

#REZ-2025-0010

BILL NO. Z-25-03-15

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 _____
12 Council Member

13 APPROVED AS TO FORM AND LEGALITY:

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15 _____
16 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

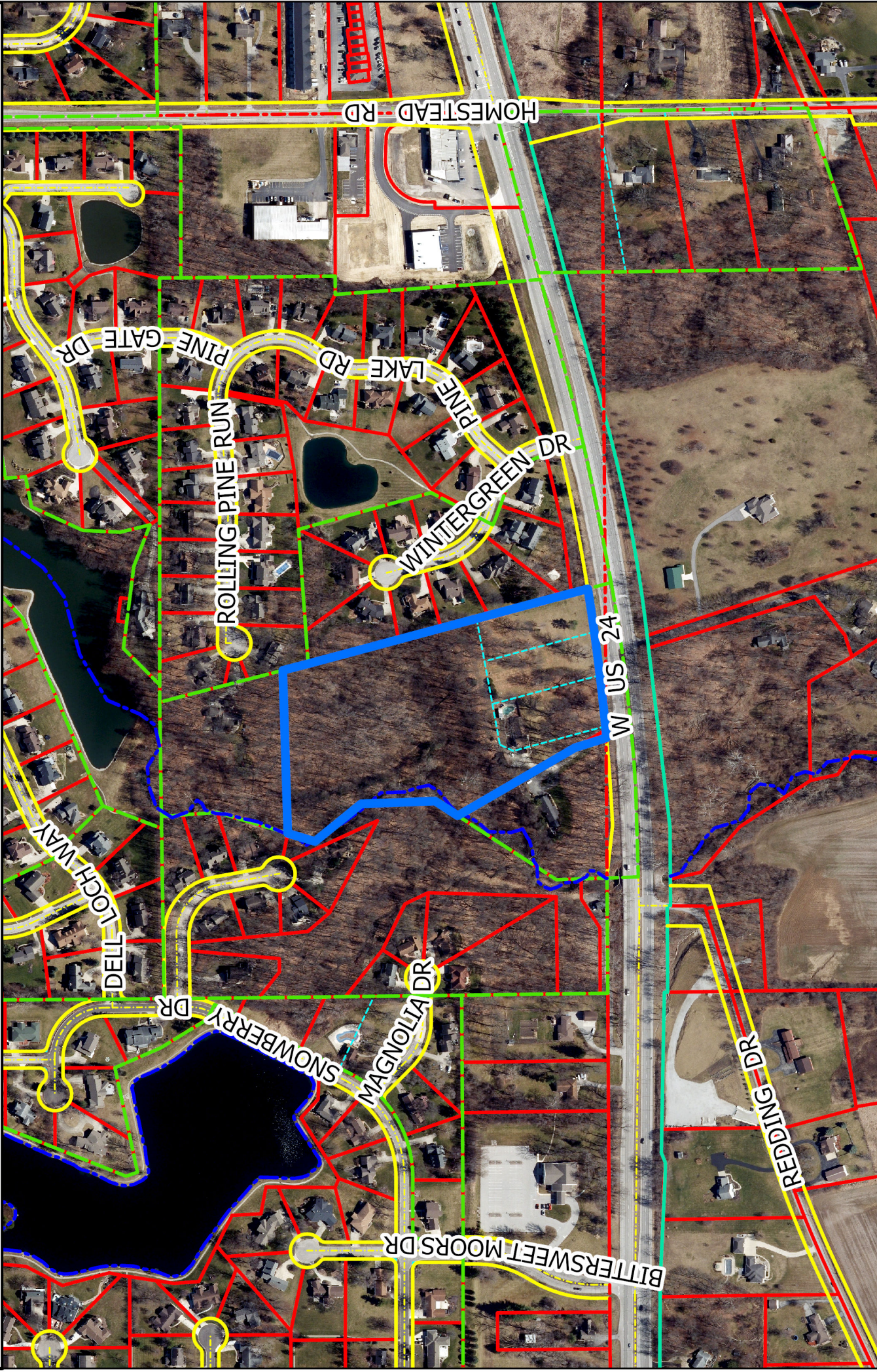
Related Petitions: Primary Development Plan – Oak Bluff Villas

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.

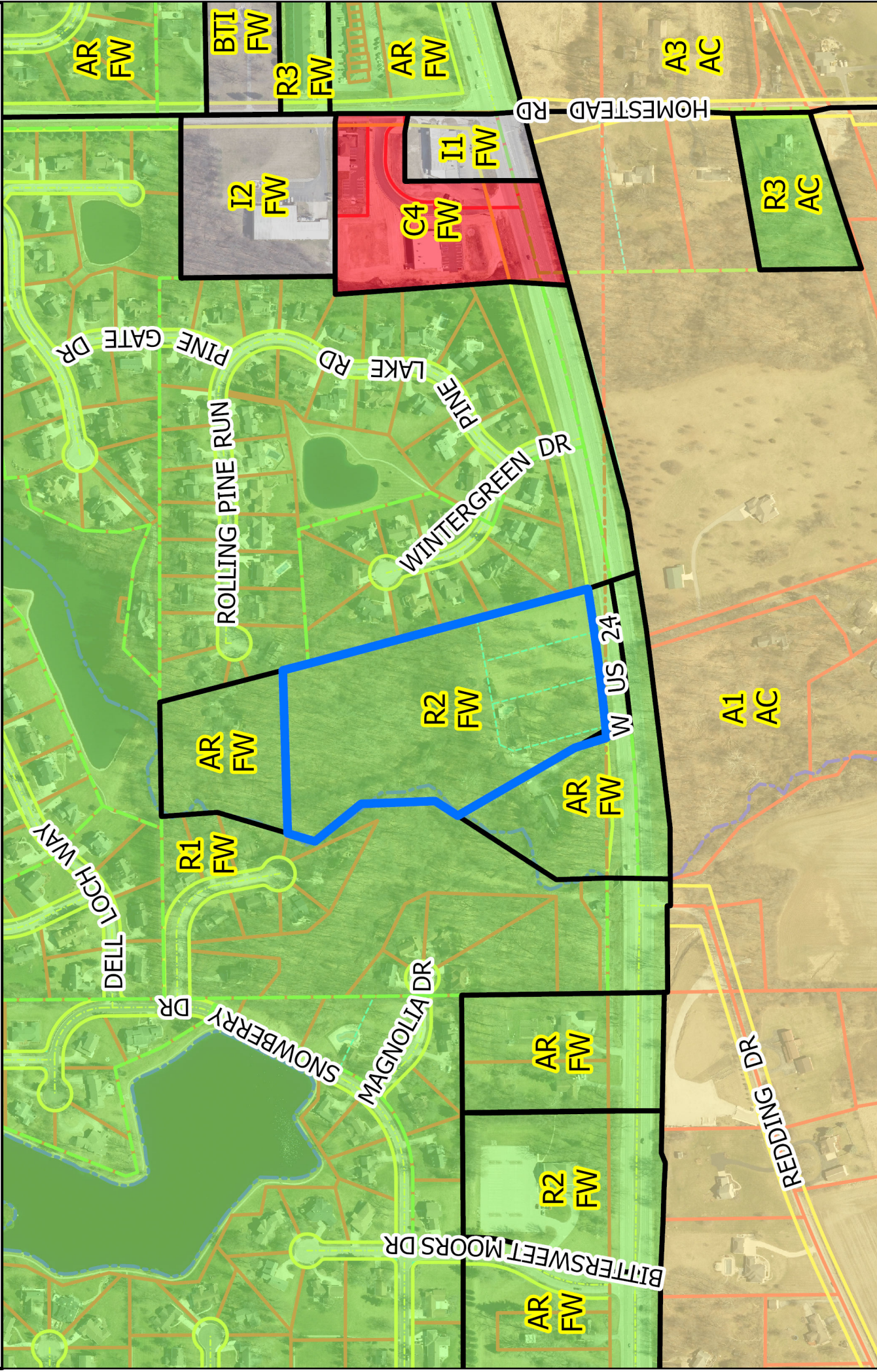


Rezoning Petition REZ-2025-0010 and Primary Development Plan PDP-2025-0010- Oak Bluff Villas



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Date: 3/11/2025



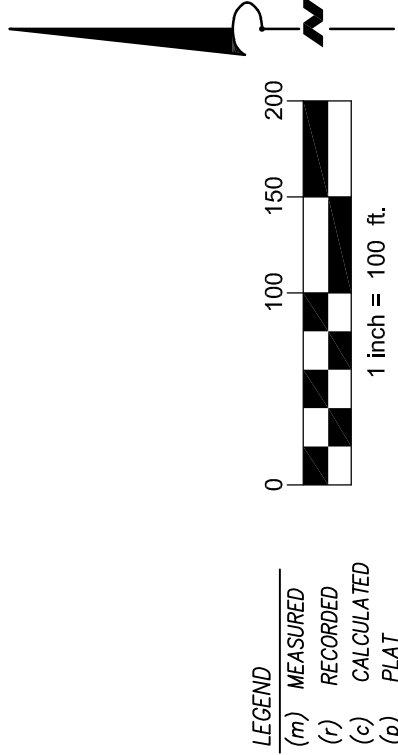
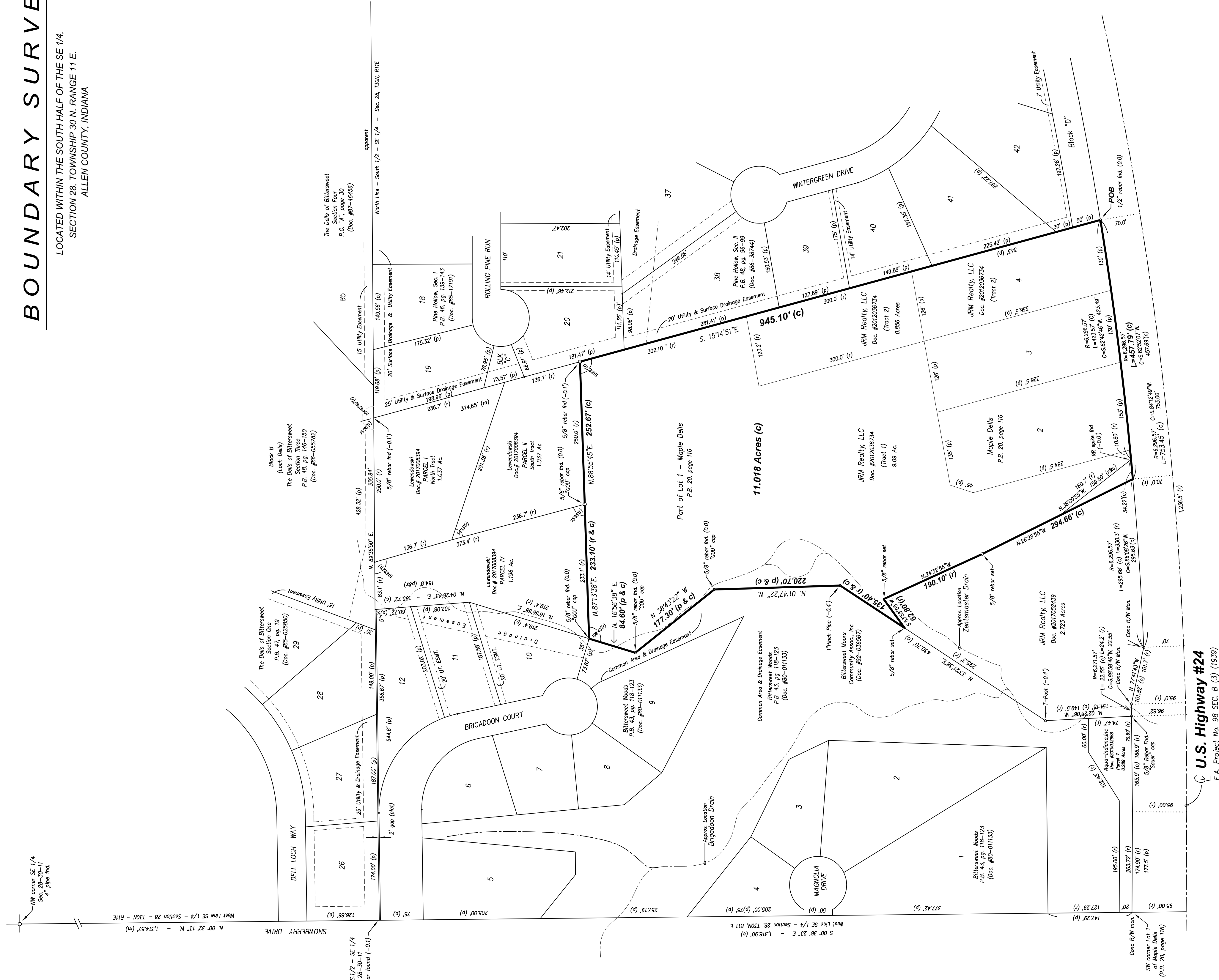
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BOUNDARY SURVEY

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 REZONING 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:

[illegible]

SURVEYOR'S REPORT

FOR THE EXCLUSIVE USE OF: JRM Realty, LLC

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.

Monuments set are 3/8 inch round by 24 inch long steel rebar 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 at time of survey. A title search could reveal easements or rights of way not shown on the survey drawing.

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

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)-(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 Delis 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 Southeast corner of a 2.723-acre parcel described in Document #2017052439) and existing concrete highway monuments

The Westerly line 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-fit" position.

The North line of the subject survey, also being the South line of real estate described in Document #2017003934 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 1 and 11 (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 3/8" rebar bound at the NE and SE corners of said Northwood adjoining real estate described in Document #2017003934.

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

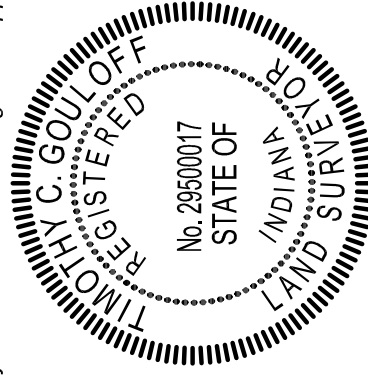
- (A) Availability and condition of reference monuments:
Reference monuments found on the subject property and on adjacent properties are shown on the survey drawing. Due to variations in the type of said reference monuments and/or variations depicted on the survey drawing as "measured" versus "recorded" measurements, uncertainty in said reference monuments is 2.15 feet North-South and 2.5 feet East-West.
- (B) Occupation or possession lines:
No occupation or possession lines (fences, hedge rows, etc.) that were evident at the time of the survey.
- (C) Clarity or ambiguity of the record description and/or adjainer's descriptions:
No uncertainty was created by the above-mentioned documents.
- (D) The Relative Positional Precision of this survey falls under the classification of a "Rural" survey. Random errors in measurement = 0.26 feet (79 millimeters) plus 200 parts per million as specified in Section 7 of said Rule 12.

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

Field work for this survey was performed on January 8, 2018.

DATED THIS 3rd DAY OF FEBRUARY, 2025



Timothy C Gouloff, R.L.S. 29500017

Department of Planning Services Rezoning Petition Application

Applicant
Applicant JRM REALTY LLC
Address 5324 Goshen Road
City Fort Wayne State IN Zip 46818
Telephone 260.410.3295 E-mail jim@muttonpower.com

Property Ownership
Property Owner SAME
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

Contact Person
Contact Person Kevin McDermit - Lougheed & Associates
Address 1009 S Hadley Road
City Fort Wayne State IN Zip 46818
Telephone 260.432.3665 E-mail krmcdermit@comcast.net

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 11328 US Highway 24 West Township and Section Aboite - 28
Present Zoning R2 Proposed Zoning R3 Acreage to be rezoned 10.988 ac
Purpose of rezoning (attach additional page if necessary) _____
To facilitate a multiple family complex of residential duplex house with private access.

Sewer provider AQUA INDIANA Water provider FORT WAYNE

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

James Ray Mutton
(printed name of applicant)

[Signature]
(signature of applicant)

2.2.25
(date)

(printed name of property owner)

(signature of property owner)

(date)



Received <u>4 Mar 25</u>	Receipt No. <u>127117</u>	Hearing Date <u>4.14.25</u>	Petition No. <u>REZ-2025-0010</u>
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Department of Planning Services • 200 East Berry Suite 150 • 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. Substantial 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*



FACT SHEET

Case #REZ-2025-0010 Bill # Z-25-03-15 Project Start: March 2025

PROPOSAL:	Rezoning Petition REZ-2025-0010 – Oak Bluff Villas
APPLICANT:	JRM Realty LLC
REQUEST:	To rezone from R2/Two Family Residential to R3/Multiple Family Residential to permit a multiple family complex.
LOCATION:	11328 US 24 West (Section 28 of Aboite Township)
LAND AREA:	10.988 acres
PRESENT ZONING:	R2/Two Family Residential
PROPOSED ZONING:	R3/Multiple Family Residential
COUNCIL DISTRICT:	4 – Dr. Scott Myers
SPONSOR:	Fort Wayne Plan Commission

April 14, 2025 Public Hearing

- No one spoke in support.
- Three people spoke with concerns or in opposition.
- One letter was received in opposition.
- Karen Richards and Rachel Tobin-Smith were absent.

April 21, 2025 Business Meeting

Plan Commission Recommendation: DO PASS,

A motion was made by Ryan Neumeister and seconded by Rick Briley, to return the ordinance with a Do Pass recommendation, to Common Council for their final decision.

8-0 MOTION PASSED

- Rachel Tobin-Smith was absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
April 28, 2025

PROJECT SUMMARY

The petitioner is requesting to rezone property from R2/Two-Family Residential to R3/Multiple Family Residential to approve a primary development plan for a multiple family development consisting of 20 single-family structures. The site today consists of a single-family home. The site is surrounded by single family subdivisions to the north, east, and west. Directly to the north and west are metes and bounds residential homes. The site was originally platted in 1954 as Maple Dells, but was not developed as originally proposed.

The site was previously rezoned from AR/Low Intensity Residential to R2/Two-Family Residential in 2024 for an attached single-family development. The applicant originally proposed the development be served with public streets, but has since determined that the site was unable to develop as originally intended. The applicant instead intends to still develop the site with single-family dwellings, but now all under the same ownership instead of subdividing through the platting process. This amendment will result in 5 additional residential units.

The applicant's submitted development plan shows a single access point off of W US 24. That access is shared with the parcel to the west which is also owned by the applicant. The submitted plan shows all the development will be located on the southern portion of the site with the intention of leaving several acres to the north undisturbed unless infrastructure improvements are needed. The residential dwellings will be single story and are proposed to meet all zoning ordinance development standards. The applicant is proposing an alternative landscape plan to maintain the existing vegetation on site to the north and west. As proposed, the applicant intends to install the zoning ordinance required B-3 landscape standard which consists of 1 tree every 30 feet and a 6-foot-high continuous fence to the east. They are going to extend the existing privacy fence to the west and supplement the existing trees with new plantings if they are unable to be saved during the construction process. The applicant is also willing to add screening along US 24 to block headlights.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
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:
LUD Policy 1 Support and promote a diversity of housing types within the applicable land use categories defined in this chapter.
LUD Policy 2 Promote complete neighborhoods through sustainable development, preservation, and growth by encouraging and enhancing mixed use neighborhood areas.

Generalized Future Land Use Map

- The project site is located within the Suburban Neighborhood generalized land use category.
- Adjacent properties are categorized as Suburban Neighborhood and Rural Residential.

Overall Land Use Related Action Steps

- **LUD Goal 1** Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

Compatibility Matrix

- This proposed use is permitted in the R3/Multiple Family Residential district. This is considered potentially compatible with the Suburban Neighborhood and Rural Agricultural. The applicant can justify how the proposed development is compatible to the existing built environment at the public hearing.

Other Applicable Plans: none

PUBLIC HEARING SUMMARY:

Presenter: Todd Bauer, representing the applicant, presented the request as outlined above.

Public Comments:

Mindy Thoma (11719 Indigo Dr): Pres of Bittersweet Moors – Questions: Will properties be rentals? Will drivers make U-turns? Can there be signage? Concerns: Crossing over US 24 safety; traffic.

Fredrick Warner (15309 Longview Cv): Speaking for: (Self, Jeff & Cindy Goshert, Stan & Jean Parrish, Kurt & Carmyn Drummond) Concerns: Traffic; accidents, school bus safety, character and property values; INDOT access approval; blind hill visibility.

Richard Sheets (7001 Pine Gate Dr): Pres of Pine Hollow – Concerns: Safety, traffic, visibility; density.

Rebuttal: Todd Bauer stated that INDOT approval will be required. Access will be right in/right out (crossover not required); single story, two car garage dwellings to be “upscale” rentals having the same character as adjacent properties.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

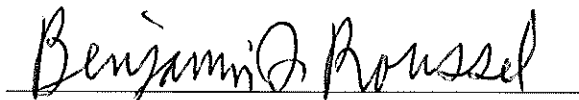
Rezoning Petition REZ-2025-0010 – Oak Bluff Villas

APPLICANT:	JRM Realty, LLC
REQUEST:	To rezone property from R2/Two-Family Residential to R3/Multiple Family Residential for a multiple family development with an alternative landscape plan.
LOCATION:	11328 W US 24, 500 feet west of its intersection with Wintergreen Drive (Section 28 of Aboite Township)
LAND AREA:	10.988 acres
PRESENT ZONING:	R2/Two-Family Residential
PROPOSED ZONING:	R3/Multiple Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2025-0010 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 project is located in the Urban Infill Area where infill development is encouraged. The R3/Multiple Family Residential zoning district is considered compatible with surrounding residential development according to the comprehensive plan.
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. This area is currently well developed with single family subdivisions of varying densities. The proposed rezoning continues residential development patterns on the north side of W US 24.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow investment into one of the remaining metes and bounds parcels along W US 24 with Fort Wayne. The adjacent area is almost fully developed with this parcel being one of the last remaining parcels undeveloped in the area.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site. The applicant will work with reviewing agencies to ensure all City of Fort Wayne drainage requirements are met.

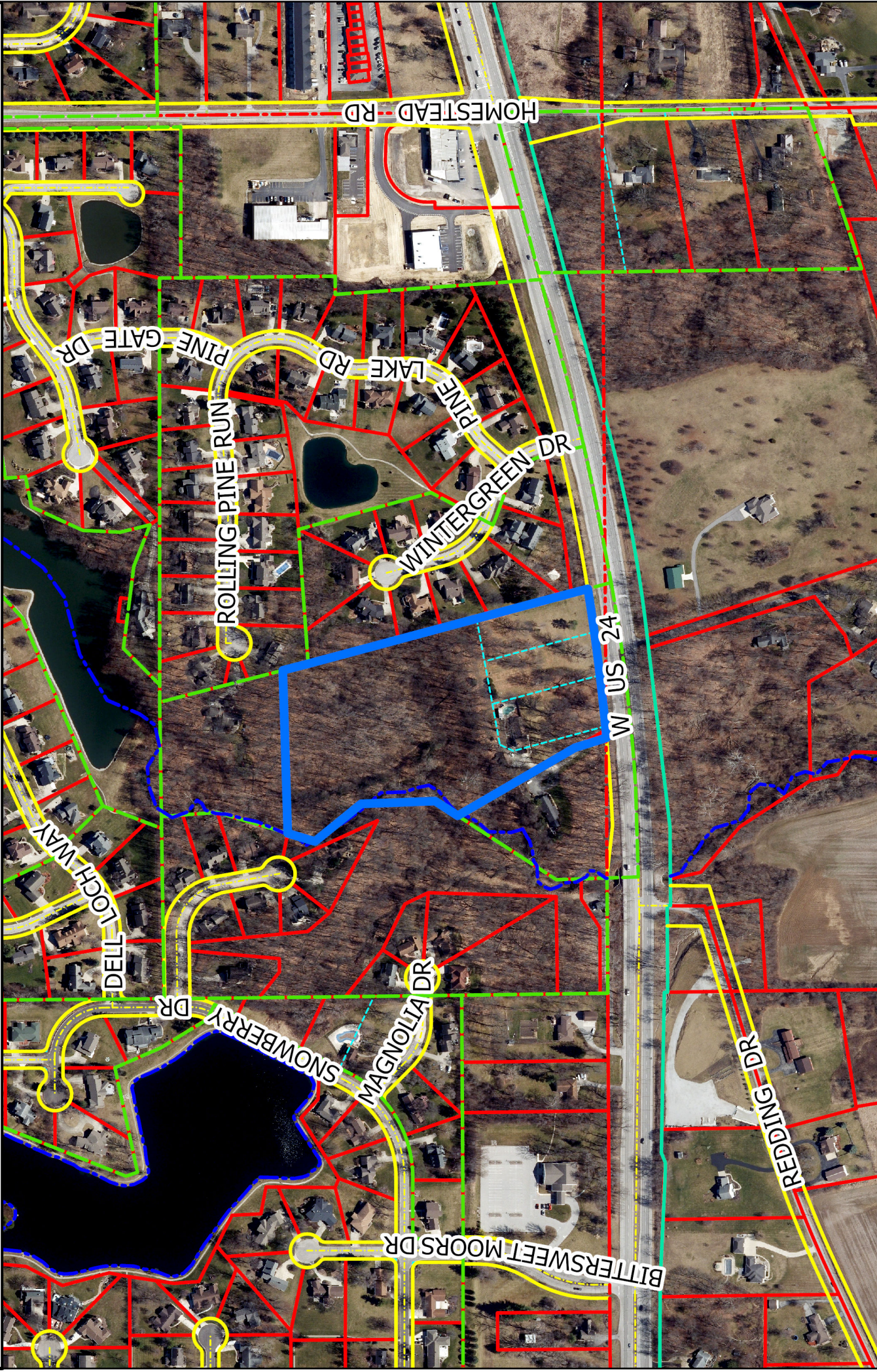
These findings approved by the Fort Wayne Plan Commission on April 21, 2025.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

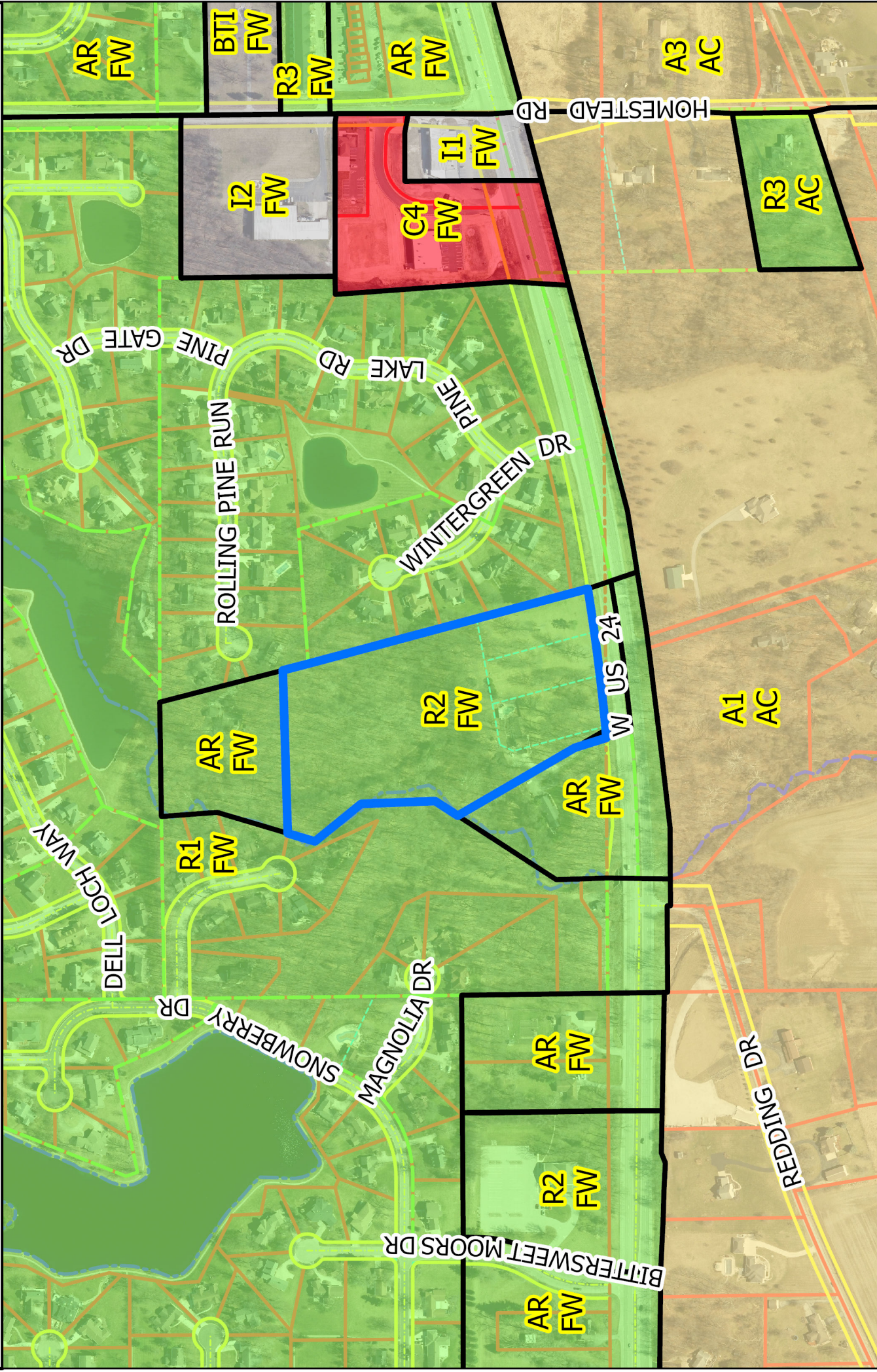


Rezoning Petition REZ-2025-0010 and Primary Development Plan PDP-2025-0010- Oak Bluff Villas



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From: [Hanaway, Jason](#)
To: [Jacob Rose](#); [Sarah Baker](#)
Cc: [Kevin McDermitt](#)
Subject: RE: PDP-2025-0010 Oak Bluff Villas
Date: Friday, March 21, 2025 9:04:54 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jacob,

Thank you for the information. The developer must apply for and obtain an approved permit from INDOT before conducting any work within the Right of Way of US 24. If you have any additional questions don't hesitate to get in touch with me.

Respectfully,

Jason M. Hanaway, P.E.

Special Projects Engineer

5333 Hatfield Road

Fort Wayne, IN 46808

Cell: 260-247-4385

Email: jhanaway@indot.in.gov

[Find us on social media!](#)



From: Jacob Rose <Jacob.Rose@co.allen.in.us>

Sent: Wednesday, March 19, 2025 2:58 PM

To: Hanaway, Jason <jhanaway@indot.IN.gov>; Sarah Baker <SVBaker@AquaAmerica.com>

Subject: PDP-2025-0010 Oak Bluff Villas

This is the first time you received an email from this sender (Jacob.Rose@co.allen.in.us). Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

EXTERNAL EMAIL: This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello,

Attached are the plans for a multiple family development.

Please reach out with any comments you may have.

Copied is Kevin, he will be able to help answer questions about the development if you have any.

Thanks,

Jacob Rose

Principal Land Use Planner

jacobrose@allencounty.us

260-449-7607

Department of Planning Services, Allen County
Suite 150, Citizens Square
200 East Berry St.
Ft. Wayne IN 46802

April 10, 2025

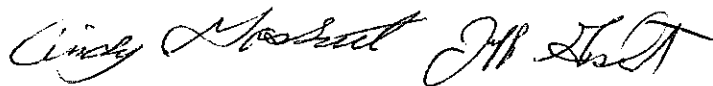
Re: Rezoning Petition REZ-2025-0010
And Primary Development Plan PDP-2025-0010
Oak Bluff Villas

Dear Members of the Plan Commission:

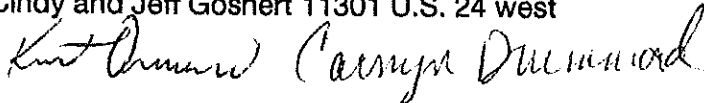
This letter is written in opposition to this development. We are residents of Aboite Township whose properties are directly across U.S. Highway 24 West from the planned building site.

Our concerns are about highway safety and vehicles entering and exiting U.S. Highway 24 to and from this development and the proposed dimension of road within the addition for emergency and service vehicles.

1. As you travel west on 24, the road curves to the right just after Pine Hollow. The proposed entrance to this addition might be termed a "blind" entrance as drivers would be unaware of the entrance until completing this curve. There are times of day in which the sun is low in the sky and impedes the vision of drivers. Drivers tend to accelerate to or above speed limit as soon as they clear the light at Homestead Road. Would there be a deceleration lane on 24 at the entrance to help manage ongoing traffic with drivers turning into the addition?
2. School buses in Southwest Allen do not pull into private drives so children would need to access school buses on 24. Drivers traveling west on 24 would not see the stopped bus until they had rounded the before mentioned curve in the highway.
3. The proposed road within Oak Bluff Villas is more narrow than the city streets. Would there be room for emergency vehicles and fire trucks? It is difficult to tell from the drawing of the building site if there is adequate space for large vehicles to turn around within the addition. Would trucks have to back out onto 24?
4. What are the arrangements for trash pick-up? We live on a 3 family lane and need to bring our trash to the highway for pick-up. It is difficult to imagine 20 families lining trash bins along 24 for pick-up.
5. What is the arrangement for mail delivery? Along highway or within the addition?
6. The density of houses per land available seems high when viewing the land cleared.



Cindy and Jeff Goshert 11301 U.S. 24 west



Carmyn and Kurt Drummond 11303 U.S. 24 West



Jean and Stan Parrish 11291 U.S. 24 West