

#REZ-2013-0015

BILL NO. Z-13-02-16

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-66 (Sec. 32 of Perry 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 CM1
(Professional Offices and Personal Services) District under the terms of Chapter 157 Title
XV of the Code of the City of Fort Wayne, Indiana:

A part of the Southwest Quarter of the Northwest Quarter of Section 32, Township
32 North, Range 12 East. Allen County, Indiana, more particularly described as
follows:

Commencing at a point of beginning located at the intersection of the South line of
said Northwest Quarter section with the West right-of-way line of dual land State
Highway Number Three (3), also known as the Lima Road; thence Northerly along
said West right-of-way line, a distance of 185.00 feet; thence Westerly parallel to
aforesaid South line of Northwest Quarter Section, a distance of 218.5 feet; thence
Southerly parallel to aforesaid Highway right-of-way line, a distance of 185.0 feet;
thence Easterly along said South line of said Northwest Quarter section, a distance of
218.5 feet to the place of beginning, containing 0.93 acre more or less.

and the symbols of the City of Fort Wayne Zoning Map No. K-66 (Sec. 32 of Perry
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. 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:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0015
Bill Number: Z-13-02-16
Council District: 3 – Tom Didier

Introduction Date: February 26, 2013

Plan Commission
Public Hearing Date: March 11, 2013

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

Synopsis of Ordinance: To rezone approximately 0.93 acres of property from AR-Low Intensity Residential to CM1-Professional Offices and Personal Services

Location: 11115 Lima Road

Reason for Request: To allow the existing building and uses to come into compliance with the zoning ordinance for medical office uses

Applicant: F & W Ventures, LLC/Salin Bank and Trust

Property Owner: Salin Bank and Trust

Related Petitions: none

Effect of Passage: Property will be rezoned to CM1-Professional Offices and Personal Services, bringing the existing use into compliance with the permitted uses of the zoning ordinance.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and the existing use as a dentist office may continue according to the conditions of the Board of Zoning Appeals approval.

Department of Planning Services
Rezoning Petition Application

Applicant	Applicant <u>F & W Ventures, LLC/Salin Bank & Trust Company</u>		
	Address <u>409 E. Cook Rd., Ste. 300</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46825</u>
	Telephone <u>260-489-8500</u>	Fax <u>260-489-8544</u>	E-mail <u>diana.parent@svn.com</u>

Property Ownership	Property Owner <u>Salin Bank & Trust Company</u>		
	Address <u>8455 Keystone Crossing Drive</u>		
	City <u>Indianapolis</u>	State <u>IN</u>	Zip <u>46240</u>
	Telephone _____	Fax _____	E-mail _____

Contact Person	Contact Person <u>Tom Gallmeyer or Randall Kammeyer</u>		
	Address <u>116 E. Berry St., Ste. 302</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46802</u>
	Telephone <u>260-422-1515</u>	Fax <u>260-424-2656</u>	E-mail <u>tmgallmeyer@hawkhaynie.com</u>

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 <u>11115 Lima Road, Fort Wayne, IN 46845</u>		
	Present Zoning <u>AR</u>	Proposed Zoning <u>CM1</u>	Acreage to be rezoned <u>0.93</u>
	Proposed density _____ units per acre		
	Township name <u>Perry</u> Township section # <u>091</u>		
	Purpose of rezoning (attach additional page if necessary) _____		
Sewer provider <u>City of Fort Wayne</u> Water provider <u>Well</u>			

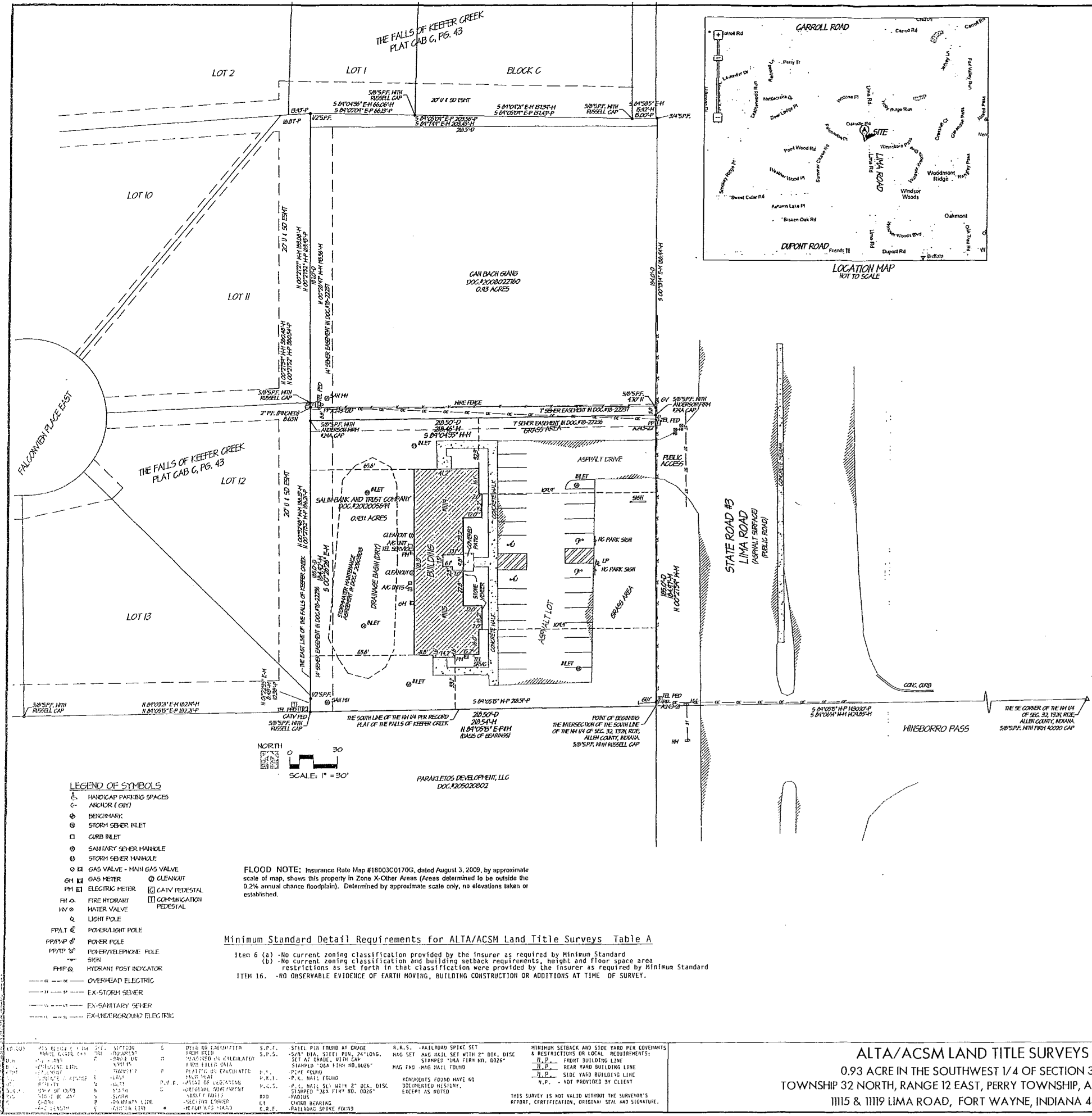
Filing Requirements	Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.	
	☐ Applicable filing fee	
	☐ Applicable number of surveys showing area to be rezoned (plans must be folded)	
	☐ Legal Description of parcel to be rezoned	
	☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only	

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

<u>F&W VENTURES LLC</u>	<u>Diana Parent</u>	<u>2/7/13</u>
(printed name of applicant)	(signature of applicant)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)

Received	Receipt No.	Hearing Date	Petition No.
2/6/13	110723	3/11/13	

Per-2013-005



THIS DOCUMENT IS A REPRESENTATION OF A RETRACEMENT OR ORIGINAL SURVEY OF LAND IN PERRY TOWNSHIP, ALLEN COUNTY, INDIANA MADE IN ACCORDANCE WITH THE RECORDS ON FILE IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

DESCRIPTION PER DOC. #2012005699

A part of the Southwest Quarter of the Northwest Quarter of Section 32, Township 32 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at a point of beginning located at the intersection of the South line of said Northwest Quarter section with the West right-of-way line of dual land State Highway number Three (3), also known as the Lima Road; thence Northerly along said West right-of-way line, a distance of 185.00 feet; thence Westerly parallel to aforesaid South line of Northwest Quarter Section, a distance of 218.5 feet; thence Southerly parallel to aforesaid Highway right-of-way line, a distance of 185.0 feet; thence Easterly along said South line of said Northwest quarter section, a distance of 218.5 feet to the place of beginning, containing 0.93 acre more or less.

SURVEYOR'S REPORT

IN ACCORDANCE WITH RULE 12 OF THE RULES OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES OF THE LOCATION OF LINES AND CORNERS ESTABLISHED ON THE SURVEY AS A RESULT OF THE AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS...

This is a retracement survey of a 0.93 acre parcel situated in the Southwest One-quarter of the Northwest One-quarter of Section 32, Township 32 North, Range 12 East, Allen County, Indiana. This survey was completed with the benefit of a title commitment file no. 123811 by Commonwealth Land Title Insurance Company dated January 8, 2013 at 7:30 am. Client has requested us provide an ALTA/ACSM Land Title Survey of said 0.93 acres.

- 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 as shown on graphic segment. We have no documented history for these monuments. The five-eighths inch diameter steel pins with Russell Identification cap found marking the corners of this parcel and the adjointers are believed to be the original monuments as noted on the recorded plat of The Falls of Kiefer Creek, according to the plat thereof, recorded in Plat Cabinet C, page 43 in the Office of the Recorder of Allen County, Indiana. Relative to the baseline, the monuments found at or near the northwest, southwest, northeast and southeast corners of the subject parcel were accepted as the deed positions of said corners because they were original monuments and/or were at or within the limits of the relative positional accuracy for this class of survey.
- B) OCCUPATION OR POSSESSION LINES: Items, such as fences, indicating occupation or possession lines, are shown on the graphic portion of this survey with dimensions indicating their position relative to the lines and corners of this survey. The dimensions are given to the nearest tenth of a foot to illustrate the difference of the inconsistencies between said occupation or possession lines with the deed or plat line(s). Any uncertainty associated with these items is limited to the significant figures indicated by the dimensions.
- C) CLARITY OR AMBIGUITY OF RECORD DESCRIPTIONS: There are no apparent discrepancies in the record deeds in this area. Copies of Document Numbers 2012005699, 2008022760, 2005020802 and plat of The Falls of Kiefer Creek recorded in Plat Cabinet C, page 43 were reviewed and used in the completion of this survey.
- D) RELATIVE POSITIONAL ACCURACY OF MEASUREMENTS: The relative positional accuracy of measurements performed on this survey is within a URBAN Class survey due to random errors in measurement, equipment and trained personnel as defined in I.A.C. 865-1-12-7.

It is not the intent of this survey or Surveyor to determine ownership, rights of ownership nor title of the property. There are no front build line, sideyard 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).

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 TITLE 865 I.A.C. - 1-12.

CERTIFIED TO: Salin Bank & Trust Co.; F&W Ventures, LLC and Commonwealth Land Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 6a, 6b, 7a, 8, 10a, 10b, 11a and 16 Table A thereof. The field work was completed on January 8, 2013.

S. P. SIVRAITH

Sorn P. Sivraith, License Number 20400020
E-mail: surveyors@dkcmeyerandassociates.com
Phone: 260-749-0125
Date of Plat or Map: January 28, 2013

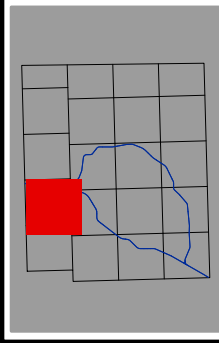


ALTA/ACSM LAND TITLE SURVEYS
0.93 ACRE IN THE SOUTHWEST 1/4 OF SECTION 32,
TOWNSHIP 32 NORTH, RANGE 12 EAST, PERRY TOWNSHIP, ALLEN COUNTY
11115 & 11119 LIMA ROAD, FORT WAYNE, INDIANA 46818

REVISION:	KERRY D. DICKMEYER, L.S. #50243 BRIAN M. JACOBIA, L.S. #2010090 SORN P. SIVRAITH, L.S. #2010020	ENGINEERS-SURVEYORS-PLANNERS: DICKMEYER & ASSOCIATES Engineers-Surveyors, Inc. 4000 East State Boulevard Fort Wayne, Indiana 46805 (260) 744-0225 FAX (260) 744-0231 www.DickmeyerandAssociates.com	FIELD WORK: 01/08/2013 OFFICE WORK: 01/28/2013 CAD FILE NAME: 908024-03.dwg SHEET NO: 1 OF 1 SURVEY NO: 213004
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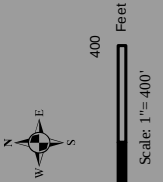


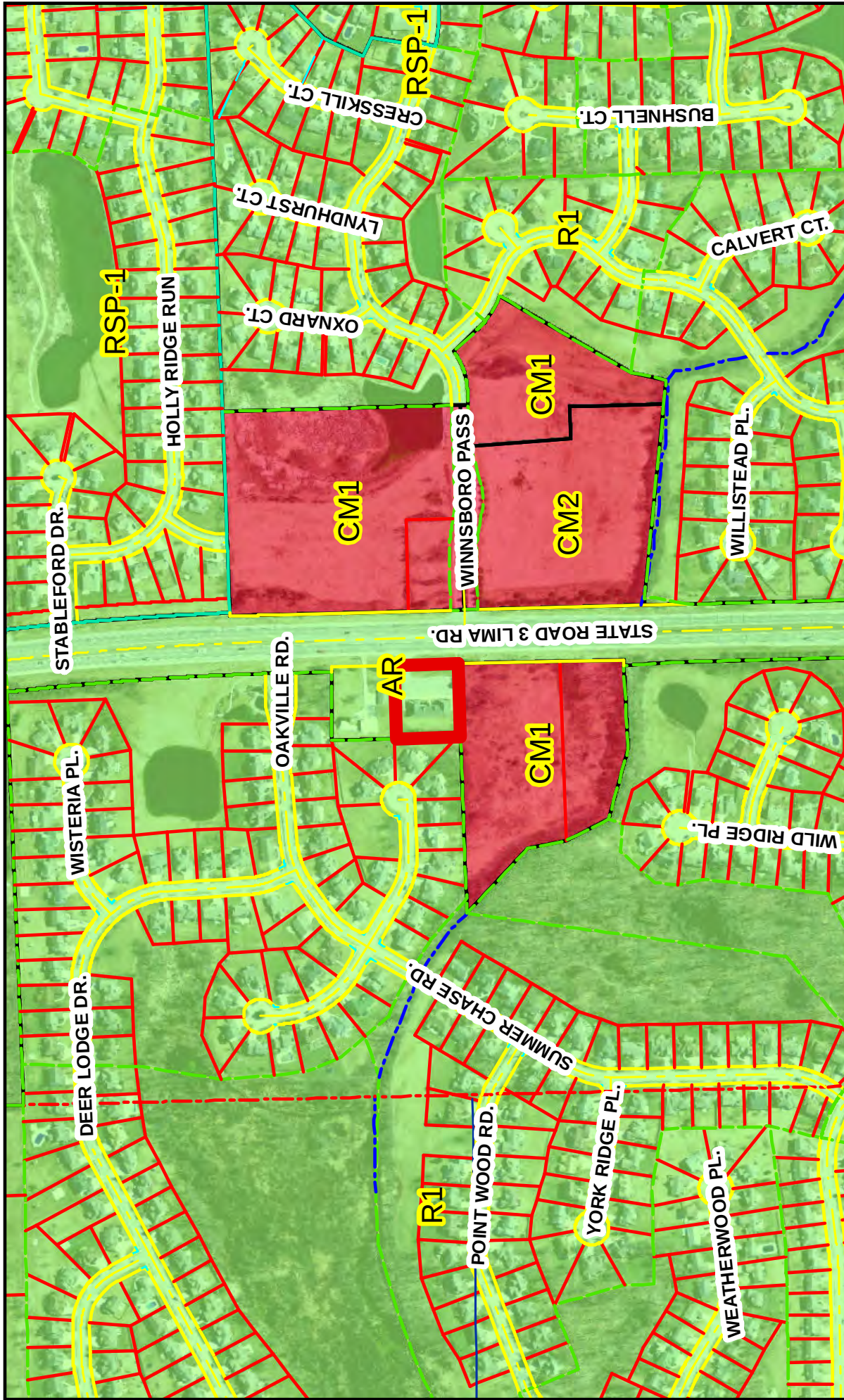
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



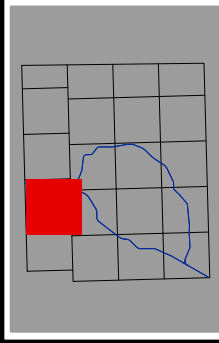
Rezoning Petition REZ-2013-0015

Printed: February 15, 2013
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999
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