

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0015
Bill Number: Z-17-03-22
Council District: 6-Glynn Hines

Introduction Date: March 28, 2017

Plan Commission
Public Hearing Date: April 10, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 2.98 acres of property from R3-Planned Residential to C3-General Commercial

Location: The southwest corner of East Paulding and Hessen Cassel, at 3140 East Paulding Road

Reason for Request: To redevelop the existing bank location with a convenience store and gas canopy and pumps.

Applicant: Kaufmann, LLC

Property Owner: Wells Fargo Bank, N.A.

Related Petitions: Primary Development Plan, Kaufmann Project

Effect of Passage: Property will be rezoned to the C3-General Commercial district which will allow the gas canopy and pumps.

Effect of Non-Passage: The property will remain zoned R3-Planned Residential. The property may continue to be used as a bank or can redevelop with residential uses.

1 **REZ-2017-0015**

2 **BILL NO. Z-17-03-22**

3 **ZONING MAP ORDINANCE NO. Z-_____**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. Q-23 (Sec. 30 of Adams Township)**

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. That the area described as follows is hereby designated a C3 (General
9 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11 The East 600.0 feet of the North 726.0 feet of the Northeast Quarter of Section 30, Township 30 North,
12 Range 13 East, said in previous deed to contain 10.0 acres, more or less.

13 EXCEPTING THEREFROM:

14 Part of the Northeast Quarter of Section 30, Township 30 North, Range 13 East, in Allen County,
15 Indiana, more particularly described as follows:

16 Beginning at a point on the West right of way line of Hessen Cassel Road as recorded in Document
17 #70-18883 in the Office of the Recorder of Allen County, Indiana, said point being 601.0 feet South and
18 50.0 feet West of the Northeast corner of the Northeast Quarter of Section 30, Township 30 North,
19 Range 13 East, Allen County, Indiana; thence South along said West right of way line of Hessen
20 Cassel Road, and parallel to the East line of the Northeast Quarter of Section 30-30-13, a distance of
21 125.0 feet to a point on the North right of way line of Frosch Drive; thence West along the North right of
22 way line of Frosch Drive and the North line of Lot Numbered 66 in Continental Park Addition, as
23 recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, and parallel to the
24 North line of the Northeast Quarter of Section 30-30-13, a distance of 550.0 feet to the Northwest
25 corner of said Lot #66; thence North along the East line of Lots #59 and #58 in said Continental Park
26 Addition, and parallel to the East line of the Northeast Quarter of Section 30-30-13, a distance of 125.0
27 feet; thence East and parallel to the North line of the Northeast Quarter of Section 30-30-13, a distance
28 of 550.0 feet to the point of beginning, said in previous deed to contain 1.58 acres, more or less.

29 ALSO EXCEPTING THEREFROM:

30 Part of the Northeast Quarter of Section 30, Township 30 North, Range 13 East in Allen County,
31 Indiana, more particularly described as follows:

32 Beginning at a point on the West right of way line of Hessen Cassel Road as recorded in Document
33 #70-18883 in the Office of the Recorder of Allen County, Indiana, said point being 360.0 feet South and
34 50.0 feet West of the Northeast corner of the Northeast Quarter of Section 30, Township 30 North,
35 Range 13 East, Allen County, Indiana; thence South along said West right of way line of Hessen
36 Cassel Road, and parallel to the East line of the Northeast Quarter of Section 30-30-13, a distance of
37 241.0 feet; thence West and parallel to the North line of the Northeast Quarter of Section 30-30-13, a
38 distance of 550.0 feet; thence North along the East line of Lots #58, #57, #56 and #55 in said
39 Continental Park Addition and parallel to the East line of the Northeast Quarter of Section 30-30-13, a
40 distance of 265.0 feet to the Southwest corner of the Fort Wayne Public Library, recorded in Document
41 #71-03699 in the Office of the Recorder of Allen County, Indiana; thence East along the South line of
42 said Library property and parallel to the North line of the Northeast Quarter of Section 30-30-13, a
43 distance of 290.0 feet the Southeast corner of said Library property; thence South and parallel to the
44 East line of the Northeast Quarter of Section 30-30-13, a distance of 24.0 feet; thence East and parallel
45 to the North line of the Northeast Quarter of Section 30-30-13, a distance of 260.0 feet to the point of
46 beginning, said in previous deed to contain 3.20 acres, more or less.

47 ALSO EXCEPTING THEREFROM:

48 Part of the Northeast Quarter of Section 30, Township 30 North, Range 13 East in Allen County,

1 Indiana, commencing on the North line of said Quarter at a point 310.00 feet West of the Northeast
2 corner thereof; thence Westerly along the North line of said Quarter as defined by the centerline of the
3 Paulding Road a distance of 290.00 feet; thence Southerly along the East line of Continental Park
Addition a distance of 336.00 feet; thence Easterly parallel to the North line of said Quarter a distance
of 290.0 feet; thence Northerly parallel to the East line of said Addition a distance of 336 feet to the
point of beginning.

4 For a final property of approximately 2.98 acres.

5 and the symbols of the City of Fort Wayne Zoning Map No. Q-23 (Sec. 30 of Adams
6 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
7 Wayne, Indiana is hereby changed accordingly.

8
9 SECTION 2. If a written commitment is a condition of the Plan Commission's
10 recommendation for the adoption of the rezoning, or if a written commitment is modified and
11 approved by the Common Council as part of the zone map amendment, that written
12 commitment is hereby approved and is hereby incorporated by reference.

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14 SECTION 3. That this Ordinance shall be in full force and effect from and after its
15 passage and approval by the Mayor.

16 _____
Council Member

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18 APPROVED AS TO FORM AND LEGALITY:

19 _____
20 Carol T. Helton, City Attorney
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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Kaufmann, LLC
Address 2216 S. Calhoun Street
City Fort Wayne State IN Zip 46802
Telephone 260/745-4839 E-mail realkaufmann@aol.com

Contact Person
Contact Person Solomon L. Lowenstein, Jr.
Address 614 W. Berry Street, Suite A
City Fort Wayne State IN Zip 46802
Telephone 260/422-4655 E-mail solomon@lowensteinlaw.net

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 3140 East Paulding Road
Present Zoning R-3 Proposed Zoning C-3 Acreage to be rezoned 2.98
Proposed density one units per acre
Township name Adams Township section # 30
Purpose of rezoning (attach additional page if necessary) _____
Current usage is a financial facility by virtue of a use variance in a R-3 zone.
Proposed usage is for a gas station/restaurant permitted in a C-3 zone.
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 Planning 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.

Kaufmann, LLC

(printed name of applicant)

[Signature] 3-2-17
(signature of applicant) (date)

Wells Fargo Bank, N.A.

(printed name of property owner)

[Signature] 3/7/17
(signature of property owner) (date)

(printed name of property owner)

(signature of property owner)

(date)

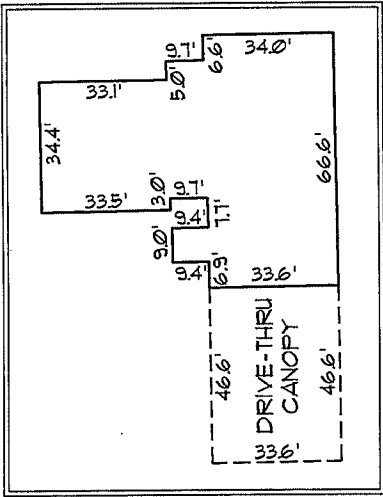
(printed name of property owner)

(signature of property owner)

(date)

Received	Receipt No.	Hearing Date	Petition No.
<u>3/7/17</u>	<u>123244</u>	<u>4/10/17</u>	<u>Rez-2017-0015</u>

BUILDING DETAIL

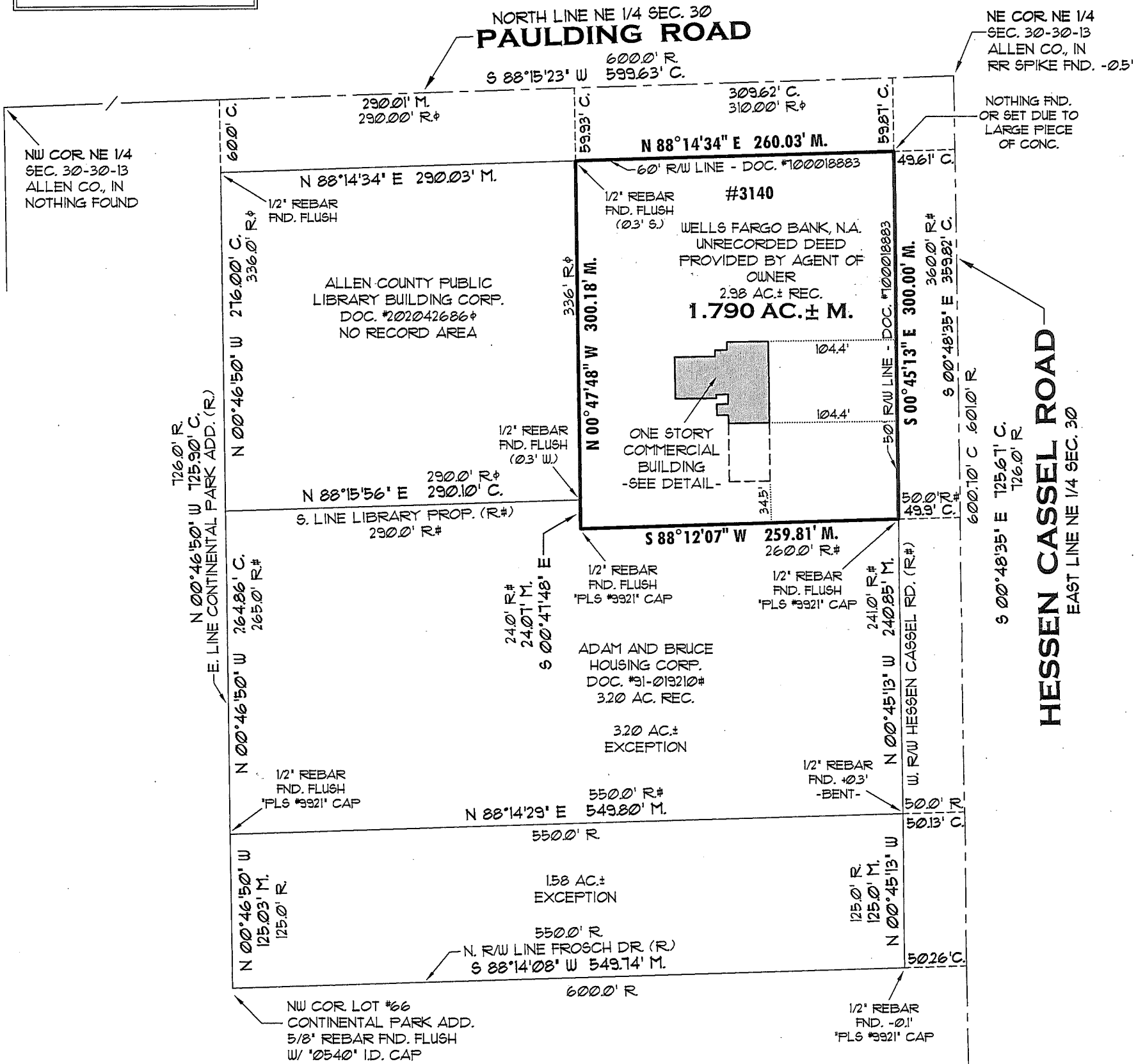


PLAT OF SURVEY

Page 1 of 3

This document is a Retracement Survey of a parcel of land located in Allen County, Indiana.
SEE PAGES 2 AND 3 FOR THE SURVEYOR'S REPORT AND LEGAL DESCRIPTION.

ALL SHOWN MEASURED BEARINGS ARE
BASED ON WGS84 LATITUDE & LONGITUDE
BY GPS OBSERVATION



SCALE IN FEET: 1"=100'

I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Fieldwork completed on the 14th day of MARCH, 2017.

Certified this 21st day of MARCH, 2017.

Prepared exclusively for: WELLS FARGO BANK, N.A. / AMFIRE PROPERTIES LLC

Survey Number: 17-03-120

SE COR NE 1/4
SEC. 30-30-13
ALLEN CO., IN
NOTHING FOUND



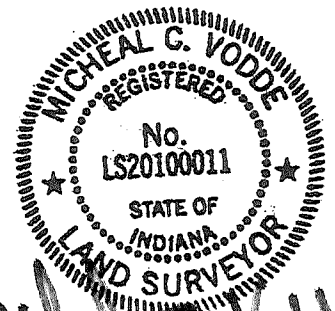
WWW.ANDERSONSURVEYING.COM

ANDERSON SURVEYING, INC.

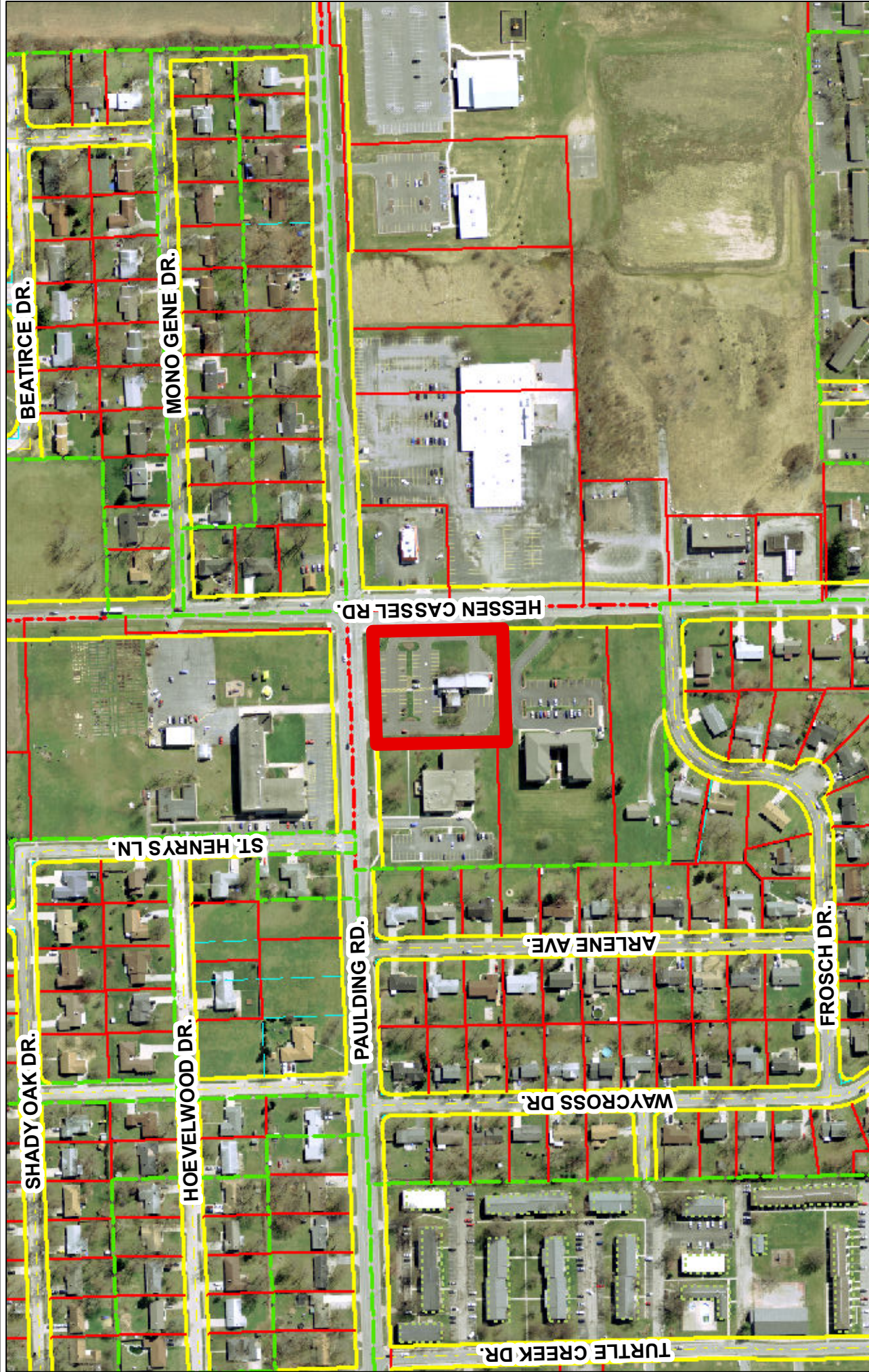
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

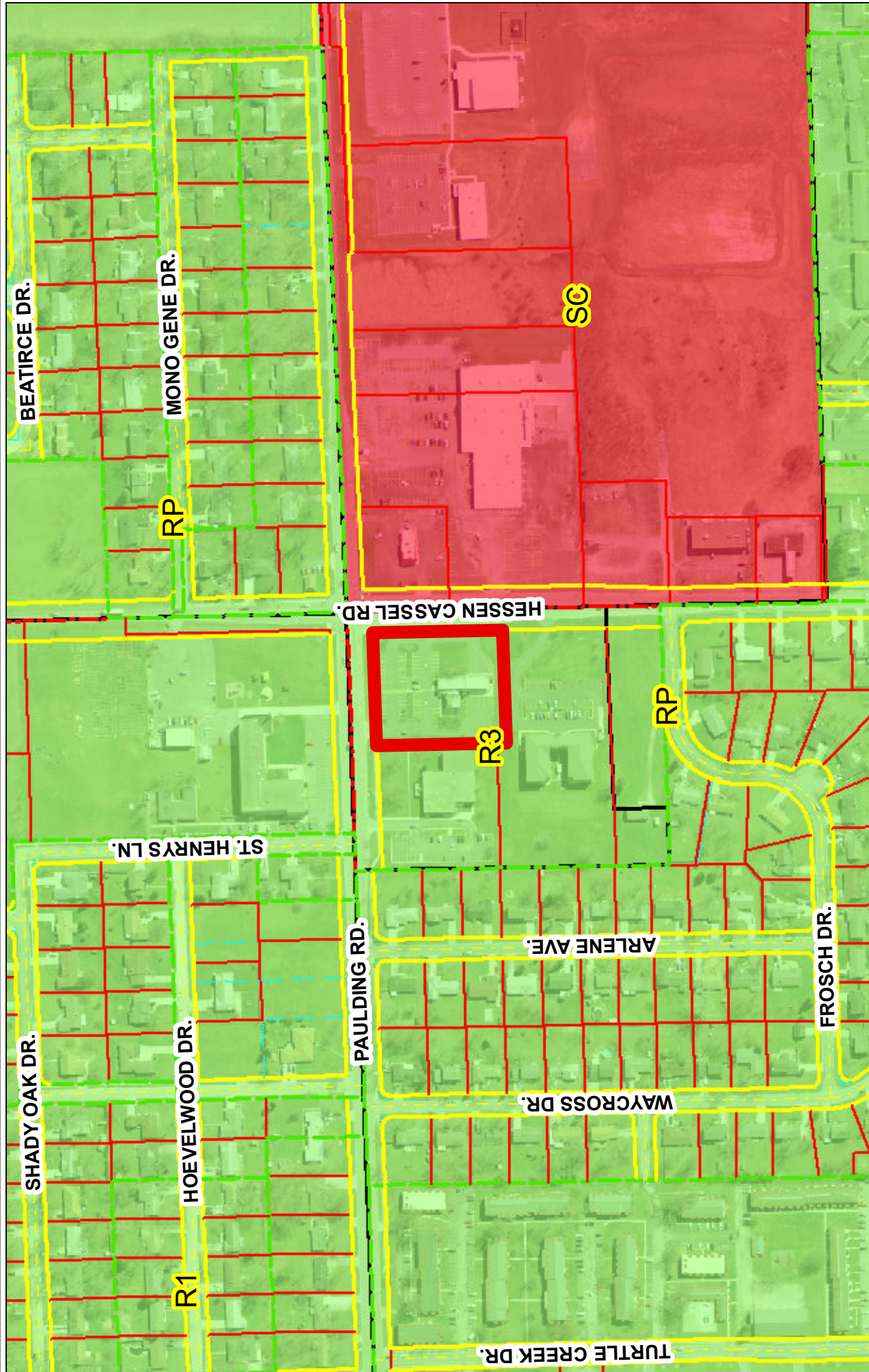
1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

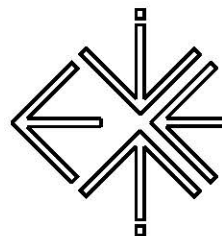
1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855



MICHAEL C. VODDE, LS #20100011







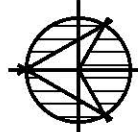
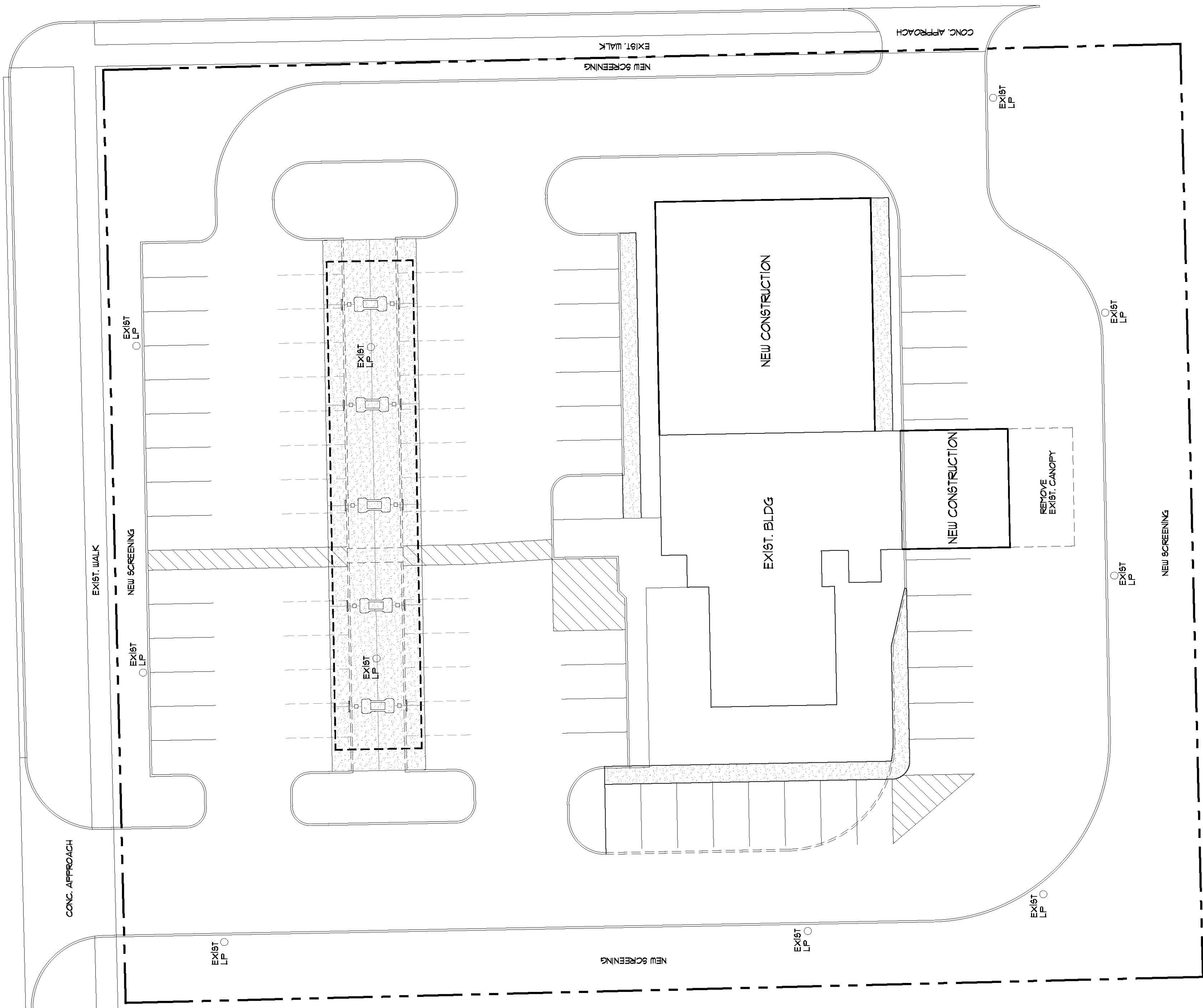
P. A. TROYER INC.
ARCHITECTURE
DEVELOPMENT
CONSTRUCTION
1510 W. LUDWIG RD.
FT. WAYNE, IN 46825
O. 260-489-2810 F. 260-489-6162 C. 260-318-0926

2/6/17

MULTI TENANT
3140 E. PAULDING RD.
FORT WAYNE, IN

S1

PAULDING RD.



SITE PLAN
1" = 20' 0"

AREAS:
EXISTING BLDG. 3,823 SQ. FT.
ENCLOSE EXIST. CANOPY 990 SQ. FT.
NEW ADDITION 3,900 SQ. FT.
TOTAL 8,713 SQ. FT.
PARKING 44 SPACES