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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2015-0022
Bill Number: Z-15-05-14
Council District: 5-Geoff Paddock

Introduction Date: May 26, 2015

Plan Commission
Public Hearing Date: June 8, 2015

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

Synopsis of Ordinance: To rezone approximately 3.4 acres of property from R1-Single Family Residential to C2-Limited Commercial

Location: 810-870 West Rudisill Boulevard, between Indiana Avenue and South Wayne Avenue

Reason for Request: To permit the use of the property for multiple family housing and business resources to entrepreneurs, small business owners, makers, artisans and artists. The existing multi-family structures will be rehabilitated.

Applicant: Community Action of NE Indiana, dba BrightPoint

Property Owner: Ambassador Campus Properties, LLC

Related Petitions: Primary Development Plan, Fort Wayne Starter Village

Effect of Passage: Property will be rezoned to C2-Limited Commercial which permits mixed uses such as multiple family housing and small businesses in a live/work situation. A Written Commitment to limit commercial uses is being proposed.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential and may develop with single family permitted uses. The existing structures on the site are multiple family housing buildings, previously used for Taylor University.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Community Action of Northeast Indiana, Inc. doing business as BrightPoint
Address 227 E. Washington Blvd. / PO Box 10570
City Fort Wayne State IN Zip 46853
Telephone 260-423-3546 x201 E-mail sherryaden@canihelp.org

Contact Person
Contact Person Joshua C. Neal / Barrett & McNagny LLP
Address 215 East Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-9551 E-mail jcn@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 800 W. Rudisill
Present Zoning R1 Proposed Zoning C2 Acreage to be rezoned 3.55
Proposed density _____ units per acre
Township name Wayne Township section # 74
Purpose of rezoning (attach additional page if necessary) to allow the subject real estate to be developed and used in connection with a multi-family housing development that is intended to provide both housing and business resources to entrepreneurs, small business owners, makers, artisans, and artists
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 refer to checklist 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.

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 <u>5/5/15</u>	Receipt No. <u>117763</u>	Hearing Date <u>6/8/15</u>	Petition No. <u>Ret-2015-0022</u>
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Exhibit "A"

Rezoning Petition Application

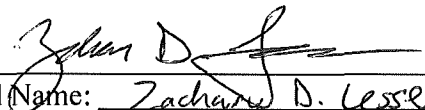
"Applicant"

COMMUNITY ACTION OF NORTHEAST INDIANA, INC.
doing business as BrightPoint

By: 
Printed Name: Stephen F. Hoffman
Its: President/CEO

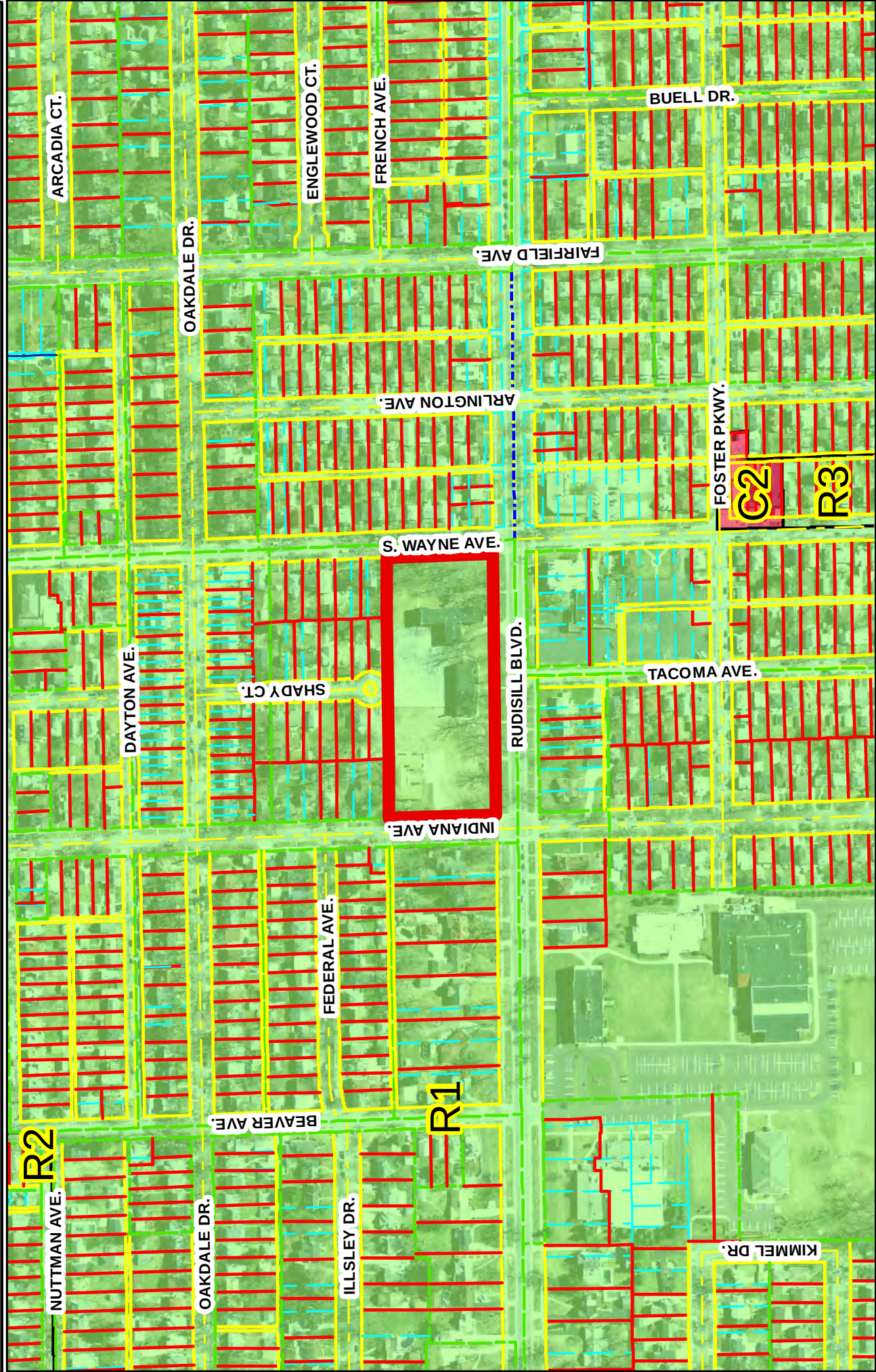
"Property Owner"

AMBASSADOR CAMPUS PROPERTIES, LLC

By: 
Printed Name: Zachary D. Lesse
Its: Executive Director



Rezoning Petition REZ-2015-0022 and Primary Development Plan - Fort Wayne Starter Village

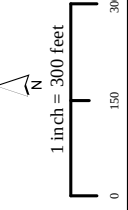


Project boundaries represented by bold colored lines are for representational purposes only.

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.

© 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: 5/20/2015

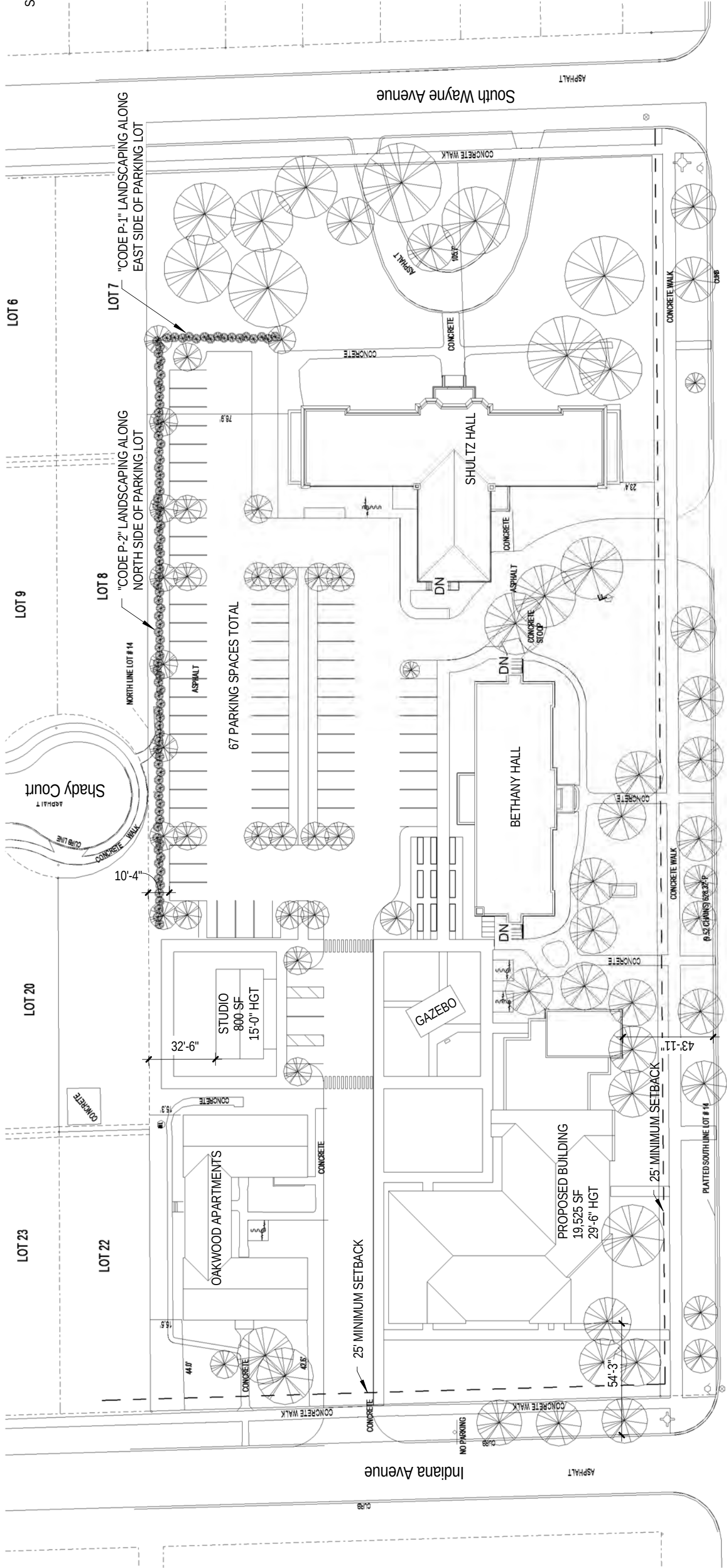




Rezoning Petition REZ-2015-0022 and Primary Development Plan - Fort Wayne Starter Village



Project boundaries represented by bold colored lines are for representational purposes only.



Rudisill Boulevard

1 Site Plan
1" = 50'-0"

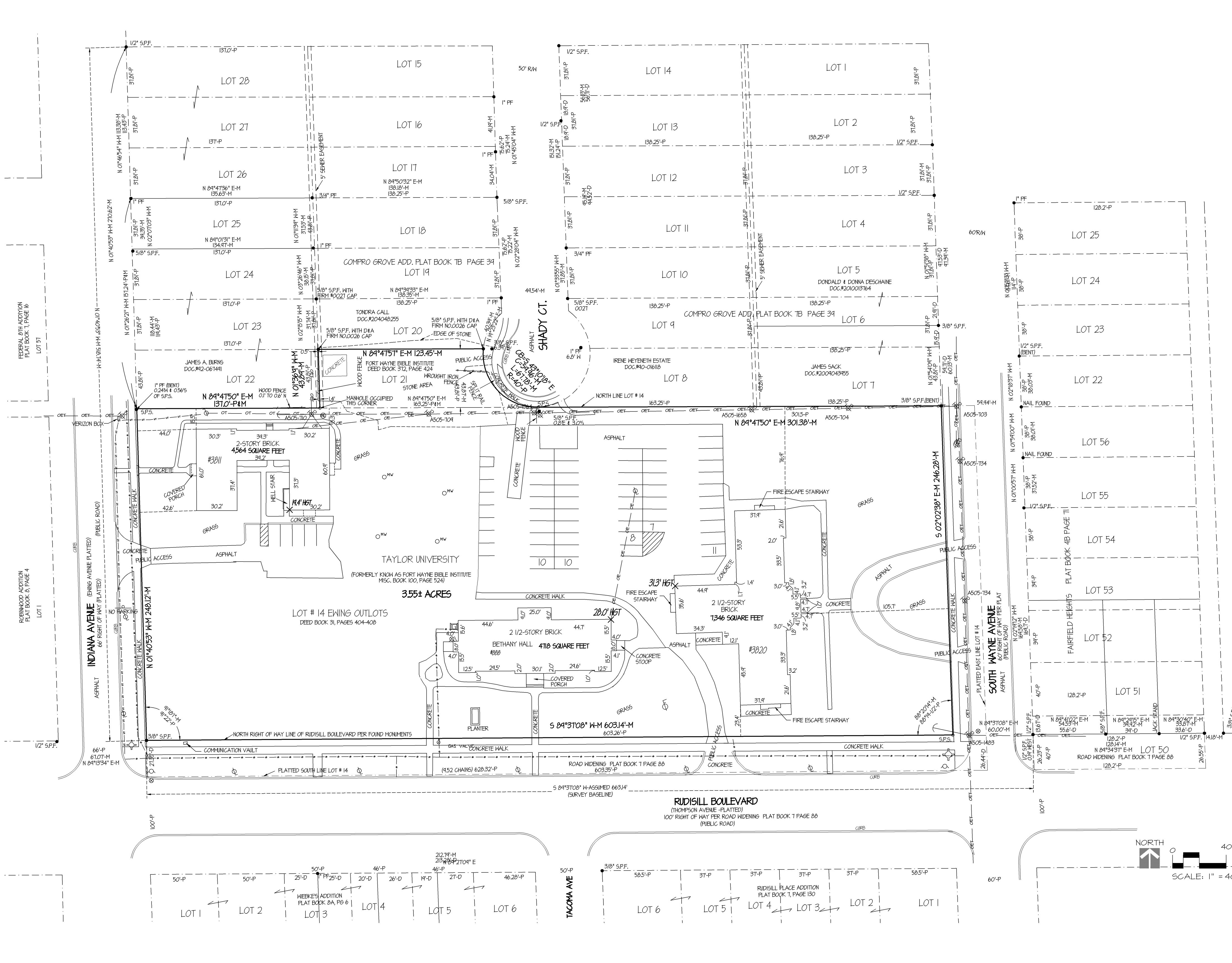
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Starter Village

RUDISILL BLVD
FORT WAYNE, IN 46807



MARTINRILEY
architects • engineers



NOTE:

HGT- BUILDING HEIGHT MEASURED TO EAVE LINE OF STRUCTURE OR TOP WALL AND NOTED AT LOCATION MEASURED

FLOOD NOTE: Insurance Rate Map #18003C0292G, dated August 3, 2009, by approximate scale of map, shows this property in Zone X (Areas determined to be outside the 0.2% annual chance floodplain). Determined by approximate scale only, no elevations taken or established.

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

DESCRIPTION PER TITLE COMMITMENT FILE NO. 1217141, DATED APRIL 13, 2012 AT 7:00 AM

PARCEL I: Lot Number 14 Ewing's Out Lots in the Southwest Quarter of Section 14, Township 30 North, Range 12 East, according to the plat thereof, as recorded in Deed Record 31, pages 404-408, except that part appropriated for the widening of Rudisill Boulevard, Boulevard Resolution No. 5-1913, as shown by Plat recorded in Plat Book 7, pages 86 to 89 in the Office of the Recorder of Allen County, Indiana.

PARCEL II: Lot Number 21 in Compro Grove Addition, as recorded in Plat Record 7, page 39, in the Office of the Recorder of Allen County, Indiana.

SURVEYOR'S REPORT

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 A RESULT OF THE AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS, INCONSISTENCIES IN OCCUPATION OR POSSESSION LINES, DISCREPANCIES OR AMBIGUITIES IN RECORD DESCRIPTIONS AND PLATS, AND RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS. REFER TO THE GRAPHIC PORTION OF THIS SURVEY FOR ADDITIONAL INFORMATION REGARDING THIS DISCUSSION. CONTRACT REQUIREMENTS: THIS SURVEY WAS COMPLETED IN ACCORDANCE WITH TITLE 865 INDIANA ADMINISTRATIVE CODE 1-12-12. THIS SURVEY IS CERTIFIED TO THE NAMED PARTIES BELOW AND MAY NOT BE RELIED UPON BY ANY OTHER PERSON, PERSONS OR ENTITY FOR ANY PURPOSE. THERE ARE NO INTENDED THIRD PARTY BENEFICIARIES OF THIS SURVEY OR ANY MATTERS CONTAINED HEREON. THE LIABILITY OF THE SURVEYOR AND THE LIABILITY OF THE ENGINEERS/SURVEYORS IS LIMITED TO THE REVENUE TO BE PAID BY THE CLIENTS AND DOES NOT EXTEND TO THOSE MATTERS WHICH EXIST UPON THE SURVEYED REAL ESTATE AS TO THE DATE OF CERTIFICATION AND WHICH HAVE BEEN SURVEYED PURSUANT TO THE STANDARDS AND SPECIFICATIONS AS SET FORTH HEREIN.

This is an ALTA/ACSM Land Title Survey of Lot 14 in Ewing's Outlot recorded in Deed Record 31, pages 404-408 and Lot 21 in Compro Grove Addition recorded in Plat Record 7, page 39. This survey was completed with the benefit of title commitment file no. 1217141 dated April 13, 2012 by Fidelity National Title Insurance Company. Client has requested we provide an ALTA/ACSM Land Title Survey of said lots. This property was previously surveyed by this firm on 11/15/10.

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 plat and/or deed location of the subject property relative to the applicable found and accepted as adjacent deed and/or plat 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. Relative to the baseline, the monuments found at all the corners of the subject parcel, except the northwest corner of the subject parcel, were accepted as the platted and/or deeded positions of said corners because they were at or within the limits of the relative positional accuracy for this class of survey. Relative to the baseline, the monument found near the northwest corner of the subject parcel (southwest corner of lot 22) was not accepted as a faithful representation of the platted position of said corner. A new monument was set at the plat location of this monument as shown on the graphic portion of this survey. The monument for the southeast corner of the subject parcel was missing and reset at intersection of the north right-of-way line of Rudisill Blvd. and the west right-of-way line of South Wayne Avenue.

THEORY OF LOCATION: Based on the measurements found and the comparison of measurements taken between monuments and deeded and/or platted dimensions, the line between the monuments found at the southwest corner of subject parcel and the east right-of-way line of South Wayne Avenue intersected with the north right-of-way line of Rudisill Blvd. was held as the baseline for this survey. This line was used because the terminal ends appeared to be undisturbed monuments which had virtually the same distance as given on the plat. Also, the angular and distance relationships to adjacent monuments were within the limits of the relative positional accuracy for this class of survey when compared to data given on the record plat. This line has been assigned an assumed bearing of South 89 degrees 37 minutes 08 seconds West (basis of bearings). The west line of lot 14 was established by the east right-of-way line of Indiana Avenue which is a monument at the northwest corner of lot 28 in Compro Grove Addition and the southwest corner of the subject parcel. The northwest corner of the subject parcel was established by platted distance of 157.24 feet southerly along said east right-of-way line of Indiana Avenue. The south line of the subject parcel was established by the monumented north right-of-way line of Rudisill Blvd. (survey baseline). The east line of the subject parcel was established by the west right-of-way line of South Wayne Avenue. The east line of lot 14 as platted falls within the right-of-way of South Wayne Avenue as shown. Fairfield Heights is the east adjoiner which platted the entire 60 feet right-of-way for South Wayne Avenue and would dedicate the eastern portion of lot 14 for the street. The southeast corner of the subject parcel was established 60 feet westerly from a monument at the intersection of the east right-of-way of South Wayne Avenue and the north right-of-way line of Rudisill Blvd. It is my opinion that the uncertainty associated with these corners is 1.00 foot based on measurements between monuments versus platted and/or deeded distances.

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 plat and/or deed in this area. No current deeds for Taylor University were found by this firm or provided to this office. The descriptions in the title commitment file no. 1217141 dated April 13, 2012 by Fidelity National Title Insurance Company were used for this survey. Copies of plats and documents as shown on graphic segment of this survey 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 sideyard or rear yard setbacks given on the record plat and/or 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).

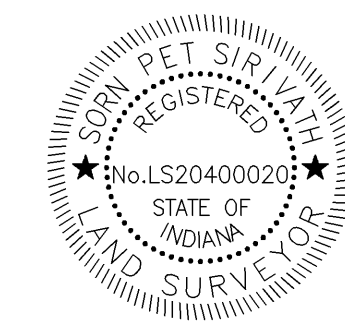
The current zoning classification was not provided by insurer.

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: Fidelity National Title Insurance Company; Ambassador Campus Properties, LLC, an Indiana limited liability company and Taylor University a/k/a Taylor University, Inc., an Indiana non-profit corporation

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, 2, 3, 4, 7a, 7b, 7c, 8, 9, 11a and 13 Table A thereof. The field work was completed on April 25, 2012.

Sorn P. Sirivath, License Number 20400020
E-mail: surveyors@tickmeyerandassociates.com
Phone: 260-749-0125
Date of Plat or Map: May 4, 2012



LEGEND OF SYMBOLS

- ANCHOR (GUM)
- CURB INLET / SQUARE INLET
- STORM INLET / BEEHIVE INLET
- FIRE HYDRANT
- VERIZON MANHOLE
- SANITARY SEWER / COMBINED MANHOLE
- STORM SEWER MANHOLE
- GAS VALVE - MAIN GAS VALVE
- TRAFFIC MANHOLE
- UTILITY MANHOLE
- TEL. TELEPHONE SERVICE
- A/C AIR CONDITIONING UNIT
- YARD LIGHT
- MAIL BOX
- CLEAN-OUT
- MANHOLE
- GAS METER
- WATER METER
- ELECTRIC METER
- WATER VALVE
- POST INDICATOR VALVE
- LIGHT POLE
- STRAIN POLE
- CABLE TELEVISION POLE
- POWERTEL POLE
- POWERTEL POLE
- POWERTEL/PHONE POLE
- TELEPHONE POLE
- ELECTRICAL PEDESTAL OR SERVICE
- ELECTRICAL TRANSFORMER
- TELEPHONE PEDESTAL
- VERIZON PEDESTAL
- CABLE TELEVISION PEDESTAL
- MW MONITORING WELL
- SIGN
- HANDICAP PARKING
- TRAFFIC SIGNAL POLE
- FLAG POLE

- WOOD FENCE LINE
- CHAIN LINK FENCE LINE
- GUARD RAIL
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- OVERHEAD ELECTRIC & TELEPHONE
- GAS LINE
- OVERHEAD TELEPHONE
- CABLE TV
- WATER LINE
- STORM SEWER
- SANITARY SEWER
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND ELECTRIC LINE
- TELEPHONE/COMMUNICATION SERVICE BY FRONTIER (FORMERLY VERIZON)
- ELECTRICAL SERVICE BY INDIANA MICHIGAN POWER (AMP)

(0.00)	-PIN BELOW (-) OR ABOVE GRADE (+)	SEC. DOC.	-SECTION DOCUMENT	D	-DEED OR CALCULATED FROM DEED	S.P.F.	-STEEL PIN FOUND AT GRADE	R.R.S.	-RAILROAD SPIKE SET	MINIMUM SETBACK AND SIDE YARD PER COVENANTS & RESTRICTIONS OR LOCAL REQUIREMENTS:
O.H.	-OVERHANG	R	-RADIUS	M	-MEASURED OR CALCULATED FROM FIELD DATA	S.P.S.	-5/8" DIA. STEEL PIN, 24" LONG, SET AT GRADE, WITH CAP STAMPED "D&A FIRM NO. 0026"	MAG SET	-MAG NAIL SET WITH 2" DIA. DISC STAMPED "D&A FIRM NO. 0026"	1/2" FRONT BUILDING LINE
B.L.	-BUILDING LINE	T	-TOWNSHIP	P	-POINTED OR CALCULATED FROM PLAT	P.K.F.	-P.K. NAIL FOUND	MAG FND	-MAG NAIL FOUND	1/2" REAR YARD BUILDING LINE
S.D.	-SURFACE DRAINAGE	E	-EAST	P.F.	-PIPE FOUND	P.K.S.	-P.K. NAIL SET WITH 2" DIA. DISC STAMPED "D&A FIRM NO. 0026"			1/2" SIDE YARD BUILDING LINE
UT.	-UTILITY	M	-WEST	P.O.B.	-POINT OF BEGINNING	G	-ORIGINAL GOVERNMENT SURVEY NOTES	RAD	-RADIUS	N.P. - NOT PROVIDED BY CLIENT
C.O.C.	-C.O.C.	S	-SOUTH	S	-SECTION CORNER	CB	-CHORD BEARING			
R/W	-RIGHT OF WAY	S	-SECTION CORNER		-MONUMENTS FOUND	R.R.F.	-RAILROAD SPIKE FOUND			
C	-CHORD	E	-CENTER LINE							

REVISION:	KERRY D. DICKMEYER, L.S. #502043	ENGINEERS-SURVEYORS-PLANNERS:	FIELD WORK: 4/25/2012
	BRIAN W. JACQUIAY, L.S. #20100090	DICKMEYER & ASSOCIATES	OFFICE WORK: 5/3/2012
	SORN P. SIRIVATH, L.S. #20400020	Engineers-Surveyors, Inc.	CAD FILE NAME: 900044-HANDSILL-TAYLOR-2012.DWG
		6016 East State Boulevard Fort Wayne, Indiana 46815 (260) 744-0125 FAX (260) 744-0121 www.TickmeyerandAssociates.com	SHEET NO:
			1 OF 1
			SURVEY NO: 210411

ALTA/ACSM LAND TITLE SURVEYS
OF
LOT 14 IN EWING'S OUT LOTS RECORDED IN DEED BOOK 31, PAGES 404-408 AND LOT 21 IN COMPRO GROVE
ADDITION RECORDED IN PLAT BOOK 7, PAGES 86-89 IN THE OFFICE OF THE ALLEN COUNTY, INDIANA.