

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0010
Bill Number: Z-16-04-17
Council District: 3-Tom Didier

Introduction Date: April 26, 2016

Plan Commission
Public Hearing Date: May 9, 2016

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

Synopsis of Ordinance: To rezone approximately 1.9 acres of property from I1-Limited Industrial to I2-General Industrial

Location: 2720 Goshen Road

Reason for Request: To allow for tire sales and service at an existing business.

Applicant: Pomp's Tire Service

Property Owner: Wochinske Invenstments

Related Petitions: Site Plan Routing for addition, Pomp's Tire Service

Effect of Passage: Property will be rezoned to the I2-General Industrial zoning district which will allow the tire service portion of the business.

Effect of Non-Passage: Under the current zoning, only tire sales may take place on the property, not tire service.

#REZ-2016-0010

BILL NO. Z-16-04-17

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-26 (Sec. 28 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 I2
(General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:

RECORD DESCRIPTION: (as described in Title Commitment File Number
1116105)

Part of the Northeast Quarter of the Northeast Quarter of Section 28, Township
31 North, Range 12 East, Allen County, Indiana, more particularly described as
follows:

COMMENCING at a point on the West line of the Northeast Quarter of the
Northeast Quarter of Section 28, Township 31 North, Range 12 East, in Allen
County, Indiana, said point being 107.56 feet South of the Northwest corner of
the Northeast Quarter of the Northeast Quarter of Section 28, Township 31
North, Range 12 East and located on the South right-of-way line of U.S.
Highway #30 By-Pass; thence Easterly by a deflection angle to the left of 85
degrees 33 minutes 02 seconds, from the West line of the Northeast Quarter of
the Northeast Quarter of Section 28, Township 31 North, Range 12 East and
along the South right-of-way line of U.S. #30 By-Pass, a distance of 520.57
feet; thence continuing Easterly, by a deflection angle to the left of 06 degrees
10 minutes 01 seconds, and along the South right-of-way line of U.S. #30 By-
Pass, a distance of 12.6 feet to a point situated 654.3 feet West of the West
right-of-way line of the Penn Central Railroad; thence Southerly and parallel to
said railroad right-of-way line by a deflection angle to the right of 91 degrees 42
minutes 08 seconds, a distance of 805.1 feet to the True Point of Beginning;
thence South and parallel to the West right-of-way line of the Penn Central
Railroad, a distance of 250.0 feet; thence Westerly by a deflection angle to the
right of 90 degrees 11 minutes 20 seconds, (recorded 90 degrees 05 minutes
20 seconds), a distance of 304.1 feet, to a point on the Easterly right-of-way
line of Goshen Road; thence Northwesterly, along said line, by a deflection
angle to the right of 49 degrees 07 minutes 00 seconds, a distance of 150.0 feet;
thence Northeasterly, by a deflection angle to the right of 76 degrees 21
minutes 40 seconds, a distance of 167.74 feet; thence Easterly with a deflection

angle to the right of 54 degrees 31 minutes 20 seconds (recorded 54 degrees 25 minutes 20 seconds), a distance of 304.1 feet to the True Point of Beginning, containing 2.03 acres of land.

EXCEPTING THEREFROM:

Part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, said point being 596.6 feet South of the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East; thence Easterly by a deflection angle to the left of 89 degrees 55 minutes 30 seconds (89 degrees 00 minutes 25 seconds, deed) from the West line of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, a distance of 531.72 feet to a point situated 654.3 feet West of the West right-of-way line of the Penn Central Railroad; thence Southerly and parallel to said railroad right-of-way line by a deflection angle to the right of 90 degrees 01 minutes 30 seconds (89 degrees 58 minutes 40 seconds, deed), a distance of 356.0 feet; thence Westerly by a deflection angle to the right of 90 degrees 05 minutes 20 seconds, a distance of 245.90 feet to the True Point of Beginning; thence continuing West along said line, a distance of 58.20 feet; thence Southwesterly by a deflection angle to the left of 54 degrees 31 minutes (54 degrees 24 minutes, deed), a distance of 166.64 feet (167.99 feet, deed) to a point on the Easterly right-of-way line of Goshen Road; thence Northeasterly with a deflection angle to the left of 166 degrees 41 minutes 50 seconds, a distance of 205.95 feet to the Point of Beginning, containing 0.091 acres.

and the symbols of the City of Fort Wayne Zoning Map No. I-26 (Sec. 28 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

Patrick Pew
260-449-7607

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Pomp's Tire Service
Address 2720 Goshen Rd
City Ft Wayne State In Zip 46808
Telephone 260.489.5252 E-mail mwilliams@pompstire.com

Contact Person
Contact Person Mike Williams
Address 2120 S Harding St
City Indianapolis State In Zip 46221
Telephone 317.869.8025 E-mail mwilliams@pompstire.com

All staff correspondence will be sent only to the designated contact person.

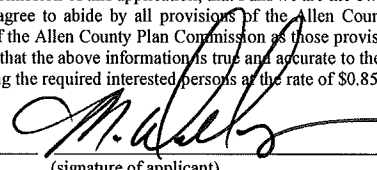
Request
☒ Allen County Planning Jurisdiction ☐ City of Fort Wayne Planning Jurisdiction
Address of the property 2720 Goshen Rd
Present Zoning I-1 Proposed Zoning I-2 Acreage to be rezoned All
Proposed density _____ units per acre
Township name _____ Township section # _____
Purpose of rezoning (attach additional page if necessary) Add Additional 4800 sq ft building

Sewer provider City Water provider City

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 Rezonings Only

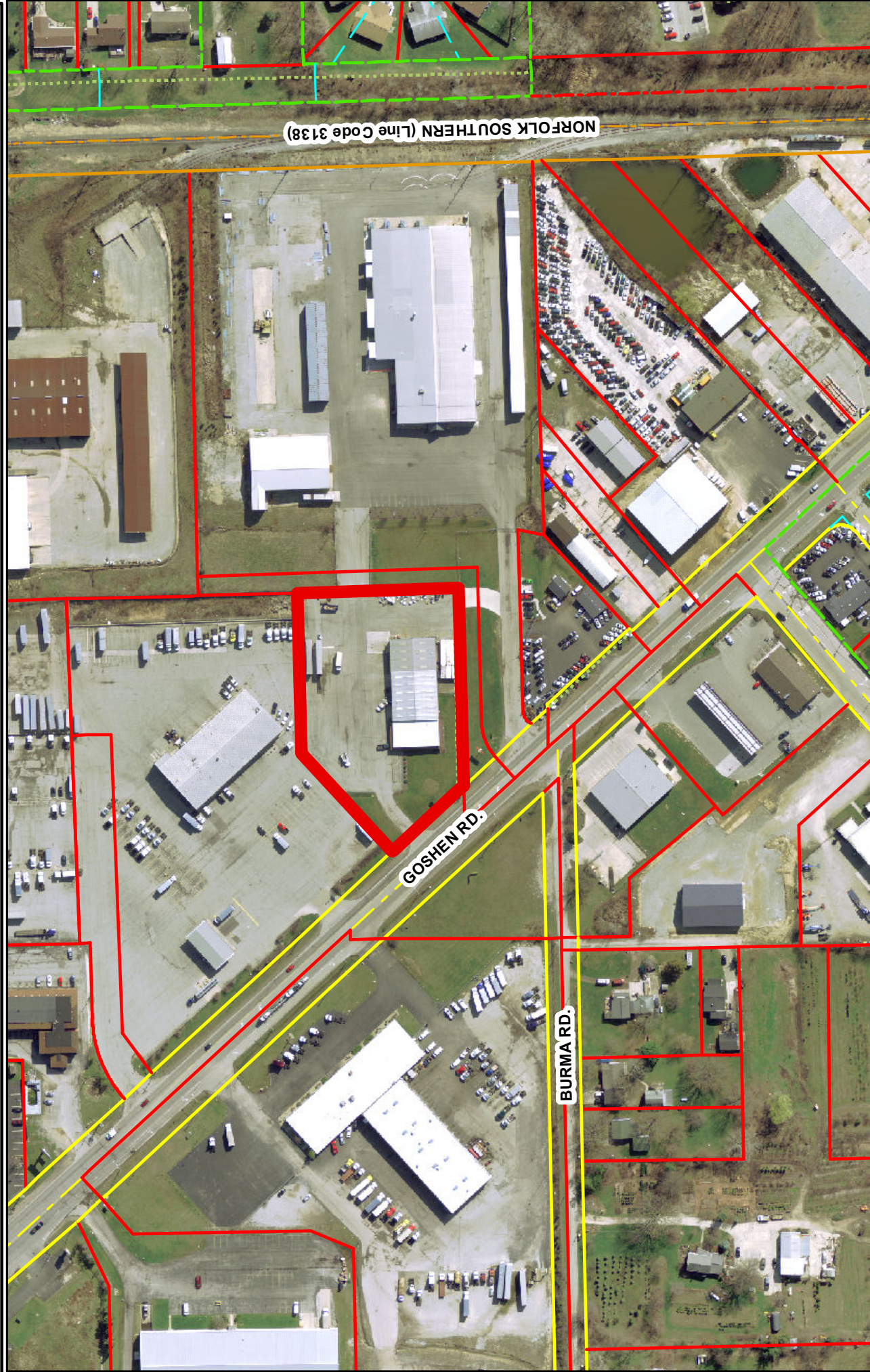
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

Mike Williams 
(printed name of applicant) (signature of applicant) (date)
Wochinski Investment
(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.
4/5/16	120429	5/9/16	REZ-2016-0010

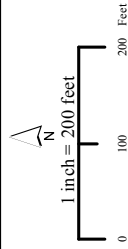


Project boundaries represented by bold colored lines are for representational purposes only.

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.

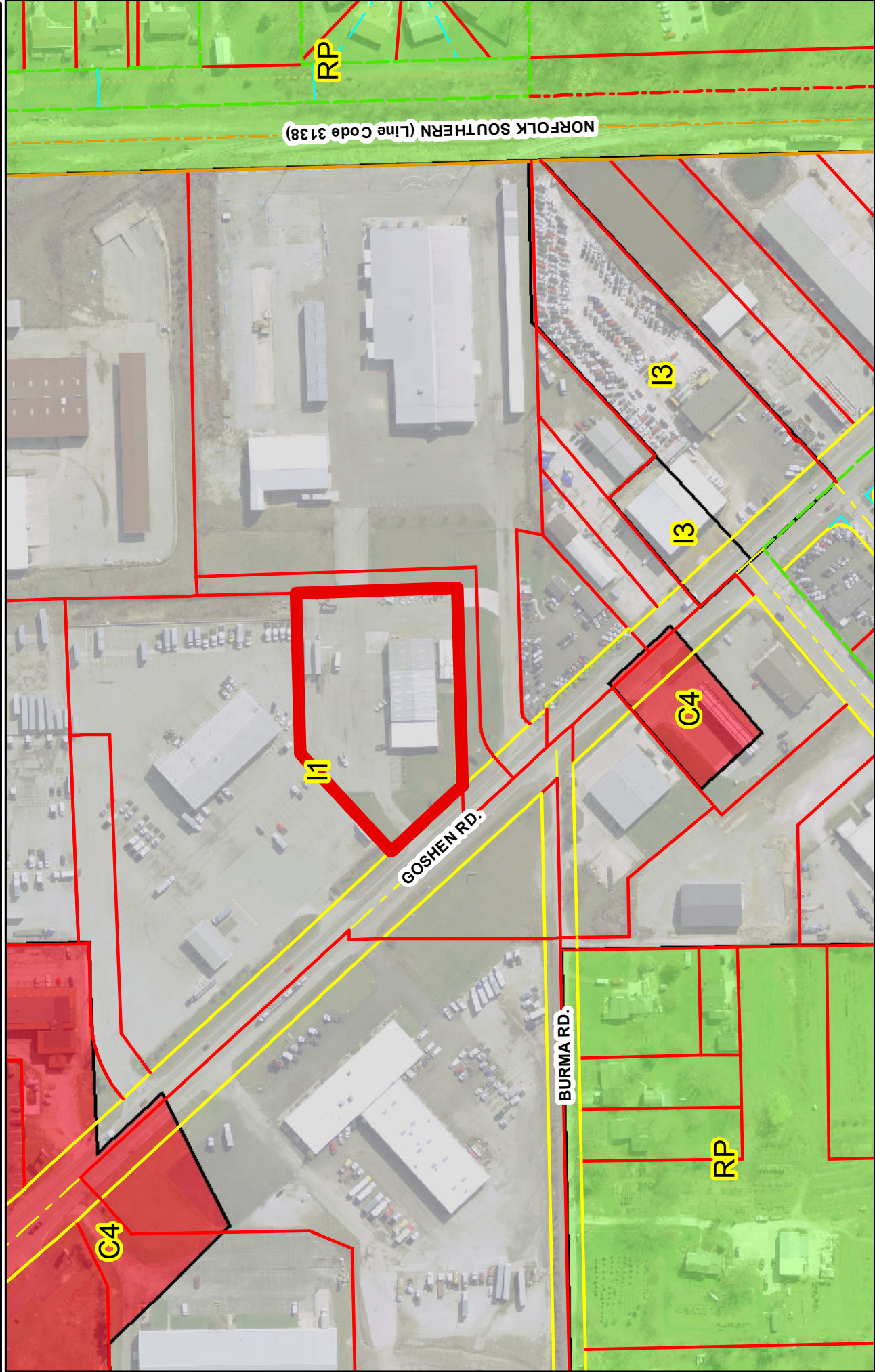
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 4/19/2016





Rezoning Petition REZ-2016-0010

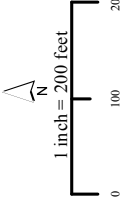


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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 4/19/2016



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 2720 Goshen Road, Fort Wayne, IN 46808

This survey is intended to retrace the record boundaries of the remainder of a 2.03 acre tract of real estate described in a Limited Warranty Deed from Pro-Build Real Estate Holdings, LLC, to RMD Resources LLC, dated July 29, 2011, and recorded in Document Number 2011034917 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: Copies of the following documents were reviewed in completion of this survey:

- The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
- A previous survey of subject tract by Sauer Land Surveying, Inc., Survey No. 093-154, dated May 25, 2011.
- A previous survey of subject tract by Anderson Surveying, Inc., Project Number 04-12-161A, dated March 13, 2006.
- INDOT Highway plans for Goshen Road (State Road #2), S Project 288, dated 1932.
- INDOT Highway plans for U.S. Highway #30, U project 724, dated 1971.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

- The Northeast corner of Section 28.....No monument found, corner established by INDOT right-of-way monuments.
- The North Quarter corner of Section 28.....No monument found, #5 rebar found on 45 feet South of corner.
- The South Quarter corner of Section 28.....Undocumented #5 rebar found.
- The East Quarter corner of Section 28.....No monument found.

The South line of the North Half of the Northeast Quarter was established by survey geometry on the above-referenced Anderson survey due to a lack of County Witnessed Section corners in Section 28. The South line of the Northeast and Northwest Quarter was established on and along a line and its Easterly projection between a railroad spike at the West Quarter corner through a #4 rebar near the Center of said Section 28. The East line of the Northeast Quarter was established from a calculated point using INDOT right-of-way monuments at the Northeast corner of Section 28 through a point 100.00 feet East of the Southeast corner of the 8.357 acre RMD tract. The intersection of the above-established East and South lines creates the East Quarter corner of Section 28. The North Quarter corner of Section 28 was established from a #5 rebar at the South Quarter corner through a #5 rebar on the South right-of-way line of West Coliseum Boulevard at a point 45 feet North of said #5 rebar on said right-of-way. The Center of Section 28 was established at the intersection of the lines from the above-established Quarter corners. The Northeast Quarter of said Section 28 was further subdivided by aliquot division. Uncertainties between all found monuments and record distances were determined to be 11 feet in any direction due to the variance between the Section lines established above and the location of the South line of the North Half of the Northeast Quarter as established by the above-referenced Anderson survey.

(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. A chain link fence from subject tract extends 1.1 feet North of the North line of subject tract, as shown on the Plat of Survey. Asphalt from subject tract that appears to be separated by the chain link fence along the North line of subject tract extends from 0.6 feet to 1.1 feet North and Northwest of the North line of subject tract, as shown on the Plat of Survey. Uncertainties based upon existing occupation and/or possession lines vary from the lines established in this survey by a maximum of 1.1 feet in any direction.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

An interior deed overlap exists between the described tracts of subject tract due to the descriptions of said tracts failing to make calls to each others lines and corners and failing to conform mathematically, resulting in an overlap from 4.1 feet to 5.6 feet in the North-South direction, as shown on the Plat of Survey. The overlap is interior to the same title holder and will be cleared by this transaction so long as a future sale of the adjacent property excludes the overlap area. This has been discussed with the client and title company as a factor to be considered in the future.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy 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 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

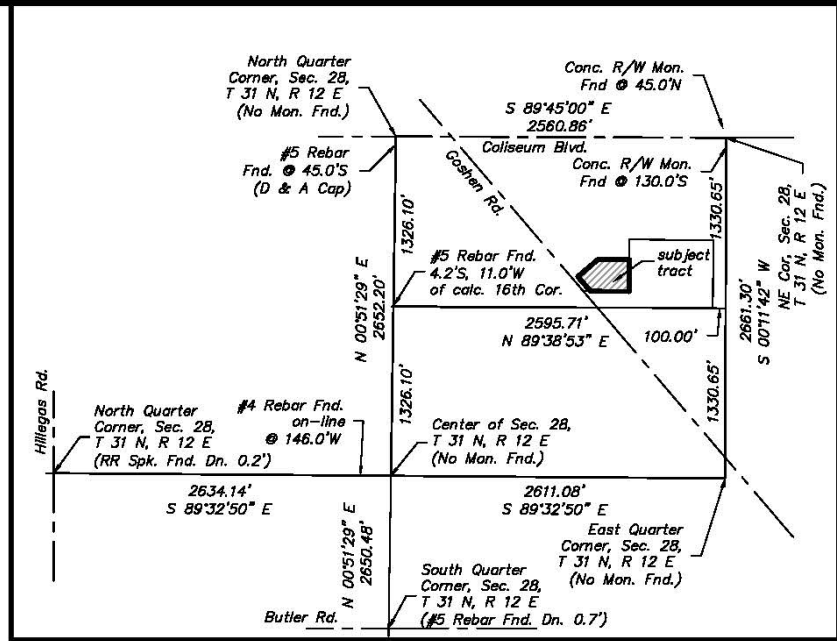
1. The lines and corners of subject tract were all established using survey geometry and found monuments as shown on the above-referenced Sauer and Anderson surveys of subject tract.

(F) NOTES:

1. 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.
2. 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. The survey was prepared following receipt of the Commitment for Title Insurance by Fidelity National Title Insurance Company, Commitment File Number 1116105, dated November 1, 2011.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. 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.
5. 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.
6. 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.
7. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
8. Subsurface and environmental conditions were not examined or considered as a part of this survey.
9. 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.
10. 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.
11. 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.
12. 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 original signature and seal, full payment of invoice, and complete with all pages of survey.
13. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.
14. Copies of this survey that do not bear the original signature and seal may be used for archival purposes only.
15. The survey was prepared following receipt of the Title Insurance Commitment by Fidelity National Title Insurance Company, dated November 1, 2011, and Numbered 1116105. A summary of Schedule B, Section II items set forth in said commitment as follows:

- ITEM 1.** Any discrepancies of conflicts in boundary lines, any shortages in area, or any encroachment or overlapping of improvements may be revealed by a careful analysis of the Table A features shown on the Plat of Survey and as discussed in the Surveyor's Report.
- ITEM 2.** Any encroachments, encumbrance, violation, variation or adverse circumstance affecting the Title may be revealed by a careful analysis of the Table A features shown on the Plat of Survey and as discussed in the Surveyor's Report.
- ITEM 3.** Any easements, liens or encumbrances or claims thereof not shown by the public records may be revealed by a careful analysis of the Table A features shown on the Plat of Survey and as discussed in the Surveyor's Report.
- ITEM 7.** There are no legal ditches or tile drains that lie on or within 75 feet of the surveyed parcel.
- ITEM 8.** **TITLE COMPANY NOTE:** The acreage indicated in the legal description is solely for the purpose of identifying the said tract of land and should not be construed as insuring the quantity of land. The acreage shown on the plat of survey has been calculated by geometry of the perimeter descriptions.

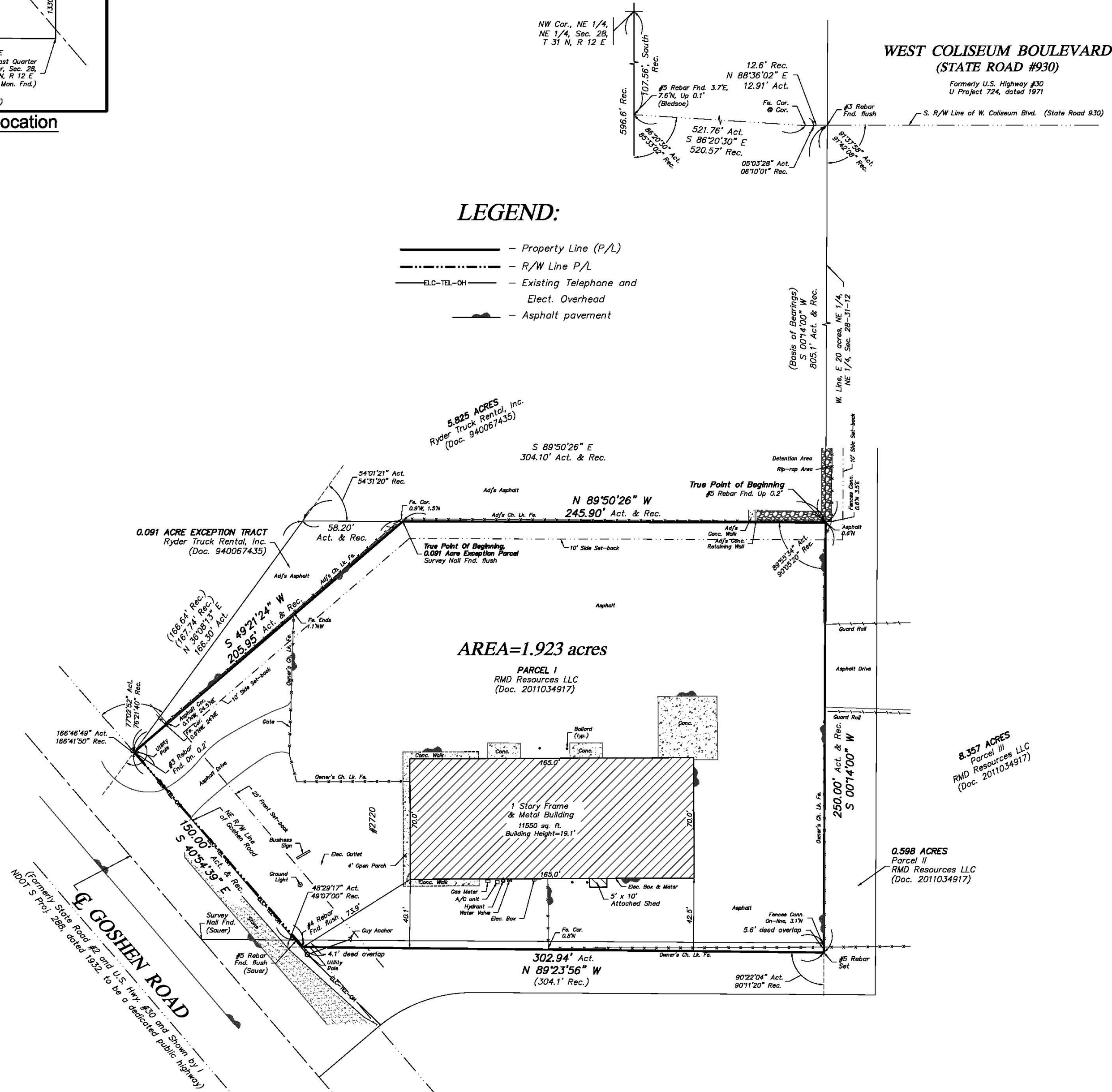
Items 4-6 inclusive deal with contractual and financial matters that are not survey-related.



Location Map & Theory of Location

Zoning Summary
Source: City of Fort Wayne Zoning Ordinance
Zoning District: IN1 (Limited Industries)
Front Yard Set-back: 25 feet
Side Yard Set-back: 10 feet
Rear Yard Set-back: 10 feet
Building Height: 35 feet

PLAT OF ALTA/ACSM LAND TITLE SURVEY



CERTIFICATE OF ALTA/ACSM LAND TITLE SURVEY

To: RMD Resources LLC, an Indiana limited liability company;
Wochinske Investments LLC;
Fidelity National Title Insurance Company; and
Titan Title Services, LLC.

ALTA/ACSM STANDARD CERTIFICATE

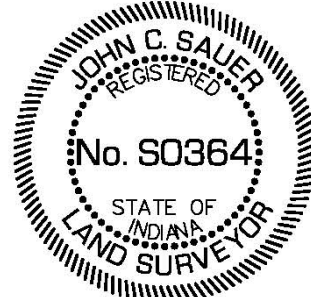
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2011, and includes Items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 11(a) and 21 of 2011 Table A thereof. The field work was completed on November 16, 2011. 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.

INDIANA TITLE IAC 865, ARTICLE 1, RULE 12 CERTIFICATE

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 records 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 hereon. Corners were perpetuated as indicated.

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

Indian Land Surveyor, Reg. No. S 0364 Date: 11/17/2011



RECORD DESCRIPTION: (as described in Title Commitment File Number 1116105)

Part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, in Allen County, Indiana, said point being 107.56 feet South of the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, and located on the South right-of-way line of U.S. Highway #30 By-Pass; thence Easterly by a deflection angle to the left of 85 degrees 33 minutes 02 seconds, from the West line of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, and along the South right-of-way line of U.S. #30 By-Pass, a distance of 520.57 feet; thence continuing Easterly, by a deflection angle to the left of 06 degrees 10 minutes 01 seconds, and along the South right-of-way line of U.S. #30 By-Pass, a distance of 12.6 feet to a point situated 654.3 feet, West of the West right-of-way line of the Penn Central Railroad; thence Southerly and parallel to said railroad right-of-way line by a deflection angle to the right of 91 degrees 42 minutes 08 seconds, a distance of 805.1 feet, to the True Point of Beginning; thence South and parallel to the West right-of-way line of the Penn Central Railroad, a distance of 250.0 feet; thence Westerly by a deflection angle to the right of 90 degrees 11 minutes 20 seconds, (recorded 90 degrees 05 minutes 20 seconds), a distance of 304.1 feet, to a point on the Easterly right-of-way line of Goshen Road; thence Northwestly, along said line, by a deflection angle to the right of 49 degrees 07 minutes 00 seconds, a distance of 150.0 feet; thence Northeastly, by a deflection angle to the right of 76 degrees 21 minutes 40 seconds, a distance of 167.74 feet; thence Easterly with a deflection angle to the right of 54 degrees 31 minutes 20 seconds (recorded 54 degrees 25 minutes 20 seconds), a distance of 304.1 feet to the True Point of Beginning, containing 2.03 acres of land.

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Last Deed of Record: Doc. 2011034917
Last Date of field work: November 16, 2011

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map No. 18003C 0281G, effective August 3, 2009.

ALTA/ACSM Land Title Survey
of
Part of the North Half of the Northeast Quarter of Section 28,
Township 31 North, Range 12 East, Allen County, Indiana.

Revisions:	For: RMD Resources LLC / Wochinske Investments LLC	Drawn By: JRH
	By: Sauer Land Surveying, Inc.	Checked By: JCS
	14033 ILLINOIS ROAD, SUITE C FORT WAYNE, IN 46814 TEL: 260/469-3300 / FAX: 260/469-3301	Scale: 1" = 50'
	Date: November 17, 2011	Job No. 093-154 "B"