1 #REZ-2023-0057 2 BILL NO. Z-23-11-29 3 4 ZONING MAP ORDINANCE NO. Z-\_\_\_ 5 AN ORDINANCE amending the City of Fort Wayne 6 Zoning Map No. T-38 (Sec. 16 of Saint Joseph Township) 7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, 8 INDIANA: 9 SECTION 1. That the area described as follows is hereby designated a R2 (Two 10 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City 11 of Fort Wayne, Indiana: 12 TITLE DESCRIPTION 13 14 AN UNDIVIDED ONE HALF (1/2) INTEREST IN THE FOLLOWING DESCRIBED 15 REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA: 16 PART OF THE EAST ONE HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 13 EAST, MORE PARTICULARLY DESCRIBED AS 17 FOLLOWS: 18 BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 16, SAID POINT BEING 870 FEET WEST OF THE SOUTH QUARTER CORNER OF SAID SECTION 16; 19 THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 94 FEET; THENCE NORTHERLY A DISTANCE OF 250 FEET TO A 20 POINT WHICH IS 966 FEET WEST OF THE EAST LINE OF THE SOUTHWEST OUARTER OF SAID SECTION 16; THENCE EASTERLY AND PARALLEL TO THE 21SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 94 FEET; THENCE SOUTHERLY, A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING, 22 CONTAINING 0.49 ACRES, MORE OR LESS. 23 COMMONLY KNOWN AS: 5231 ST JOE CENTER ROAD, (EAST OF), FORT WAYNE, 24 IN 46835 25 26 and the symbols of the City of Fort Wayne Zoning Map No. T-38 (Sec. 16 of Saint Joseph 27 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort 28 Wayne, Indiana is hereby changed accordingly. 29

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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-2023-0057
Bill Number: Z-23-11-29
Council District: 1 – Paul Ensley

Introduction Date: November 28, 2023

Plan Commission

Public Hearing Date: December 11, 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 0.49 acres from R1/Single Family Residential to

R2/Two Family Residential

Location: North side of the 5200 block of Saint Joe Center Road (Section 16 of Saint

Joseph Township)

Reason for Request: To allow for a two-family dwelling

Applicant: CCS Investments, LLC

Property Owner: CCS Investments, LLC

Related Petitions: None

Effect of Passage: Property will be rezoned to the R2/Two Family Residential zoning

district, which will allow for a two-family dwelling, along with existing and

future two-family and single-family residential uses.

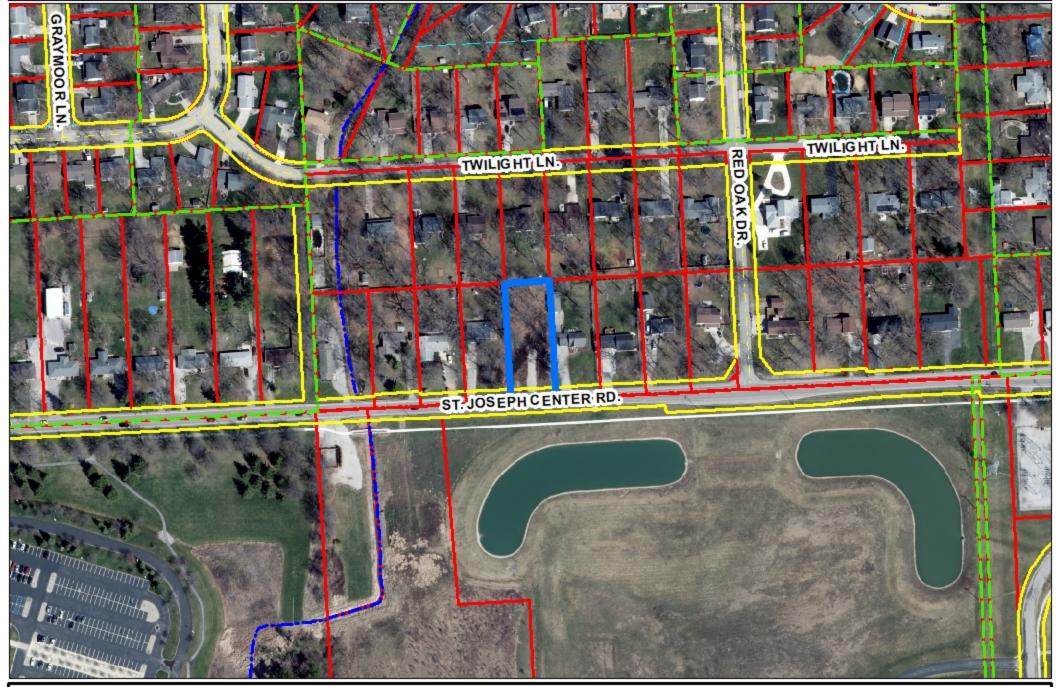
Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which

does not permit a two-family dwelling. The site may be redeveloped with

single-family residential uses.







Atthough 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 dischims any and all liability neutiting from any amoror emission in this map.

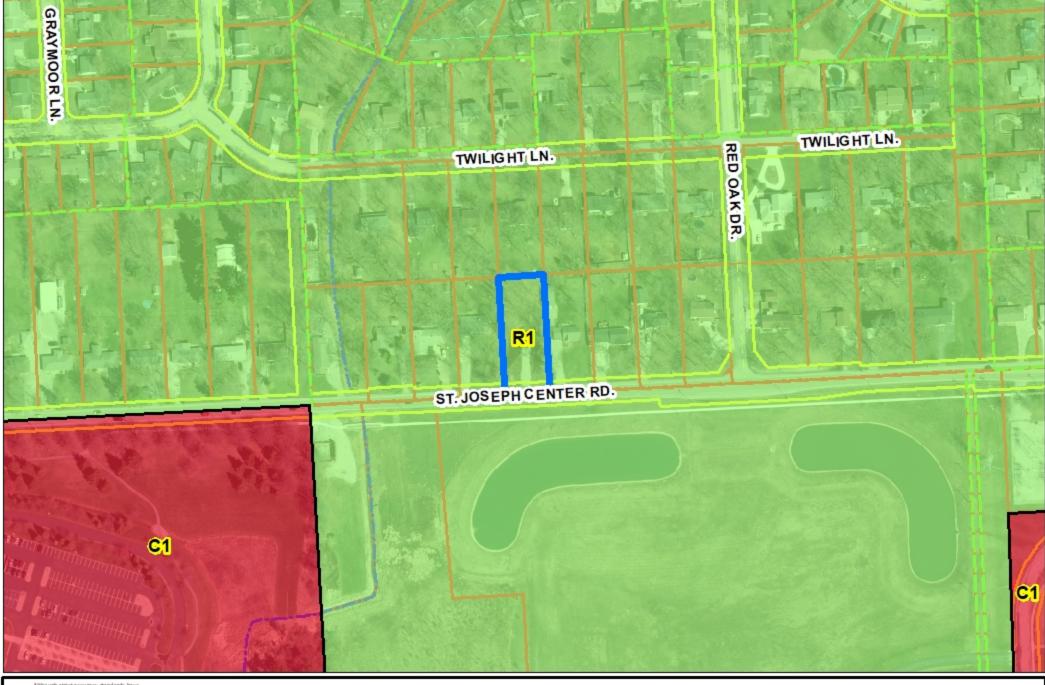
12:004 Board of Commissioners of the County of Allen North American Basses 1985
State Plane Coordinate System, Indiana East Photos and Contours: Spring 2019
Base: 11:17:2:025











here employ ad in the compilation of this map,
Allen County does not warrant or guarantee
the accurrey of the infor mation contained herein
and disclaims any and all liability neutiting from
any emprore orinistion in this map.

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North American Busin 1985
State Plane County and as System, Indiana East
Photos and Contours: Spring 2009
Elase: 11/17-0235





223320 Department of Planning Services Rezoning Petition Application CCS INVESTMENTS, LLC 7621 IDLEBROOK DRIVE Applicant City FORT WATNE State INDIANA ZIP 46835 Telephone (260) 452-6005 E-mail Chriscammack92egmail. Com CCS Investments, LLC. 7621 IDLEBROOK DRIVE Property City FORT WAYNE STATE INDIANA ZID 46835 Telephone (260)452-6005 E-mail Chriscammack92@gmail. Com Contact Person CHRISTOPHER CAMMACK OWNER Address 7621 IDLEBROOK DRIVE City FORT WAYNE State INDIANA Zip 46835 Telephone (260) 452-6005 E-mail Chriscamm ack 92 eqmail. Com All staff correspondence will be sent only to the designated contact person. Allen County Planning Jurisdiction 🏇 City of Fort Wayne Planning Jurisdiction T3IN, RIBE Address of the property 5200 Block St. JOE Cryfewnship and Section SECT 16 Present Zoning R-1 Proposed Zoning R-2 Acreage to be rezoned 0, 49 ± Purpose of rezoning (attach additional page if necessary) To REZONE SINGLE RESIDENCE UNBUILT PARCEL TO A R-2 FOR CONSTRUCTION OF A 2 STORY SINGLE BLOG. DUPLEX UNIT W/SINGLE GARAGE FOR EACH UNIT, City of FT. WATNETER provider CITY OF FT. WATNE EXISTING UTILITIES AVALABLE Applications will not be accepted unless the following filing requirements are submitted with this application. Filing fee \$1000.00 Surveys showing area to be rezoned Legal Description of parcel to be rezoned Rezoning Criteria (see attached checklist) 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 Fort Wayne and Allen County Plan Commissions 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 Christopher Cammack 11-6-23 Chrones Ci (signature of applicant) (printed name of applicant)

CCS Investments

Chrones C,

11-6-23

(printed name of property owner)

(signature of property owner)



Received

Receipt No.

Hearing Date

Petition No.

11.7.23 1444406

12.11.23 DE-1013-0057

Department of Planning Services \* 200 East Berry Suite 150 \* Fred Phone (260) 449-7607 \* Fax (260) 449-7682 \* www.affencounty.co





DEPARTMENT OF PLANNING SERVICES 200 East Berry Street Suite 150 Fort Wayne, Indiana

Attn Nathan Schall

Planner

Re: CCS Investments, LLC

5700 St. Joe Center Road Fort Wayne, In. 46835

Proposed Lot Rezoning Request

The following response to the Rezoning Questionnaire Items are as follows:

### (1) The Comprehensive Plan:

As noted in the Comprehensive Plan Report, many neighborhoods have worsened over the past decade. The areas to the South side of the 5200 block of St. Joe Center Road have developed into Commercial uses over the past 15 years. This Parcel has been undeveloped for at least the same amount of time, with several attemps to build and No action being completed. The R-1 to R-2 Zoning change would maintain the Residential intent and allow the development of this parcel and returning it to a use as originally intended and complete the fabric of the developing Neighborhood.

### (2) Current Conditions and Character:

The present R-1 property Zoning has remained an overgrown and undeveloped parcel within the established Residential Development for over 15 years. The current value to the adjcent properties within the neighborhood has been low to the its current undeveloped condition as it exists today. The exist adjacent Single Family home values will be increased by the Approval of the proposed development of this Parcel to R-2.

The Rezoning for the Proposed Residential style Duplex Unit would consist of ONE wood framed Duplex (Two Family) building that is current located on the Fourth lot West of this Parcel request, and is located at 5211 St. Joe Center Rd. and is zoned as R-1 as per Planning Maps. This lot is about 1/4 mile from the rquested rezoning and within the same developed neighborhood area as well.

The current Residences are of both one and two story type wood framed structures with misc. out buildings and improvements.

### (3) The most desirable use:

The most desirable use would be to continue use as a Residential use, but the current condition and past attempts for use as a single Family type of structure has failed due to existing Site conditions and adjacent lots. The parcel to be developed for a Duplex

with approval of the Rezoning will allow for the lot improvement and project costs to be shared by a New Single Residential structure with 2 units to be constructed. bugle head screws at 12" on center. To install the Second layer of 5/8" thk. F.C. rated Gypsum Board horizontally with the finished face to be towards the interior space using No. 6 bugle head screws x 1-7/8" long at 8" on center. To be fire taped

## (4) The Conservation of Property values:

The current lot condition has not had a beneficial value to the adjacent properties to the North, East and West of this parcel. To clear the overgrown brush, trees and rework the low ground lying levels of this parcel and the construction of a New Residential Duplex structure would improve the values of the adjacent properties. rework the low ground lying levels of this parcel and the construction of a New

The proposed Duplex Building is typical to the Multiple Unit types that has been approved and is currently under construction for the St. Joe Cottages project that is west of this Rezoning request and located at 5971 thru 6097 St. Joe Center Road.

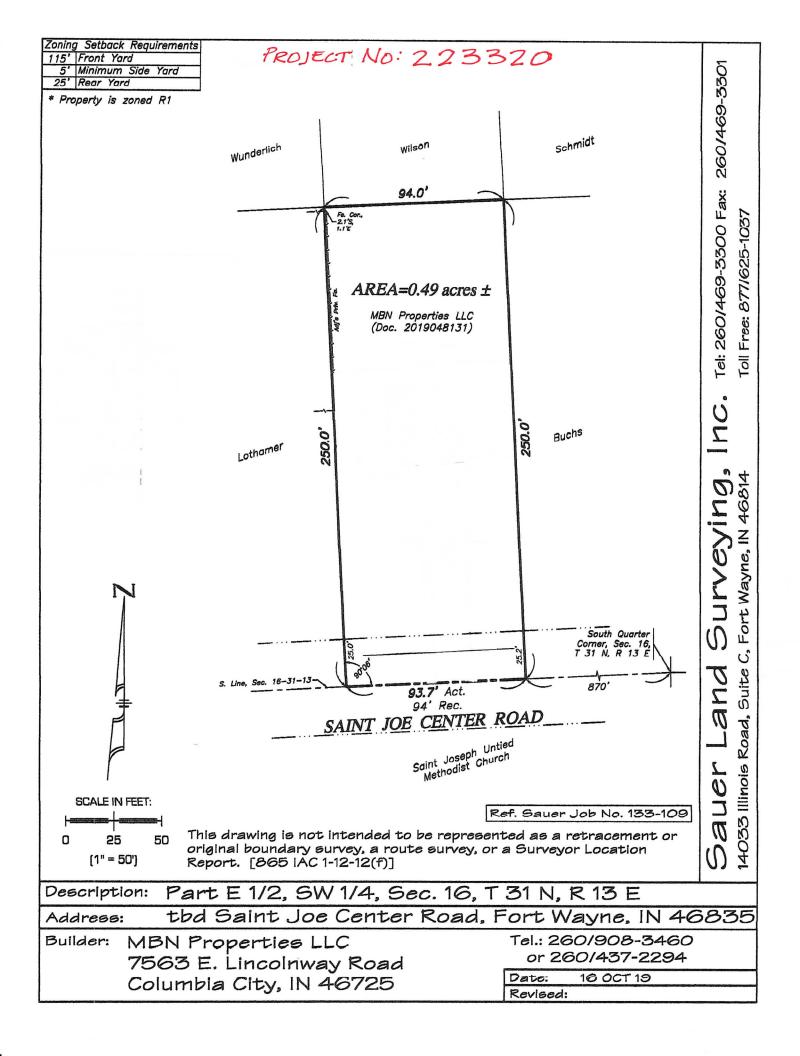
## (5) Responsible development and Growth:

Responsible Development and Growth would be maintained by the completion and construction of the single Duplex type 2 Story Residential Project versus the parcel remaining as an undesirable, overgrown lot within the current neighborhood.

Respectfully;

John J. Police, Pres., CPBD, NCBDC, Educ-Ret.

Concept One Designs, LLC.



223320 (6277 St. Joe Conte.)

2019056983 RECORDED: 11/05/2019 02:04:40 PM ANITA MATHER ALLEN COUNTY RECORDER FORT WAYNE, IN

IN 1912-36

St. Joe 12202172

## WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Lawrence A. Pepe, by his duly appointed Attorney-in-Fact, Maria T. Austin, pursuant to the Durable Power of Attorney dated October 9, 2014, and of record with the Office of the Recorder for Allen County as Document Number 2019056982, ("Grantor") Convey(s) and Warrant(s) To MBN Properties, LLC, ("Grantee") in consideration of One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County, in the State of Indiana:

an undivided one half (1/2) interest in the following described real estate located in allen county, indiana:

PART OF THE EAST ONE HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 13 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 16, SAID POINT BEING 870 FEET WEST OF THE SOUTH QUARTER CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 94 FEET; THENCE NORTHERLY A DISTANCE OF 250 FEET TO A POINT WHICH IS 966 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 94 FEET; THENCE SOUTHERLY, A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING, CONTAINING 0.49 ACRES, MORE OR LESS.

COMMONLY KNOWN AS: 5231 ST JOE CENTER ROAD. (EAST OF), FORT WAYNE, IN 46835

SUBJECT TO all easements, covenants, conditions, and restrictions of record.

SUBJECT TO all current real estate taxes and assessments and all subsequent taxes and assessments, whether due and owing now or in the future.

The undersigned person(s) executing this deed represent(s) and certify(certifies) on behalf of the Grantor, that (each of) the undersigned has been fully empowered by Power of Attorney, to execute and deliver this deed, and that the Grantor has full legal capacity to convey the real estate described, and that all necessary action for the making of this conveyance has been duly taken.

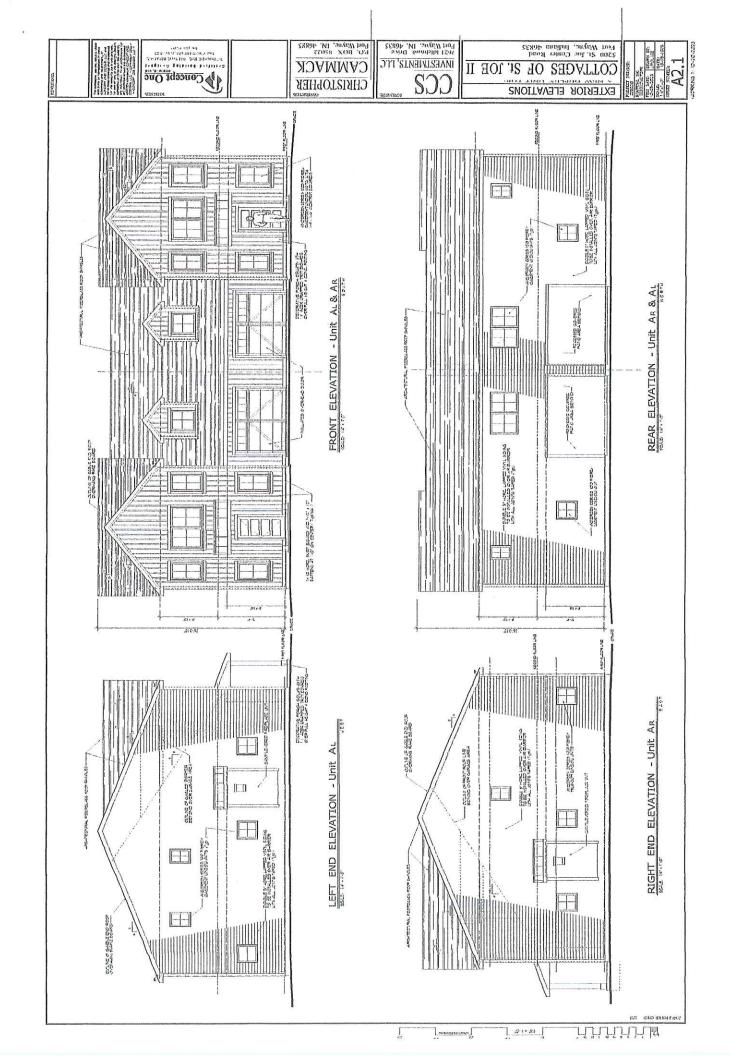
IN WITNESS WHEREOF, the undersigned has executed this deed this \_\_\_\_\_ day of \_\_\_\_\_\_, 20\_19.

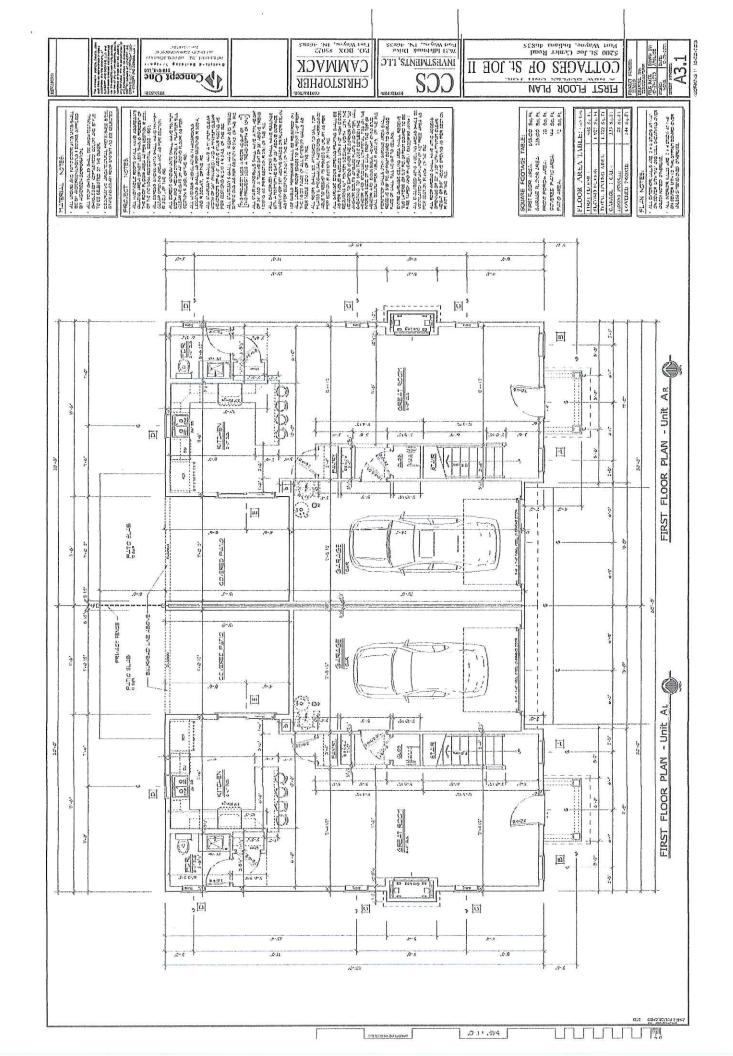
AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.
Nov 05 2019
Nicholas D Jordan
AUDITOR OF ALLEN COUNTY

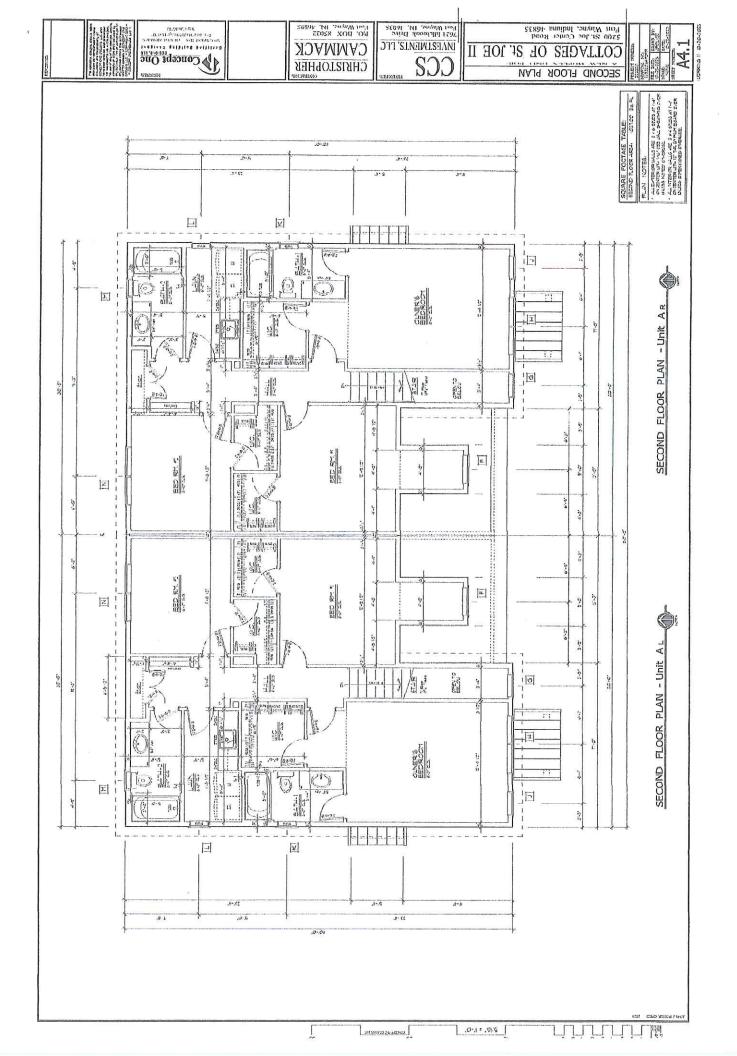
P.O. BOX 85022 Fort Wayne, 1N. 46885

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5200 St. Joe Center Road Fort Wayne, Indiana 46825







### **FACT SHEET**

Case #REZ-2023-0057 Bill # Z-23-11-29 Project Start: November 2023

APPLICANT: CCS Investments, LLC

REQUEST: To rezone approximately 0.49 acres from R1/Single Family Residential

to R2/Two Family Residential to allow for a two-family dwelling.

LOCATION: North side of the 5200 block of Saint Joe Center Road (Section 16 of

Saint Joseph Township)

LAND AREA: 0.49 acres

PRESENT ZONING: R1/Single Family Residential PROPOSED ZONING: R2/Two Family Residential

COUNCIL DISTRICT: 1 – Paul Ensley

SPONSOR: Fort Wayne Plan Commission

#### **December 11, 2023 Public Hearing**

- One property owner stated concerns
- Tom Freistroffer and Ryan Neumeister were absent.

#### **December 18, 2023 Business Meeting**

#### Plan Commission Recommendation: DO PASS

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

#### 6-0-1 MOTION PASSED

- Paul Sauerteig and Rick Briley were absent.
- Ryan Neumeister abstained from voting.

Fact Sheet Prepared by: Karen Couture, Associate Land Use Planner December 18, 2023

#### PROJECT SUMMARY

- The property is an unplatted metes and bounds parcel.
- The property has been vacant since 1938 according to GIS historical imagery.

The petitioner requests to rezone the 0.49 acre parcel from R1/Single Family Residential to R2/Two Family Residential to permit a duplex. The area completely surrounding the property is also zoned R1/Single Family Residential with the majority of those properties having single family dwellings. There are a few spots of commercial zoning to the southwest and southeast which are established with several medical offices and a health club. The proposed duplex will be a two-story single building with two units and a single garage for each unit. The applicant submitted several detailed site plans, including first and second floor plans, along with a rendition of the proposed completed structure. Although the parcel has been historically vacant, the required utilities are accessible. This rezoning which permits a two-family dwelling, will follow the Comprehensive Plan regarding Urban Infill and mixed-use development.

#### **COMPREHENSIVE PLAN REVIEW**

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

• The project site is located within the Urban Infill Area; the following Goals and Strategies 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: LUP1 – 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. The primary land use in this category is single-family detached, and single-family attached residential is a secondary land use. Adjacent properties are categorized as Traditional Neighborhood and Open Space.

#### **Compatibility Matrix**

• This proposed use would fall into the R2/Two Family Residential zoning district which is considered compatible with the Traditional Neighborhood uses adjacent to the north, east, and west. It is also compatible with the Open Space uses adjacent to the south.

Other applicable plans: No additional applicable plans.

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

<u>Presenter</u>: John Police, representing the property owner, presented the request as outlined above. Chris Cammack, developer, followed up with clarification/answers to questions from Commission.

#### **Public Comments:**

Chris Buchs (5315 Saint Joe Center Rd): Concerns with drainage.

<u>Closing Comments:</u>
Chris Cammack stated they understand the drainage concerns and will do their best to address this.

#### FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

### Rezoning Petition REZ-2023-0057

APPLICANT:

**CCS Investments** 

REQUEST:

To rezone property from R1/Single Family Residential to R2/Two Family

Residential for a proposed duplex.

LOCATION:

5277 Saint Joe Center Road, 400 feet west of its intersection with Red Oak

Drive (Section 16 of Saint Joseph Township)

LAND AREA:

0.49 acre

PRESENT ZONING: PROPOSED ZONING:

R1/Single Family Residential R2/Two Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2023-0057 be returned to Council, with a "Do Pass" recommendation after considering the following:

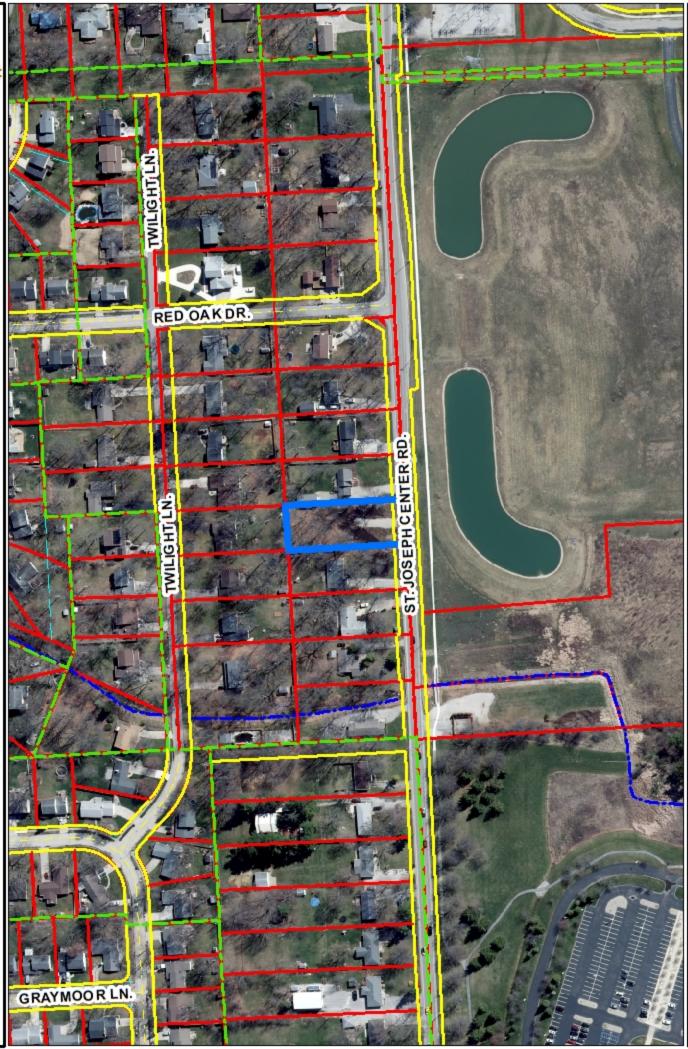
- 1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. The district complies with the "Traditional Neighborhood" generalized land use category, bringing single-family attached residential uses to the northeast quadrant of Fort Wayne.
- 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 majority of the development along this area of Saint Joe Center Road is residential with a mixture of single-family detached and attached homes.
- 3. Approval is consistent with the preservation of property values in the area. The R2 zoning district should allow for easier reinvestment for the applicant, as the development standards will align with the existing R1 zoning and residential uses in the area. This could preserve, if not improve, property values.
- 4. Approval is consistent with responsible development and growth principles based on existing uses in the area. The project site promotes development within an Urban Infill Area, as the lot has been historically vacant. The construction of a duplex will also support the overall land use policy of a diversity in housing types.

These findings approved by the Fort Wayne Plan Commission on December 18, 2023.

Benjamin J. Roussel Executive Director

Secretary to the Commission



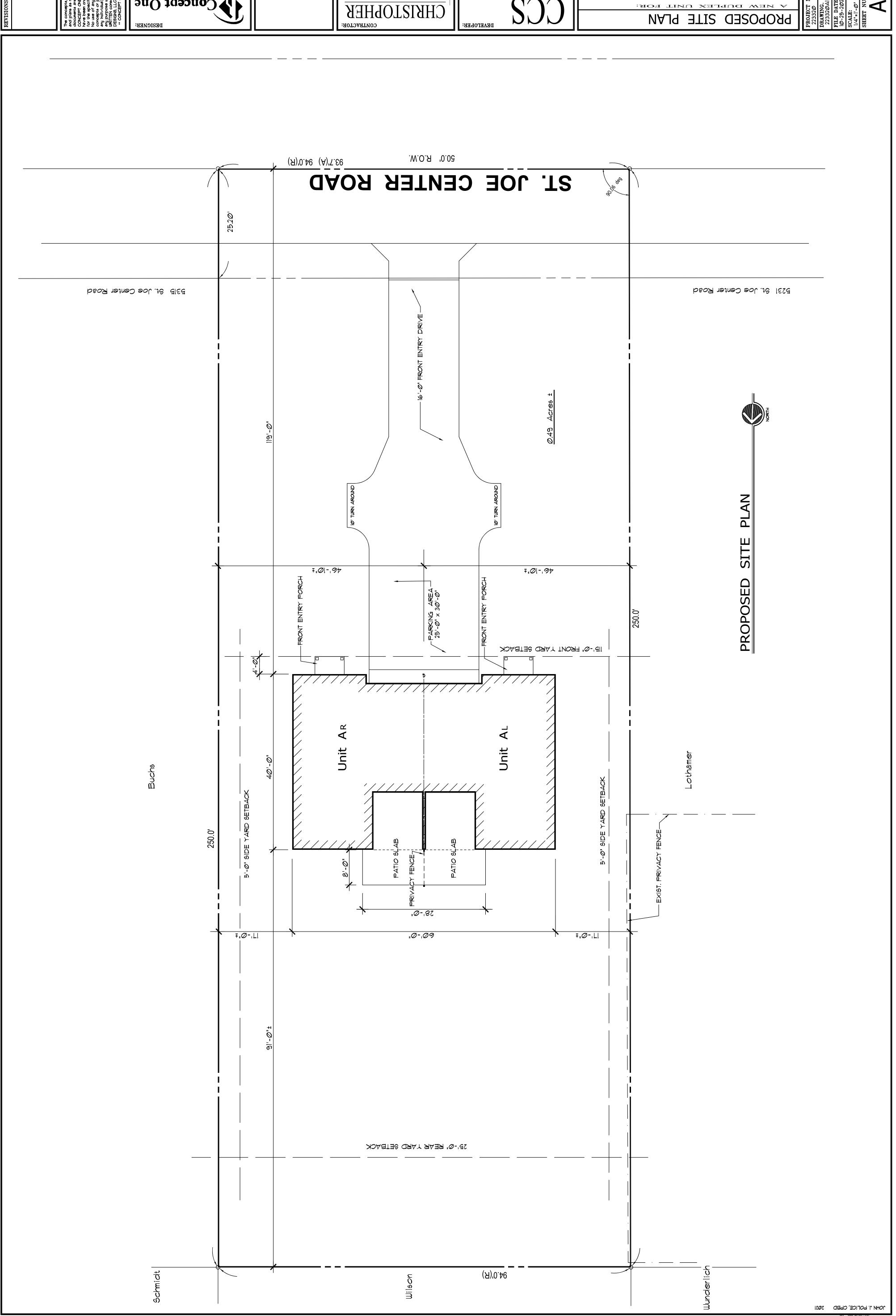


1 inch = 200 feet



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1 inch = 200 feet



P.O. BOX 85022 Fort Wayne, IN. 46885

CYMWYCK

Concept One

7621 Idlebrook Drive Fort Wayne, IN. 46835

INVESTMENTS, LLC

5200 St. Joe Center Road Fort Wayne, Indiana 46835

