

#REZ-2013-0050

BILL NO. Z-13-05-05

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. J-34 (Sec. 22 of Washington 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 an RP
(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 31
NORTH, Z 12 EAST, IN ALLEN COUNTY INDIANA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

LOT NUMBER 11 IN CROSS CREEK COMMONS, SECTION II, AS
RECORDED IN PLAT CABINET "C", PAGE 129 AND DOCUMENT NUMBER
960058860, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY,
INDIANA.

and the symbols of the City of Fort Wayne Zoning Map No. J-34 (Sec. 22 of Washington
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-2013-0050
Bill Number: Z-13-05-05
Council District: 3 – Tom Didier

Introduction Date: May 14, 2013

Plan Commission
Public Hearing Date: June 10, 2013

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

Synopsis of Ordinance: To rezone approximately 10.71 acres of property from IN1-Limited Industrial
to IN2-General Industrial

Location: 2219 Contractors Drive

Reason for Request: To allow the property to be used for mechanical fabrication for a prospective
property acquisition by Shambaugh & Son, LP.

Applicant: Shambaugh & Son, LP

Property Owner: Seigle Fort Wayne Investments, LLC (Hary Seigle)

Related Petitions: None

Effect of Passage: Property will be rezoned to IN2-General Industrial which will allow the
property to be sold to Shambaugh and Son, LP for the expansion of a segment
of their business to this property.

Effect of Non-Passage: The property will remain zoned IN1-Limited Industrial. Property will
marketed to a prospective tenant or purchaser whose use is permitted in the
IN1 district.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Shambaugh & Son, LP
Address PO Box 1287
City Fort Wayne State Indiana Zip 46801
Telephone (260) 487 7777 Fax (260) 487 - 2064 E-mail tscare@shambaugh.com

Property Ownership
Property Owner Seigle Fort Wayne Investments, LLC (Harry Seigle)
Address 401 N Michigan Ave Ste 1750
City Chicago State Illinois Zip 60611-4240
Telephone (312)645 9000 x223 Fax (312)329 1712 E-mail harrys@elginco.com

Contact Person
Contact Person Thomas Scare
Address PO Box 1287
City Fort Wayne State Indiana Zip 46801
Telephone (260)487-7864 Fax (260) 487-2064 E-mail tscare@shambaugh.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 2219 Contractors Dr
Present Zoning IN-1 Proposed Zoning IN-2 Acreage to be rezoned 10.71
Proposed density _____ units per acre
Township name Washington Township section # _____
Purpose of rezoning (attach additional page if necessary) Shambaugh desires to use space as warehouse and mechanical prefabrication. (Pipe & steel cutting, pipe threading, fabrication of open and closed tanks, conveyor supports, hand rails, ect... and a paint booth)
Sewer provider City Utilities Water provider City Utilities

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.

Thomas L Scare
(printed name of applicant) Thomas L Scare
(signature of applicant) 04/26/13
(date)
Harry J. Seigle
(printed name of property owner) Harry J. Seigle
(signature of property owner) 04/26/13
(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.
3-29-13	111447	6-10-13	

Rez-2013-0050

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____

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

Contact Person
Contact Person _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____

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 _____
Present Zoning _____ Proposed Zoning _____ Acreage to be rezoned _____
Proposed density _____ units per acre
Township name _____* Township section # _____
Purpose of rezoning (attach additional page if necessary) _____

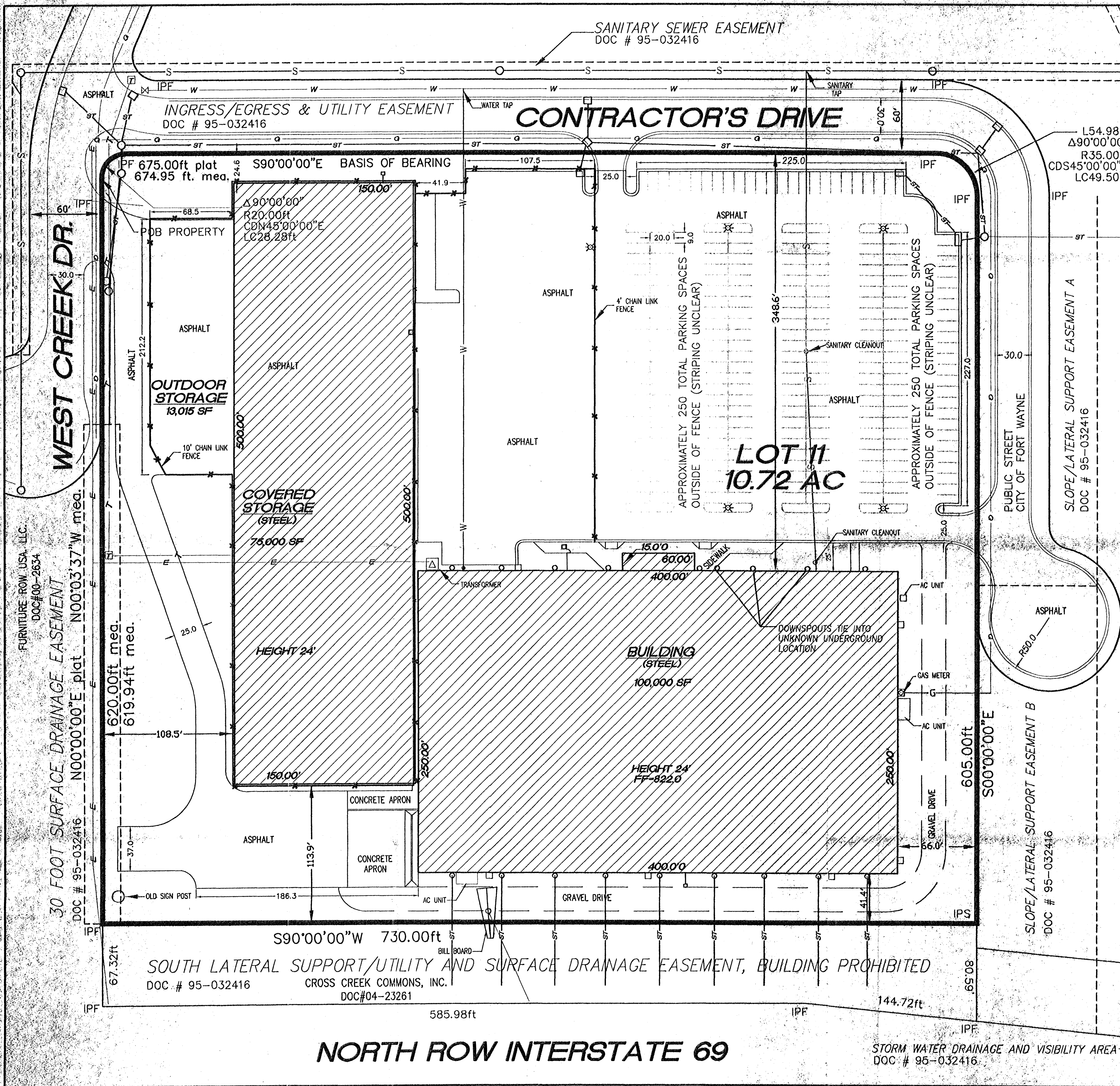
Sewer provider _____ Water provider _____

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(printed name of applicant)	(signature of applicant)	(date)
Seigle Fort Wayne Investments LLC	Harvey Seigle, mgr.	4-26-13
(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.



LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
LOT NUMBER 11 IN CROSS CREEK COMMONS, SECTION II, AS RECORDED IN PLAT CABINET "C", PAGE 129 AND DOCUMENT NUMBER 960058860, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

NOTES:

CURRENT OWNER IS:
JELD-WEN INC.
DOC#98-5402

THE NORTH LINE OF LOT 11 IS THE "BASE LINE" AND IS BASED ON THE RECORDED PLAT BEARING.

PROPERTY IS 10.72 ACRES
BUILDING IS 100,000 SQUARE FEET

CURRENT ZONING IS: IN1 LIMITED INDUSTRIAL PER CITY WEB SITE
25' FRONT YARD SETBACK
10' SIDE YARD SETBACK
10' REAR YARD SETBACK

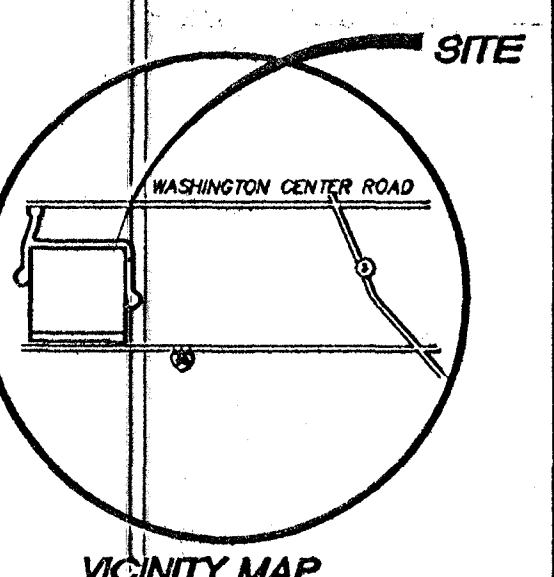
PARKING SPACES REQUIRED:
SPECIFIC USE NOT LISTED IN ORDINANCE
REQUIREMENTS FOR RETAIL USE 250 SPACES.
ACTUAL PARKING SPACES: APPROXIMATELY 250 SPACES (STRIPING UNCLEAR)

STREET ADDRESS:
2219 CONTRACTOR'S DRIVE
FORT WAYNE, IN 46818

THE UNDERSIGNED HAS DETERMINED THAT THE ABOVE DESCRIBED TRACT LIES WITH IN ZONE "X" THE FLOODPLAIN OF THE FEMA FLOOD INS RATE MAP #18003C0100F NOVEMBER 5, 2003

LEGEND

- W — WATER LINE
 - ST — STORM SEWER
 - G — GAS LINE
 - S — SANITARY SEWER
 - T — UNDERGROUND TELEPHONE
 - E — UNDERGROUND ELECTRIC
 - X — FENCE
 - (Symbol) — LIGHT POLE
 - (Symbol) — HYDRANT
 - (Symbol) — WATER VALVE
- IPS: 5/8"x24" IRON PIN SET WITH STRONG CAP FLUSH
IPF: 5/8" IRON PIN FOUND WITH STRONG CAP FLUSH



ALTA / ACSM LAND TITLE SURVEY

TO: SEIGLE FORT WAYNE INVESTMENTS, LLC
METROPOLITAN TITLE COMPANY
FIRST AMERICAN 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 "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS OF TABLE A THEREFORE. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF INDIANA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

THE UNDERSIGNED LAND SURVEYOR, REGISTERED AS PROVIDED BY ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, ALSO CERTIFIES THAT THE REAL ESTATE DEPICTED BELOW WAS RESURVEYED ON 2-20-08 BY HIM OR UNDER HIS DIRECT SUPERVISION, AND TO THE BEST OF HIS KNOWLEDGE AND BELIEF WAS EXECUTED ACCORDING TO THE SURVEY REQUIREMENTS IN 865 IAC 1-12-13. MEASUREMENTS WERE MADE IN FEET AND DECIMALS AND THE CORNERS WERE PERPETUATED AS SHOWN IN CONFORMITY WITH THE PLAT AND DEED RECORD THEREOF IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA. NO ENCROACHMENT EXISTED, EXCEPT AS NOTED. THE DESCRIPTION OF THE REAL ESTATE IS AS FOLLOWS, TO WIT:

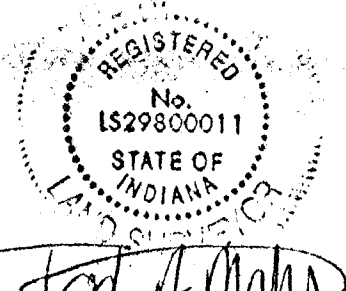
STATE OF INDIANA
COUNTY OF ALLEN

TO: SEIGLE FORT WAYNE INVESTMENTS, LLC
METROPOLITAN TITLE COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY

I, TOD A. MOHR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF INDIANA OF THE FIRM OF "ENGINEERING VISION, INC., FORT WAYNE, INDIANA, (260) 484-2748," ALSO CERTIFY THAT THE PREMISES SHOWN HEREON IS A TRUE AND CORRECT PLAT OF THE PROPERTY DESCRIBED HEREON; THAT THE BUILDINGS THEREON ARE LOCATED WITH RESPECT TO PROPERTY BOUNDARIES AS SHOWN; THAT THERE ARE NO VISIBLE ELECTRIC OR TELEPHONE WIRES (EXCLUDING THOSE WHICH SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREON ON OR OVER SAID PREMISES EXCEPT AS SHOWN; THAT ALL RIGHTS-OF-WAY, EASEMENTS OR JOINT DRIVES OVER OR ACROSS SAID PREMISES VISIBLE ON THE SURFACE ARE SHOWN; THAT THE PREMISES SURVEYED DO NOT ENCRONCH ON THE ADJOINING PROPERTY AND THAT THE ADJOINING PROPERTY DOES NOT ENCRONCH ON THE PREMISES SURVEYED EXCEPT AS SHOWN; I FURTHER CERTIFY THAT I HAVE CONSULTED FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AS ARE CURRENTLY AVAILABLE AND HAVE FOUND THAT THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

WITNESS MY HAND THIS 27th DAY OF FEBRUARY 2008.

ARDELL INVESTMENTS LLC.
DOC#03-24291



GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

SURVEYOR'S REPORT

JOB NO. 08-681

IN ACCORDANCE WITH RULE 12 OF TITLE 865 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 THIS SURVEY AS RESULT OF THE AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS; INCONSISTENCIES IN OCCUPATION OR POSSESSION LINES; DISCREPANCIES OR AMBIGUITIES IN RECORD DESCRIPTIONS AND PLATS; AND RANDOM ERRORS IN MEASUREMENTS. REFER TO THE GRAPHIC PORTION OF THIS SURVEY FOR ADDITIONAL INFORMATION REGARDING THIS DISCUSSION. THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A CLASS B SURVEY (0.25 FEET) AS DEFINED IN IAC 865. CONTRACT REQUIREMENTS: THIS SURVEY WAS COMPLETED IN ACCORDANCE WITH TITLE 865 INDIANA ADMINISTRATIVE CODE 1-12-12 TO THE OWNER OF RECORD AND THE TITLE COMPANY OF CONTRACT FOR THE EXCLUSIVE USE IN THE CONVEYANCE OF THE ABOVE DESCRIBED REAL ESTATE. THE ATTACHED PLAT OF SURVEY IS NOT WARRANTED OR ASSIGNED TO ANY PERSON(S) AFTER SAID CONVEYANCE IS COMPLETE.

LOT NUMBER 11 CROSS CREEK COMMONS, SECTION II ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 960058860 IN THE OFFICE OF THE ALLEN COUNTY RECORDER.

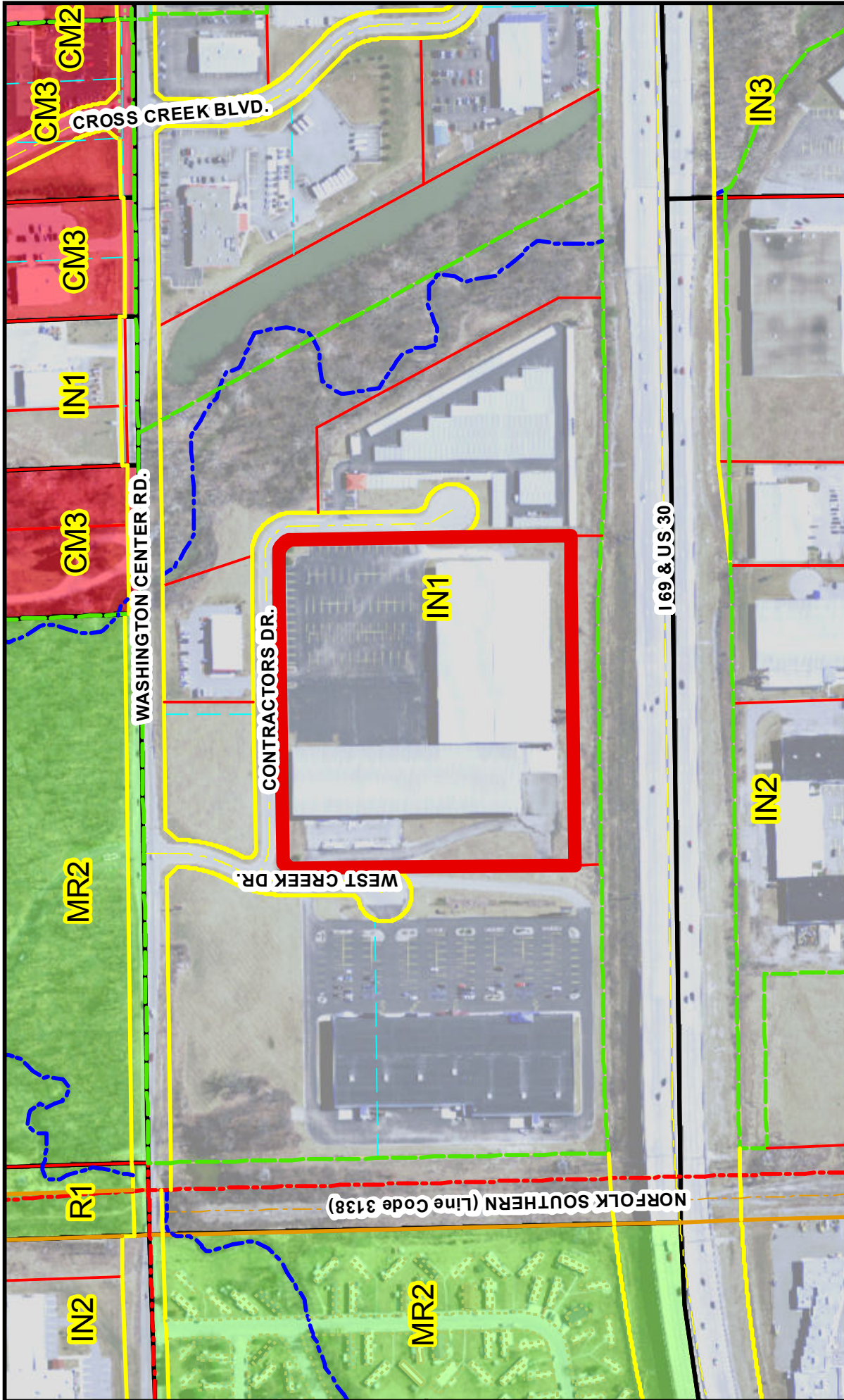
AVAILABILITY AND CONDITION FOR REFERENCE MONUMENTS: THE MONUMENTS FOUND FOR THIS SURVEY WERE ORIGINALLY SET BY MY FIRM AS PART OF THE ORIGINAL METES AND BOUNDS SURVEY. THIS DESCRIPTION WAS INCORPORATED INTO THE PLAT OF CROSS CREEK COMMONS, SECTION II AND IS NOW KNOWN AS LOT 11 CROSS CREEK COMMONS, SECTION II. THE MONUMENTS WERE 5/8-INCH DIAMETER STEEL PINS WITH STRONG CAP MARKING THE CORNERS ALL IN GOOD CONDITION EXCEPT FOR THE SOUTHEAST CORNER WHICH WAS NOT FOUND AND WAS SET. THE NORTH LINE OF LOT 11 WAS USED AS THE BASE LINE BECAUSE THE MONUMENTS WERE FOUND AND IN GOOD CONDITION AND THE BEARING WAS BASED ON THE PLATED BEARING. ALL FOUND MONUMENTS CHECKED WITHIN THE TOLERANCE FOR A CLASS B SURVEY.

INCONSISTENCIES IN OCCUPATION OR POSSESSION LINES: THERE WERE NO INCONSISTENCIES IN OCCUPATION OR POSSESSION LINES.

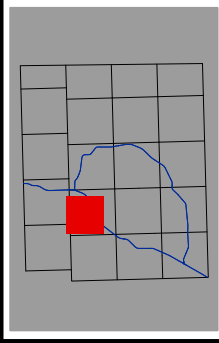
IT IS MY OPINION THAT THE UNCERTAINTY ASSOCIATED WITH THESE CORNERS IS 0.25 FEET BASED ON MEASUREMENTS RELATIVE TO THE STATED BASELINE.

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.

Engineering Vision Inc. 5812 INDUSTRIAL ROAD FT. WAYNE, IN. 46825 PHONE (260) 484-2748					
PROJECT CROSS CREEK COMMONS LOT 11					
SHEET TITLE ALTA/ACSM LAND TITLE SURVEY					
DRAWN EMS	CHECKED TAM	SCALE 1" = 40'	DATE 2-27-08	JOB NO. 08-681	SHEET 1 OF 1



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

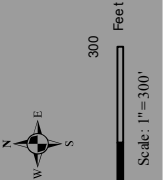


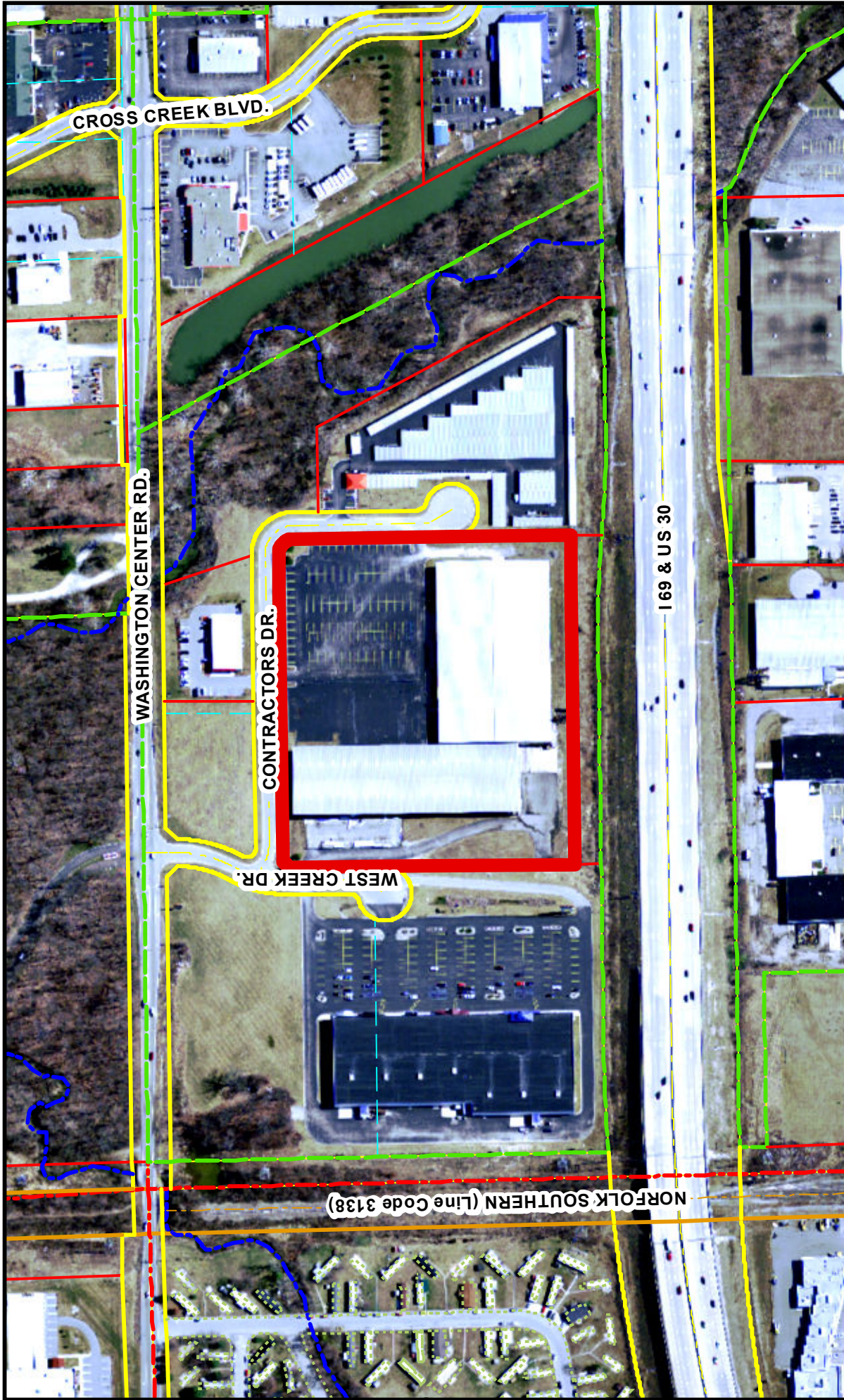
Printed: May 2, 2013
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours 1999



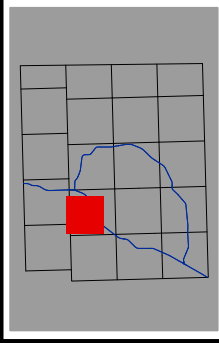
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Rezoning Petition REZ-2013-0050





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

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Rezoning Petition REZ-2013-0050

