

#REZ-2013-0120

BILL NO. Z-13-10-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-70 (Sec. 27 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 CM2
(Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
of the City of Fort Wayne, Indiana:

A PORTION OF THE LANDS OF THE UNION CHAPEL CHURCH OF THE UNITED BRETHREN IN
CHRIST AS RECORDED IN DEED RECORD R PAGE 420, DEED RECORD 595 PAGE 432 AND
DOCUMENT 90-018687 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, ALSO
BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 32 NORTH,
RANGE 12 EAST, ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27,
TOWNSHIP 32 NORTH, RANGE 32 EAST, ALLEN COUNTY, INDIANA, SAID NORTHWEST CORNER
BEING MARKED BY A MAG NAIL FOUND WITH "ANDERSON" IDENTIFICATION WASHER;
THENCE NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG THE NORTH LINE
OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 81.08 FEET; THENCE
SOUTH 01 DEGREES 32 MINUTES 16 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT
ON THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD; THENCE NORTH 88 DEGREES
27 MINUTES 44 SECONDS EAST ON AND ALONG THE SOUTH RIGHT OF WAY LINE OF UNION
CHAPEL ROAD A DISTANCE OF 127.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN
DESCRIBED DEVELOPMENT PARCEL REAL ESTATE DESCRIPTION, SAID POINT OF BEGINNING
BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL
ROAD AND THE WEST RIGHT OF WAY LINE OF A 14' ALLEY RUNNING NORTH-SOUTH
REPRESENTED ON THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION
AND BEING MARKED BY A SURVEY MARKER NAIL WITH "FORESIGHT-CONSULTING, LLC -
BOUNDARY" IDENTIFICATION WASHER;
THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG
THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 14.00 FEET TO
THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD
AND THE EAST RIGHT OF WAY LINE OF A 14' ALLEY RUNNING NORTH-SOUTH REPRESENTED
ON THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION AND BEING
MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY"
IDENTIFICATION CAP;
THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG
THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 200.00 FEET TO A
POINT ON THE WEST LINE OF LOT NUMBER 3 WITHIN THE McADAMS HIGHLAND GROVE
ADDITION, SAID POINT BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-
CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;
THENCE SOUTH 01 DEGREES 47 MINUTES 04 SECONDS EAST ON AND ALONG THE WEST LINE
OF LOT NUMBER 3 WITHIN McADAMS HIGHLAND GROVE ADDITION, A DISTANCE OF 239.50
FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 3, SAID SOUTHWEST CORNER LYING ON

THE NORTH RIGHT OF WAY LINE OF AN ALLEY RUNNING EAST-WEST AND REPRESENTED ON THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE CONTINUING SOUTH 01 DEGREES 47 MINUTES 04 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT NUMBER 3 WITHIN McADAMS HIGHLAND GROVE ADDITION, A DISTANCE OF 14.00 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 19, SAID NORTHWEST CORNER LYING ON THE SOUTH RIGHT OF WAY LINE OF AN ALLEY RUNNING EAST-WEST REPRESENTED ON THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE SOUTH LINE OF THE AFOREMENTIONED ALLEY, A DISTANCE OF 100.00 FEET TO A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE SOUTH 01 DEGREES 47 MINUTES 04 SECONDS EAST 100.00 FEET NORMALLY DISTANT FROM AND PARALLEL WITH THE WEST LINE OF LOT NUMBER 19 A DISTANCE OF 248.50 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LADDIE LANE, SAID POINT BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF LADDIE LANE, A DISTANCE OF 282.70 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF LADDIE LANE AND THE EAST RIGHT OF WAY LINE OF COLDWATER ROAD AS RECORDED IN DOCUMENT NUMBER 200017776 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID POINT OF INTERSECTION BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTH 01 DEGREES 47 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF COLDWATER ROAD, A DISTANCE OF 327.30 FEET TO A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST, A DISTANCE OF 127.31 FEET TO A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTH 01 DEGREES 58 MINUTES 24 SECONDS WEST, A DISTANCE OF 89.18 FEET TO THE SOUTHWEST CORNER OF THE LANDS OF GENERAL TELEPHONE COMPANY OF INDIANA, INC. AS RECORDED IN DOCUMENT NUMBER 85-004630 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID SOUTHWEST CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG THE SOUTH LINE OF THE LANDS OF GENERAL TELEPHONE COMPANY OF INDIANA, INC. A DISTANCE OF 41.81 FEET TO A POINT ON THE WEST RIGHT OF WAY OF AN ALLEY RUNNING NORTH-SOUTH AS REPRESENTED WITHIN THE PLAT OF McADAMS HIGHLAND GROVE ADDITION, SAID POINT BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

THENCE NORTH 01 DEGREES 46 MINUTES 39 SECONDS WEST ON AND ALONG THE WEST RIGHT OF WAY LINE OF THE AFOREMENTIONED ALLEY A DISTANCE OF 85.53 FEET TO THE POINT OF BEGINNING, CONTAINING 3.25 ACRES OF LAND (141,527.1 SQUARE FEET) OF LAND, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

and the symbols of the City of Fort Wayne Zoning Map No. O-70 (Sec. 27 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-2013-0120
Bill Number: Z-13-10-01
Council District: 2 – Russ Jehl

Introduction Date: October 8, 2013

Plan Commission
Public Hearing Date: October 14, 2013

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

Synopsis of Ordinance: To rezone approximately 3.25 acres of property from AR-Low Intensity Residential to CM2-Limited Retail and Commercial

Location: Just south of the southeast corner of the intersection of Coldwater Road and Union Chapel Road, at 12628 Coldwater Road. The development parcel **does not** include the cemetery property at the corner.

Reason for Request: To allow the redevelopment of the existing church building for use as a fresh food market and associated uses.

Applicant: Charles Lynn Properties, LLC

Property Owners: Union Chapel United Brethren in Christ Church

Related Petitions: Primary Development Plan, Ted's Market, VPLAT-2013-0121, VALY-2013-0124

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial for the redevelopment of the church property for a fresh food market. A voluntary Written Commitment will limit more intensive commercial uses.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and may redevelop with residential or low intensive agricultural uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Charles Lynn Properties, LLC
Address 15921 Twin Eagles Cove
City Huntertown State IN Zip 46748
Telephone 260-267-2106 Fax _____ E-mail bhench@yahoo.com

Property Ownership
Property Owner Union Chapel United Brethren In Christ Church
Address 12628 Coldwater Road
City Fort Wayne State IN Zip 46845-8792
Telephone _____ Fax _____ E-mail _____

Contact Person
Contact Person Thomas M. Niezer / Barrett & McNagny LLP
Address 215 East Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-9551 Fax 260-423-8920 E-mail tmn@barrettllaw.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 _____
Present Zoning AR Proposed Zoning CM-2 Acreage to be rezoned 3.25
Proposed density n/a units per acre
Township name Perry Township section # 27
Purpose of rezoning (attach additional page if necessary) to provide for redevelopment of the existing church building and additional improvements, to allow for a fresh food grocery and other uses.
Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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 Rezonings 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.

see Exhibit "A"
(printed name of applicant) _____ (signature of applicant) _____ (date) _____
see Exhibit "A"
(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 9/3/13	Receipt No. 10/14/13	Hearing Date 10/14/13	Petition No. 112912
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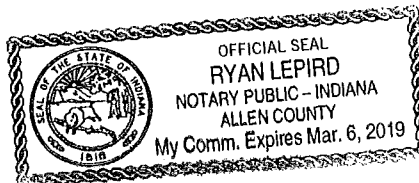
2013-0120

EXHIBIT "A"
Rezoning Petition Application

"APPLICANT"

CHARLES LYNN PROPERTIES, LLC

By: [Signature]
Printed Name: Brian Hench
Its: SIGNING MEMBER



STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

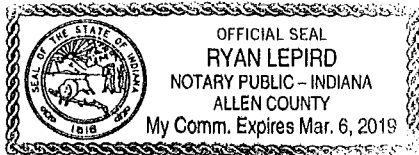
Before me, a notary public, in and for said County and State, personally appeared Brian Hench, the Member of CHARLES LYNN PROPERTIES, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this 3 date of September, 2013.
[Signature]
Ryan Lepird, Notary Public
My commission expires: 3-6-2019 County of residence: Allen

"OWNER"

UNION CHAPEL UNITED BRETHREN IN CHRIST CHURCH

By: [Signature]
Printed Name: Gary Reiben
Its: Pastor



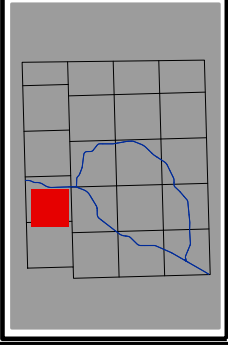
STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared Gary Reiben, the Pastor of UNION CHAPEL UNITED BRETHREN IN CHRIST CHURCH, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this 3 date of September, 2013.
[Signature]
Ryan Lepird, Notary Public
My commission expires: 3-6-2019 County of residence: Allen



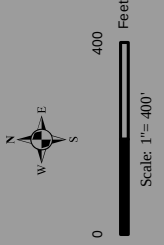
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

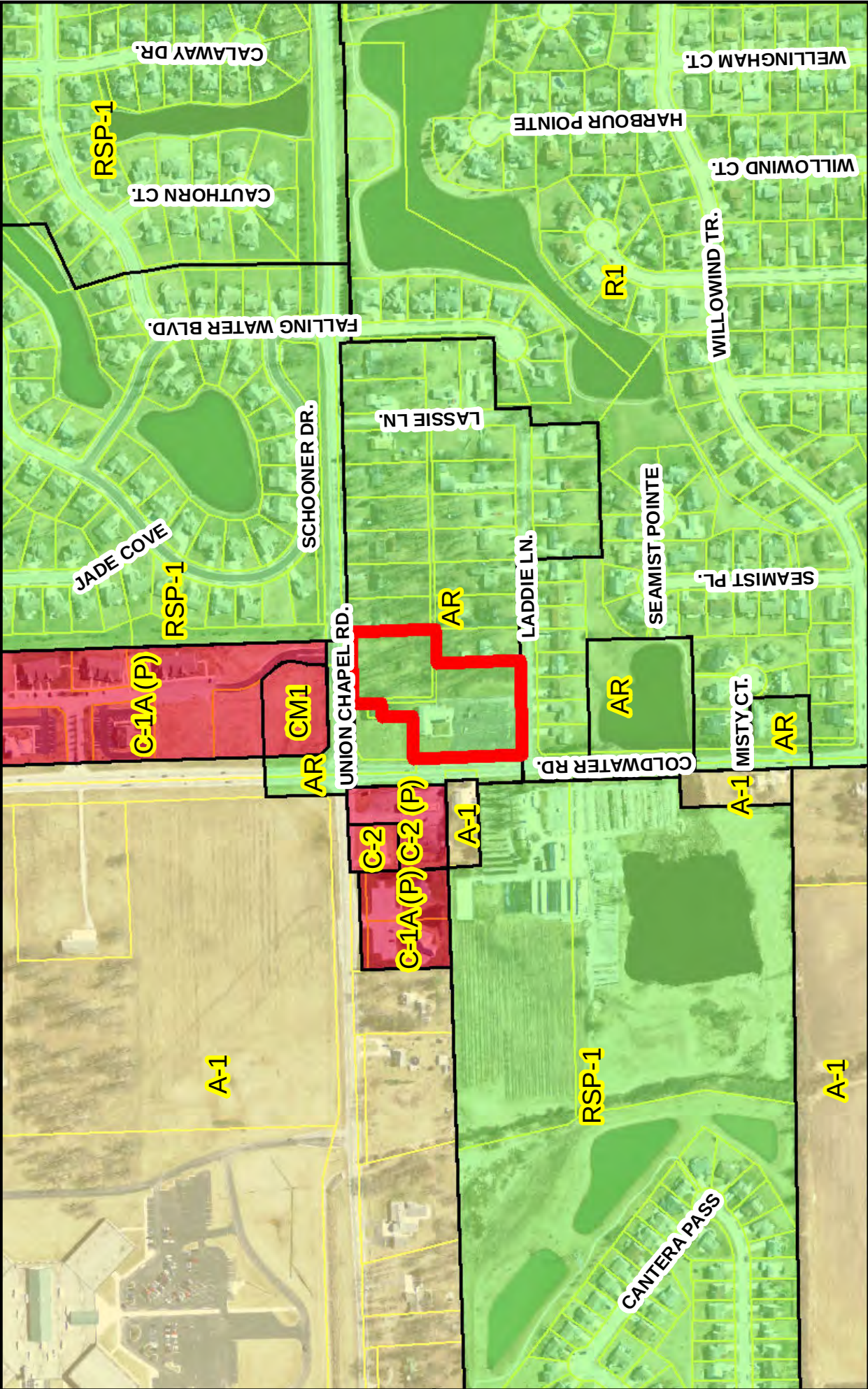


Rezoning Petition REZ-2013-0120 and Primary Development Plan - Teds Market

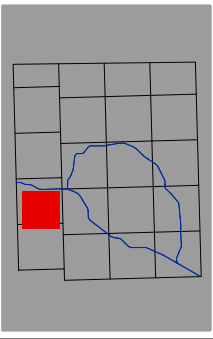
Printed: September 24, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo: Spring 2006 / Contours: 1999

Although strict accuracy standards have been employed in the compilation of this map, Allen 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.



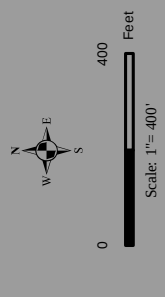


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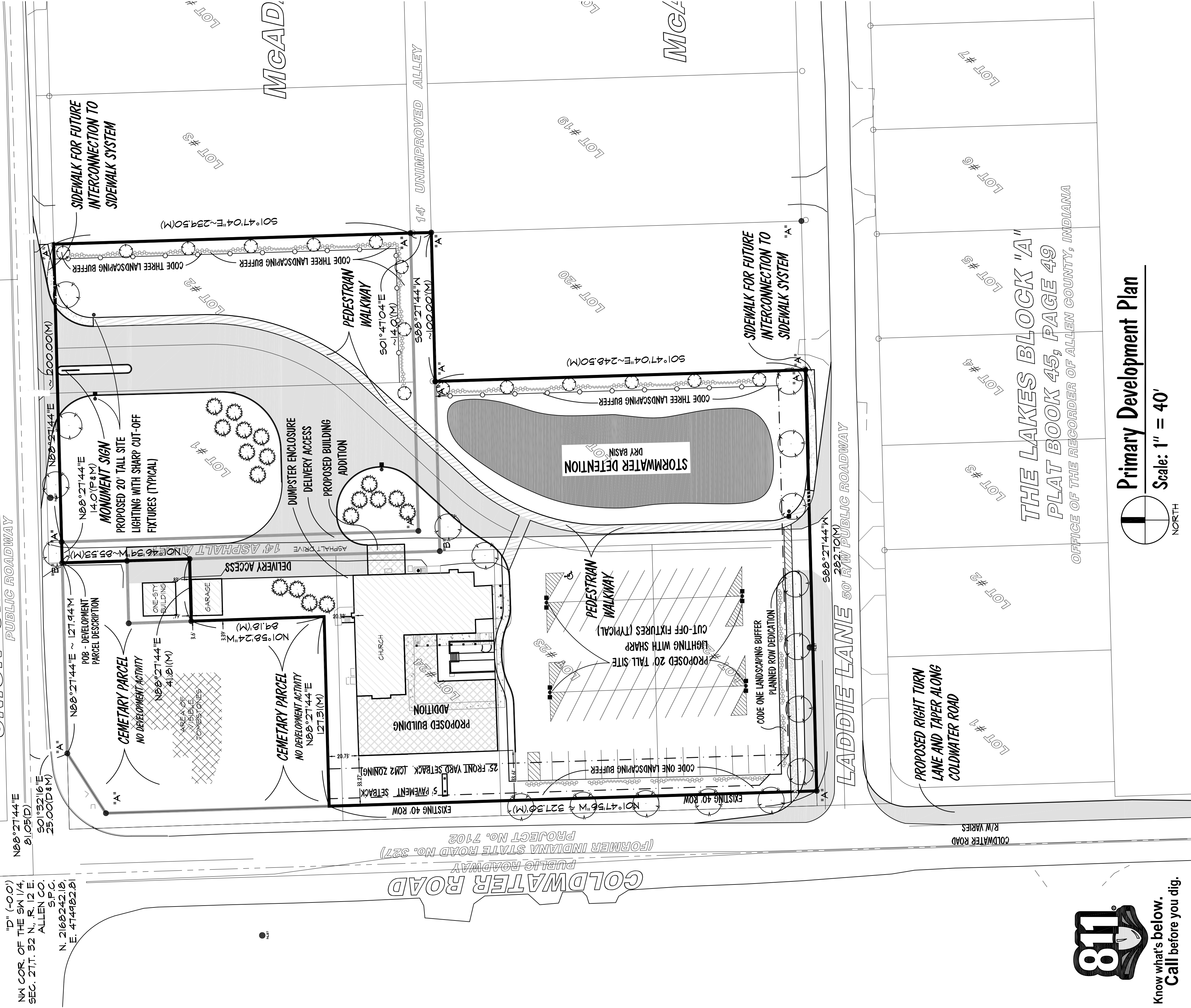
Rezoning Petition REZ-2013-0120 and Primary Development Plan - Teds Market

Printed: September 24, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo: Spring 2006 / Contours: 1999
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WATERSONG SE
PLAT CABINET

"D" (-0.0')
NW COR. OF THE SW 1/4,
SEC. 27, T. 32 N., R. 12 E.
ALLEN CO.
S.P.C.
N. 2168242.18,
E. 474982.81



WATERSONG SE
PLAT CABINET

Teds Market - Development Parcel Real Estate Description
A PORTION OF THE LANDS OF THE UNITED CHAPEL CHURCH OF THE UNITED BRETHREN IN CHRIST AS RECORDED IN DEED RECORD R PAGE 420, DEED RECORD 595 PAGE 432 AND DOCUMENT 90-0186887 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 32 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 32 NORTH, RANGE 3E EAST, ALLEN COUNTY, INDIANA, SAID NORTHWEST CORNER BEING MARKED BY A MAG NAIL FOUND WITH "ANDERSON" IDENTIFICATION WASHER; THENCE NORTH 88 DEGREES 27 MINUTES 24 SECONDS SOUTH AND ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27 40 FEET TO A POINT ON THE WEST LINE OF UNION CHAPEL ROAD, A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD; THENCE NORTH 88 DEGREES 27 MINUTES 24 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST LINE OF UNION CHAPEL ROAD; THENCE NORTH 88 DEGREES 27 MINUTES 24 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST LINE OF UNION CHAPEL ROAD; THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 24 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 200.00 FEET TO A POINT ON THE WEST LINE OF LOT NUMBER 3 WITHIN THE MADAMS HIGHLAND GROVE ADDITION, SAID POINT BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESTHIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP; THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 24 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 229.59 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 3 WITHIN THE MADAMS HIGHLAND GROVE ADDITION, SAID CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESTHIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP; THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 24 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 229.59 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 3, SAID SOUTHWEST CORNER LYING ON THE NORTH RIGHT OF WAY LINE OF AN ALLEY RUNNING EAST-WEST AND REPRESENTED ON THE FORENOTIONED PLAT OF MADAMS HIGHLAND GROVE ADDITION AS BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESTHIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP; THENCE CONTINUING SOUTH 01° 18' 49" 24" MINUTES 44 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT NUMBER 3 WITHIN THE MADAMS HIGHLAND GROVE ADDITION, A DISTANCE OF 14.00 FEET TO THE WEST LINE OF LOT NUMBER 3 WITHIN THE MADAMS HIGHLAND GROVE ADDITION, SAID LINE BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESTHIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP; THENCE CONTINUING SOUTH 01° 18' 49" 24" MINUTES 44 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT NUMBER 3 WITHIN THE MADAMS HIGHLAND GROVE ADDITION, A DISTANCE OF 14.00 FEET TO THE WEST LINE OF LOT NUMBER 3 WITHIN THE MADAMS HIGHLAND GROVE ADDITION, SAID LINE BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESTHIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;

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THESE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF LADDOE LAKE A DISTANCE OF 282.70 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF LADDOE LAKE AND THE EAST RIGHT OF WAY LINE OF CULDWATER ROAD AS RECORDED IN DOCUMENT NUMBER 106944-0001; THENCE SOUTHWEST ALONG SAID EASMENT BOUNDARY MARKED BY A 5/8" BY 24" REBAR WITH "FORESTCONSULTING, LLC - BOUNDARY IDENTIFICATION CAP;" THENCE NORTH 01 DEGREES 47 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF CULDWATER ROAD A DISTANCE OF 327.30 FEET TO A 5/8" BY 24" REBAR WITH "FORESTCONSULTING, LLC - BOUNDARY IDENTIFICATION CAP;" THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF LADDOE LAKE A DISTANCE OF 282.70 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF LADDOE LAKE AND THE EAST RIGHT OF WAY LINE OF CULDWATER ROAD AS RECORDED IN DOCUMENT NUMBER 106944-0001; THENCE SOUTHWEST ALONG SAID EASMENT BOUNDARY MARKED BY A 5/8" BY 24" REBAR WITH "FORESTCONSULTING, LLC - BOUNDARY IDENTIFICATION CAP;" THENCE NORTH 01 DEGREES 47 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF CULDWATER ROAD A DISTANCE OF 327.30 FEET TO A 5/8" BY 24" REBAR WITH "FORESTCONSULTING, LLC - BOUNDARY IDENTIFICATION CAP;" THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF LADDOE LAKE A DISTANCE OF 122.31 FEET TO A 5/8" BY 24" REBAR WITH "FORESTCONSULTING, LLC - BOUNDARY IDENTIFICATION CAP."

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THENCE NORTH 01 DEGREES 46 MINUTES 39 SECONDS WEST ON AND ALONG THE WEST RIGHT OF WAY LINE OF THE AFORESAIDED ALLEY A DISTANCE OF 85.53 FEET TO THE POINT OF BEGINNING, CONTAINING 3.25 ACRES OF LAND (141,527.1 SQUARE FEET) OF LAND, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

Project Developer/Owner

Charles Lynn Properties

Project Civil Engineer/Land Surveyor



ForeSight Consulting, LLC
1910 St. Joe Center Road, Suite 51
Fort Wayne, Indiana 46825
Phone: 260.484.9900
Fax: 260.484.9980

Development Statistics:

Project Area: 3.25 Acres

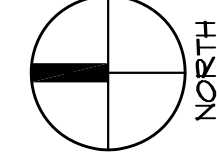
Building Addition West Area: 5,000 Square Feet

Building Addition East Area: 500 Square Feet

Existing Building Area: 4,545 Square Feet

Parking Spaces Provided: 60 Spaces, Including 3 Handicap

Primary Development Plan



Scale: 1" = 40'

**Know what's below.
Call before you dig.**

**Know what's below.
Call before you dig.**

[illegible]

This is an original design created by Foresight Consulting, LLC. The concepts, ideas, plans and details are the sole property of Foresight Consulting, LLC. None of the concepts, ideas, plans or details shall be used by or disclosed to any person, firm or corporation for any purpose without the prior written permission of Foresight Consulting, LLC. Written dimensions on these drawings shall have precedence over the scale dimensions. The contractor shall verify and be responsible for all dimensions and conditions on the job and Foresight Consulting, LLC must be notified of variation from the dimensions and conditions shown on these drawings. Such drawings shall be submitted to Foresight Consulting, LLC for approval before construction.

Performed for:



Site Location Map
Not to Scale

Existing Utility Provider Information

Water Service	City of Fort Wayne	260-427-1129
Sanitary Sewer Service	City of Fort Wayne	260-427-1168
Electric	American Electric Power	260-427-1161
Gas	NIPSCO	260-427-5064
Contact Information		
City of Fort Wayne Department of Land Use Management-Michelle Wood		260-427-5064
City of Fort Wayne Fire Department-Marsha Black		260-427-1172
City of Fort Wayne New Water and Sewer Engineering-Carolyn Bokern		260-427-5064
City of Fort Wayne Sewer Engineering Department-Lisa Ramms		260-427-5064
City of Fort Wayne Summer Engineering Department-Patrick Joley		260-427-5064
City of Fort Wayne Water Engineering Department-Rick Seals		260-427-1172
City of Fort Wayne Traffic Engineering Department-Danny Bruce		260-408-1863
American Electric Power-Karen Palmer		260-461-3325
Vericon-Dan Koch		260-439-1408
NIPSCO-Mike Pruitt		765-449-3811
Comcast-Dawn Lomhardt		

Primary Development Plan For:
Charles Lynn Properties
12628 Coldwater Road,
Fort Wayne, IN 46845

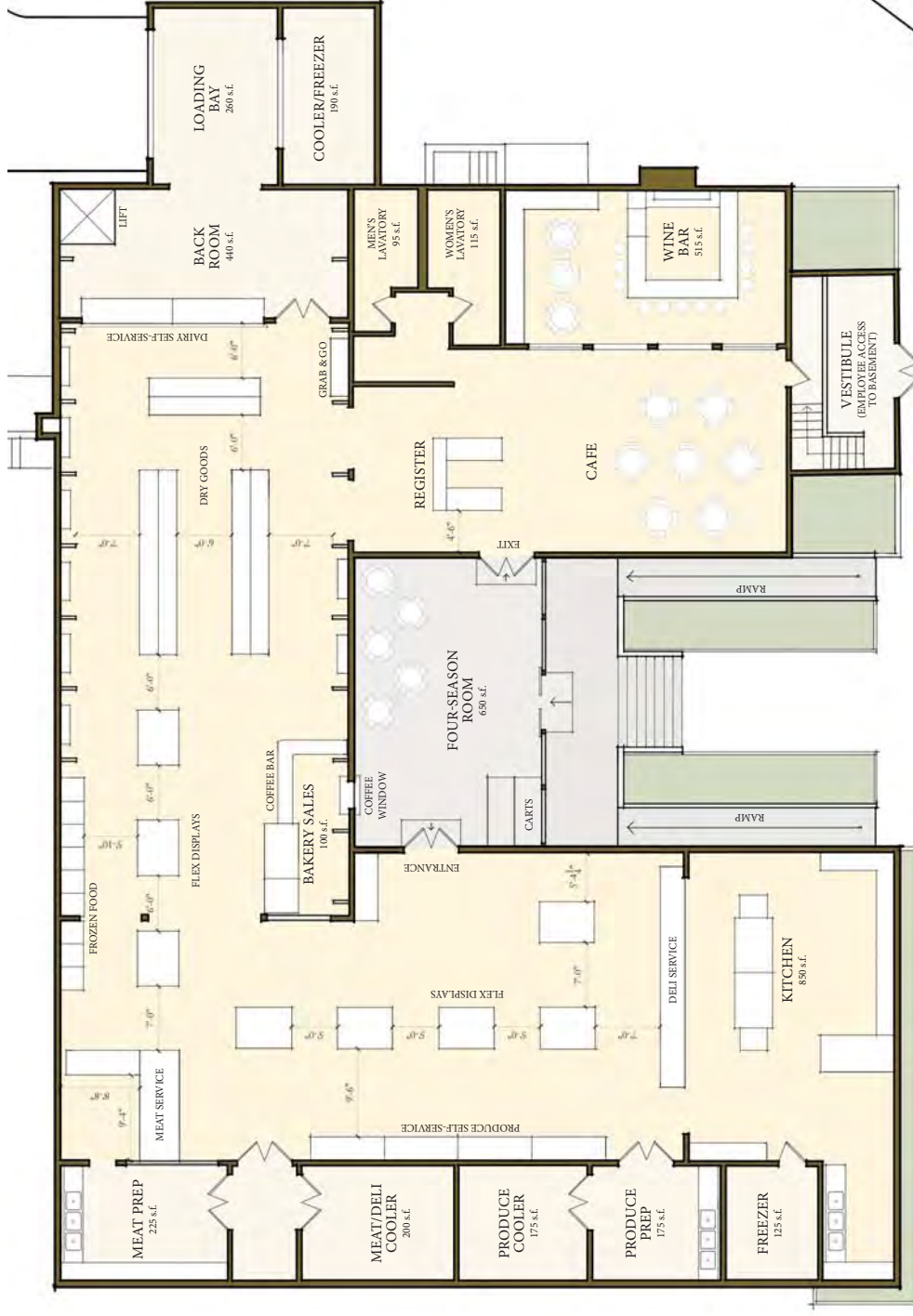
ForeSight Consulting, LLC
Civil Engineering ~ Land Surveying
Landscape Architecture ~ Planning

1910 S. Joe, Ctr., Rld. #51
Fort Wayne, Indiana 46825
260.484.9900 phone
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teds market
Fort Wayne, Indiana

SCHEMATIC DESIGN PROPOSAL
September 13, 2013

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PERSPECTIVE LOOKING NORTH AT MAIN ENTRANCE



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ted's market Fort Wayne, Indiana

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teds market
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September 4, 2013

Via Hand Delivery

Michelle B. Wood, RLA
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802



**Re: Charles Lynn Properties, LLC; Teds Market Rezoning/Primary Development
Plan/Plat Vacation/Right of Way Vacation**

Dear Michelle:

The undersigned is counsel to Charles Lynn Properties, LLC ("Charles Lynn"). Charles Lynn is under agreement with Union Chapel United Brethren In Christ Church ("United Brethren") to purchase United Brethren's property at the southeast corner of Coldwater and Union Chapel Roads. The properties being purchase are Lots 1, 2, 20, 21, 22, 23 and 24 of McAdams Highland Grove Addition ("Real Estate") together with a roughly 1 acre exception parcel which is immediately north of Lot 24 and that is situated at the immediate southeast corner of Coldwater and Union Chapel Roads ("Exception Parcel"). The purchase does not include a small tract of land immediately east of the Exception Parcel that is owned by Frontier for one of its utility service buildings.

Enclosed with this letter please find the following:

1. Rezoning Petition Application seeking to rezone a portion of the Real Estate being purchased to CM-2 from its current AR designation;
2. Development Plan Application for the Real Estate being rezoned;
3. Vacation Petition seeking to vacate lots 1, 2, 21, 22, 23 and 24 of McAdams Highland Grove Addition together with the covenants for said lots;
4. Copy of Vacation Petition being filed this date with the Clerk for Common Council of City of Fort Wayne seeking to vacate the unimproved fourteen foot (14') alley which is immediately west of Lot 1 of McAdams Highland Grove

Addition and situated to the south of Lot 1 and to the north of Lot 21 of McAdams Highland Grove Addition; and

5. File fee check in the amount of \$1,500.00 for the Rezoning Application, Development Plan Application and Vacation Petition.

With respect to each application, I offer the following:

- A. Rezoning Application. Please note that the Rezoning Application does not include all of the Real Estate being purchased by Charles Lynn. Specifically, Lot 20 is not included within the Rezoning Application. The Exception Parcel is not included within the Rezoning Application. There is an existing house situated on Lot 20 which Charles Lynn intends to maintain with its current tenant. With respect to the Exception Parcel, this property currently houses what is commonly known as the "Union Chapel Cemetery". The existing gravesites are remaining in place.

Charles Lynn is seeking to rezone Lot 2 of McAdams Highland Grove Addition but solely for the purpose of allowing reconstruction of a new roadway that services the proposed development and that is in full alignment with the Watersong access onto Union Chapel Road. Our client will be submitting and is willing to furnish a written commitment for all of the land being rezoned to limit certain uses upon the land being rezoned and, specifically, as to Lot 2, limit any building improvement upon said lot other than the proposed driveway.

- B. Development Plan Application. The proposed development contemplates the following:

- Redevelopment of the existing church structure with an addition of roughly 5,000 additional feet both to the north and west and adjacent to the church structure as shown on the development plan. Total square footage of the building will be 10, 045 square feet.
- Realignment of the existing alleyway for Union Chapel Road to a point further east and in full alignment with Watersong's access. This internal access will provide access to the proposed fresh food market, Union Chapel Cemetery and the existing Frontier utility service building.
- The total acreage of the development site is 3.25 acres. The proposed use under the development plan, primarily, is a fresh food market to be known as "Teds Market". Other ancillary uses consistent with the market will be developed initially or over time.
- The development plan contemplates a internal walking path which runs along the internal access drive from Union Chapel Road to

Laddie Lane. No walkway improvements are planned or contemplated for any portion of the Exception Parcel as those improvements would encroach too closely to the existing Union Chapel Cemetery. As such, no sidewalk is contemplated along the development's western boundary and parallel to Coldwater Road. Please note, in this regard, that the Exception Parcel is not part of our development plan application.

- Monument signage will consist of the existing monument sign utilized by United Brethren along Coldwater Road as well as a new monument sign at the Union Chapel Road access. The development will utilize façade signage as well. Proposed renderings of this signage will be provided to you prior to the public hearing.
- Consistent with preliminary discussion with the City of Fort Wayne Traffic Engineer, roadway improvements are being shown for a portion of Laddie Lane.
- The subject site will be served by City of Fort Wayne Utilities for both water and sewer. All other utilities are readily available to the site. Lot 21 is being developed for the stormwater management system for the development. This feature not only serves as an aesthetic improvement for the entrance into the development off of Laddie Lane but also as a buffer for the residential homes to the east.
- All delivery and truck traffic will be routed off of Union Chapel Road. The projected store hours for Teds Market, at most, will be 8:00 am to 12:00 am (midnight) seven days a week at which the store is open to the public. The store will have roughly 12-20 employees as it ramps up to maximum utilization.
- The development plan will feature new parking lot lighting being no more than twenty feet (20') in height with sharp cut off fixtures being utilized. We believe this will be an overall improvement to the site as it will necessitate removal of the existing "cobra" style light fixtures currently utilized.
- Various façade treatments will be undertaken for the existing building. Renderings and elevation drawings will be provided to you prior to the public hearing.

C. Plat Vacation Petition. In addition to cleaning the title for the proposed development, it has become necessary to vacate both the plat and the covenants encumbering the Plat for McAdams Highland Grove Addition. Please note that

the covenants for McAdams Highland Grove Addition exempt lots 1, 21, 22, 23, and 24 from the requirement that those lots be used solely for residential purposes. It is only Lot 2 which maintains that current restriction. As mentioned above, Lot 2 is being used solely for use and development of a reconfigured access onto Union Chapel which is in full alignment with the Watersong access. Our client intends to restrict any building development upon Lot 2 by way of a written commitment to be furnished to you prior to the public hearing.

However, our client's ability to effectively utilize the Real Estate, undertake the expansion necessary and maintain the viability of the Union Chapel Cemetery has all necessitated that our client avoid utilization of Coldwater Road for direct access and a reconfigured internal roadway access that, for safety reasons, is setback further along Union Chapel Road from its Coldwater Road intersection and in full alignment with the Watersong access cut.

In this sense, our client believes that the conditions of Indiana Code 36-7-4-711(f) are applicable. Conditions in the platted area have changed as to defeat the original purpose of the Plat which was to house the church facility and the corresponding cemetery. With the decision being made by United Brethren to vacate the Real Estate, coupled with the corresponding traffic at both Coldwater Road and Union Chapel Road, a measured and controlled commercial development, such as the one being proposed, is best suited for this property. Further, allowing the reconfigured internal access road to be in full alignment with Watersong's access provides for a greater sense of public safety and traffic movement along Union Chapel Road. Our client's development, and the financing of that development, is conditioned on vacating of the Plat for McAdams Highland Grove Addition in order to allow the proposed development to move forward. Last, the value of the remaining land not being vacated is not going to be diminished either in value or utilization. In point of fact, the improvements contemplated by Charles Lynn will serve as a betterment and new investment for the entire McAdams Highland Grove Addition. The proposed fresh food market is designed to be pedestrian friendly and will provide a needed service for the surrounding area.

With respect to the covenants sought to be vacated, Charles Lynn believes the provisions of Indiana Code 36-7-4-714 are also met. At a minimum, the covenant vacation is needed to lessen or avoid congestion in the public ways by moving and realigning the proposed access cut further east away from Coldwater Road and in full alignment with the Watersong access cut. Vacation of the covenants will allow for recovery of property values in the area in that new and significant investment will be allowed to move forward with the Real Estate and the covenant vacation is needed in order to secure for the public adequate access and access which is safe. As mentioned previously, the Union Chapel Cemetery, given its location, prevents meaningful access along Union Chapel Road for this development as well as any pedestrian sidewalk or trail system. All access must be provided over, upon and across Lot 2 in alignment with the Watersong access

cut and the existing access cut onto Laddie Lane. The general public will be well served by these improvements. Charles Lynn intends to grant an easement for this pedestrian traffic along the trail system as shown on the development plan.

In addition to the enclosed, and by way of background, Teds Market will represent a small, neighborhood fresh foods market which will feature produce, fresh baked breads and quality meats. It will also offer a wide assortment of groceries, spices, dairy, juices, and frozen foods in order to fulfill a good portion of many customer shopping needs. The development plan contemplates a café, where patrons will find a selection of highly rated wines and craft beers.

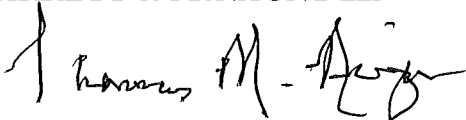
The principal of Teds Market is Brian Hench. Brian and his family are part of the Chief Supermarket chain of grocery stores in northwest Ohio and that is headquartered in Defiance, Ohio. Mr. Hench currently lives in Allen County with his spouse and children and grew up within the Chief Supermarket business overseeing many of the fresh food departments for Chief grocery stores. Our client is well positioned to bring an alternative to the larger grocery stores and the products they offer for Perry Township and the surrounding area. Our client's ability to redevelop the existing church structure, and add to it, demonstrates an approach that is reliant on creativity and the importance of a neighborhood concept which will be reflected in the day to day operations of the fresh food market itself. In all respects, we believe that this proposal is not only consistent with the area, but also sensitive to the surrounding property owner.

In addition, and last, our client will be conducting a neighborhood meeting with respect to the proposed development for September 17th at 6:00 pm at the United Brethren Church itself. I would appreciate your directing any inquiries from surrounding property owners to that meeting should you receive any telephone calls.

Thank you for your attention to this matter. If the applications are in order, I would request that they be placed on the agenda for public hearing by the City of Fort Wayne Planning Commission for its October 14th meeting and corresponding business meeting of October 21st. I look forward to working with you on this matter and please call should you have any questions. I am,

Very truly yours,

BARRETT & McNAGNY LLP



Thomas M. Niezer

TMN:ahc:1098726

enclosures

cc: Brian Hench (via email)
Todd R. Bauer, PE, PLS (via email)
Russ Jehl, City Council Member (with enclosures)