

#REZ 2024 0019

BILL NO. Z-24-04-29

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. N-06 (Sec. 01 of Wayne 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 a R2/Two  
Family Residential District under the terms of Chapter 157 Title XV of the Code of the City of  
Fort Wayne, Indiana:

**LEGAL DESCRIPTION:**

LOT NUMBER 358 IN HANNA'S ADDITION TO THE CITY OF FORT  
WAYNE, ACCORDING TO THE PLAT THEROF, IN THE OFFICE OF THE  
RECORDER OF ALLEN COUNTY, INDIANA

and the symbols of the City of Fort Wayne Zoning Map No. N-06 (Sec. 01 of Wayne  
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

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### Department of Planning Services

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2024-0019  
Bill Number: Z-24-04-29  
Council District: 5 – Geoff Paddock

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Introduction Date: April 23, 2024

Plan Commission  
Public Hearing Date: May 13, 2024 (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 0.20 acre from C3/General Commercial to R2/Two Family Residential

Location: 835 E Wayne Street, northwest corner of its intersection with Harmar Street (Section 1 of Wayne Township)

Reason for Request: To permit to a single-family residential structure.

Applicant: JT King of Royal Investments

Property Owner: Royal Developments LLC

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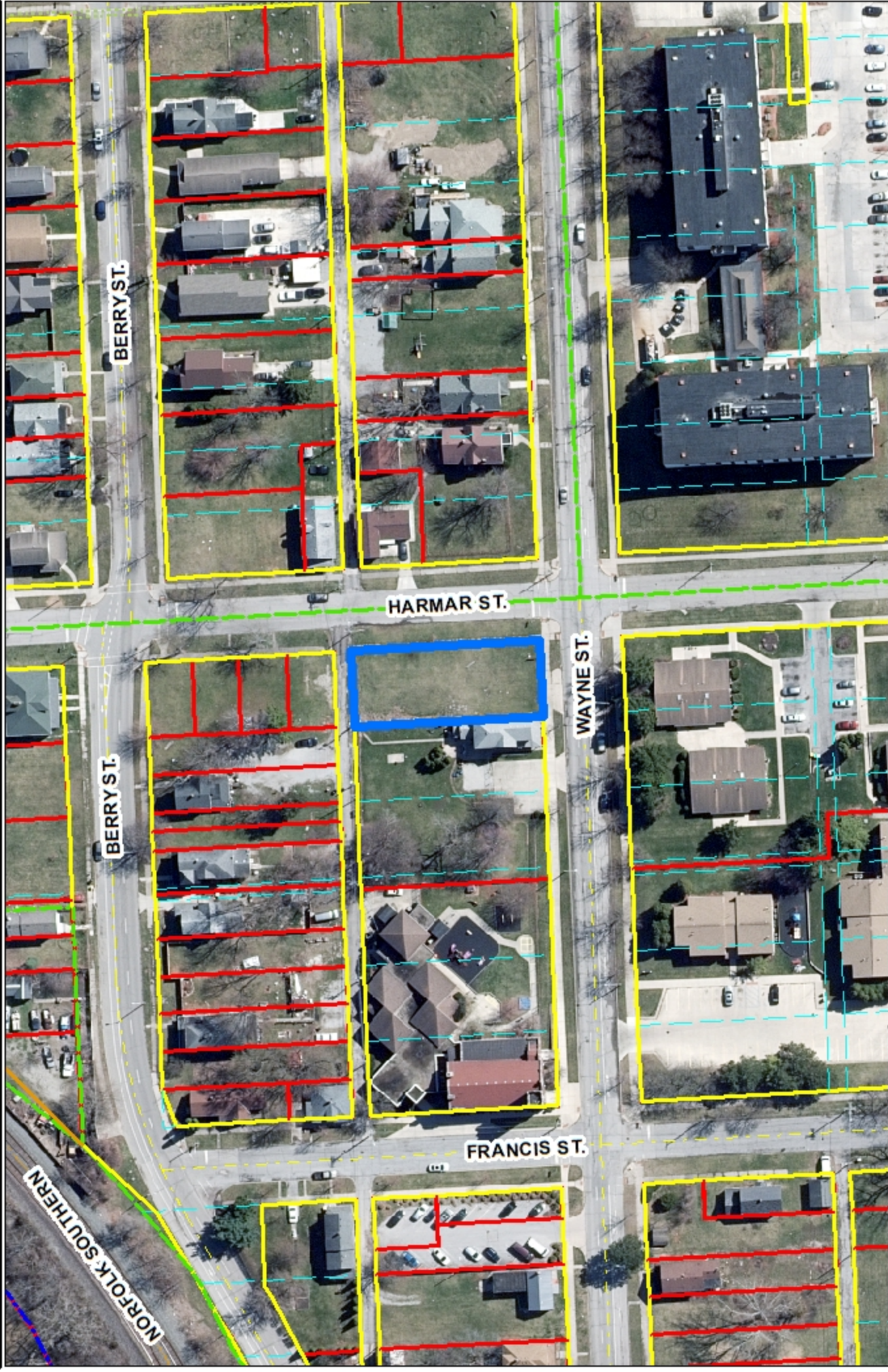
Related Petitions: none

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Effect of Passage: Property will be rezoned to the R2/Two Family Residential zoning district, which will allow for a single-family residential structure.

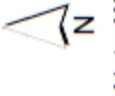
Effect of Non-Passage: The property will remain zoned C3/General Commercial which does not permit a single-family residential structure. The site will continue with existing uses, and may be redeveloped with areas for a variety of commercial uses including certain high intensity uses not permitted in C1 and C2 districts.





Although every effort has been made to ensure the accuracy of the information contained herein, the City of Allen, Indiana, and its officials assume no liability for any errors or omissions in this map.

© 2004 Board of Commissioners of the County of Allen, North American Datum 1983  
 State Plane, Covered by the State of Indiana  
 Photos and Contours: Spring 2009  
 Date: 4/15/2024

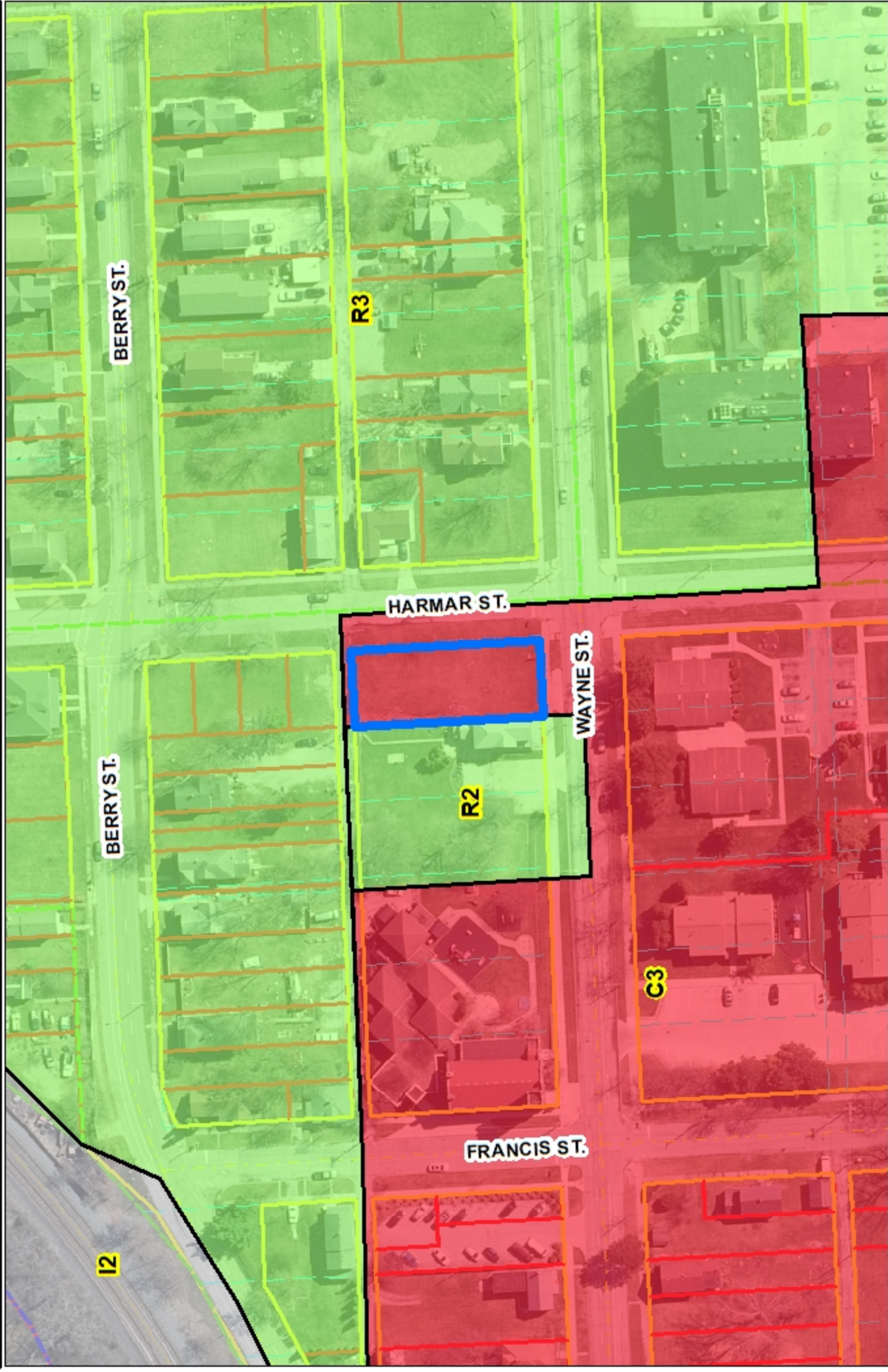


1 inch = 100 feet



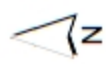


# Rezoning Petition REZ-2024-0019 - Royal Investments



Although aerial accuracy standards have been met, the City of Allen, Indiana, does not warrant the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983  
State Plane, Conus State System, Indiana East  
Photos and Contours: Spring 2009  
Date: 4/15/2024



1 inch = 100 feet

**TOPOGRAPHIC AND BOUNDARY SURVEY**

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made and monuments perpetuated as shown, in conformity with the record thereof in the Office of the Recorder of ALLEN County, Indiana. No encroachments existed, except as noted. The description of the real estate is as follows, to wit:

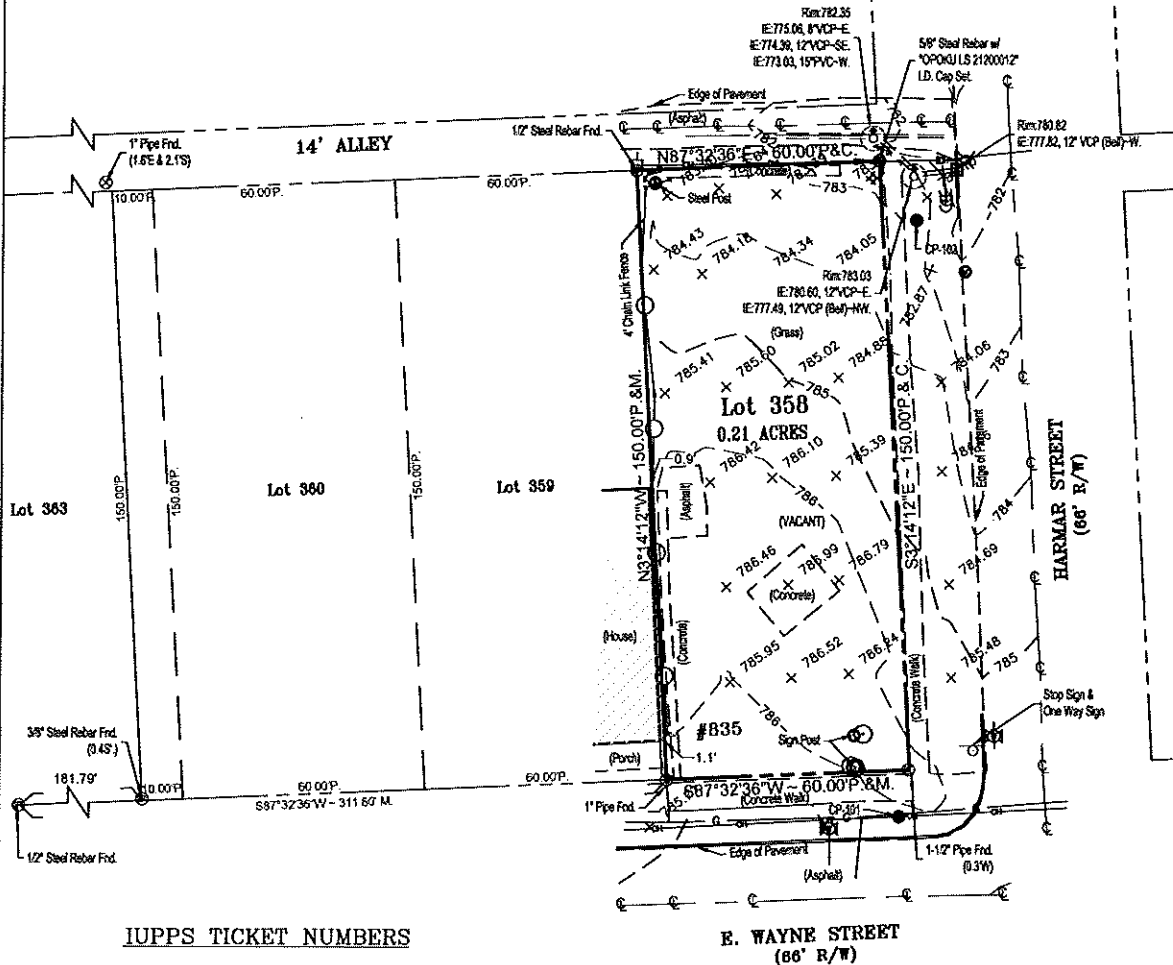
LOT NUMBER 358 IN HANNA'S ADDITION TO THE CITY OF FORT WAYNE, ACCORDING TO THE PLAT THEREOF, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

**BENCHMARK INFORMATION**

USGS BENCHMARK  
USGS STATION DESIGNATION: R 332  
PID: MD0640  
ELEVATION: 773.09 (NAVD 88)

**CONTROL POINT INFORMATION**

CP#101	CP#102
3/8" STEEL REBAR	3/8" STEEL REBAR
NORTHING: 2124597.935	NORTHING: 2124744.555
EASTING: 477064.578	EASTING: 477068.026
ELEVATION: 786.00	ELEVATION: 783.18

**IUPPS TICKET NUMBERS**

2312070709

**UTILITY CONTACTS**

**GAS**  
NIPSCO  
1501 Hale Ave.  
Fort Wayne, IN 46802  
Contact: Dave Schaafsma  
utltycoordination@nsource.com

**ELECTRIC**  
AEP  
J. Jay Marlow  
260-408-3447

**TELEPHONE**  
Frontier  
8001 W. Jefferson Blvd.  
Fort Wayne, IN 46804  
Contact: Mark Winters  
260-413-0986  
mark.winters@ftr.com

**FIBER OPTICS**  
in Fiber Network  
5520 W 76<sup>th</sup> St  
Indianapolis, IN 46268



**LEGEND**  
P - PLAT  
M - MEASURED  
C - CALCULATED

**WATER, SEWER & TRAFFIC LIGHTS, STREETLIGHTS**  
City of Fort Wayne  
200 E. Berry St., Suite 210  
Fort Wayne, IN 46802  
Contact: Mario Trevino  
260-427-2696  
Mario.trevino@cityoffortwayne.org

**CABLE TV**  
Comcast  
720 Taylor St.  
Fort Wayne, IN 46802  
Contact: John Gayday  
260-458-5107  
john.gayday@cable.comcast.com

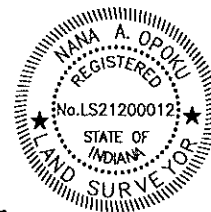
**FIBER OPTICS**  
in Fiber Network  
5520 W 76<sup>th</sup> St  
Indianapolis, IN 46268  
317-777-7119  
swright@dfn.com

**FIBER OPTICS**  
Fort Wayne Community Schools  
1200 S Clinton St.  
FL Wayne, IN 46802  
(260) 467-1000

For: Royal Development  
Job No. 23110177  
Date of Fieldwork: 11/11/2023

IN WITNESS WHEREOF, I HERETO PLACE MY HAND AND SEAL THIS 14TH DAY OF DECEMBER, 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, Article 1, Rule 12, Section 1 thru 29.

Nana A. Opoku PLS 21200012



## SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the following opinion is submitted regarding the various uncertainties in the locations of the lines and corners established on this parcel as a result of: A) Availability and condition of reference monuments; B) Discrepancies in the record descriptions and plats; C) Inconsistencies in lines of occupation; D) Relative Positional Accuracy;

An electronic total station and data collector were used to collect data for physical location of pavement and parcel corner monumentation was accomplished employing the total station using standard radial surveying techniques and dual GPS receivers. The bearing used as basis for this survey was derived by dual frequency GPS receivers connected to INDOT CORS Network.

INTENT: This is a retracement and topographic survey of Lot 358 in Hanna's Addition to the City of Fort Wayne, Allen County, Indiana. This survey was completed without the benefit of title commitment. Client has requested we provide survey of said Lot 358.

A) **AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:**

In our field research for this survey, we located a sufficient number of adjacent monuments (as shown on the graphic segment of this survey), which in our opinion, provided us with enough data to verify or reestablish the deed location of the subject property relative to the applicable found and accepted as adjacent deed boundaries. Unless noted otherwise on this survey, all found monuments are flush with the ground, in good material condition and firmly set in the ground. Various sized monuments were found during the course of this survey. We have no documented history for these monuments except as noted.

**THEORY OF LOCATION:**

Based on the monuments found and the comparison of measurements taken between monuments and deeded dimensions, found monuments and deed bearings and distances were held to establish the subject lot. A best fit line among found monuments was used to establish the South line of the subject lot and was used as the baseline for this survey. This line was used because the terminal ends appeared to be undisturbed, monuments which had virtually the same distance as given on the deed. Found monuments were held to establish the West line of the subject lot. A plat distance of 150 feet was held from the established South line to establish the North line thereof. A plat distance of 60 feet was held from the established West line to establish the East line thereof. Also, the angular and distance relationships to adjacent monuments were within the limits of the relative positional accuracy for this class of survey when compared to data given on the record deed and/or plat. It is my opinion that the uncertainty associated with these corners is 0.3 feet based on measurements between monuments versus deeded and/or platted distances.

B) **DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS:**

There are no apparent discrepancies in the record deeds or plats in this area. A copy of the plat of East Part of Hanna's Addition to the City of Fort Wayne recorded in Plat Book OA, page 17 in the Office of the Recorder of Allen County, Indiana. Copies of the documents shown were reviewed and used in the completion of this survey.

C) **RELATIVE POSITIONAL ACCURACY:**

The calculated Relative Positional Accuracy due to random errors in measurement of the corners of this survey is within the specifications for a Suburban Survey as defined in IAC 865

There are no front yard, side yard or rear yard setbacks given on the record deed and written evidence of setbacks has not been provided to this office as required by State Statute 865 IAC 1-12-13 (12) & (13).

"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" Nana Opoku

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**

Applicant Royal Developments / John King  
Address PO Box 11653  
City Fort Wayne State IN Zip 46859  
Telephone 260-450-1065 E-mail jt@royaldevelopments.com

**Property Ownership**

Property Owner Royal Developments  
Address 835 E Wayne Street  
City Fort Wayne State IN Zip 46803  
Telephone 260-450-1065 E-mail jt@royaldevelopments.com

**Contact Person**

Contact Person JT King  
Address 1823 Griswold Dr  
City Fort Wayne State IN Zip 46805  
Telephone 260-450-1065 E-mail jt@royaldevelopments.com

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

**Request**

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction  
Address of the property 835 E Wayne Street Township and Section Wayne  
Present Zoning C3 Proposed Zoning R2 Acreage to be rezoned 0.71  
Purpose of rezoning (attach additional page if necessary) See Attached  
Sewer provider City Utilities Water provider City Utilities

**Filing Checklist**

*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 (please complete attached document)

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

John King  
(printed name of applicant)

[Signature]  
(signature of applicant)

4/4/24  
(date)

Royal Developments LLC  
(printed name of property owner)

[Signature]  
(signature of property owner)

4/4/24  
(date)



Received	Receipt No.	Hearing Date	Petition No.
4-2-24	—	5-13-24	REZ-2024-0019

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802  
Phone (260) 449-7607 • Fax (260) 449-7682 • [www.allencounty.us](http://www.allencounty.us) • [www.cityoffortwayne.org](http://www.cityoffortwayne.org)



1. The Comprehensive Plan;

This rezoning of 835 E Wayne Street from C3 to R2 perfectly aligns with the comprehensive plan, as we are ambitiously addressing the challenging endeavor of infill development by meticulously crafting locally sourced, high-quality residences that will undoubtedly enrich the community's urban fabric

2. Current conditions and the character of current structures and uses in the district;

The property is currently an empty lot, free of all obstructions to build and has already undergone and cleared environmental testing. The advantage of this property is its location surrounded mostly by residential zoning.

3. The most desirable use for which the land in the district is adapted;

This land would be best used to build a single family home instead of a commercial application. It's next to an R2 zoned parcel with a single-family residence to the west and a vacant R3 zoned parcel to the north. Across Harmar to the east, there are R3 zoned parcels with single-family residences. To the south, the property is owned by the Fort Wayne Housing Authority.

4. The conservation of property values throughout the jurisdiction;

Rezoning 835 E Wayne Street from C3 to R2, as proposed, is in accordance with the Comprehensive Plan and is expected to positively impact property values throughout the jurisdiction. The current condition of the property is an empty lot, suitable for residential development, and surrounded mainly by residential zoning. Given its location and the character of neighboring structures, the most desirable use for the land is residential, particularly for single-family homes.

5. Responsible development and growth;

The proposal aligns seamlessly with the Comprehensive Plan, embracing the vision of infill development to enrich the urban landscape with locally sourced, high-quality residences. This strategy not only meets the demand for housing but also fosters community cohesion and revitalization.



## FACT SHEET

Case #REZ-2024-0019

Bill # Z-24-04-29

Project Start: April 2024

PROPOSAL:	Rezoning Petition REZ-2024-0019 – Royal Investments
APPLICANT:	JT King of Royal Investments
REQUEST:	To rezone property from C3/General Commercial to R2/Two Family Residential for a single-family residential structure.
LOCATION:	835 E Wayne Street, northwest corner of its intersection with Harmar Street (Section 1 of Wayne Township)
LAND AREA:	0.20 acre
PRESENT ZONING:	C3/General Commercial
PROPOSED ZONING:	R2/Two Family Residential
COUNCIL DISTRICT:	5 – Geoff Paddock
SPONSOR:	Fort Wayne Plan Commission

### **May 13, 2024 Public Hearing**

- No one spoke in support or with concerns.
- Connie Haas Zuber was absent.

### **May 20, 2024 Business Meeting**

#### **Plan Commission Recommendation: DO PASS**

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

#### **7-0 MOTION PASSED**

- Paul Sauerteig and Ryan Neumeister were absent.

Fact Sheet Prepared by:

Karen Couture, Associate Land Use Planner

May 28, 2024

## **PROJECT SUMMARY**

The applicant is petitioning to rezone the property from C3/General Commercial to R2/Two Family Residential for a single-family residential structure. The majority of the surrounding properties are zoned residential, with R3/Multiple Family Residential to the north and east and R2/Two Family Residential adjacent to the west, and have a mixture of different types of residential properties and one vacant lot. Across Indiana Avenue to the south, the zoning is C3/General Commercial and includes four structures with multiple residential dwellings. The parcel to be rezoned has been vacant since approximately 1990. The requested rezoning would allow the property owner to construct a single-family dwelling with regard to the current zoning ordinance. The rezoning to R2/Two-Family Residential will be zoned the same with the adjacent parcel to west, and much more compatible with the surrounding parcels to the north and east. The rezoning petition will also allow for investing in an established part of Fort Wayne and further neighborhood and City led initiatives for the southeast quadrant of Fort Wayne.

## **COMPREHENSIVE PLAN REVIEW**

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

The project site is located within the Priority Investment Area.

- The following Goals and Strategies would be applicable:
  - LUD1** - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.
  - LUD 1.3** - Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities.

### **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 the comprehensive plan.

### **Generalized Future Land Use Map**

- The project site is located within the Mixed Residential generalized land use category.
- Primary Land Uses in this category are Single-Family Residential Attached, Single-Family Residential Detached, Multiple-Family Residential, and Manufactured Home Subdivisions.
- Some Secondary Land Uses are Low-Intensity, Neighborhood-Scale Retail, Parks and Open Space, Religious Institutions, and Schools.
- Adjacent properties are also categorized as Mixed Residential.

### **Land Use Related Action Steps**

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **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 rezoning to R2/Two-Family residential is encouraged in the Mixed Residential of the comprehensive plan. Both the neighborhood and street are stable and maintain residential character.

**Other applicable plans:** Southeast Strategy

**PUBLIC HEARING SUMMARY:**

Presenter: J.T. King, developer, presented the request as outlined above.

Public Comments: None



## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2024-0019 – Royal Investments

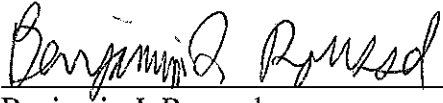
APPLICANT:	JT King of Royal Investments
REQUEST:	To rezone property from C3/General Commercial to R2/Two Family Residential for a single-family residential structure.
LOCATION:	835 E Wayne Street, northwest corner of its intersection with Harmar Street (Section 1 of Wayne Township)
LAND AREA:	0.20 acre
PRESENT ZONING:	C3/General Commercial
PROPOSED ZONING:	R2/Two Family Residential

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**The Plan Commission recommends that Rezoning Petition REZ-2024-0019 be returned to Council, with a “Do Pass” recommendation after considering the following:**

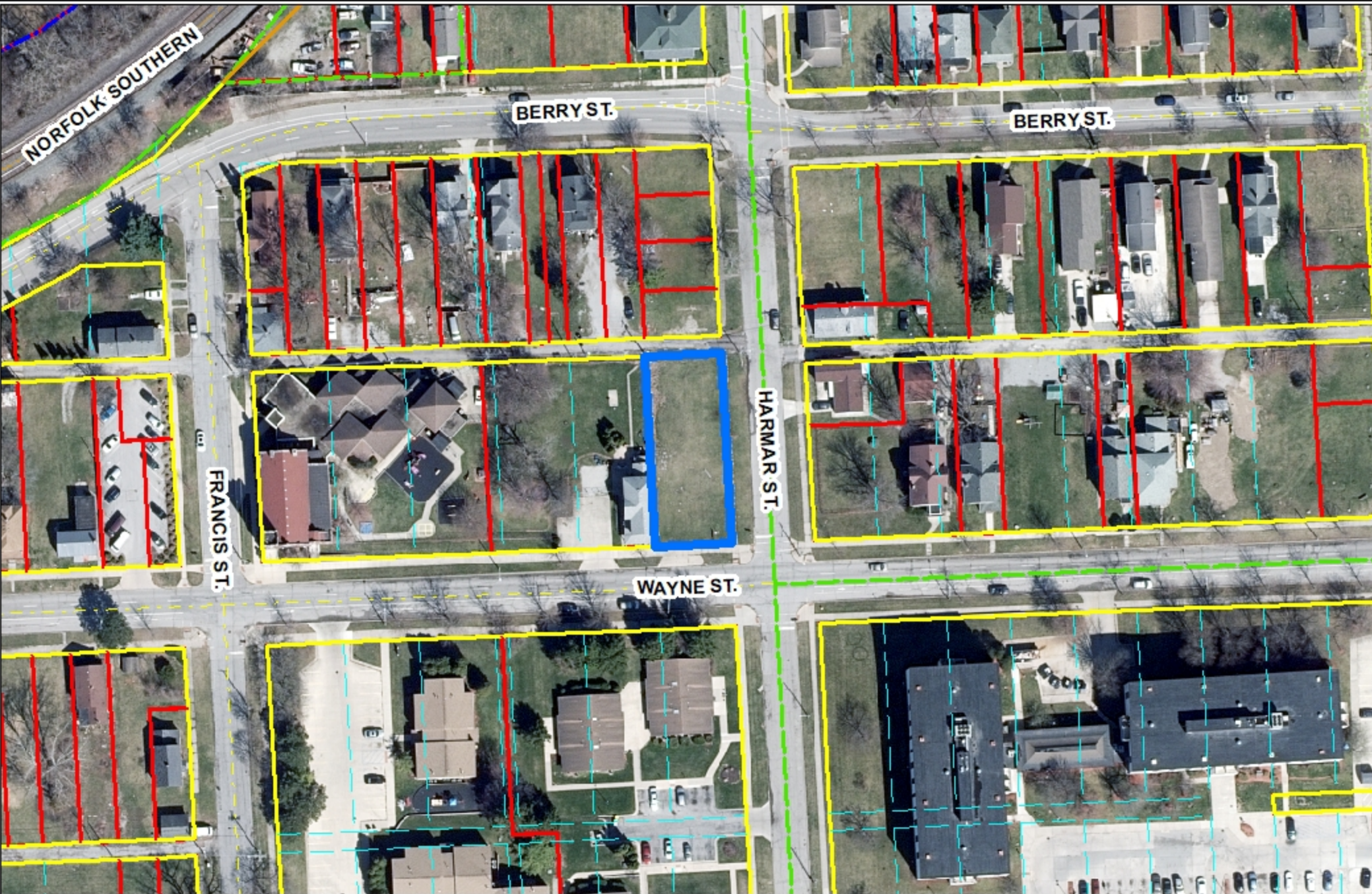
1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. This rezoning of 835 E Wayne Street from C3 to R2 aligns with the comprehensive plan, and addresses the endeavor of infill development with locally sourced, high-quality residences.
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 property is currently an empty lot, free of all obstructions to build and has already undergone and cleared environmental testing. The advantage of this property is its location surrounded mostly by residential zoning.
3. Approval is consistent with the preservation of property values in the area. This land would be best used for housing instead of a commercial application. It's next to an R2 zoned parcel with a single-family residence to the west and a vacant R3 zoned parcel to the north. Across Harmar to the east, there are R3 zoned parcels with single-family residences. To the south, the property is owned by the Fort Wayne Housing Authority.
4. Approval is consistent with responsible development and growth principles based on existing uses in the area. Rezoning 835 E Wayne Street from C3 to R2, as proposed, is in accordance with the Comprehensive Plan and is expected to positively impact property values throughout the jurisdiction. The current condition of the property is an empty lot, suitable for residential development, and surrounded mainly by residential zoning. Given its location and the character of neighboring structures, the most desirable use for the land is residential, particularly for single-family homes.
5. The rezoning is consistent with the mandate for responsible growth and development in that the proposal aligns with the Comprehensive Plan, embracing the vision of infill development to enrich the urban landscape. This strategy meets the demand for housing and fosters community revitalization.

These findings approved by the Fort Wayne Plan Commission on May 20, 2024.

A handwritten signature in black ink, reading "Benjamin J. Roussel", written over a horizontal line.

Benjamin J. Roussel  
Executive Director  
Secretary to the Commission





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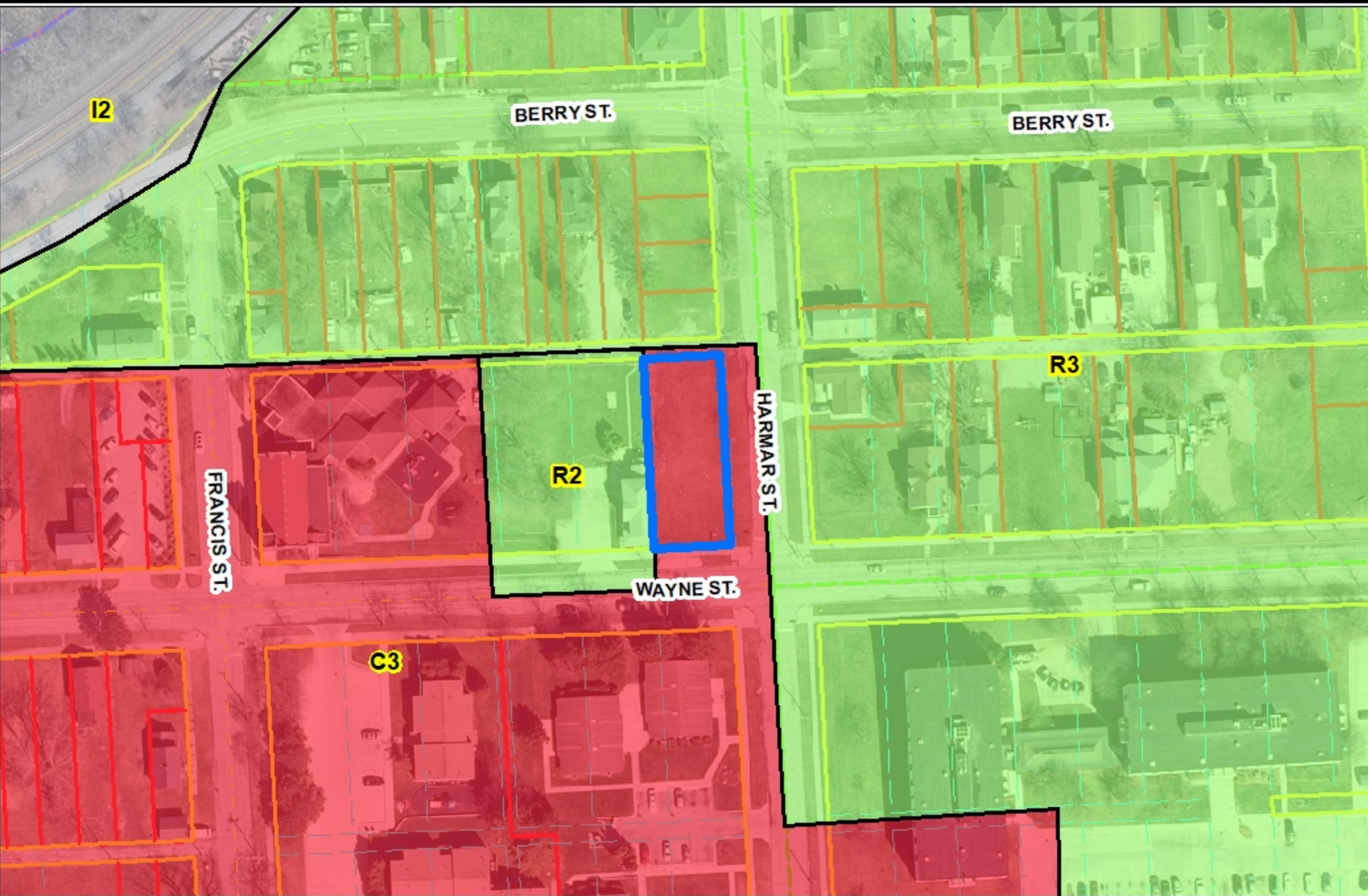
© 2004 Board of Commissioners of the County of Allen  
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0 50 100 Feet



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### CONTROL POINT INFORMATION

CP#102  
3/8" STEEL REBAR  
NORTHING: 2124744.555  
EASTING: 477068.026  
ELEVATION: 783.18



**FIBER OPTICS**  
Fort Wayne Community Schools  
1200 S Clinton St.  
Ft Wayne, IN 46802  
(260) 467-1000

  
Nana A. Opoku PLS 21200012



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**THEORY OF LOCATION:**

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