



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802
Phone: 260.449.7555 FAX: 260.449.7568

LINDA K. BLOOM THERESE M. BROWN NELSON PETERS

AGENDA

Commissioners' Legislative Session
10:00 AM Friday, April 28, 2017
Council Chambers Courtroom – Citizens Square

1. Consider approval of the minutes of April 14, 2017.
2. Consider approval of Rezoning Petition #REZ-2017-0016 to rezone 62.02 acres south of Devil's Hollow Section B and east of Devil's Hollow Section F from A1/Agricultural to R1/Single Family Residential for an 8-lot single family residential subdivision.
3. Update from the Southwest Fire District.
4. Consider approval of Change Order # 19 for Lafayette Center Rd/CR 900 North, in Allen County and Huntington County, Project # 1200213. In the amount of \$4,798.00 (increase).
5. Consider approval of Agreement between the Board of Commissioners and Engineering Resources, Inc. for Ehle Rd Bridge # 128 over Botteron Ditch for preliminary engineering services for bridge rehabilitation, Project # 0200117. In the amount of \$9,700.00.
6. Consider approval of Agreement between the Board of Commissioners and Engineering Resources, Inc. for Gar Creek Rd Bridge # 133 over Lomont Ditch for preliminary engineering services for deck replacement, Project # 0200217. In the amount of \$9,700.00.
7. Consider approval of Agreement between the Board of Commissioners and Engineering Resources, Inc. for Stonehedge Blvd Bridge # 97 over Becketts Drain for design preliminary engineering services for replacement of the existing bridge, Project # 0100117. In the amount of \$28,660.00.
8. Consider approval of Warranty Deed for Hathaway/Corbin Curve Realignment, Project # 1300110.
Parcel 3 – Wells
9. Consider approval of Warranty Deed for Pufferbelly Trail, Project # 0004707.
 - a. Parcel 2 - Stein
10. Consider approval of Contract Extension for Bid Ref # 09-12, Furnish and Install Traffic Pavement Markings in Various Roads in Allen County, Indiana for 2017, Project # 0002717 at the unit prices submitted for year 2012. Bidder was Three Rivers Barricade.
11. Consider approval of agreement between the Board of Commissioners and Light & Breuning for parking operations at county owned lots during festival season.
12. Consider approval of amendment to Allen County Code Title 19 (Stormwater) – Article 1 (Stormwater Management).
13. Consider approval of claims submitted for payment.

14. Other Business:

Ordinance Establishing an Underground and Buried Utility District to AC Code Title 5 (Highway Dept) - Article 7- (Underground and Buried Utility District)

15. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of March April 28, 2017.

16. Comments from the Public

17. Motion to Adjourn.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 200 East Berry Street, Suite 380, Fort Wayne, IN 46802, or by phone at (260) 449-7217.



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Phone: 260.449.7555 FAX: 260.449.7568

NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

Commissioners' Legislative Session
10:00 a.m., Friday, April 14, 2017
Council Chambers Courtroom – Citizens Square

Commissioners Present: Therese Brown and Nelson Peters
Commissioners Absent: Linda Bloom

Others Present:	Chris Cloud	Commissioners Office
	Jenni Overman	Commissioners Office
	Andrew Applegate	Commissioners Office
	Bill Fishering	County Attorney
	Bill Hartman	Highway Director
	Scott Harrold	DPS / Redevelopment Commission
	Bernie Beier	Homeland Security
	Kim Yagodinski	Highway
	Patrick Rew	DPS
	Jeff Stevens	ACCC
	Spencer Feighner	Attorney
	Kristen Pixlay	BLN
	Jim Longest	BLN

Commissioner Brown called the meeting to order at 10:04 AM. Commissioner Brown led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Consider approval of the minutes of April 7, 2017.** Commissioner Peters made a motion to approve the minute of April 7, 2017. Commissioner Brown seconded the motion. Motion carried 2-0.
- 2. Consider approval of Consent Resolution for NP Fort Wayne 40, LLC.** Scott Harrold, DPS, presented this item. He stated this is something the Redevelopment Commission use to have the responsibility for. The State Legislature decided they would give it to the legislative body. Basically, when someone gets tax abatement in a TIF district they have to get consent that the people in charge of the TIF district don't object to it. This is for the project in Stonebridge just south of GM. It should have been brought to the Commissioners sooner as it's for tax abatement last year. It's just saying that the Redevelopment Commission was not planning on relying on the money that was abated and we were aware of it. Commissioner Peters made a motion to approve Consent Resolution for NP Fort Wayne 40, LLC. Commissioner Brown seconded the motion. Motion carried 2-0.
- 3. Consider approval of interlocal agreement between the Board of Commissioners and City of Fort Wayne for purchase of a severe weather warning siren.** Bernie Beier, Office of Homeland Security, presented this item. He stated about 1600 residents of Waynedale signed a petition asking for an outdoor emergency weather siren to be reinstalled in the Waynedale area where there used to be one years ago at the southwest fire station. This agreement between the County of Allen and the City of Fort Wayne for this siren only, shares the initial cost and installation cost for 1 complete siren to be relocated back at southwest fire on Old Trail Road. It will serve that area of the Waynedale area within the City of Fort Wayne. Commissioner Brown asked if we will be going through a process of looking at tornado sirens. Bernie stated we are and this is kind of the beginning of a big deal as it relates to outdoor warning. It's a topic nationwide not unique to Allen County. This is the beginning of a 2-3 year community dialog asking questions as to the effectiveness of sirens. He stated the thinks the answers will be unique to each community and the solutions will be different. He stated this time it makes sense for City and County to

share the cost to put one up. In the future it may not make sense. He stated he thinks the funding solution is going to be as unique as the location for the siren and the need for it. Commissioner Peters made a motion to approve the interlocal agreement between the Board of Commissioners and City of Fort Wayne for purchase of a severe weather warning siren. Commissioner Brown seconded the motion. Motion carried 2-0.

4. **Consider approval of Agreement between the Board of Commissioners and Clark Dietz for Auburn Rd Site Management and Permit Reporting, Project #00-343. In the amount of \$17,980.00.** Bill Hartman, Highway Director, stated this is some reporting that needs to be done for a mitigation site for a 3 year period, 2016-2018. Commissioner Peters made a motion to approve the Agreement between the Board of Commissioners and Clark Dietz for Auburn Rd Site Management and Permit Reporting in the amount of \$17,980.00. Commissioner Brown seconded the motion. Motion carried 2-0.
5. **Consider approval of 2016 Annual Report for the Highway Department.** Bill Hartman, Highway Director, stated this is a report due to the State of Indiana and is required in Indiana Code. Commissioner Peters made a motion to approve the 2016 Annual Report for the Highway Department. Commissioner Brown seconded the motion. Motion carried 2-0.
6. **Consider approval of Change Order # 8 for Gump Rd from SR 3 to Coldwater Rd, Project # 03-296. In the Amount of \$984.28 (increase).** Bill Hartman, Highway Director, stated this is for additional pavement marking tape. Commissioner Peters made a motion to approve Change Order #8 for Gump Rd. Commissioner Brown seconded the motion. Motion carried 2-0.
7. **Consider approval of Change Order # 9 for Gump Rd from SR 3 to Coldwater Rd, Project # 03-296. In the Amount of \$119,988 (increase).** Bill Hartman, Highway Director, stated when the original cross sections were calculated from the original plans to develop the plan quantity, there was a mistake and just about half the quantity was put on the plans. When the construction engineering individuals did the final cross sections, they discovered the error. We have a unit price fortunately so it's not a complete extra item but it is a little bit over double the quantity. It's an additional 7,272 cubic yards whereas the original quantity was 6,660. The engineers estimate was a little over \$8 million dollars and even with this addition we are still \$250,000 under that estimate. 20% percent of this increase (\$23,997.70) will be paid for by the Town of Huntertown. The actual completion is June of next year. Commissioner Peters made a motion to approve Change Order # 9 for Gump Rd from SR 3 to Coldwater Rd, Project # 03-296. In the Amount of \$119,988 (increase). Commissioner Brown seconded the motion. Motion carried 2-0.
8. **Consider approval of Rezoning Petition #REZ-2017-0001 to rezone 148.4 acres on the south and east sides of the 9600 to 10000 blocks of North Clinton Street and the east side of the 9300 block of Brooks Road from MHP/Manufactured Home Park and A3/Estates to BTI/Business, Technology, and Industrial Park; C1/Professional Office and Personal Services; and R3/Multiple Family Residential.** Patrick Rew, DPS, presented this item. He stated there are 3 elements to this request for rezoning. There is a total of 148.4 acres for development that is broken down into 7.7 acres for C1/Professional Offices, 69 acres for R3/Multiple Family Residential and 71.2 acres for the BTI/Business, Technology and Industrial Park. The Plan Commission held a public hearing on February 9, 2017 and forwarded on to the Commissioners a do pass with a 9-0 motion for this rezoning petition. Commissioner Peters made a motion to approve Rezoning Petition #REZ-2017-0001 to rezone 148.4 acres on the south and east sides of the 9600 to 10000 blocks of North Clinton Street and the east side of the 9300 block of Brooks Road from MHP/Manufactured Home Park and A3/Estates to BTI/Business, Technology, and Industrial Park; C1/Professional Office and Personal Services; and R3/Multiple Family Residential. Commissioner Brown seconded the motion. Motion carried 2-0.
9. **Consider approval of Rezoning Petition #REZ-0003 to rezone 83.9 acres on the east side of the 17100 to 17200 blocks of Lima Road from A1/Agricultural to R1/Single Family Residential for a 152 lot subdivision.** Patrick Rew, DPS, presented this item. He stated application was actually reduced from 152 lots to 150 lots to be in compliance with the zoning ordinance for single entrance. The property is located just north of Shoaff Rd. on Lima Rd. There are some metes and bounds residential parcels between this development and Shoaff Rd. It's on the east side of Lima Rd. Plan Commission held a public hearing for this project on February 9, 2017. There were several people who came, spoke and had

questions and concerns about the development. Some of those questions and concerns had been resolved through the process. One of them was the location of the entrance on Lima Road. It did get moved further north so it split the difference between two metes and bounds residential properties on the west side of Lima Road so those egress and ingress cars from the subdivision won't be shining their lights into those homes. The Plan Commission did forward a 9-0 motion of do pass to the Commissioners. Commissioner Peters made a motion to approve Rezoning Petition #REZ-0003 to rezone 83.9 acres on the east side of the 17100 to 17200 blocks of Lima Road from A1/Agricultural to R1/Single Family Residential for a 152 lot subdivision. Commissioner Brown seconded the motion. Motion carried 2-0.

10. Consider approval of Rezoning Petition #REZ-0005 to rezone 5.2 acres on the west side of the 14400 block of Coldwater Road from R1/Single Family Residential to A1/Agricultural for a five-lot single family residential development. Patrick Rew, DPS, presented this item. He stated the necessity of this downzoning is to allow this particular grouping of parcels to be developed into a minor plat. The ordinance does not allow minor plats in the R1 districts, hence the downzoning. The R1 zoning actually was part of the original Whisper Rock overall master plat approval. But because of wetlands and other water features between that development and Coldwater Road it just didn't make sense to run an access out there so they are proposing to develop this as a minor plat instead of using it as an entrance to the development. Plan Commission held a public hearing for this project on February 9, 2017 and did forward a 9-0 do pass recommendation to the Commissioners. Commissioner Peters made a motion to approve the Rezoning Petition #REZ-0005 to rezone 5.2 acres on the west side of the 14400 block of Coldwater Road from R1/Single Family Residential to A1/Agricultural for a five-lot single family residential development. Commissioner Brown seconded the motion. Motion carried 2-0.

11. Consider approval of Rezoning Petition #REZ-0007 and #REZ-0008 to rezone 8.66 acres at the southeast corner of the intersection of East Dupont Road and Diebold Road from SC/Shopping Center to C3/General Commercial and a portion from C3/General Commercial and MHP/Manufactured Home Park to SC/Shopping Center for the Dupont Corner Shopping Center. Patrick Rew, DPS, presented this item. He stated this particular development has already been approved. The infrastructure has predominately already been installed for this development. This particular rezoning petition is before the Commissioners because going through the development and negotiations with potential big box tenants, it was determined that it really needed a full access point on Dupont Road. Through negotiations with adjacent property owners they were able to acquire some additional ground to extend the internal street from Dupont corner to the east and out to Dupont Road where there will be a signalized intersection which was one of the requirements of some of the big box tenants that they are negotiating with at the moment. That is for the shopping center portion of the rezoning request. That would be the NE corner of the development. There was a small sliver of ground on the south side of the development that was missed with the original rezoning to allow the big box to be able to be appropriately aligned to Dupont Rd. There is basically nothing adjacent to that to the south besides overhead power lines and open ground. The C3 zoning is the corner outlot right at the corner of Diebold and Dupont. There is a carwash user that is negotiating with the developer to locate on that parcel. When this project was originally approved under the old ordinance prior to 2014, a carwash would have been a permitted use in a shopping center district. With that change of zoning, SC no longer allows car washes in the SC district so they are proposing to go ahead and make that a permitted use on that particular outlot. The public hearing for this was held on March 16, 2017. There was no one there to speak in opposition. The Plan Commission forwarded a do pass recommendation 9-0 on both rezoning petition #REZ-0007 and #REZ-0008. Commissioner Peters made a motion to approve Rezoning Petition #REZ-0007 and #REZ-0008 to rezone 8.66 acres at the southeast corner of the intersection of East Dupont Road and Diebold Road from SC/Shopping Center to C3/General Commercial and a portion from C3/General Commercial and MHP/Manufactured Home Park to SC/Shopping Center for the Dupont Corner Shopping Center. Commissioner Brown seconded the motion. Motion carried 2-0.

12. Consider approval of Rezoning Petition #REZ-0009 to rezone 21.95 acres south of Acacia Creek Section 3 from A1/Agricultural to R1/Single Family Residential for a 70-lot subdivision. Patrick Rew, DPS, presented this item. He stated there are two stub streets coming from Acacia Creek serving this subdivision. The subdivision does not provide any additional interconnections to the east or south because the ground to the east and south has been developed already. The Plan Commission held their public hearing on March 16th. There was no one there who spoke in opposition to the petition. The Plan

Commission forwards a 9-0 do pass recommendation to the Commissioners. Commissioner Peters made a motion to approve Rezoning Petition #REZ-0009 to rezone 21.95 acres south of Acacia Creek Section 3 from A1/Agricultural to R1/Single Family Residential for a 70-lot subdivision. Commissioner Brown seconded the motion. Motion carried 2-0.

- 13. Consider approval of Rezoning Petition #REZ-0010 to rezone .63 acres at 8411 Mayhew Road from C1/Professional Office and Personal Services to C3/General Commercial to allow flexibility in site use.** Patrick Rew, DPS, presented this item. He stated this site has a long history from both starting out at the Board of Zoning Appeals approvals for that existing structure on the property to a rezoning petition in the mid-2000's to go to C1/Professional Offices to this point now where the applicant filed a petition to go to C3/General Commercial. Through the public hearing process and discussions with the applicant, staff was concerned about just outright rezoning this to C3. Given the size of the parcel and the location, it being on 469, a high visibility site, staff was quite concerned and the Plan Commission was as well about just carte blanche giving them full C3/General Commercial zoning. So the applicant agreed to a written commitment. Predominately, the written commitment restricts motor vehicle, automobile and boat sales, leasing and rental. There are some additional other uses that staff had put into that written commitment. But predominately it is eliminating all outdoor sales, leasing and rental type uses. The applicant will be able to do some more general commercial type uses but the more intensive, automobile uses have been restricted from this rezoning petition with the written commitment. The public hearing was held on March 16, 2017 and the Plan Commission forwarded a 9-0 do pass recommendation with the written commitment. Commissioner Peters made a motion to approve the Rezoning Petition #REZ-0010 to rezone .63 acres at 8411 Mayhew Road from C1/Professional Office and Personal Services to C3/General Commercial to allow flexibility in site use. Commissioner Brown seconded the motion. Motion carried 2-0.
- 14. Consider approval of memorandum of understanding between the Board of Commissioners and City of Fort Wayne for use of a Community Corrections work crew.** Spencer Feighner, Attorney, stated we have a series of memorandums of understanding between the County and the City for the use of the Community Correction work crews almost identical to the existing ones we have used in past years. A couple of small changes clarify the amount per hour that the City pays to the County for the use of these crews. It's \$35. There was a range previously depending on the project. There is a series of them with different City entities, parks department, Solid Waste, Property Management and a handful of others. It clarifies and makes uniform the use of those community service work crews by the different City agencies. It makes consistent the hourly rate regardless of what entity under the City umbrella. Commissioner Peters made a motion to approve the memorandum of understanding between the Board of Commissioners and City of Fort Wayne for use of a Community Corrections work crew. Commissioner Brown seconded the motion. Motion carried 2-0.
- 15. Consider approval of Change Order No. 1 between the Board of Commissioners and Strebig Construction on Addition to Allen County Sheriff Range Building project. In the amount of \$24,302 (decrease).** Chris Cloud, Executive Asst., stated this project is over now but the architect went through to clean up the records on it. Before the construction began, the sheriff and the architect went through and basically shaved costs off the project by deleting a number of little odds and ends things. They reduced the project cost before it even started. This is just to clean up the books so there is a documented record of the change of the pricing. Commissioner Peters made a motion to approve Change Order No. 1 between the Board of Commissioners and Strebig Construction on Addition to Allen County Sheriff Range Building project. In the amount of \$24,302 (decrease). Commissioner Brown seconded the motion. Motion carried 2-0.
- 16. Consider approval of claims submitted for payment.** Commissioner Peters made a motion to approve claims submitted for payment in the amount of \$1,048,196.19. Commissioner Brown seconded the motion. Motion carried 2-0.
- 17. Other Business:**
- 18. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 14, 2017.** Commissioner Peters made a motion to

approve the waiving of the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 14, 2017. Commissioner Brown seconded the motion. Motion carried 2-0.

19. Comments from the Public.

20. Motion to Adjourn. Meeting adjourned 10:47 a.m.

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#2

COMES NOW the Board of Commissioners of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

**Allen County Code Title 3:
The Allen County Zoning Ordinance
Amendment No.**

WHEREAS petitioner Devil's Hollow Corporation filed Petition REZ-2017-0016 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 13th day of April, 2017; and,

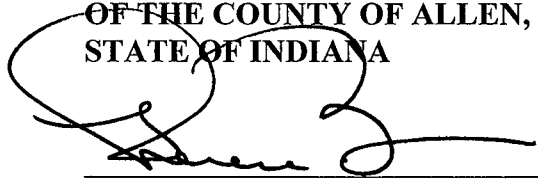
WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the approximate 62.02 acres of real estate referenced in the Petition be reclassified to R/1 Single Family Residential; now, therefore,

BE IT ORDAINED by the Board of Commissioners of the County of Allen, State of Indiana, that the Board concurs with the Plan Commission's recommendation and approves this Petition;

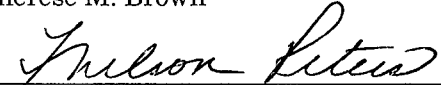
BE IT FURTHER ORDAINED that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Board;

ENACTED THIS 28 day of April, 2017.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN,
STATE OF INDIANA**



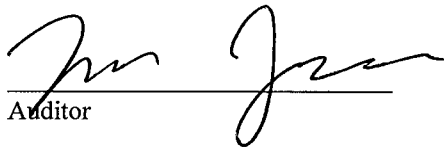
Therese M. Brown



F. Nelson Peters

Linda K. Bloom

Attest:



Auditor

COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq. and Allen County Code Title 3, both as amended, and adopts the following resolution.

**Resolution of the
Allen County Plan Commission
Regarding Zoning Map Amendment**

WHEREAS the Allen County Department of Planning Services received a proposed map amendment to Title 3 of the Allen County Code (the Zoning Ordinance) on March 6, 2017 which it designated subsequently as Rezoning Petition REZ-2017-0016; and,

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed map amendment in both *The Journal Gazette* and *The News-Sentinel* according to law; and,

WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed map amendment on April 13, 2017; and,

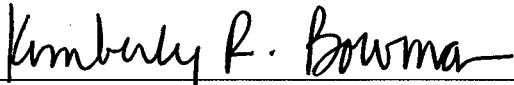
WHEREAS the Allen County Plan Commission considered the petition in light of comprehensive plan and the zoning ordinance requirements; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session, that a resolution and proposed ordinance be sent to the Allen County Board of Commissioners recommending that the proposed map amendment REZ-2017-0016 approximate 62.02 acres to R/1 Single Family Residential;

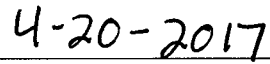
BE IT FURTHER RESOLVED that the Allen County Plan Commission's Findings of Fact setting forth its reasons for this recommended action be included with the resolution and proposed ordinance resolving Rezoning Petition REZ-2017-0016; and,

BE IT FINALLY RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the Allen County Board of Commissioners;

ADOPTED THIS 13 day of April 2017.



Kimberly R. Bowman, AICP
Executive Director, ACDPS
Secretary to the Allen County Plan Commission



Date of Signature

REZONING FACT SHEET

Petition #REZ-2017-0016

Project Start: March 2017

APPLICANT:	Devil's Hollow Corporation-John Popp
REQUEST:	To rezone property from A1/Agricultural to R1/Single Family Residential; and approve a primary plat for an 8-lot single family residential subdivision.
LOCATION:	The property is located south of Devils Hollow Section B, and east of Devil's Hollow Section F. Spring Hollow Road stubs into the property from the north (Sections 29 and 30 of Aboite Township).
LAND AREA:	Approximately 62.02 acres
PRESENT ZONING:	A1/Agricultural
PROPOSED ZONING:	R1/Single Family Residential
PROPOSED WATER:	Well
PROPOSED SEWER:	AquaIndiana
ASSOCIATED PROJECT:	Primary Plat – PP-2017-0009, Devil's Hollow, Section M

13 April 2017 Public Hearing

- Two residents spoke at the hearing in support
- Two residents had concerns at the hearing.

13 April 2017 Business Meeting

Plan Commission Recommendation: Do Pass

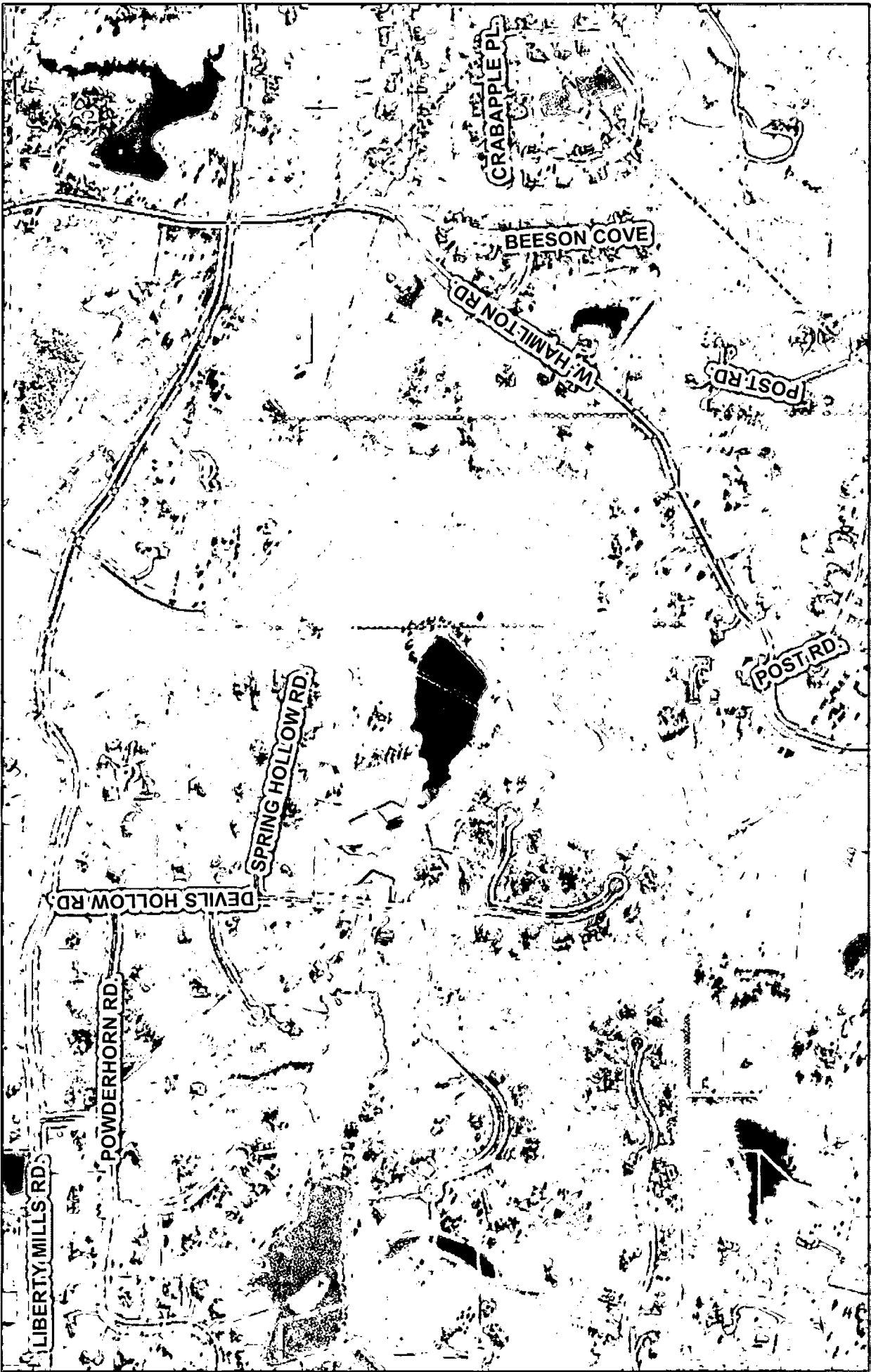
- A motion was made by Therese Brown and seconded by James Wolff to return the ordinance to the Board of Commissioners for their final decision.
- **8-0 MOTION PASSED**
- Kenny Neumeister was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
21 April 2017

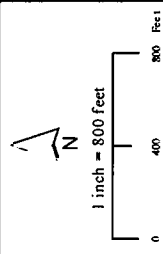
Reviewed By:

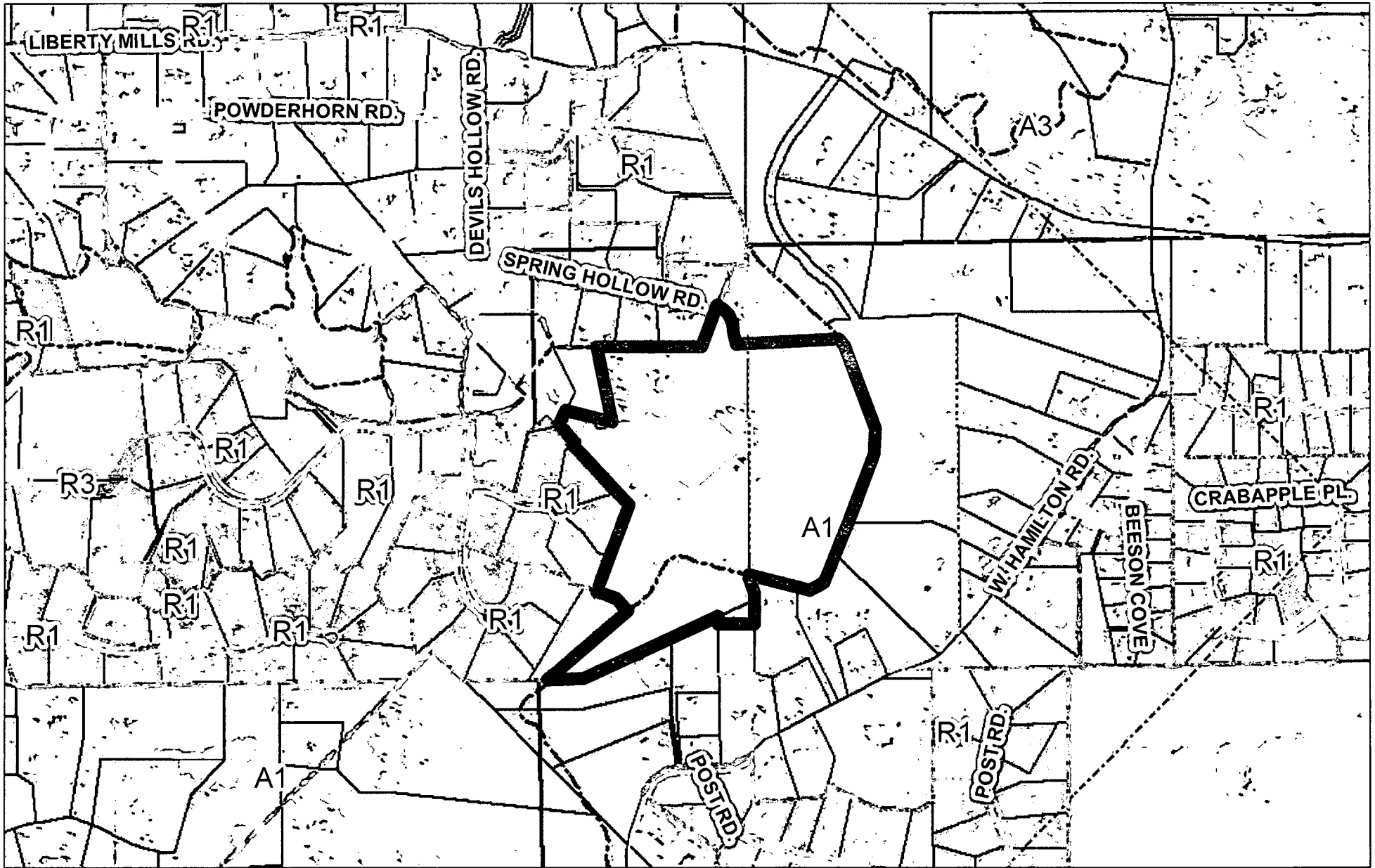

Paul Blisk, Deputy Land Use Director

Rezoning Petition REZ-2017-0016 and Primary Plat P-P-2017-0009 - Devils Hollow Section M



Although strict accuracy standards have been observed in the compilation of this map, Altra 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: 3/30/2017





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©2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Co System, Indiana East
 Photos: Spring 2009



1 inch = 800 feet

