

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0005
Bill Number: Z-16-03-01
Council District: 3-Tom Didier

Introduction Date: March 8, 2016

Plan Commission
Public Hearing Date: March 14, 2016

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

Synopsis of Ordinance: To rezone approximately 1.05 acres of property from R1-Single Family
Residential to C3-General Commercial

Location: 9230 Lima Road

Reason for Request: To expand the vehicular and equipment storage for the three adjacent
businesses: James Automotive, Code Black Asphalt and Barry's Welding.

Applicant: Zowie, LLC; Roger E. Heitger, Trustee of the Roger E. Heitger Trust

Property Owner: Zowie, LLC; Roger E. Heitger, Trustee of the Roger E. Heitger Trust

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3- General Commercial which will allow
the property owner to expand the vehicle parking and storage area.

Effect of Non-Passage: The property will remain zoned for R1-Single Family Residential and will
be allowed to develop with single family residential uses. The site is
located behind commercial businesses and does not have direct access to
Lima Road.

#REZ-2016-0005

BILL NO. Z-16-03-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-54 (Sec. 3 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 a C3 (General
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

NEW ORIGINAL REMAINDER DESCRIPTION: (part of a tract described in
Document Number 205027722)

Part of Lot Number 21 in Aldale Acres Amended, as recorded in Plat Record 10, page 94, in
the Office of the Recorder of Allen County, Indiana, being more particularly described as
follows, to-wit:

Beginning at a #5 rebar at the Southwest corner of said Lot Number 21; thence North 87
degrees 26 minutes 54 seconds East (GPS grid bearings used for the basis of all bearings in
this description), on and along the South line of said Lot Number 21, a distance of 150.00
feet to a #5 rebar at the Southeast corner thereof; thence North 01 degrees 25 minutes 25
seconds West, on and along the East line of said Lot Number 21, a distance of 299.87 feet to
the point of intersection of said East line with the centerline of Huguenard No. 2 Drain;
thence North 87 degrees 01 minutes 59 seconds West, on and along the centerline of said
Huguenard No. 2 Drain, a distance of 150.42 feet to the point of intersection of said
centerline with the West line of said Lot Number 21; thence South 01 degrees 25 minutes 27
seconds East, on and along the West line of said Lot Number 21, a distance of 314.33 feet to
the point of beginning, containing 1.057 acres of land, subject to all easements of record.
This description is based on an original survey by Sauer Land Surveying, Inc., Survey No.
116-119 "A", dated February 8, 2016.

and the symbols of the City of Fort Wayne Zoning Map No. K-54 (Sec. 3 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

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Zowie, LLC; Roger E. Heitger, Trustee of Roger E. Heitger Trust
Address 1502 W. Till Road
City Fort Wayne State IN Zip 46825
Telephone 260-710-5728 E-mail _____

Contact Person
Contact Person Robert C. Kruger, Esq.
Address 200 E. Main St., Ste. 1000
City Fort Wayne State IN Zip 46802
Telephone 260-426-1300 E-mail RKruger@burtblee.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 9230 Lima Road, Ft. Wayne, IN
Present Zoning R-1 Proposed Zoning C-3 Acreage to be rezoned 1.05
Proposed density N/A units per acre
Township name Washington Township section # 7
Purpose of rezoning (attach additional page if necessary) Rezoning to C-3 to allow parking of vehicles and equipment on the site to serve the businesses operating on the adjacent site to the west
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.

Roger E. Heitger, Trustee Roger E. Heitger 2-3-16
(printed name of applicant) (signature of applicant) (date)
Zowie, LLC By: Roger E. Heitger 2-3-16
(printed name of property owner) (signature of property owner) (date)

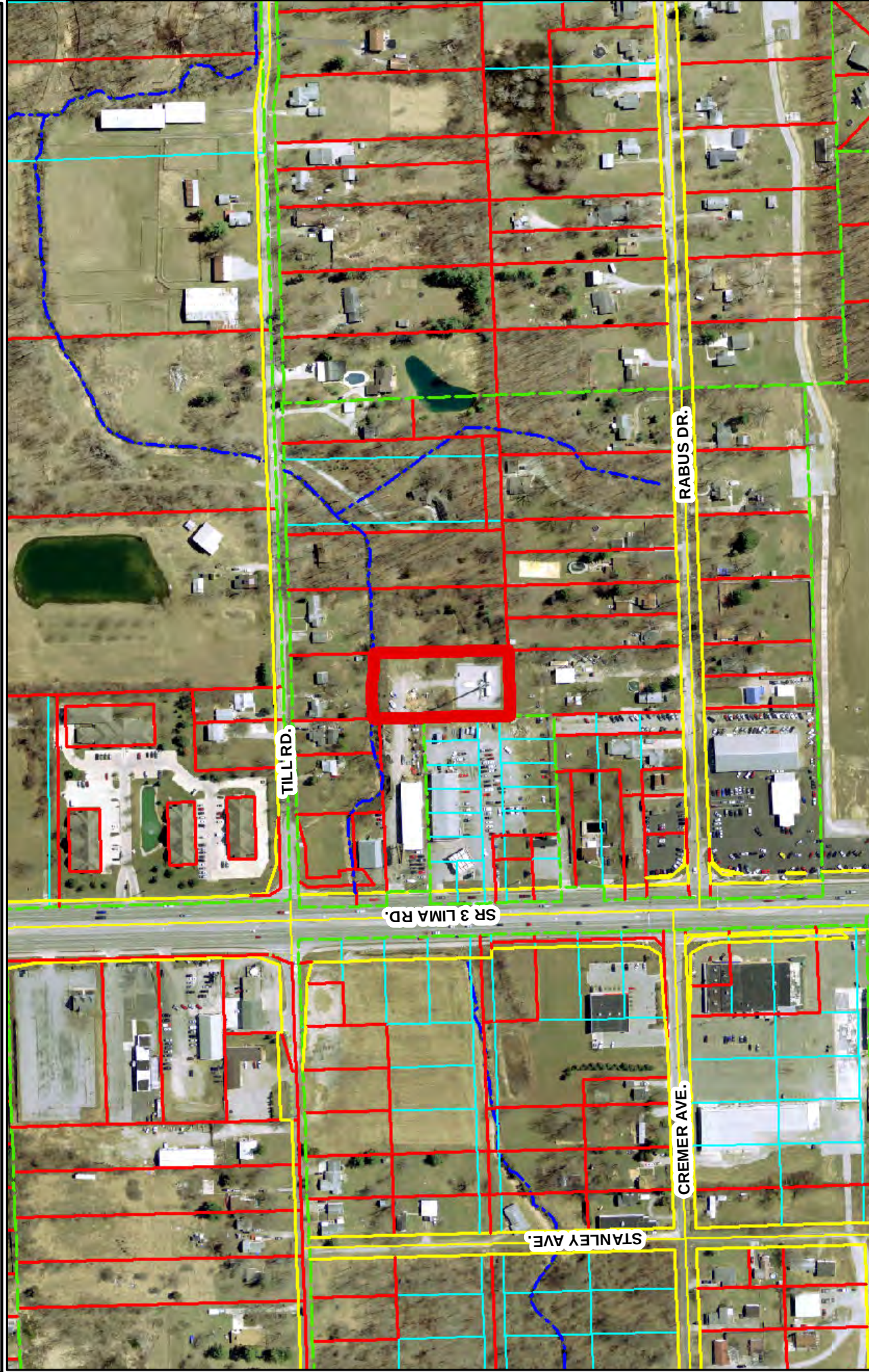
(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

Received <u>2-3-16</u>	Receipt No. <u>119995</u>	Hearing Date <u>3/14/16</u>	Petition No. <u>122-2016-0005</u>
---------------------------	------------------------------	--------------------------------	--------------------------------------



Rezoning Petition REZ-2016-0005 and Primary Development Plan - 9320 Lima Road

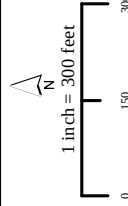


Project boundaries represented by bold colored lines are for representational purposes only.

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.

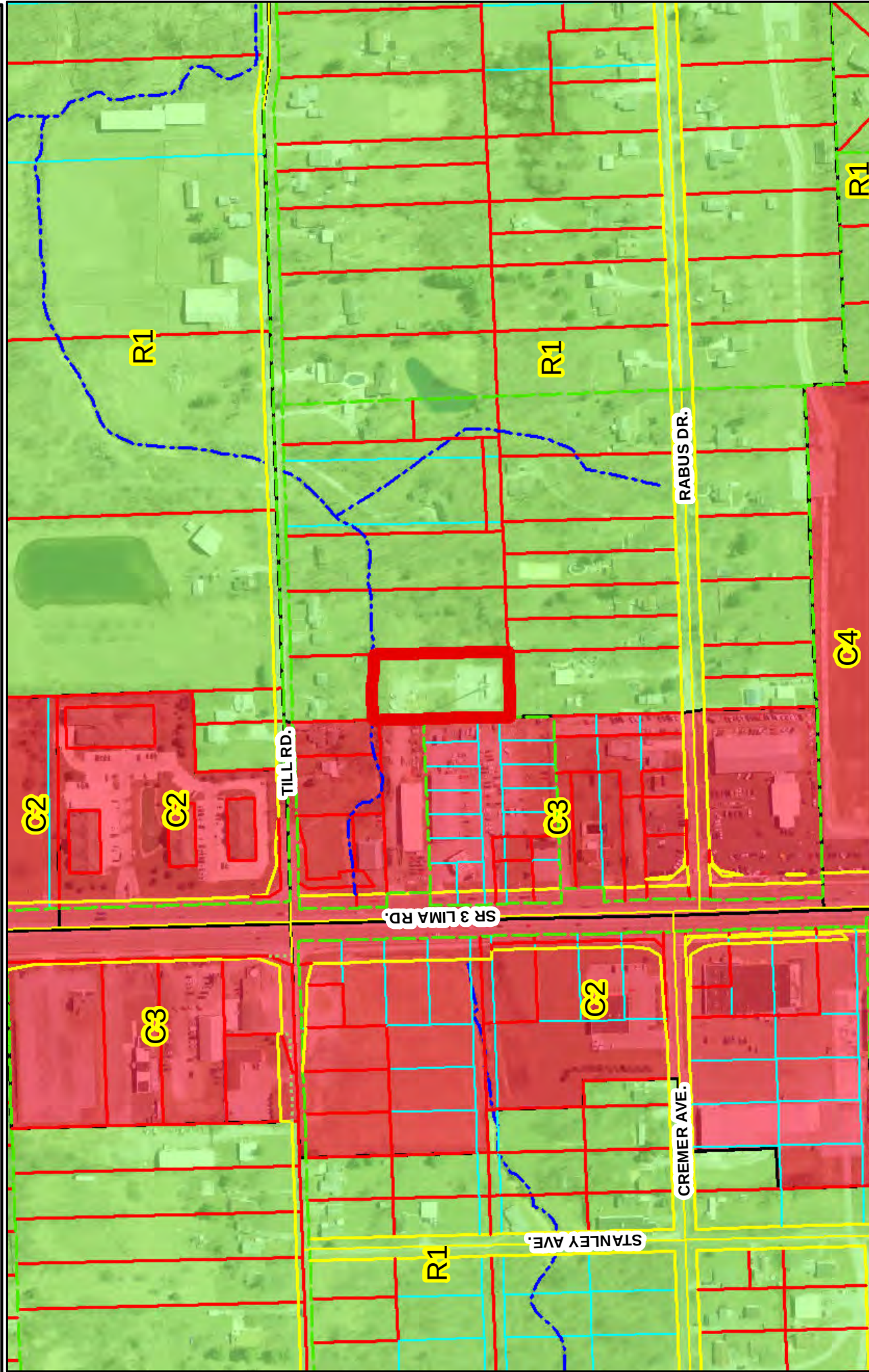
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 3/2/2016





Rezoning Petition REZ-2016-0005 and Primary Development Plan - 9320 Lima Road

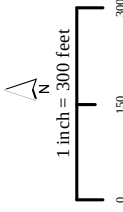


Project boundaries represented by bold colored lines are for representational purposes only.

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: 3/2/2016



PLAT OF SURVEY

WEST TILL ROAD



NEW ORIGINAL REMAINDER DESCRIPTION: (part of a tract described in Document Number 205027722)

Part of Lot Number 21 in Aldale Acres Amended, as recorded in Plat Record 10, page 94, in the Office of the Recorder of Allen County, Indiana, being more particularly described as follows, to-wit:

Beginning at a #5 rebar at the Southwest corner of said Lot Number 21; thence North 87 degrees 26 minutes 54 seconds East (GPS grid bearings used for the basis of all bearings in this description), on and along the South line of said Lot Number 21, a distance of 150.00 feet to a #5 rebar at the Southeast corner thereof; thence North 01 degrees 25 minutes 25 seconds West, on and along the East line of said Lot Number 21, a distance of 299.87 feet to the point of intersection of said East line with the centerline of Huguenard No. 2 Drain; thence North 87 degrees 01 minutes 59 seconds West, on and along the centerline of said Huguenard No. 2 Drain, a distance of 130.42 feet to the point of intersection of said centerline with the West line of said Lot Number 21; thence South 01 degrees 25 minutes 27 seconds East, on and along the West line of said Lot Number 21, a distance of 314.33 feet to the point of beginning, containing 1.057 acres of land, more or less, as shown on the attached plat of survey. This description is based on an original survey by Sauer Land Surveying, Inc., Survey No. 116-119 "A", dated February 8, 2016.

Beginning Benchmark:

INDOT COR'S Base Station RCTM0009, located at INDOT Fort Wayne, 8535 Patterson Road, Fort Wayne, IN 46806
Base Station Elev.=601.215 [NAVD 88]

Site Benchmark:

Top of #5 rebar at the Northeast corner of the lease parcel to SBA Properties
Elevation=839.83 [NAVD88]

Utility Providers:

- Gas: NIPSCO (800) 464-7726
 - Water: City of Fort Wayne (260) 427-1160
 - Sanitary: City of Fort Wayne (260) 427-1160
 - Traffic: City of Fort Wayne (260) 427-1160
 - Electric: Indiana Michigan Power (800) 311-4634
 - Electric: Northeastern REMC (260) 625-3700
 - Telephone: Frontier (800) 463-5000
 - Cable TV: Comcast (800) 456-3344
 - Fiber Optic: RVP Fiber Company (219) 878-9930
- IUPPS Ticket Number:
1602030641

NOTE: All elevations on this sheet are NAVD88

LEGEND

PROPOSED 6' WOOD PRIVACY FENCE
105 Lin. Ft.

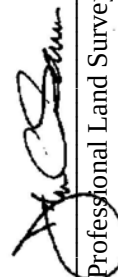
PROPOSED COMPACTED AGGREGATE
PARKING AREA (407 sq. yds.)

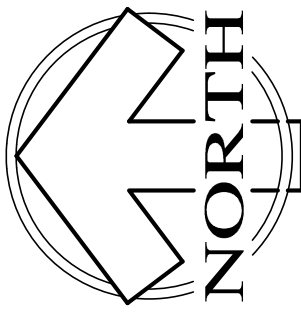
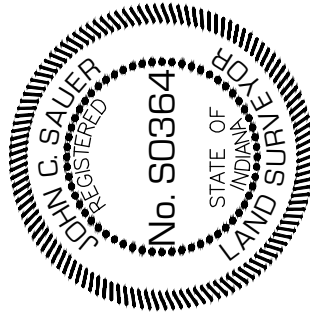
EXISTING TREES

CERTIFICATE OF SURVEY

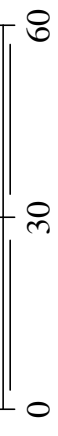
This document is a record retracement survey of real estate prepared under IAC Title 865, Article 1, Rule 12 and in conformity with established practices of surveying and made in accordance with the record on file in the Office of the Recorder of Allen County, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments either way across boundary lines unless specifically stated herein. Corners were perpetuated as indicated.

I, John C. Sauer, affirm under the penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document, unless required by law. I further certify the above statements to be correct to the best of my information, knowledge, and belief.

 Date: 02/08/2016
Indiana Professional Land Surveyor



SCALE IN FEET:



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 9320 Lima Road, Fort Wayne, IN 46825

This survey is intended to retrace the record boundaries of a tract of real estate described in A Quicclaim Deed from Linda & Roger E. Heiger to ZOWIE LLC, Roger E. Heiger Trust, dated May 4, 2005, and recorded in Document Number 205027722 in the Office of the Recorder of Allen County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:

- The deeds of the subject lots and any adjoining lots, as shown on the plat of survey.
- The plat of title encumbrances recorded in Plat Record 10, page 94.
- The plat of title encumbrances recorded in Plat Record 17, page 94.
- A survey of a West adjoining tract by Donovan Engineering, Inc., Document Number 990034883.
- A survey of a Southeast adjoining tract by Horer & Davis, Inc., Document Number 920025117.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The following monuments were accepted and held as controlling monuments at the following locations:

- The Northwest corner of Lot 21.....1 inch diameter pipe found.
- The Northeast corner of Lot 21.....#4 rebar found.
- The Southeast corner of Lot 21.....#4 rebar found.
- The Southeast corner of Lot 22.....#5 rebar found.
- The Southeast corner of Lot 23.....#5 rebar found with Tazian cap.

Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 1.3 feet in the North-South direction and 0.5 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 1.6 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

The last deed of record for subject tract is a Quicclaim deed from Roger Heiger to ZOWIE LLC, Roger E. Heiger Trust, (Doc. 205027722) that is described as Lot 21 except the North 193 feet. The North adjoining deed description (Doc. 2015055313) describes the North line of subject tract being on and along the centerline of a ditch (Huguenard No. 2 Drain). The North adjoining tract was previously conveyed from Heiger in 1977 using the same description, therefore, the North line of the West portion of subject tract was established during this survey along the centerline of said Huguenard No. 2 Drain, as best available evidence of the true location of said North line.

(D) RELATIVE POSITIONAL PRECISION:

The relative positional precision representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Urban Survey (0.07 feet plus 50 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

- The Southwest corner of Lot 21 was established at the intersection of plat distances from the Northwest and Southeast corners of said Lot 21.
- The most Westerly North line of subject tract was established on and along the existing centerline of the Huguenard No. 2 Drain, using a record point on the East line of Lot 21.
- The remaining lines of the subject tract were all established between the above-established corners of said subject tract.

(F) NOTES:

- This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
- A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
- The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property is the responsibility of the property owner or other party to whom the flood statement is being conveyed, and which is not to be construed as a warranty or guarantee of accuracy or reliability of the information on which it is based.
- No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
- Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
- All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
- No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
- Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or possession of record.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
- Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
- Since the last date of field work of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
- Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners.
- This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all required documents.
- No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Last Deed of Record: Doc. 205027722
Last Date of Field Work: February 1, 2016

This property appears to lie within Zone X shaded and Zone X as the description plots by scale on Flood Insurance Rate Map No. 18003C 0170C, effective August 3, 2009.

<i>IAC 865 Survey, Surveyor's Report, Topography, and Plan of Proposed Paving Improvements in: Part of Lot Number 2 in Aldale Acres Amended, Allen County, Indiana.</i>		Revisions:	For: ZOWIE LLC
Drawn By: JRH	Checked By: JCS		
By: Sauer Land Surveying, Inc.		Scale:	
140333 ILLINOIS ROAD, SUITE C		1" = 30'	
FORT WAYNE, IN 46814		Job No.	
TEL: 260 / 469-3300 / FAX: 260 / 469-3301		Date: February 8, 2016	
		116-119 "A"	