

1           **#REZ-2023-0022**

2           **BILL NO. Z-23-06-04**

3  
4                           **ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

5                           **AN ORDINANCE amending the City of Fort Wayne**  
6                           **Zoning Map No. N-15 (Sec. 24 of Wayne Township)**

7  
8           BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
9           INDIANA:

10                       SECTION 1. That the area described as follows is hereby designated an R3  
11                       (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of  
12                       the City of Fort Wayne, Indiana:

13                       Lots Numbered One (1), Two (2), Three (3) and Four (4) in Doehrmann's Addition  
14                       to the City of Fort Wayne, Allen County, Indiana, as per plat thereof recorded in Plat  
15                       Record 12, page 36, in the Office of the Recorder of Allen County, Indiana

16                       and the symbols of the City of Fort Wayne Zoning Map No. N-15 (Sec. 24 of Wayne  
17                       Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
18                       Wayne, Indiana is hereby changed accordingly.

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

1  
2  
3 SECTION 3. That this Ordinance shall be in full force and effect from and after its  
4 passage and approval by the Mayor.

5 \_\_\_\_\_  
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

8 \_\_\_\_\_  
9 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-2023-0022  
Bill Number: Z-23-06-04  
Council District: 6-Sharon Tucker

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Introduction Date: June 6, 2023

Plan Commission  
Public Hearing Date: June 12, 2023 (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 0.56 acres from R1/Single Family to R3/Multiple Family Residential.

Location: 4601, 4607, 4611, and 4617 Lafayette Street

Reason for Request: To allow for a 16-unit apartment building.

Applicant: Jack Dadou

Property Owner: Jack Dadou

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Related Petitions: PDP-2023-0021 – Lafayette Apartments

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Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning district, which allows for single, two-family, and multiple family residential development.

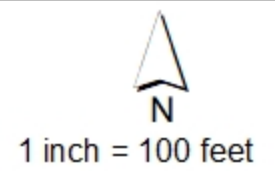
Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which may redevelop with single family residential uses.





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Date: 5/16/2023

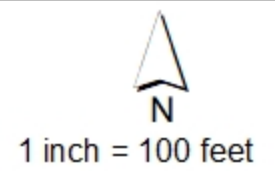






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Department of Planning Services  
Rezoning Petition Application

Applicant	Applicant <u>Jack Dadou</u>		
	Address <u>5733 S. Anthony Blvd.</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46806</u>
	Telephone <u>(248) 388-0104</u>	E-mail <u>jdvoicelink@yahoo.com</u>	

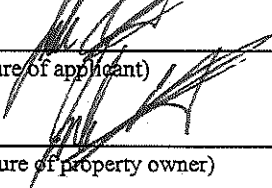
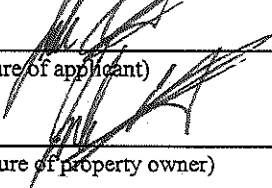
Contact Person	Contact Person <u>Derek Simon, PE (MLS Engineering, LLC)</u>		
	Address <u>10060 Bent Creek Blvd.</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46825</u>
	Telephone <u>260-489-8571 x2</u>	E-mail <u>derek@mlswebsite.us</u>	

*All staff correspondence will be sent only to the designated contact person.*  
Derek Simon: derek@mlswebsite.us    Brett Miller: brett@mlswebsite.us

Request	<input type="checkbox"/> Allen County Planning Jurisdiction <input checked="" type="checkbox"/> City of Fort Wayne Planning Jurisdiction	
	Address of the property <u>4601, 4607, 4611 &amp; 4617 Lafayette St, Fort Wayne, IN 46806</u>	
	Present Zoning <u>R1</u>	Proposed Zoning <u>R3</u>
	Acreage to be rezoned <u>0.56 Ac</u>	
	Proposed density <u>16 Units / 0.56 Ac = 28.6</u> units per acre	
	Township name <u>Wayne</u>	Township section # <u>24</u>
	Purpose of rezoning (attach additional page if necessary) _____ This petition is requesting to rezone property from R1 (Single Family Residential) to <u>R3 (Multi-Family Residential).</u>	
Sewer provider <u>City of Fort Wayne</u>		Water provider <u>City of Fort Wayne</u>

Filing Requirements	<i>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.</i>	
	<input checked="" type="checkbox"/> Applicable filing fee	
	<input checked="" type="checkbox"/> Applicable number of surveys showing area to be rezoned (plans must be folded)	
	<input checked="" type="checkbox"/> Legal Description of parcel to be rezoned	
N/A <input type="checkbox"/> 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.

<u>Jack Dadou</u> (printed name of applicant)	 (signature of applicant)	<u>5-2-23</u> (date)
<u>Jack Dadou</u> (printed name of property owner)	 (signature of property owner)	<u>5-2-23</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>May 2</u>	Receipt No. <u>143122</u>	Hearing Date <u>6-12-23</u>	Petition No. <u>RE2-2023-0022</u>
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PROPOSED FEATURES LEGEND

- = BUILDING FOOTPRINT
- = ASPHALT PAVEMENT
- = CONCRETE SIDEWALK / PAVEMENT
- = DRY DETENTION POND
- = GRASS
- = BUILDING SETBACK LINE
- = 6' PRIVACY FENCE
- = SHADE TREE
- = LARGE SHRUB

Derek J. Simon, PE

The concepts, ideas, designs, plans, details, etc. shown on this document are the property of M.S. Engineering, LLC, and were created for use on this specific project. None of the concepts, ideas, designs, plans, details, etc. shall be used by any person, firm, or corporation for any purpose without the expressed written consent of M.S. Engineering, LLC. The owner shall be permitted to retain copies for information and reference in connection with this project.

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10060 Bant Creek Boulevard  
Fort Wayne, IN 46825  
Phone: (260) 489-8971  
www.mlsewebsite.us

Memphis Office  
221 Tower Drive  
Memphis, TN 38122  
Phone: (901) 652-6166

PREPARED FOR:

Pranger Group Inc.  
343 Airport North  
Office Park  
Fort Wayne, IN 46825  
(260)-471-4901

REVISIONS:

Lafayette Apartments  
4601, 4607, 4611 & 4617 Lafayette Street  
Fort Wayne, IN 46806

Primary Development Plan

Landscape Plan

Date: 05/02/2023  
Design By: JJS  
Checked By: DJS  
Project No.: 23046905

Sheet Number

**PDP-2**

## FACT SHEET

Case #REZ-2023-0022		Bill # Z-23-06-04	Project Start: June 2023
APPLICANT:	Jack Dadou		
REQUEST:	Rezone property from R1/Single Family Residential to R3/Multiple Family Residential and to approve a primary development plan for a 16-unit multiple family complex.		
LOCATION:	4601 Lafayette Street, southeast corner of its intersection with East Sherwood Terrace (Section 24 of Wayne Township)		
LAND AREA:	0.56 acre		
PRESENT ZONING:	R1/Single Family Residential		
PROPOSED ZONING:	R3/Multiple Family Residential		
COUNCIL DISTRICT:	6-Sharon Tucker		
SPONSOR:	Fort Wayne Plan Commission		

### June 12, 2023 Public Hearing

- One resident spoke in support.
- Six residents spoke in opposition or with concern.
- All Plan Commission members were present.

### June 26, 2023 Business Meeting

#### Plan Commission Recommendation: DO PASS

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

#### 6-2 MOTION PASSED

- Tom Freistroffer was absent.
- Karen Richards and Rachel Tobin-Smith voted nay.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
July 19, 2023

## PROJECT SUMMARY

- The property consists of the former Low Bob's Discount Tobacco and several unimproved platted lots.

The petitioner requests a rezoning from R1/Single Family Residential to R3/Multiple Family Residential to permit a two-story 16-unit multiple family complex. The project is located on the southeast corner of the intersection of East Sherwood Terrace and South Lafayette Street. The surrounding area is zoned R1/Single Family Residential and consists of single-family homes in all directions. The property itself consists of four platted lots, two of which were used most recently for Low Bob's Discount Tobacco. The other two lots to the south have been unimproved for decades according to GIS aerial photography. The commercial structure on the property was constructed around 1940 according to tax information provided by the Allen County Assessor. The site also has several approvals from the Board of Zoning Appeals with the most recent approval coming in 1996.

The site plan includes a 2-story 5,075 square foot structure (10,150 sq ft total). The site is designed to gain access from the alley on the east side of the property with no access to Lafayette Street or Sherwood Terrace. The Zoning Ordinance requires 1 parking space per 1- or 2-bedroom unit. The proposed plan shows 21 parking spaces. Zoning ordinance required landscaping is shown surrounding the site. The applicant has not requested any waivers and will meet all zoning ordinance requirements.

## COMPREHENSIVE PLAN REVIEW

### Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Priority Investment Area. This first tier of infill includes areas well-served by infrastructure with established traditional neighborhood patterns and opportunities for investment that will lead to more complete neighborhoods with good access to amenities
- The following Goal would be applicable and supportive of this request:  
**LOUD1.** 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 1.** Support and promote a diversity of housing types within the applicable land use categories defined in this chapter.

### Generalized Future Land Use Map

- The project site is located within the Traditional Neighborhood generalized land use category.
- A Secondary Land Use in this category is Multiple-Family Residential.
- Adjacent properties are categorized as Traditional Neighborhood.

### Overall Land Use Related Action Steps

- The following Action Step is directly applicable to the request:  
**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 is permitted in R3/Multiple Family Residential which is considered compatible with Traditional Neighborhood.

### Other Applicable Plans: Southeast Strategy 2021

- Community & Pride: Infill development and redevelopment in existing residential and commercial areas should respect and complement historic and surrounding development patterns including mix of uses, lot sizes, development standards and building forms.

Based on review of the Comprehensive Plan, the proposal would be compatible with adjacent development. The Comprehensive Plan encourages a mixture of densities and housing types within neighborhoods. The zoning ordinance requires increased setbacks for taller buildings and landscape standards specific to multiple family developments. The particular lots face Lafayette Street, a busy thoroughfare, which could be less desirable for new single family houses.

. The applicant submitted the following information related to the criteria set forth in state code:

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 proposed rezoning petition and accompanying primary development plan for a multifamily residential apartment dwelling are a good example of responsible infill development within City limits. There is an existing one-story, vacant structure located on the subject property which does not conform to existing setback or zoning standards; therefore, the proposed development presents a good opportunity to amend the zoning and bring the parcel into compliance with current zoning ordinance standards. This area is well-served by existing utility infrastructure (sewer, water, gas, etc.), while being located within walking distance of Lafayette Park, less than a mile from school systems (Harrison Hill Elementary & Towles Intermediate), and less than a mile from commercial Amenities (Southgate Shopping Center).*
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 surrounding area is heavily developed with single-family residential housing. The proposed development will maintain the residential use while providing a housing alternative in the area, as well as removing a vacant commercial structure from the neighborhood. The proposed development meets all requirements of the Fort Wayne zoning ordinance; therefore, will not have an adverse impact on the current conditions in the area.*
3. Approval is consistent with the preservation of property values in the area. *The proposed apartment dwellings will be rentals; therefore, maintenance personnel will be hired to keep both the structure and property in good condition. Additionally, a deteriorating, vacant commercial structure, and parking lot, which were constructed around 1940 will be removed and replaced with a newly constructed apartment dwelling and associated pavement infrastructure. This, along with appropriate landscape & fence screening/buffering along the southern & eastern property boundaries, should preserve, if not inflate, surrounding property values.*

4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

*The proposed rezoning and accompanying primary development plan for a multi-family residential apartment dwelling are consistent with existing use in the area in the way that residential use will be maintained within a district intended for residential use. This development will present a new housing option (apartments), which does not appear to be a current option in this immediate area today, which should be desirable due to its proximity to Lafayette Park, school systems, and Southgate Shopping Center. Other multi-family residential developments, including Black Pine Flats (1004 Fayette Dr, Fort Wayne, IN 46816), Stephanie Villas (1418 Fayette Dr, Fort Wayne, IN 46186), and Tamara Gardens Apartments (6825 John St, Fort Wayne, IN 46816) have been established in a similar way within a 1.5-mile radius of the proposed development. These apartment complexes are also surrounded by single-family residential housing.*

#### **PUBLIC HEARING SUMMARY:**

Presenter: Rob Kruger, represented the developer and presented the request as outlined above. Mr. Kruger stated that the proposal is in compliance with the Comprehensive Plan, close to parks and groceries and will add housing diversity to the area.

#### Public Comments:

Grant Walmer, Maple Grove – poke in favor of the request as the project site is close to schools, parks and a prime location for additional density.

Jose Roble, Avondale – Concerns include traffic, noise, parking, crime and property values.

Jeff Calder, South Lafayette – Concerns include traffic, kids cutting through properties, area should stay single family.

Donna Hampton, East Sherwood Terrace – Concerns include traffic, noise, parking, crime and property values.

John Lehner, Lafayette Esplanade – Concerns include landscaping, lack of cross walk, narrow sidewalks, accidents and traffic.

Alejandra Licon, Warsaw Street – Concerns include traffic, and accidents.

Maria Martinez, Avondale - Concerns include traffic, children, busy intersection.

#### **POST HEARING/BUSINESS MEETING UPDATE:**

At the June 26 Business Meeting the Plan Commission gave a DO PASS recommendation to the rezoning but deferred action on the Development Plan for a new conceptual elevation and written commitment that better matches the character of the neighborhood. At the July 17 Business Meeting the Plan Commission approved the new elevations and written commitment to accompany the Development Plan.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2023-0022

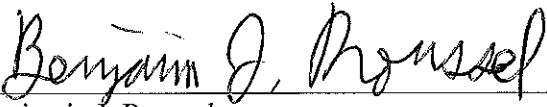
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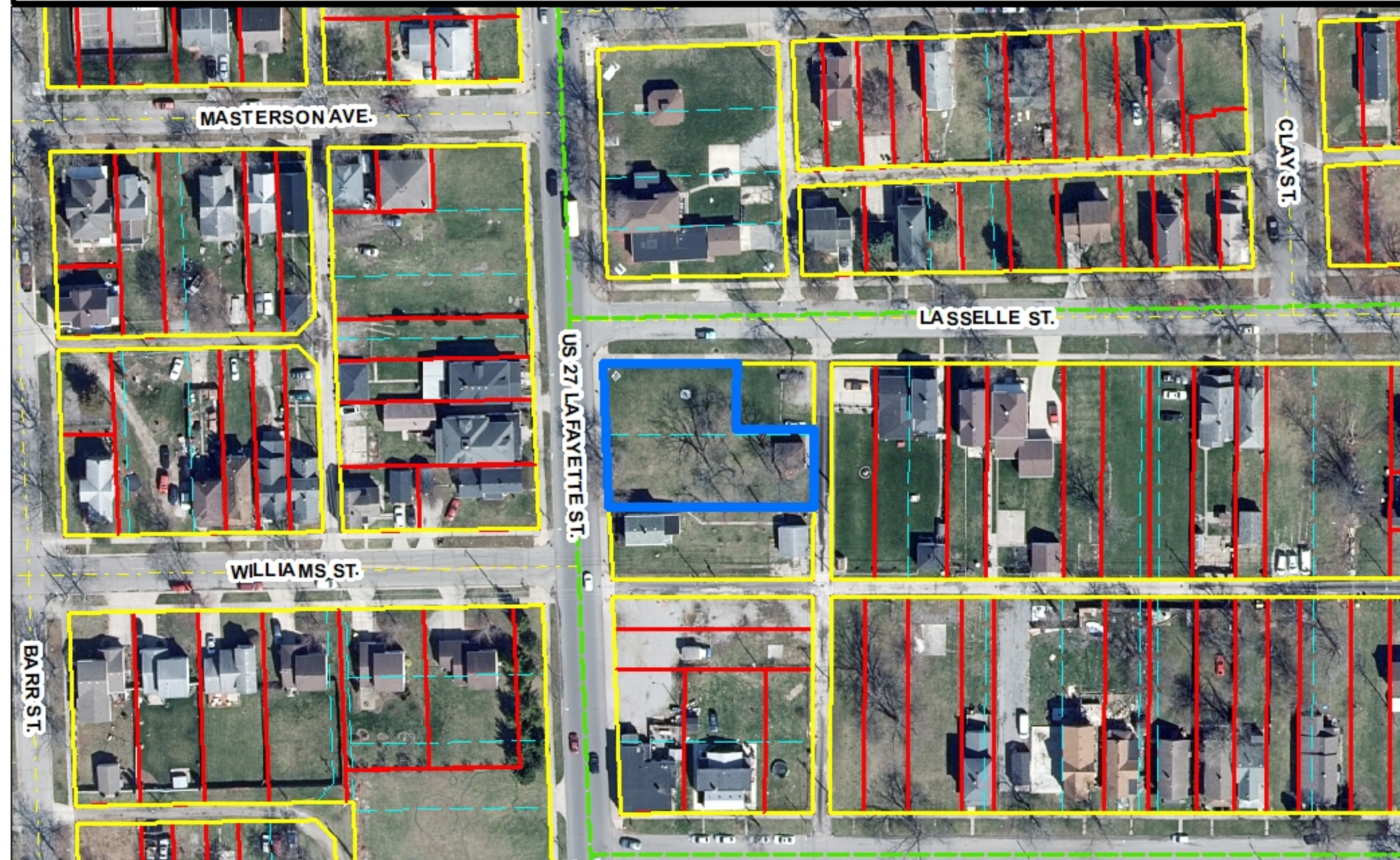
**The Plan Commission recommends that Rezoning Petition REZ-2023-0022 be returned to Council, with a “Do Pass” recommendation after considering the following:**

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 southeast quadrant of the city and fulfill several action steps of the Southeast Strategy for quality housing. The project site is located within the Priority Investment Area. This first tier of infill includes areas well-served by infrastructure with established traditional neighborhood patterns and opportunities for investment that will lead to more complete neighborhoods with good access to amenities.
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 applicant is proposing to introduce a multiple family zoning that will remove a small commercial building. The proposed multiple family complex will also be placed on several lots that have been undeveloped for decades.
3. Approval is consistent with the preservation of property values in the area. The site has historically been underdeveloped with half of the site vacant. The surrounding area has already been developed. This proposal will allow reinvestment in the southeast quadrant of Fort Wayne.
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. The rezoning is consistent with adjacent residential zoning to the north, south, east, and west.

These findings approved by the Fort Wayne Plan Commission on June 26, 2023.

  
Benjamin J. Roussel  
Executive Director  
Secretary to the Commission





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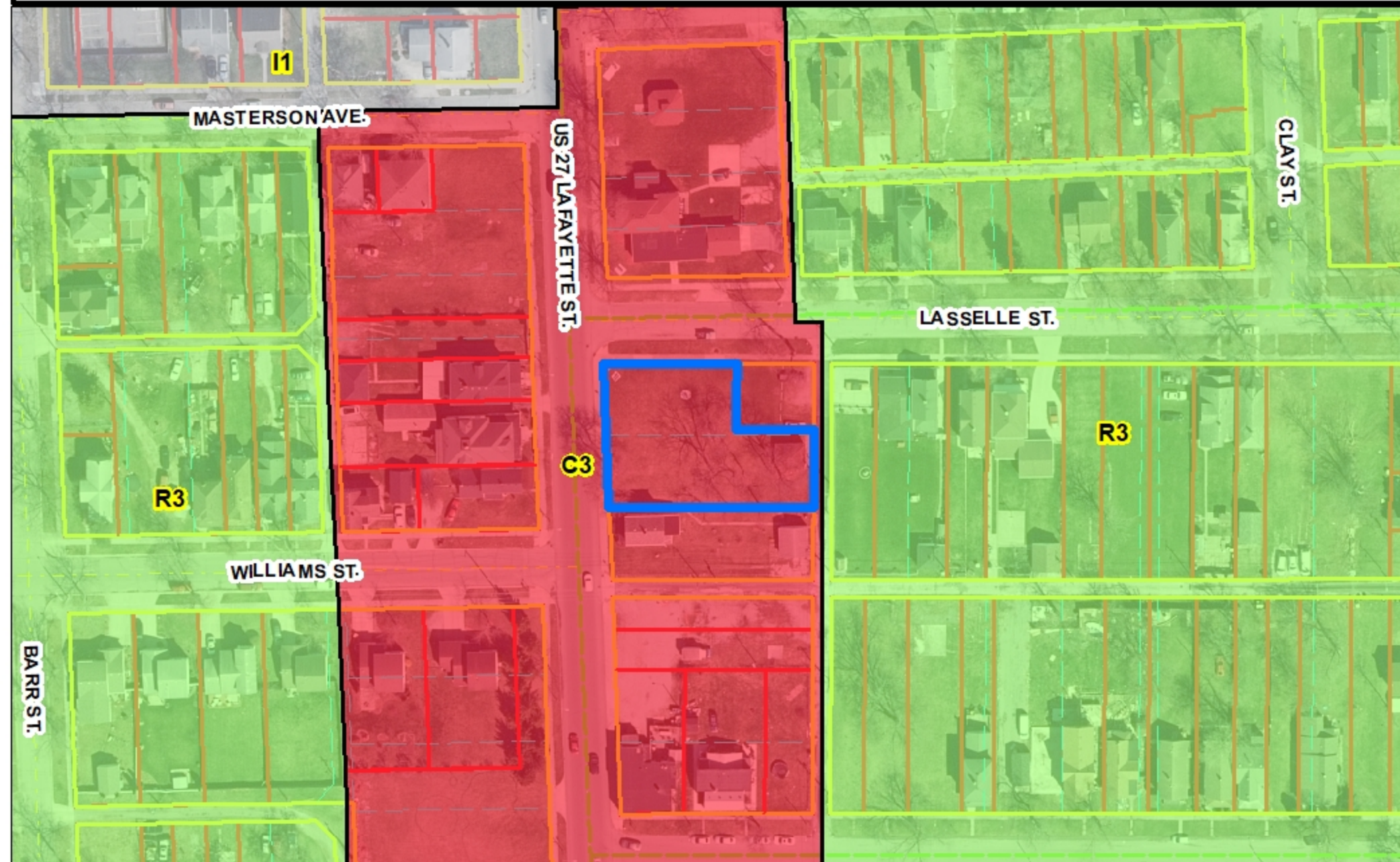
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0 50 100 Feet



1 inch = 100 feet





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- = SHADE TREE
- = LARGE SHRUB

**Scale**  
10 5 0 10  
Scale 1 in. = 10 ft.

**Professional Engineer Seal**  
Derek J. Simon, PE  
No. PE11500716  
State of Indiana  
Professional Engineer

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343 Airport North  
Office Park  
Fort Wayne, IN 46825  
(260)-471-4901

REVISIONS:

**Lafayette Apartments**  
4601, 4607, 4611 & 4617 Lafayette Street  
Fort Wayne, IN 46806  
**Primary Development Plan**  
**Landscape Plan**

Date: 05/02/2023  
Design By: JJS  
Checked By: DJS  
Project No.: 23046905  
Sheet Number

**PDP-2**







## **WRITTEN COMMITMENT**

**THIS WRITTEN COMMITMENT** (“Commitment”) is made by Jack Dadou (collectively, “Declarant”), and is made effective as of the date of the approval of the Development Plan (as defined below).

### **WITNESSETH:**

**WHEREAS**, Declarant is the owner of certain real estate located in Fort Wayne, Indiana, by virtue of that certain deed recorded on \_\_\_\_\_, in the Office of the Recorder of Allen County, Indiana, as Document No. \_\_\_\_\_; and

**WHEREAS**, Declarant has applied for primary development plan approval PDP-2023-0023 (“Development Plan”) from the City of Fort Wayne, Indiana Plan Commission, which application has been approved on July 17, 2023; and

**WHEREAS**, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of committing regarding the exterior design elements of the improvements to be constructed and located on the Real Estate; and

**WHEREAS**, in conjunction with the Petition, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon Plan Commission’s approval of the Development Plan.

**NOW, THEREFORE**, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Exterior Appearance and Design. The exterior design and appearance of the multi-family residential building to be constructed on the Real Estate shall contain exterior design elements such that the structure shall be consistent with the historic character of the surrounding homes. The conceptual drawings attached hereto as

Exhibit “A” are indicative of the themes of the exterior design which will be present on the building as actually constructed, including a pitched roof.

2. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.
3. Enforcement. Any violation of this Commitment shall be deemed a violation of the Zoning Ordinance; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the Zoning Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated in the Zoning Ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The Plan Commission enforcement rights are cumulative, not exclusive.
4. Amendment or Termination. This Commitment may be modified or terminated in accordance with the Zoning Ordinance and I.C. 36-7-4-1015, as they may be amended from time-to-time.
5. Effective Date. This Commitment shall be deemed effective upon the Commitment being duly recorded in the Office of the Recorder of Allen County, Indiana.
6. Statutory Authority. This Commitment is pursuant to I.C. 36-7-4-1015.
7. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.



8. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

“DECLARANT”

\_\_\_\_\_  
Jack Dadou

STATE OF INDIANA        )  
                                      ) SS:  
COUNTY OF ALLEN        )

Before me, the undersigned, a Notary Public, in and for said County and State, this \_\_\_\_ day of June 2023, personally Jack Dadou and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

Pursuant to IC 36-2-11-15(d): I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert C. Kruger

**Prepared by: Robert C. Kruger, 200 East Main Street, Suite 1000, Fort Wayne, IN 46802, Atty. No. 22738-02;  
Telephone: (260) 426-1300; Attorney No. 22738-02**

**When recorded, return to: Department of Planning Services, 200 East Berry, Suite 150, Fort Wayne, IN 46802**