

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0047
Bill Number: Z-17-01-06
Council District: 4-Jason Arp

Introduction Date: January 10, 2017

Plan Commission
Public Hearing Date: January 9, 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 6.5 acres of property from RP-Planned Residential to C2-Limited Commercial

Location: 4900 to 5000 blocks of West Jefferson Boulevard

Reason for Request: To allow for a three-building commercial/retail development including Peter Franklin Jewelers.

Applicant: Peter Franklin Jewelers, Inc.

Property Owner: Mary Ann Hunter

Related Petitions: Primary Development Plan, Peter Franklin-West Jefferson

Effect of Passage: Property will be rezoned to the C2-Limited Commercial district, which will allow a variety of commercial and retail uses.

Effect of Non-Passage: The property will remain zoned RP-Planned Residential and may remain single family residential or develop with duplexes or multiple family uses.

#REZ-2016-0047

BILL NO. Z-17-01-06

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-03 (Sec. 8 of Wayne 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 C2 (Limited
Retail) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

RECORDER'S DEED BOOK 677 PAGE 528-29

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 8,
TOWNSHIP 30 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, BY PERIMETRIC
DIMENSIONS DESCRIBED AS FOLLOWS TO WIT:

COMMENCING AT THE NORTHEAST CORNER OF THE SUBJECT SITE AS ON THE
SOUTHEAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 24 SITUATED AT THE POINT
OF ITS INTERSECTION BY THE EAST LINE OF THE WEST ONE-HALF OF THE
SOUTHWEST QUARTER OF SAID SECTION: THENCE RUNNING SOUTH ON THE LINE
AFORESAID, A DISTANCE OF 549 FEET: THENCE SOUTH 78 DEGREES WEST BY A
DEFLECTION RIGHT OF 78 DEGREES 38 MINUTES, A DISTANCE OF 159.61 FEET: THENCE
NORTHWARD BY A DEFLECTION RIGHT OF 96 DEGREES 56 MINUTES, A DISTANCE OF
447.9 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO.
24; THENCE NORTHEASTWARD BY A DEFLECTION RIGHT OF 60 DEGREES 36
MINUTES TO THE CHORD DIRECTION OF AN ARC OF A CURVE LEFT EXTRORSELY
CONCENTRIC TO THE ZERO DEGREE 58 MINUTES CENTERLINE CURVE OF U.S.
HIGHWAY NO. 24, THE ARC AND CHORD DISTANCE OF 230 FEET TO THE PLACE OF
BEGINNING; CONTAINING 2.02 ACRES OF LAND.

TOGETHER WITH AN EASEMENT TO AFFORD INGRESS AND EGRESS TO AND FROM
THE ABOVE DESCRIBED REAL ESTATE FROM U.S. HIGHWAY NO. 24, UPON A STRIP OF
LAND 20 FEET IN WIDTH CENTERED UPON THE FOLLOWING DESCRIBED LINE;
COMMENCING AT A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S.
HIGHWAY NO. 24, LOCATED 475 FEET SOUTHWESTWARD, AS MEASURED ALONG SAID
RIGHT-OF-WAY LINE, FROM THE NORTHEAST CORNER OF THE ABOVE DESCRIBED
TRACT; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE
OF SAID HIGHWAY A DISTANCE OF 60 FEET: THENCE NORTHEASTERLY A DISTANCE
OF APPROXIMATELY 200 FEET TO A POINT LOCATED ON THE WEST LINE OF THE
ABOVE DESCRIBED TRACT, WHICH POINT IS ALSO LOCATED 100 FEET SOUTH OF THE
SOUTHEASTERLY LINE OF SAID HIGHWAY, AS MEASURED ALONG THE WEST LINE OF
THE ABOVE DESCRIBED TRACT.

ALSO SUBJECT TO AND TOGETHER WITH AN EASEMENT FOR UTILITY PURPOSES
UPON A STRIP OF LAND 12 FEET IN WIDTH CENTERED ON A LINE BEGINNING AT A
POINT 6 FEET NORTH OF THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT
AND RUNNING THENCE SOUTH 78 DEGREES WEST PARALLEL TO THE SOUTH LINE OF

1 THE ABOVE DESCRIBED TRACT AND SAID LINE EXTENDED A DISTANCE OF 716.76
2 FEET, SAID EASEMENT BEING OVER THE SOUTH 12 FEET OF THE ABOVE DESCRIBED
TRACT AND THE REAL ESTATE ADJOINING TO THE WEST THEREOF.

3 *RECORDER'S DOCUMENT #75-24037*

4 PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 30 NORTH,
RANGE 12 EAST, DESCRIBED AS FOLLOWS:

5 TO ARRIVE AT THE PLACE OF BEGINNING AT THE SOUTHEAST CORNER OF THE
6 SUBJECT SITE, COMMENCE ON THE EAST LINE OF THE WEST 1/2, OF THE SOUTHWEST
7 1/4 OF SAID SECTION AT THE POINT OF ITS INTERSECTION BY THE SOUTHEASTERLY
8 RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 24 (AS SAID POINT IS SITUATED 329.79
9 FEET SOUTH OF THE SOUTH LINE OF LAGRO RESERVE); THENCE RUNNING SOUTH ON
10 THE EAST LINE OF THE SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, A
11 DISTANCE OF 549 FEET; THENCE SOUTH 78 DEGREES WEST A DISTANCE OF 159.61
12 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 78 DEGREES WEST
13 A DISTANCE OF 555.49 FEET TO THE SOUTHWEST CORNER OF THE SUBJECT SITE
(WHICH POINT IS COINCIDENT TO THE NORTHWEST CORNER OF THE RECORDED PLAT
14 OF COVINGTON CLUB ESTATES); THENCE NORTHWESTWARD BY A DEFLECTION
15 RIGHT OF 59 DEGREES 19 MINUTES A DISTANCE OF 218.0 FEET TO THE
16 WESTERNMOST CORNER OF THE SUBJECT SITE TO A POINT LOCATED ON THE
17 SOUTHEASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 24; THENCE
18 NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S.
19 HIGHWAY NO. 24 A DISTANCE OF 765.5 FEET TO THE NORTHEAST CORNER OF THE
20 SUBJECT SITE; THENCE SOUTHEASTWARD BY A DEFLECTION TO THE RIGHT A
21 DISTANCE OF 447.9 FEET TO THE PLACE OF BEGINNING, CONTAINING 4.60 ACRES OF
22 LAND.

23 SUBJECT TO AN EXISTING DRIVEWAY EASEMENT TO AFFORD INGRESS AND EGRESS
24 TO AND FROM THE LANDS LYING SOUTH OF AND ADJOINING THE AFOREDESCRIBED
25 PREMISES, IN FAVOR OF WALTER H. AND FRANCES LUPKE, JR., CHARLES R. AND
26 MARILYN D. LEMASTER, AND JOHN E. AND ALICE L. HOFFMAN, AND THEIR
27 SUCCESSORS IN TITLE, UPON A STRIP OF LAND 20 FEET IN WIDTH, CENTERED UPON A
28 LINE COMMENCING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY
29 NO. 24, AT A POINT SITUATED 984.3 FEET AS MEASURED ALONG THE SAID RIGHT-OF-
30 WAY LINE, SOUTHWESTWARD OF ITS INTERSECTION BY THE EAST LINE OF THE
WEST 1/2, OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 12
EAST, AS SITUATED COINCIDENT WITH THE WEST LINE OF THE PLAT AS RECORDED
OF WESTWOOD ADDITION: THENCE EXTENDING SOUTHEASTWARD 239.3 FEET ON A
LINE BEARING 69 DEGREES 36 MINUTES TO THE RIGHT OF THE NORTHEASTERLY
DIRECTION OF THE CHORD SUBTENDING THE ARC OF THE SAID RIGHT-OF-WAY LINE
AS SITUATED EXTRORSELY CONCENTRIC TO THE 0 DEGREE 58 MINUTES CENTERLINE
CURVE OF THE SAID U.S. HIGHWAY NO. 24, AND 1,000.0 FEET IN LENGTH AS ALONG
THE SAID RIGHT-OF-WAY LINE MEASURED SOUTHWESTWARD OF ITS INTERSECTION
BY THE WEST LINE OF SAID WESTWOOD ADDITION: THENCE BY A DEFLECTION LEFT
OF 43 DEGREES 25 MINUTES, 122.0 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE
PREMISES AFOREDESCRIBED.

THE ABOVE DESCRIBED REAL ESTATE IS SUBJECT TO ALL LEGAL RIGHTS-OF-WAY,
SUBJECT TO ALL REGULATED DRAIN EASEMENTS FOR ANY REGULATED DRAINS OR
TILES BEING ON OR WITHIN 75 FEET OF THE ABOVE DESCRIBED PARCEL, SUBJECT TO
ALL OTHER EASEMENTS, RESTRICTIONS AND RIGHTS AFFECTING THE ABOVE-
DESCRIBED PARCEL.

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5 and the symbols of the City of Fort Wayne Zoning Map No. F-03 (Sec. 8 of Wayne
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.

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17 _____
Council Member

18 APPROVED AS TO FORM AND LEGALITY:

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

Applicant
Applicant Peter Franklin Jewelers, Inc.
Address 507 Broadway Street
City New Haven State Indiana Zip 46774
Telephone (260) 749-4315 E-mail jball@peterfranklin.com

Contact Person
Contact Person Joshua C. Neal, Barrett McNagny LLP
Address 215 East Berry Street
City Fort Wayne State Indiana Zip 46802
Telephone (260) 423-8935 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 4901 West Jefferson Boulevard
Present Zoning RP Proposed Zoning C-2 Acreage to be rezoned 6.5
Proposed density _____ units per acre
Township name Wayne Township section # 30
Purpose of rezoning (attach additional page if necessary) To allow subject real estate to be developed into a retail store for Peter Franklin Jewelers, Inc. and complimentary retail 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 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 "B"

(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.
12-6-16	122746	Y9/17	Re2-2016-0047

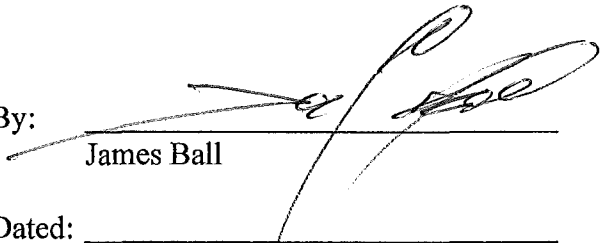
EXHIBIT "A"

Rezoning Petition Application

"APPLICANT"

PETER FRANKLIN JEWELERS, INC.

By:

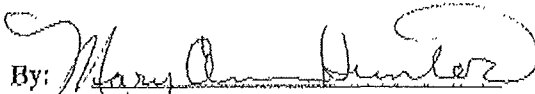

James Ball

Dated: _____

EXHIBIT "B"

Rezoning Petition Application

"Property Owner"

By: 
Mary Ann Hunter

Dated: 12 / 6 / 16



Rezoning Petition REZ-2016-0047 and Primary Development Plan PDP-2016-0044 - Peter Franklin Jewelers



Although accuracy standards have been employed in the compilation of this map, the City of Allen does not warrant the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

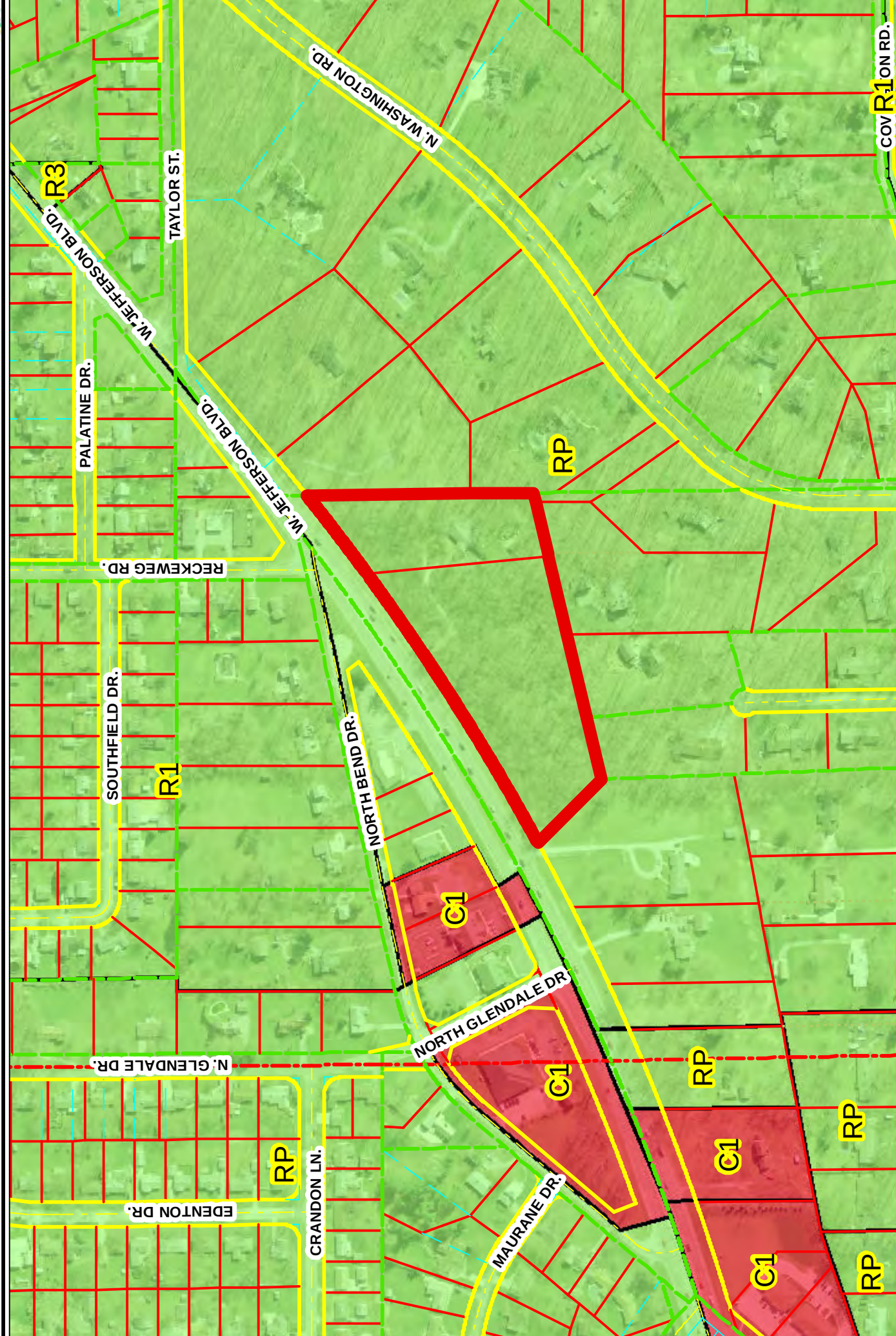
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Sewer Pipe Coordinate System, Indiana East
Perimeter and Contour: Spring 2009
Date 12/29/2016

1 inch = 300 feet

0 150 300 Feet



Rezoning Petition REZ-2016-0047 and Primary Development Plan PDP-2016-0044 - Peter Franklin Jewelers



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North American Datum 1983
Saw Plane Coordinate System, Indiana East
Perimeter and Contour: Spring 2009
Date: 12/29/2016

1 inch = 300 feet

0 150 300 Feet

west jefferson retail



HOCH

Powerful Ideas.

architects • engineers • interiors

**SCHEMATIC
SITE PLAN**