#REZ-2025-0010

BILL NO. Z-25-03-15

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ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. DD27 (Sec. 28 of Aboite 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 R3/Multiple

Family Residential District under the terms of Chapter 157 Title XV of the Code of the City of Fort

Wayne, Indiana:

## LEGAL DESCRIPTION

Development parcel @ 11328 US 24 West - (Deed #2012036734 and part of #2017052439)

Lots 2, 3, 4 and part of Lot 1, all in Maple Dells Addition, recorded in Plat Book 20, page 116 as found in the Office of the Recorder of Allen County, Indiana, and being part of the South Half of the Southeast Quarter of Section 28 Township 30 North, Range 11 East, Allen County, Indiana, described as follows:

Beginning at the Southeast corner of Lot 4 in said Maple Dells Addition, said corner being on the Northerly right-of-way line of U.S. Highway #24 (F.A. Project No.98 – Sec. B {3}-1939); thence Southwesterly, on said Northerly right-of-way line, being 70.00 feet Northwesterly of and parallel with the center-line of said U.S. Highway #24 and being a curve to the right having a radius of 6,296.57 feet and a chord of 457.69 feet bearing South 82 degrees 52 minutes 07 seconds West (all bearings based on the Indiana East State Plane Coordinate System (NAD'83)(2011)), an arc length of 457.79 feet; thence North 26 degrees 28 minutes 55 seconds West, 294.66 feet; thence North 24 degrees 32 minutes 55 seconds West, 190.10 feet; thence South 53 degrees 58 minutes 05 seconds West, 62.80 feet to the East line of Bittersweet Woods, recorded in Plat Book 43, pages 118-123; thence on the Easterly boundary of said Bittersweet Woods by the following 4 courses: thence North 33 degrees 21 minutes 38 seconds East, 135.40 feet; thence North 01 degree 47 minutes 22 seconds West, 220.70 feet; thence North 38 degrees 43 minutes 22 seconds West, 177.30 feet; thence North 16 degrees 56 minutes 38 seconds East, 84.60 feet to the Southeast corner of Lot 10 in said Bittersweet Woods, said corner also being the Southwest corner of a 1.196-acre parcel, known as "Parcel IV" of Document #2017008394; thence North 87 degrees 13 minutes 38 seconds East, on the South line of said 1.196-acre parcel, 233.10 feet to the Southeast corner thereof; thence North 88 degrees 55 minutes 45 seconds East, on the South line of a 1.037-acre parcel known as "Parcel II" of said Document #2017008394, a distance of 252.67 feet to a point on the East line of Lot 1 of said Maple Dells; thence South 15 degrees 14 minutes 51 seconds East, on said East line, said East line also being the West line of Pine Hollow Section I and II as respectively recorded in Plat Book 46 pages 139-143 and Plat Book 48, pages 96-99, a distance of 945.10 feet to the Point of Beginning, containing 11.018 acres, more or less, and being subject to easements and rights of way of record.

	,				
1	and the symbols of the City of Fort Wayne Zoning Map No. DD27 (Sec. 28 of Aboite Township), as				
2	established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is				
3	hereby changed accordingly.				
4	SECTION 2. If a written commitment is a condition of the Plan Commission's				
5	recommendation for the adoption of the rezoning, or if a written commitment is modified and				
6	approved by the Common Council as part of the zone map amendment, that written commitment is				
7	hereby approved and is hereby incorporated by reference.				
8	SECTION 3. That this Ordinance shall be in full force and effect from and after its passage				
9	and approval by the Mayor.				
10	·				
11	Council Member				
12	Council Morrison				
13	APPROVED AS TO FORM AND LEGALITY:				
14					
15	Malak Heiny, City Attorney				
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## City of Fort Wayne Common Council **DIGEST SHEET**

## **Department of Planning Services**

Title of Ordinance: Zoning Map Amendment

Case Number: REZ-2025-0010 Bill Number: Z-25-03-15

Council District: 4 – Dr. Scott Myers

Introduction Date: March 25, 2025

Plan Commission

Public Hearing Date: April 14, 2025 (not heard by Council)

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

Plan Commission

Synopsis of Ordinance: To rezone 10.988 acres from R2/Two Family Residential to R3/Multiple

Family Residential

Location: 11328 US 24 West (Section 28 of Aboite Township)

Reason for Request: To permit a residential development of 9 duplexes and three single family

structures.

Applicant: JRM Realty LLC

Property Owner: JRM Realty LLC

Related Petitions: Primary Development Plan – Oak Bluff Villas

Effect of Passage: Property will be rezoned to the R3/Multiple Family Residential zoning

district, which would permit multiple residential structures on a single

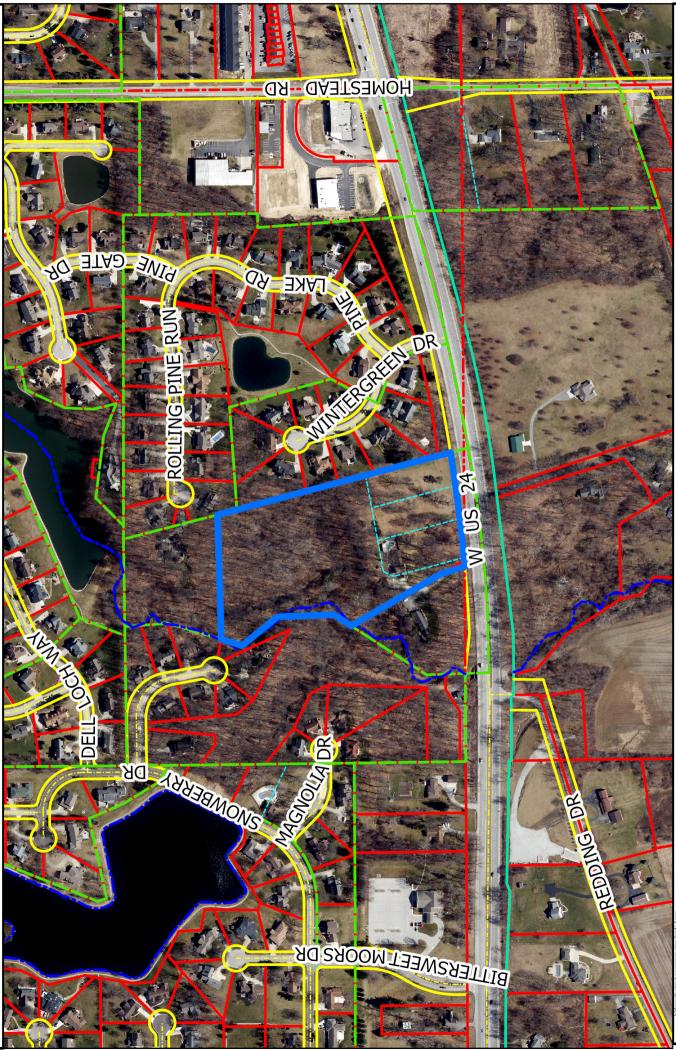
parcel.

Effect of Non-Passage: Property will remain zoned R2/Two Family Residential, which does not

permit multiple structures on a single parcel. The site may develop with single family residential or two family residential, on individual

lots.





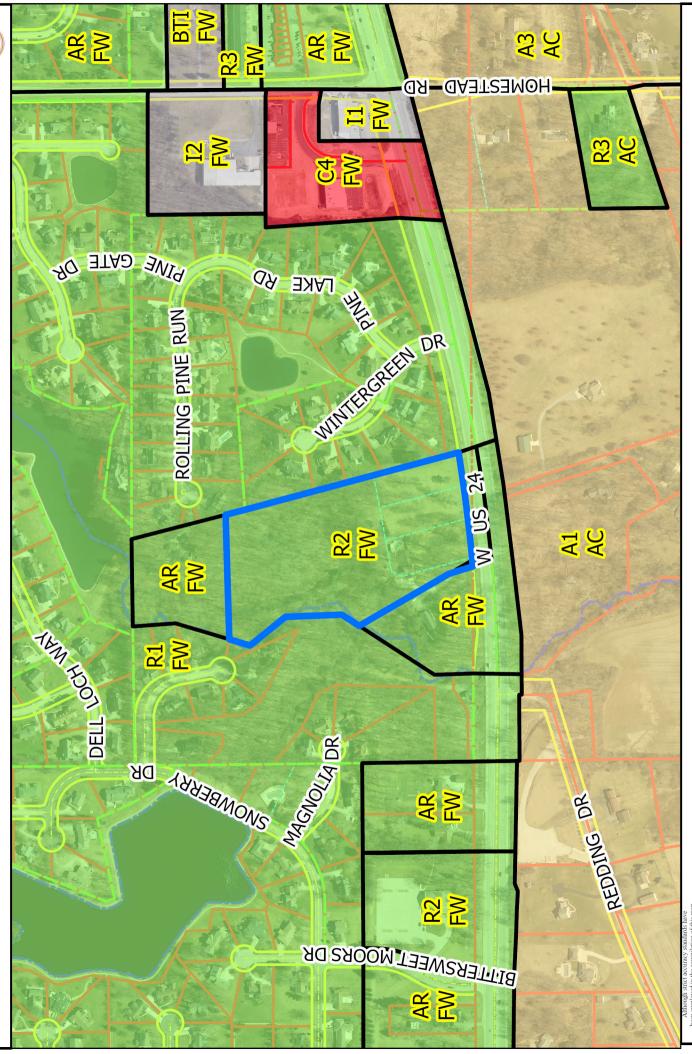
Although strict accuracy standards have been employed in the compilation of this map. Alter County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from

0 280



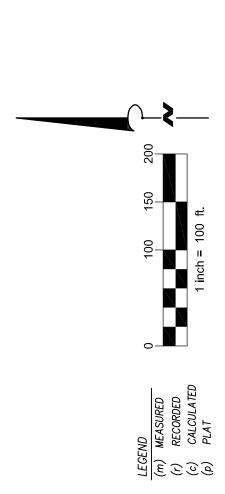
560 Feet





# SURVE 4 BOUND

LOCATED WITHIN THE SOUTH HALF OF THE SE 1/4, SECTION 28, TOWNSHIP 30 N, RANGE 11 E. ALLEN COUNTY, INDIANA



# LEGAL DESCRIPTION 2025 R3 REZOING PARCEL / OAK BLUFF VILLAS DEVELOPMENT PARCEL @ 11328 US 24 WEST (DEED #2012036734 and part of #2017052439)

Lots 2, 3, 4 and part of Lot 1, all in Maple Dells Addition, recorded in Plat Book 20, page 116 as found in the Office of the Recorder of Allen County, Indiana, and being part of the South Half of the Southeast Quarter of Section 28 Township 30 North, Range 11 East, Allen County, Indiana, described as follows:

The Dells of Bitterswee Section Four P.C. "A", page 30 (Doc. #87–46456)

85

Block B (Loch Dells) The Dells of Bittersweet Section Three P.B. 48, pg. 146–150 (Doc. #86–055782)

28

WAY

DELL LOCH

SNOMBEKKY DRIVE

West Line SE 1/4 - Section 28 - T30N - R11E

N 00. 35, 13, M - 1,314.57' (m)

& Drain

(d) ,SZ

27

156.86° (p)

North Line

335.84' 250.0' (r) 5/8" rebar find (-0.1')

Lewendowski Doc.# 2017008394 PARCEL I North Tract 1.037 Ac.

N. 04.2643" E. – 165.72" (c)

X(q) ST.09

102.08° (p)

Fasement

Beginning at the Southeast corner of Lot 4 in said Maple Dells Addition, said corner being on the Northerly right-of-way line of U.S. Highway #24 (F.A. Project No. 98 – Sec. B {3}-1939); thence Southwesterly, on said Northerly right-of-way line, being 70.00 feet Northwesterly of and parallel with the center-line of said U.S. Highway #24 and being a curve to the right having a radius of 6.296.57 feet and a chord of 457.69 feet bearing South 82 degrees 52 minutes 07 seconds West (all bearings based on the Indiana East State Plane coordinate System (NAD'83)(2011), an arc length of 457.79 feet; thence North 26 degrees 28 minutes 55 seconds West, 294.66 feet; thence North 24 degrees 32 minutes 55 seconds West, 190.10 feet; thence North 24 degrees 58 minutes 05 seconds West, 294.66 feet; thence North 34 degrees 24 minutes 38 seconds East line of Bittersweet Woods, recorded in Plat Book 43, pages 118-123; thence not the Easterly boundary of said Bittersweet Woods by the following 4 courses: thence North 33 degrees 24 minutes 22 seconds West, 177.30 feet; thence North 38 degrees 43 minutes 28 seconds East, 84.60 feet to the Southeast corner of Lot 10 in said Bittersweet Woods, said corner also being the Southwest corner of a 1.196-acre parcel, known as "Parcel IV" of Document #2017008394; thence North 87 degrees 55 minutes 45 seconds East, on the South line of a 1.037-acre parcel, 233.10 feet to the Southeast corner thereof; thence North 88 degrees 55 minutes 45 seconds East, on the South line of a 1.037-acre parcel, 233.10 feet to a point on the East line of Lot 1 of said Maple Dells; thence South 15 degrees 14 minutes 51 seconds East, on said East line of Pine Hollow Section I and II as respectively recorded in Plat Book 46 pages 139-143 and Plat Book 48, pages 96-99, a distance of 945.10 feet to the Point of Beginning, containing 11.018 acres, more or less, and being subject to easements and rights of way of record.

JRM REALTY, LLC

11328 US HWY 24

# SURVEYOR'S REPORT

DATE: February 3, 2025 JOB NO: 240598 WIGHTMAN & ASSOCIATES, INC. This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29, and all amendments thereto, of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying. OF: JRM Realty, LLC FOR THE EXCLUSIVE USE

at time of survey. A title search could reveal easements or rights of way not shown on the survey drawing Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped "WIGHTMAN 0145" and are set flush with the ground surface unless otherwise noted. Found monument types and their depths are shown on the survey drawing. Title report was not provided

cement and combination of real estate described in Document #2012036734 and Document #2017052439, Recorder of Allen County, Indiana The subject survey is a retrae as found in the Office of the I

37

Pine Hollow, Sec. II P.B. 48, pg. 96–99 (Doc. #86–38744)

· 15'14'51"E.

rebar fnd. "GOU" cap

Woods 118–123 011133)

722'13, (b)

 $\infty$ 

150.53' (p)

123.2' (r)

1.018 Acres (c)

220.70' (p & c) N 01.47.22" W.

Bittersweet Woods P.B. 43, pg. 118–123 (Doc. #80–011133)

205.00' (p)75' (p)

West Line SE 1/4 - Section 28, T30N, R11 E

2 00. 20, 52, E - 1'218'30, (c)

945.10' (c)

762.47

21

717.46° (p)

20

8" rebar fnd. (0.0) "GOU" cap

-----(p)

PINE RUN

ROLLING

374.65' (m)

291.38'(r)

(d) 16.99

136.7' (r)

N. 16.28.28" E.

(d) ,t'612

10

96041010

BRIGADOON COURT

2

202.00° (p)

9

BLK.

Pine Hollow, Sec. 1 P.B. 46, pg. 139-143 (Doc. #85-17101)

## THEORY OF LOCATION:

The basis for bearings for the subject survey was a Geodetic bearing system based on Indiana State Plane East Coordinate System. The Southerly line of the subject survey, also being the Northerly right-of-way line of U.S. Highway #24(F.A. Project No.98 – Sec. B (3)-1939) was established by existing survey monuments found along said line, being a ½" rebar found at the SE corner of Lot 4 of Maple Dells Addition, recorded in Plat Book 20, page 116, a railroad spike found 10.8 feet Southwesterly of the SW corner of Lot 2 (being the Southwesterly corner of the subject survey, also being the Easterly line of Bittersweet Moors (Plat Book 43, pages 118-123) was re-established by holding existing survey monuments found along the West line of said Bittersweet Moors and along the rear lines of lots 9-12 and establishing a "best-fif" position.

The North line of the subject survey, also being the South line of real estate described in Document #2017008394 was established by existing survey monuments found (see survey drawing).

The East line of the subject survey, also being the West line of Pine Hollow, Sections I and II (Plat Book 46, pages 139-143 and Plat Book 48, pages 96-99) was established by the aforementioned 1/2" rebar found and held as the SE corner of Lot 4 of Maple Dells and existing 5/8" rebars found at the NE and SE corners of said Northerly adjoining real estate described in Document #2017008394.

# The uncertainty in the lines and corners found or established by this survey are as follows. B

WINTERGREEN DRIVE

300.0' (r)

JRM Realty, LLC Doc. #2012036734 (Tract 2) 0.856 Acres

JRM Realty, LLC Doc. #2012036734 (Tract 1) 9.09 Ac.

Bittersweet Moors Community Assoc., Inc (Doc. #92–036567)

MAGNOLI DRIVE

5/8"

126' (p)

39

(A) Availability and condition of reference monuments:
 Reference monuments found on the subject property and on adjacent properties are shown on the survey drawing. Due to variations in the type of said reference monuments and/or variations depicted on the survey drawing as "measured" versus "recorded" variations in the type of said reference monuments is 2.15 feet North-South and 2.5 feet East-West.

Occupation or possession lines: No uncertainty was created by visible occupation lines (fences, hedge rows, etc.) that were 0

If Precision of this survey falls under the classification of a "Rural" survey. surement = 0.26 feet (79 millimeters) plus 200 parts per million as specified 12. Clarity or ambiguity of the record description and or adjoiner's descriptions: No uncertainty was created by the above-mentioned documents. The Relative Positional Prec. Random errors in measurem Section 7 of said Rule 12.

Q

41

JRM Realty, LLC Doc. #2012036734 (Tract 2)

Maple Dells P.B. 20, page 116

Bittersweet Woods P.B. 43, pg. 118–123 (Doc. #80–011133)

377.42° (p)

135' (p)

(d) ,Sp

## SURVEYOR'S CERTIFICATION

7. Utility Eas

42

(q) 'è.855

(q) 'č.8<u>2.</u>5

Block

. fnd. (0.0)

~**POB** 1/2" rebar 1

R=6,296.57' L=423.57' (C) C=S.82'42'46"W. 423.49' 130' (p)

.10.80' (r)

RR spike fnd  $/\sqrt{(-0.0')}$ 

160.7 (1) 50 (18cc)

N 05.58,00° W. 05.58,00° W.

152.29' (1)

(d) ,62°.∠†↓

70.0

R=6.296.57' **L=457.79'(c)** C=S.82'52'07"W. 457.69'(c)

R=6,296.57, C=S,8412'49"W. L=753.45'(c) 753.00'

U.S. Highway #24

J. Project No. 98 SEC. B (3) (1939)

() F.A.

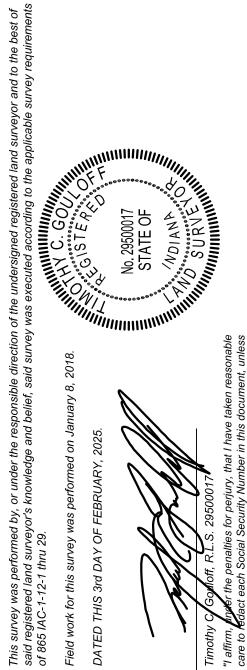
99:00, (١)

92.00, (١)

195.00' (r) 263.72' (r) 174.90' (r) 177.5' (p)

REVISIONS

No. 29500017 STATE OF

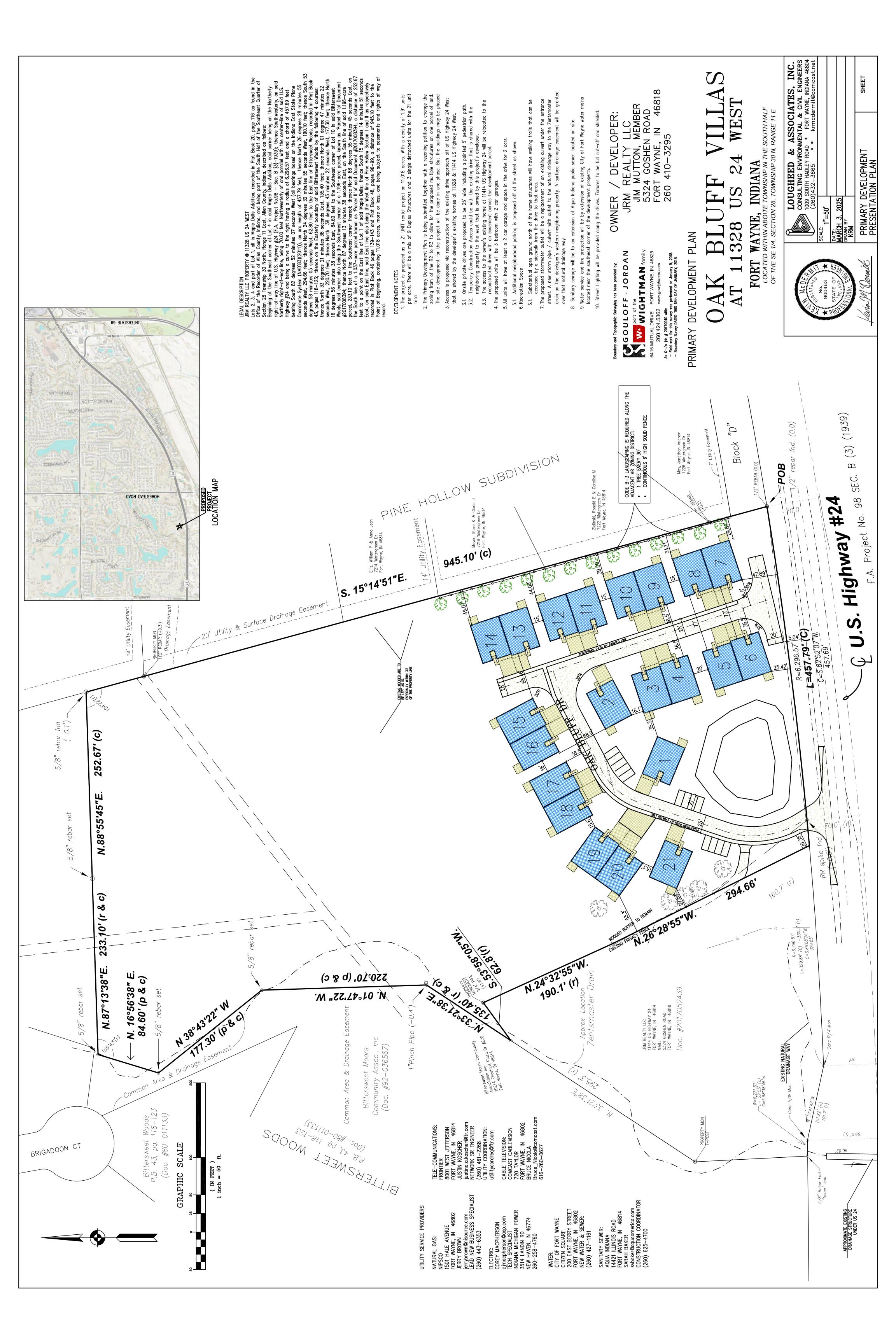


WIGHTMAN

6415 MUTUAL DR. FORT WAYNE, IN. 4682 260.424.5362

 $\overline{\phantom{a}}$ JOB No. 240598 1 OF

BOUNDARY SURVEY



## **Department of Planning Services Rezoning Petition Application**

	Applicant JRM REALTY LLC	;				
Applicant	Address 5324 Goshen Road					
	City Fort Wayne	State IN	Zip 46818	 3		
Ap	Telephone 260.410.3295	E-mail jim	@muttonpower.com			
Property Ownership	Property Owner SAME					
	Address			14		
	City	State	7:			
	Telephone		Zip			
Contact Person	Contact Person Kevin McDern					
	Address 1009 S Hadley Road		Ciales			
				•		
	City Fort Wayne Telephone 260.432.3665	State F_mail_krn	Zip 40010	·+		
			o the designated contact p			
Request	☐ Allen County Planning Jurisd	iction City of Fort W	ayne Planning Jurisdictio	n		
	Address of the property 11328	US Highway 24 West	Township and Secti	on Aboite - 28		
	Present Zoning R2 Prop	posed Zoning R3	Acreage to be rezon	<sub>led</sub> 10.988 ac		
Reg	Purpose of rezoning (attach addit	ional page if necessary)_				
	To facilitate a multiple family	complex of residenti	al duplex house with p	private access.		
	Sewer provider AQUA INDIAN.	Α	FORT WAY	/NI=		
	Sewer provider	Wa	ter provider FORT WAY	'NE		
	Applications will not be accepted	unless the following filin	g requirements are submit	tted with this		
ng dist	application.  ☐ Filing fee \$1000.00		-			
Filing Checkl	Surveys showing area to be re	ezoned				
_ ロ	Legal Description of parcel to	be rezoned				
	Rezoning Criteria (please con					
	stand and agree, upon execution and sub- y described in this application; that I/w dinance as well as all procedures and po-					
	and policies related to the handling and our knowledge; and that	disposition of this application	; that the above information is	s true and accurate to the		
Jan	me of applicant)	A hm	1. H	2 2 25		
printed nar	me of applicant)	(signature of applicant)		2. 2 25 (date)		
printed par	me of property owners	· · · · · · · · · · · · · · · · · · ·				
printed name of property owner) (signature of property owner) (date)						
LEN CO	Received	Receipt No. Hearing I	Date Petition No.	FORT		
18	411ar 05	27 119 4.14.7		Tark ON CA		
	Department of Planning S	ervices • 200 East Berry Suite 1: (260) 449-7682 • www.allence	50 • Fort Wayne, Indiana • 46802			
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org						



## **Department of Planning Services Rezoning Questionnaire**

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

(1) The Comprehensive Plan;

As outlined in All In Allen Comprehensive Plan:
The development is an area mapped as an "Urban Infill Area". That is prioritized for future growth and development in the All In Allen Comprehensive Plan. The development area has a "Complete Neighborhood Index Score of 6.

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

The proposed residential use will not affect the surrounding residential use. Substantual open area is proposed for the development giving a density similar to other surrounding residential developments. The project's density of 21 units on 10.998 acres is less than 1.9 units per acre.

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

With the surrounding residential uses this project maximizes the potential for providing a residential product that is in demand.

(4) The conservation of property values throughout the jurisdiction;

Replacing the existing residence that was constructed in the 1950's with multiple modern residences will increase the property value. And therefor will not have an impact on surrounding property values.

(5) Responsible development and growth.

The project is an in fill development with infrastructure existing on site for: access via a 4 lane highway with a capacity for traffic, sanitary sewer on site with capacity, City water stubbed to the property for future extension, and surface drainage features adjacent with capacity for runoff.

### COMPLETE FILING TO INCLUDE:

- Filing Fee
- Complete application signed by property owner\*
- Legal description (in Word document format)\*
- Boundary/Utility Survey\*
- Rezoning Criteria \*
- ☐ Written Commitment (if applicable)\*

\*All documents may be digital



