	3300
75	4343	133	3300
76	3930	134	3300
77	3300	135	3300
78	3300	136	3300
79	3300	137	3300
80	3300	138	3300
81	3300	139	3043
82	3300	140	3234
83	3300	BLOCK C	48541
84	3300	BLOCK D	1100
85	3300	BLOCK E	1100
86	3300	BLOCK F	22943
87	3300	BLOCK G	61198
88	5256	BLOCK I	15442
89	3442	STREET	231652
90	3300		

KAYENTA
TOWNHOMES
LOTS 33-141
MULTI-FAMILY
TOWNHOME
DEVELOPMENT

Symbol Legend



CENTERLINE CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C07	300.00	195.52	220.23	S 49°24'42" E	94°20'51"
C08	300.00	247.00	270.75	S 64°24'42" E	124°20'51"
C09	300.00	222.76	252.76	S 64°24'42" E	124°20'51"
C10	300.00	151.18	171.17	S 80°24'11" W	94°20'51"
C11	300.00	124.06	141.92	S 80°24'11" W	94°20'51"
C12	300.00	127.21	147.20	S 20°24'53" W	91°11'46"

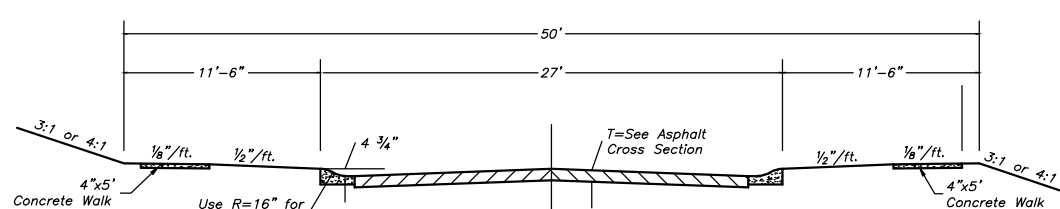


SCALE IN FEET:
0 100 200

Original Map Scale: 1"=100'
Date: April 3, 2023
REV: April 6, 2023
REV: April 19, 2023

Notes:

- All Building lines shown hereon are 25 feet.
- All front yard easements are 20 foot Utility Easements unless noted otherwise.
- All rear yard easements are 10 foot Utility & Surface Drainage Easements unless noted otherwise.
- U.&S.D.E. denotes Utility & Surface Drainage Easement.



TYPICAL STREET CROSS-SECTION

Not to Scale

FACT SHEET

Case #REZ-2023-0017	Bill # Z-23-04-17	Project Start: May 2023
APPLICANT:	Zion Real Estate and Development	
REQUEST:	Rezone property from AR/Low Intensity Residential and R1/Single Family Residential to R3/Multiple Family Residential and to approve a Primary Plat for a 140-lot townhouse and single-family plat.	
LOCATION:	8500 block of North River Road east of Kreager Park, 1800 feet west of its intersection with Landin Road (Section 2 of Adams Township)	
LAND AREA:	29.447 acres	
PRESENT ZONING:	AR/Low Intensity Residential and 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

- Four residents spoke at the hearing with concerns.
- Paul Sauerteig was absent.

May 15, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Rachel Tobin-Smith and seconded by Ryan Neumeister 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:

- The site has been used for agricultural purposes since at least 1938.
- The site has a contingent use approval for a 250-foot tower in 1987, which was either never built or removed.
- The site has a concurrent Board of Zoning Appeals petition to increase the number of lots served by an access point from 100 to 140.

Background:

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 single family and townhouse plat. Historically, the site was used for agricultural purposes, with the farmhouse on the southeast corner of the plat (the farmhouse land is not included in the petition). North of the site is vacant ground, which is the site of a concurrent rezone and plat petition: Paso Fino. The Bohrer Drain divides the two development sites. Kreager Park is west of the site and runs the entire border. A low-intensity residence is to the west, which is about 11 acres and includes several accessory buildings. Immediately south of the site is North River Road, with land owned by the Parks Department beyond that.

Similar zoning to R3 is found across Kreager Park in Lake Forest Village, but generally the area contains R1 and AR zoning. While the rezone can support factors of the rezoning criteria, the applicant may want to discuss measures taken to make the associated development compatible with the existing built environment.

The associated primary plat consists of 140 lots, with lots showing various housing, including attached and detached single family residences as well as a townhouse plat, which the Fort Wayne Plan Commission has not seen since 2016. In townhouse plats, the owners retain a small plat of land around their townhouse and share a property line between two party walls. Front and rear yards of 25 feet still apply. Because of the prevalence of storm detention on the front of the site, only one entrance was feasible for the entrance to the plat. Since the zoning ordinance only permits 100 lots, the petitioner will also be presenting a development standards variance petition to the Board of Zoning Appeals this month. As mentioned, storm detention is provided between North River Road and the development, and some storm detention is also provided on the east side of the development side. Single family plats are located on the east side of the plat and are at the lot minimum width of 50 feet. The remainder of the platted lots are reduced to 30 feet with the exception being along cul-de-sacs and around corner lots. The R3 zoning district has a provision to have a minimum of 25 foot lots when there is a non-single-family product, like a two-family or townhouse plat, as shown in this lot. Most of the townhouses are four-family, but two-family structures are also located around cul-de-sacs and in areas where four-family structures could not fit. Three common areas (shown as BLOCK areas in the plat) give access to Kreager Park, which is immediately to the east. A common area divides platted lots and the Bohrer Drain. The lots immediately to the east and west are developed, so no interconnection is needed to either of the sides. The ordinance would require interconnection to the north, where Paso Fino is located. An additional point of interconnection is provided to the north, which ultimately leads to a point of interconnection to Kensington Downs East. Floodplain is present on the site, so the applicant and the engineering professional will need to work with Department of Planning's floodplain manager and other regulatory agencies to successfully achieve the plat. If all is approved, this site will provide a diversity of housing choices with neighborhood amenities like walking paths and access to Kreager Park and the Rivergreenway.

Comprehensive Plan Review:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area; the following Goal and Strategies would be applicable:

LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

LUD1.3 - Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities

LUD 2.2 - Encourage rezoning petitions for properties that are within the Targeted Growth Areas and are contiguous to existing development

LUD4.2 - Encourage the development of zoning along with other tools and incentives to encourage the preservation of floodplains, wetlands, and other environmentally sensitive areas

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.

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request: **LUD Policy 1** - Support and promote a diversity of housing types within the applicable land use categories defined in this chapter.
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 Rural Agricultural designation.

Land Use Related Action Steps

- The following Action Steps would be applicable and supportive of this proposal:
HN1.1.4 - 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

- The proposal of R3 zoning designation compared to the rural agricultural designation can Potentially compatible in or adjacent to this Generalized Future Land Use Category with additional mitigation/consideration (i.e. written commitments, building design, enhanced landscaping, enhanced access and connectivity such as trails/sidewalks, shared access points/roads, street interconnections, etc.

Other applicable plans: none

PUBLIC HEARING SUMMARY:

Presenter: Tom Trent, representing the applicant, presented the request as outlined above. Mr. Trent discussed how the proposal meets the goals and policies of the Comprehensive Plan. He stated there is a need and desire for more housing choices in complete neighborhoods. Construction traffic will be kept to North River Road as much as possible.

Public Comments:

Kathy Haines, Rothbury Lane – Not opposed to project but concerned about traffic entering North River Road.
John McGauley, Grand Forest Court – Concerned about construction traffic and impacts from tree removal – dust, etc.

Lisa Greene, Savona Court – Concerns include construction traffic and flooding.

Bob Granger, Grand Forest Court – Concerned about drainage.

Closing Comments:

Mr. Trent reiterated that the majority of construction traffic will come from North River Road and there is a farm culvert in place now that will allow equipment to reach the site before the final bridge is built. Stub streets were constructed in Kensington Downs to encourage interconnectivity.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2023-0017

APPLICANT:	Zion Real Estate and Development
REQUEST:	Rezone property from AR/Low Intensity Residential and R1/Single Family Residential to R3/Multiple Family Residential for a 140-lot townhouse and single-family plat.
LOCATION:	8500 block of North River Road east of Kreager Park, 1800 feet west of its intersection with Landin Road (Section 2 of Adams Township)
LAND AREA:	29.447 acres
PRESENT ZONING:	AR/Low Intensity Residential and R1/Single Family Residential
PROPOSED ZONING:	R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0017 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 R3/ Multiple Family Residential zoning will continue the precedent of residential development in the northeast quadrant of the City. This proposal will provide adequate transition between Kreager Park and the low intensity east of the site.
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. Development will be routed to applicable agencies to mitigate impact on the current conditions in the area. The proposed development will compliment Kreager Park and will provide connectivity between the park, neighborhoods, and existing development in the general area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow investment into a currently vacant property.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site. Efforts to mitigate impacts of the mapped floodplain will be undertaken with the associated development.

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



Benjamin J. Roussel
Executive Director
Secretary to the Commission