

1
2 #REZ-2023-0062

3 BILL NO. Z-24-01-04

4 ZONING MAP ORDINANCE NO. Z-_____

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. U-42 (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 R3 (Multiple
10 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 Doc.#890027043

13 A tract of ground situated in the Southeast Quarter of the Northeast Quarter of
14 Section 16, Township 31 North, Range 13 East, more particularly described as
15 follows: The North 200 feet of the South 640 feet of the East Half of the Southeast
16 Quarter of the Northeast Quarter of the aforesaid section.

17 EXCEPT THEREFROM

18 Doc.#960048662

19 A part of the East Half of the Southeast Quarter of the Northeast Quarter of Section
20 16, Township 31 North, Range 13 East, Allen County, Indiana, described as follows:
21 Beginning on the east line of said section, North 0 degrees 14 minutes 15 seconds
22 East, 440.00 feet from the southeast corner of said quarter-quarter section, which
23 point of beginning is the southeast corner of the owner's land: thence North 89
24 degrees 30 minutes 43 seconds West, along the
25 south line of the owner's land, 60.00 feet; thence North 0 degrees 14 minutes 15
26 seconds East 16.18 feet; thence South 89 degrees 45 minutes 45 seconds East 15.00
27 feet; thence North 0 degrees 14 minutes 15 seconds East 183.76 feet to the north line
28 of the owner's land; thence South 89 degrees 30 minutes 43 seconds East, along said
29 north line, 45.00 feet to the east line of said section; thence South 0 degrees 14
30 minutes 15 seconds West, along said east line, 200.00 feet to the point of beginning
and containing 0.212 acres, more or less. The portion of the above-described real
estate which is not already embraced within public rights of way contains 0.097
acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. U-42 (Sec. 16 of Saint 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-2023-0062
Bill Number: Z-24-01-04
Council District: 2-Russ Jehl

Introduction Date: January 9, 2024

Plan Commission
Public Hearing Date: January 8, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 2.86 acres from R1/Single Family Residential to R3/Multiple Family Residential

Location: 6863 Maplecrest Road, 440 feet north of its intersection with Evard Road

Reason for Request: To permit a multiple family development.

Applicant: Solid Rock Properties, LLC

Property Owner: Todd E. Wellman

Related Petitions: PDP-2023-0051 – Evard Place Apartments, Phase 3

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.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Solid Rock Properties, LLC (Attn: Chad Keysor)
Address 7205 Old Trail Rd
City Fort Wayne State IN Zip 46809
Telephone (260) 210-2905 E-mail chad@handarentals.com

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

All staff correspondence will be sent only to the designated contact person.

Derek Simon: derek@mlswebsite.us Brett Miller: brett@mlswebsite.us

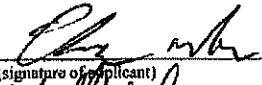
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 6863 Maplecrest Rd, Fort Wayne, IN 46835
Present Zoning R1 Proposed Zoning R3 Acreage to be rezoned 2.86 Ac
Proposed density 35 Units / 2.86 Ac = 12.24 units per acre
Township name St. Joseph Township section # 16
Purpose of rezoning (attach additional page if necessary)
This petition is requesting to rezone property from R1 (Single Family Residential) to
R3 (Multi-Family Residential).
Sewer provider City of Fort Wayne Water provider City of 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

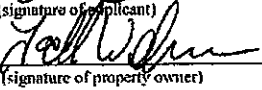
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

Chad Keysor (Solid Rock Properties, LLC)
(printed name of applicant)


(signature of applicant)

12/5/23
(date)

Todd E. Wellman
(printed name of property owner)


(signature of property owner)

12/4/2023
(date)

(printed name of property owner)

(signature of property owner)

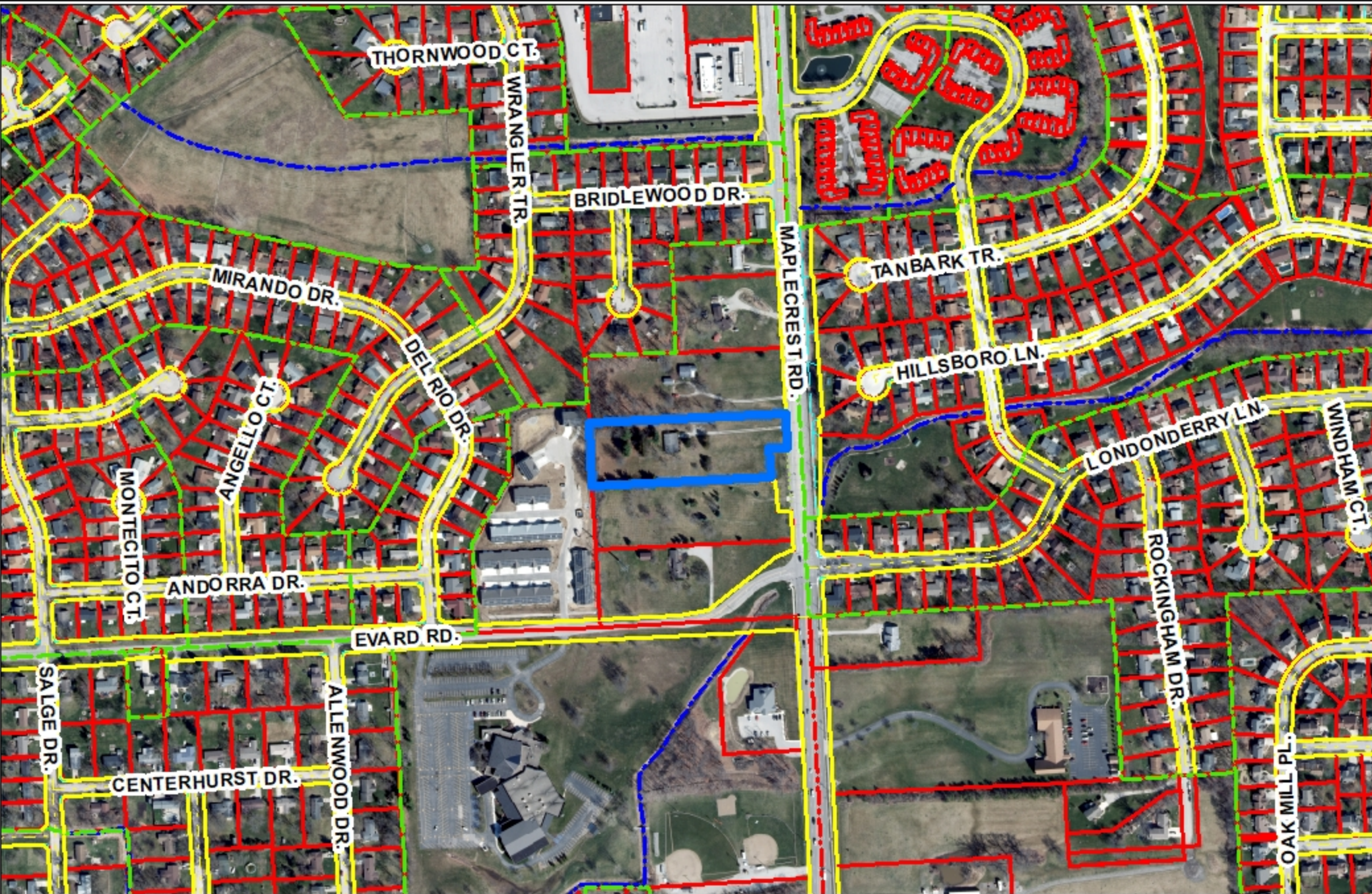
(date)

(printed name of property owner)

(signature of property owner)

(date)

Received	Receipt No.	Hearing Date	Petition No.
<u>12-5-23</u>	<u>114562</u>	<u>1-8-23</u>	<u>REZ-2023-0062</u>



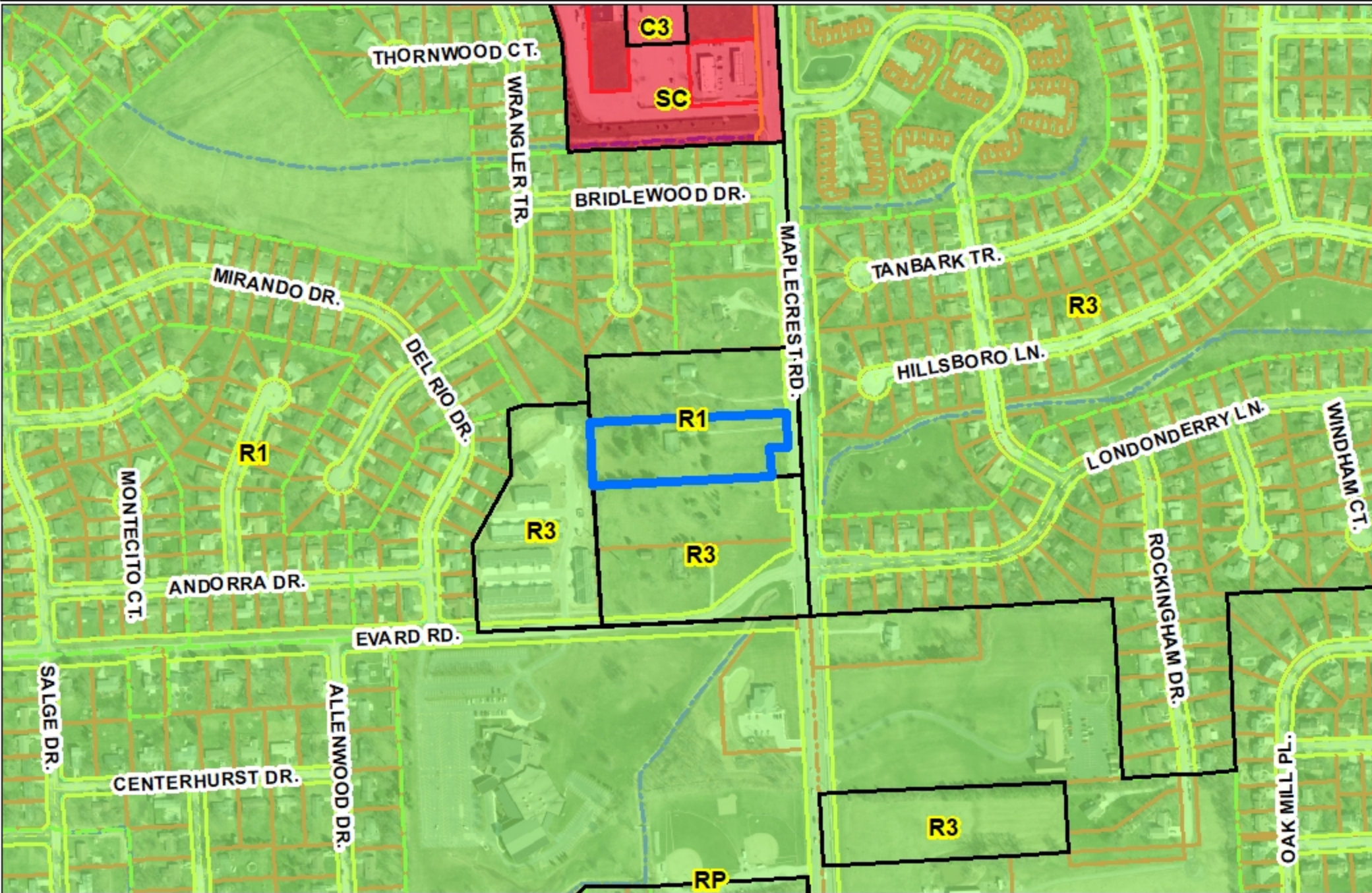
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

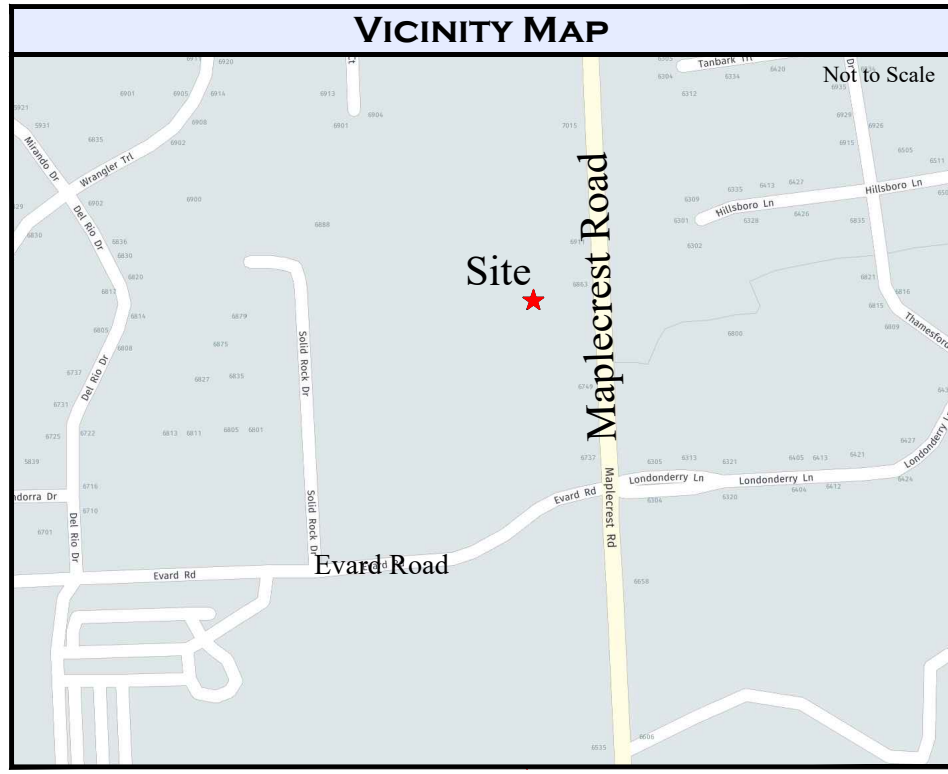
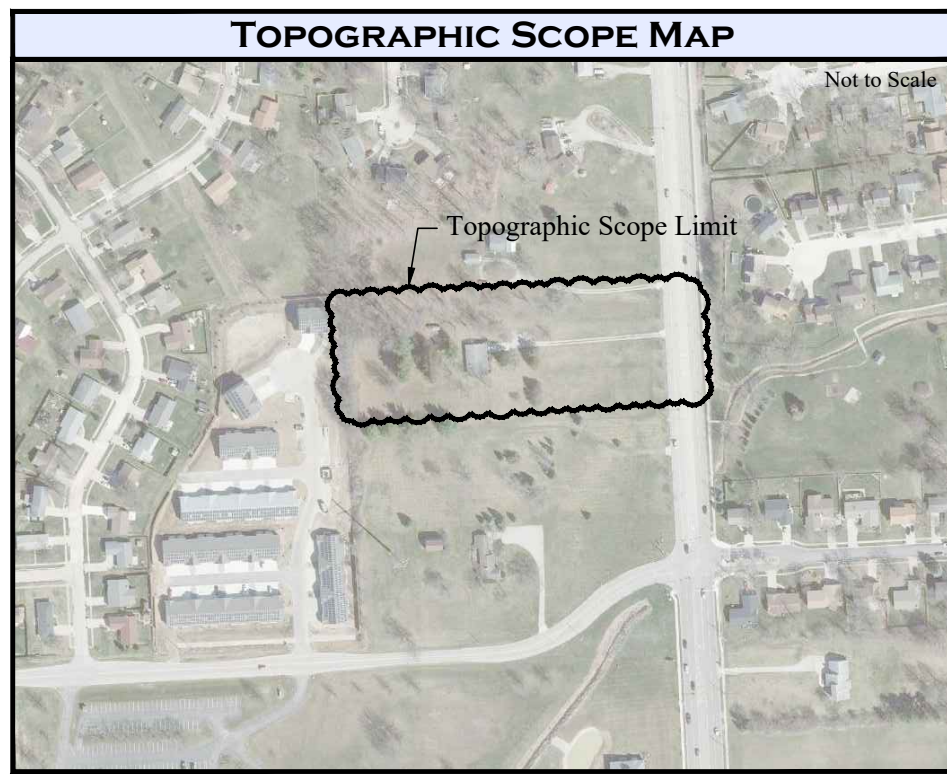
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 12/18/2023

0 125 250 Feet



1 inch = 400 feet





SYMBOL AND LINE LEGEND

⊕ Bench Mark	Electric Box	Sanitary Line
● Control Point	Guy Anchor	Storm Line
⊕ Curb Cast Inlet	Power Pole	Underground Telephone
⊕ Finish Floor	Fire Hydrant	Water Line
⊕ Manhole	Water Valve	Overhead Electric
⊕ Post	Gas Meter	Underground Electric
▲ Sign	Manhole - Telephone	Gas Line
	Telephone Pedestal	Major Contour
	Tree	Minor Contour
	Pine Tree	Curb
		Stone
		Pavement
		Concrete
		Easement
		Right-of-Way Line
		Boundary

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

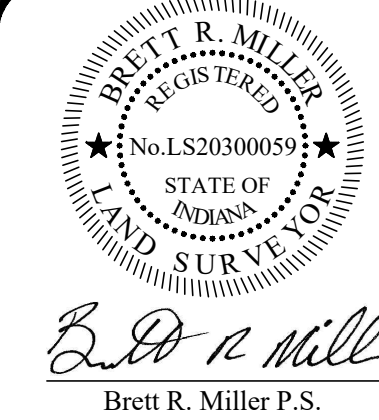
Miller Land Surveying, Inc.

Brett R. Miller, P.S. No.LS20300059
Robert J. Marucci, P.S. No.LS20400028

www.mlswebsite.us

Precision and Professionalism is where we draw the line.

Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571



Brett R. Miller P.S.
The concepts, ideas, designs, plans, details, etc. shown on this document are the property of MSL 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 MSL Engineering, LLC. The owner shall be permitted to retain copies for information and reference in connection with this project.

MLSEngineering
ENGINEERING YOUR TOMORROW... TODAY
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221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166
Fort Wayne Office
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Fort Wayne, IN 46825
Phone: (260) 489-8571
www.mlswebsite.us

PREPARED FOR:

Solid Rock Properties LLC
7205 Old Trail Rd
Fort Wayne, IN 46809

REVISIONS:

Solid Rock Properties - Phase 3
Maplecrest Road, Fort Wayne, IN
St. Joseph Twp. Sect.16,T31N,R13E, Allen County
IAC Title 865 Boundary Survey
Topographic Survey

Date: 11/28/2023
Design By: BPJ
Chk'd By: BRM
Project No.: 23107159

Sheet Number

C1.0

RECORD DESCRIPTION

Doc.#890027043

A tract of ground situated in the Southeast Quarter of the Northeast Quarter of Section 16, Township 31 North, Range 13 East, more particularly described as follows: The North 200 feet of the South 640 feet of the East Half of the Southeast Quarter of the Northeast Quarter of the aforesaid section.

EXCEPT THEREFROM

Doc.#960048662

A part of the East Half of the Southeast Quarter of the Northeast Quarter of Section 16, Township 31 North, Range 13 East, Allen County, Indiana, described as follows: Beginning on the east line of said section, North 0 degrees 14 minutes 15 seconds East, 440.00 feet from the southeast corner of said quarter-quarter section, which point of beginning is the southeast corner of the owner's land; thence North 89 degrees 30 minutes 43 seconds West, along the south line of the owner's land, 60.00 feet; thence North 0 degrees 14 minutes 15 seconds East 16.18 feet; thence South 89 degrees 45 minutes 45 seconds East 15.00 feet; thence North 0 degrees 14 minutes 15 seconds East 183.76 feet to the north line of the owner's land; thence South 89 degrees 30 minutes 43 seconds East, along said north line, 45.00 feet to the east line of said section; thence South 0 degrees 14 minutes 15 seconds West, along said east line, 200.00 feet to the point of beginning and containing 0.212 acres, more or less. The portion of the above-described real estate which is not already embraced within public rights of way contains 0.097 acres, more or less.

SURVEYOR'S REPORT

PURPOSE OF SURVEY:

The purpose of this survey was to retrace the remainder of an existing tract described in Document Number 89-027043 in the Office of the Recorder of Allen County, Indiana. Located at 6863 Maplecrest Road, Fort Wayne, Indiana, 46835.

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the below theory of location was based up the following opinions and observations a result of uncertainties in lines and corners because of the following:

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS

The monuments found are shown on the survey and listed on the survey under monument legend.

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey.

- Southeast corner Northeast Quarter: Section 16,T31N,R13E: Harrison Marker (-0.0'/Per County Witness)
- This corner is witnessed in the Allen County Surveyor's Office, and therefore was held this survey.
- Southwest corner Northeast Quarter: Section 16,T31N,R13E: Mag Nail (-0.0'/Per Previous Surveys)
- This corner is not witnessed in the Allen County Surveyor's Office, however this Mag Nail appears to have been held as marking this corner on the below referenced Foresight Consulting, LLC survey, and therefore was held this survey.
- Northeast corner Northeast Quarter: Section 16,T31N,R13E: 5/8"Steel Rebar w/illegal aluminum id. Cap (-0.0'/Per Previous Surveys)
- This corner is not witnessed in the Allen County Surveyor's Office, however this 5/8"Steel Rebar appears to have been held as marking this corner on the below referenced Foresight Consulting, LLC survey, and therefore was held this survey.

B) OCCUPATION OR POSSESSION LINES

There were no uncertainties based on visual inspection of occupation or possession lines.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

There were no ambiguities found within the descriptions used for the survey. Documents used include:

1. Document Number 2018059308
2. Document Number 2023014292
3. Document Number 89-027043
4. Document Number 960042920
5. Document Number 960048662
6. Document Number 960030413
7. Plat of Bridlewood, Section 1, Plat Book 36, Pages 123-125.
8. Survey completed by Foresight Consulting, LLC as Survey Number 192585 dated September 30, 2019 and recorded in Document Number 2020033280.
9. Survey completed by Miller Land Surveying, Inc as Survey Number 23036855 dated May 14, 2023.

D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS

Based on the use of the property (commercial property, industrial property, condominiums, townhouses, apartments, multiunit developments- single family residential subdivisions and real estate lying in rural areas) the acceptable relative positional accuracy is suburban survey 0.13 feet (40 millimeters) plus 100 ppm.

THEORY OF LOCATION:

The South (596.18 feet) line of the subject tract was established at deed distances of 440.00 feet North of the South line of the Northeast Quarter and verified by found monuments labeled "D" and "Q". The North (613.15 feet) line of the subject tract was established at deed distances of 640.00 feet North of the South line of the Northeast Quarter. The West (200.00 feet) line of the subject tract was established per the West line of the East Half of the Northeast Quarter. Due to a lack of found monuments at the Northwest Quarter of the Northeast Quarter of Section 16,T31N,R13E, said West line was established at a survey distance of 651.85 feet West of the Southeast corner of said Northeast Quarter as shown in the above referenced Foresight Consulting, LLC survey at its South end, and by holding a line of found monuments labeled "F" and "A", and a deed distance of 440.00 feet North for its North end, being verified by found monument labeled "D", near the Southwest corner of the subject tract. The East (183.76 feet and 16.18 feet) and the South (15.00 feet) line of the subject tract were established using deed geometry depicted in Document Number 960048662.

The commitment for title insurance was not provided at the time of this report, nor did the surveyor perform a title search. An abstract or title search may reveal additional information affecting the property.

This survey is valid only with original signature and seal, full payment of invoice, and complete with all pages of survey. The information shown on the survey documents is intended for this transaction only as dated on said survey documents. Any reuse without written verification and adaptation by the land surveyor for the specific purpose intended will be at the users' sole risk and without liability or legal exposure to the land surveyor.

Since the last date of field work of this survey, conditions beyond the knowledge or control of Miller Land Surveying, Inc. may have altered the validity and circumstances shown or noted herein.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Brett R. Miller.

NOTES

Location and sizes of underground utilities are shown from best available record drawings and/or field markings. Utility lines shown hereon are approximate in location and intended for reference only. Call Indiana Underground Plant Protection Services (IUPPS) at 1-800-882-5544 for field marked location of utilities prior to any excavation.

- Indiana Underground Plant Protection Services (IUPPS) Locate Number For This Project: 2311160238

Elevations are based upon a INCORS (Indiana Continuously Operating Reference Station Network) Indiana East. Datum = North American Vertical Datum (NAVD88).

The locations and dimensions of all building structures on the face of the survey (if applicable) are not intended for structural design.

FLOOD PLAIN CERTIFICATION

This property is within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) as defined by the FIRM (Flood Insurance Rate Map) for City of Fort Wayne, Indiana, Community No.180003, Panel No.0189G, dated August 3, 2009.

CERTIFICATION

For: Wellman
IN WITNESS WHEREOF, I hereunto place my hand and seal this 28th day of November, 2023.

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC 1-12-1 thru 30.



SW. Cor. NE 1/4
Sect.16,T31N,R13E
Mag Nail Found
Per Previous Survey

N87°23'29"E ~ 1983.20'M

N87°23'29"E ~ 2635.05'

S.Line NE 1/4 Sect.16,T31N,R13E
(Doc#2018059308 ~ 651.70'D.)
651.85'M. ~ Per Foresight Survey

N87°23'29"E ~ 425.65'D.&M.

SE. Cor. NE 1/4
Sect.16,T31N,R13E
Harrison Marker Found
Per County Witness

Reference Survey
Miller Land Surveying, Inc.
Survey No. 23036855
May 14, 2023

Foresight Consulting, LLC
Survey No. 192585
September 30, 2019

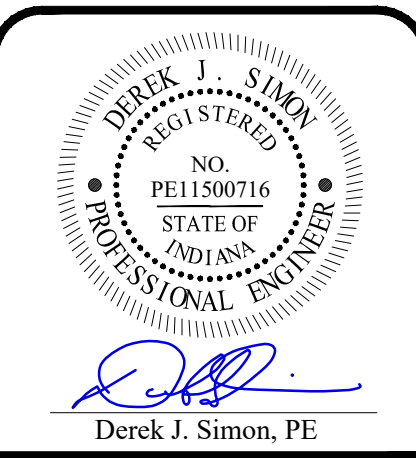


PROPOSED FEATURES LEGEND

- BUILDING FOOTPRINT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- DRY DETENTION POND
- GRASS

- BUILDING SETBACK LINE
- PRIVACY FENCE

- SHADE TREE



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Phone: (260) 692-6166

PREPARED FOR:
Solid Rock Properties, LLC
7205 Old Trail Rd
Fort Wayne, IN 46809
(260) 210-2905

REVISIONS:

Evard Place Apartments Phase 3
6863 Maplecrest Road
Fort Wayne, IN 46835
Primary Development Plan
Landscaping Plan

Date: 12-05-2023
Design By: JJS
Checked By: DJS
Project No.: 23036855

Sheet Number
PDP-2