

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0055
Bill Number: Z-17-11-21
Council District: 4-Jason Arp

Introduction Date: November 28, 2017

Plan Commission
Public Hearing Date: December 11, 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 1 acre of property from R1-Single Family Residential to C2-Limited Commercial

Location: 1907 Getz Road

Reason for Request: To rezone property to allow for a 2,700 square foot retail building.

Applicant: Peter Bobeck

Property Owner: Peter Bobeck

Related Petitions: Primary Development Plan, Getz Road Development

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

Effect of Non-Passage: The site will remain zoned R1-Single Family Residential and may redevelop with residential uses.

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REZ-2017-0055
BILL NO. Z-17-11-21

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. E-03 (Sec. 7 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
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Tract 1:

Part of Lot Number One (1) in Poplar Ridge Subdivision recorded in Plat Book 48,
Page 124 in the Office of the Recorder of Allen County, Indiana, being part of the
Northeast Quarter of Section 7, Township 30 North, Range 12 East of the Second
Principal Meridian, Wayne Township in Allen County, Indiana, more particularly
described as follows:

Commencing at a Railroad Spike marking the Southwest corner of said Northeast
Quarter; thence North 00 degrees 03 minutes 32 seconds West (GPS grid bearing and
basis of bearings to follow), a distance of 212.75 feet (Deed) along the West line of
said Northeast Quarter and within the right-of-way of Getz Road; thence South 88
degrees 44 minutes 45 seconds East, a distance of 40.0 feet (Deed) to the Southwest
corner of an existing 0.850 acre tract as described in Document Number 2017025486
in the Office of the Recorder of Allen County, Indiana, said point also being the
Point of Beginning of the herein described tract. Thence South 88 degrees 44
minutes 45 seconds East, a distance of 227.60 feet (Deed) along said South line to
the East line of said 0.850 acre tract; thence South 00 degrees 03 minutes 32 seconds
East, a distance of 22.00 feet along the Southerly extension of said East line; thence
North 88 degrees 58 minutes 07 seconds West, a distance of 70.00 feet; thence South
01 degrees 01 minutes 53 seconds West, a distance of 16.87 feet; thence North 88
degrees 58 minutes 07 seconds West, a distance of 93.17 feet; thence North 72
degrees 37 minutes 45 seconds West, a distance of 67.16 feet to the Easterly right-of-
way line of said Getz Road; thence North 00 degrees 03 minutes 32 seconds West, a
distance of 20.87 feet along said Easterly right-of-way line to the Point of Beginning.
Containing 0.164 Acres, more or less. Subject to easement of record.

Tract 2:

Part of the Northwest Quarter of Section 7, Township 30 North, Range 12 East, in
Allen County, Indiana more particularly described as follows, to-wit:

Commencing at the Southwest corner of the Northeast Quarter of Section 7, Township 30 North, Range 12 East; thence North, along the West line of said Northeast Quarter also being the centerline of the Getz Road, a distance of 212.75 feet; thence East, perpendicular to said West line, a distance of 40.0 feet, to the true Point of Beginning; thence North, parallel with said West line, distance of 162.75; thence East, perpendicular to said West line, a distance of 227.6 feet; thence South, parallel with said West line and distance of 162.75 feet, thence West, perpendicular to said West line, a distance of 227.6 feet to the true Point of Beginning, said in previous deed to contain 0.850 acres of land, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. E-03 (Sec. 7 of Wayne 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. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. 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 Peter Bobeck
Address 3333 West Hamilton Rd.
City Fort Wayne State IN Zip 46804
Telephone 260 348-1204 E-mail Peterbobeck@gmail.com

Contact Person

Contact Person Peter Bobeck
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

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 1907 Getz Road
Present Zoning R1 Proposed Zoning C2 Acreage to be rezoned 1.014 acres
Proposed density _____ units per acre
Township name Wayne Township section # _____
Purpose of rezoning (attach additional page if necessary) See Attached
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.

Peter Bobeck
(printed name of applicant)

Peter Bobeck
(signature of applicant)

11-6-17
(date)

(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.
<u>11/7/17</u>	<u>125605</u>	<u>12/11/17</u>	<u>Rez-2017-0055</u>

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant Peter Bobeck
Address 3333 West Hamilton Rd.
City Fort Wayne State IN Zip 46804
Telephone 260 348-1204 E-mail Peter.bobek@gmail.com

Contact Person
Contact Person Peter Bobeck
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

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

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See Attached!

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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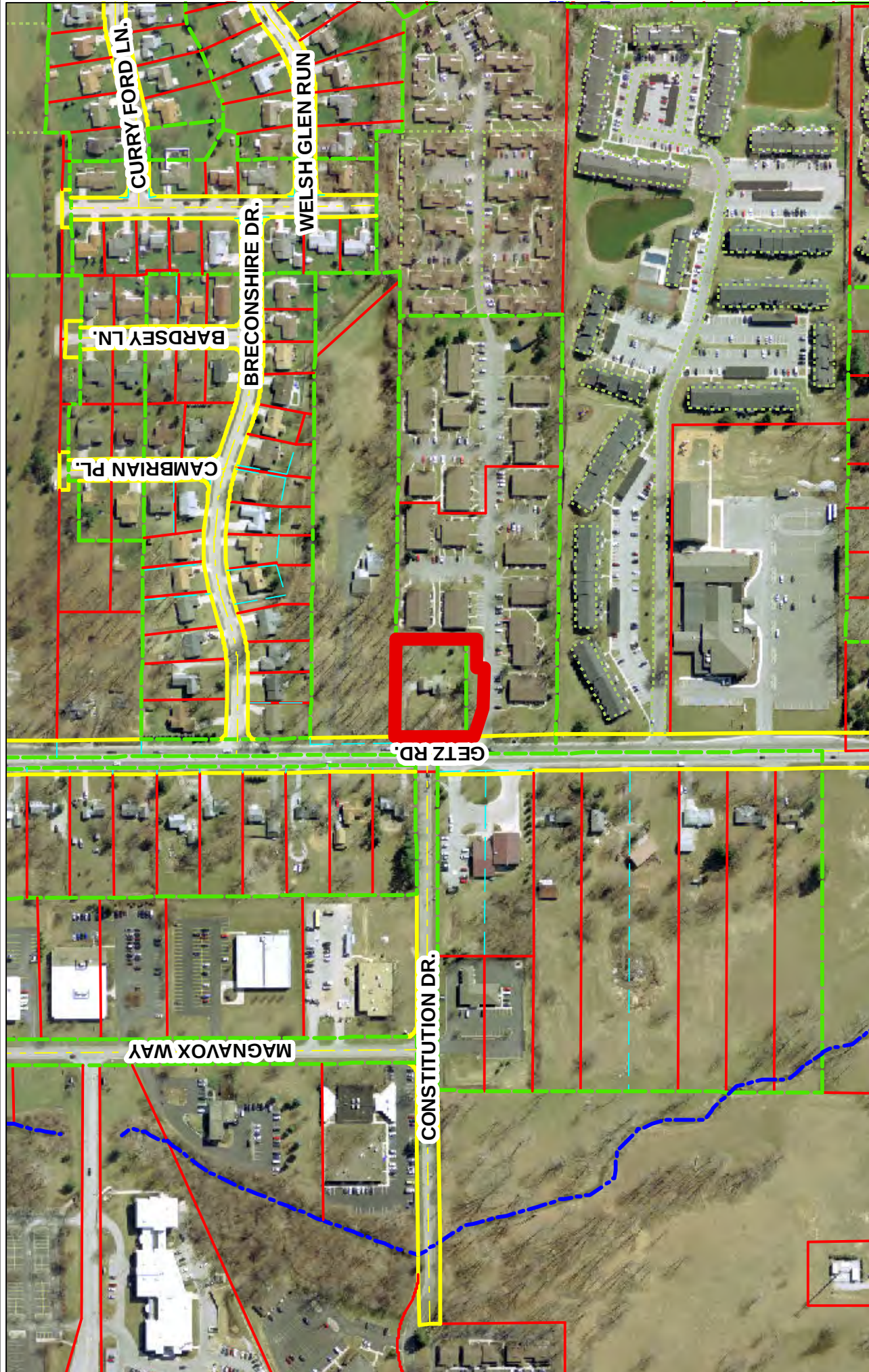
I/we understand and agree, upon execution and submission of this application, that I/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as these 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 \$0.25 per notice and a public notice fee of \$30.00 per Indiana code.

Peter Bobeck [Signature] 11-6-17
(printed name of applicant) (signature of applicant) (date)
SIX STAR DEVELOPMENT, LLC
THOMAS C. CHRONISTER [Signature] 11-7-17
(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	Parcel No.



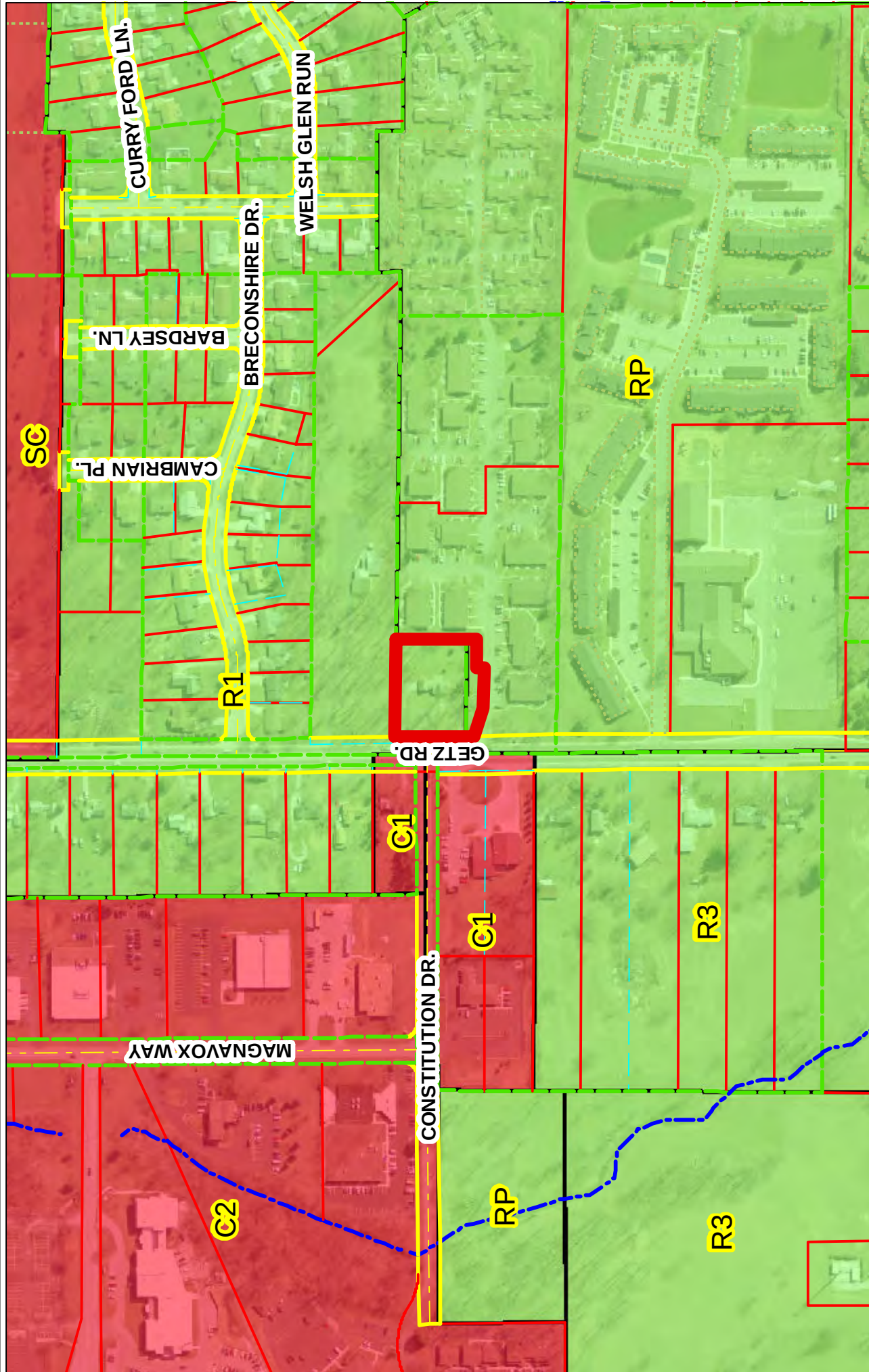
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 11/17/2017

Areas depicted with bold lines are for representational purposes only.



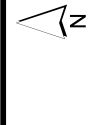
1 inch = 300 feet
0 150 300 Feet



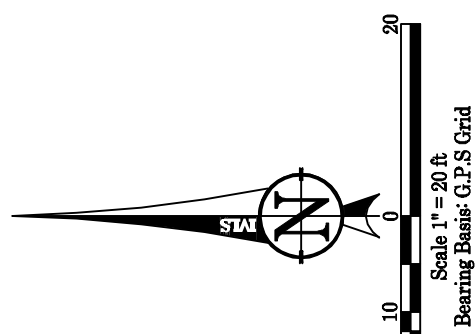
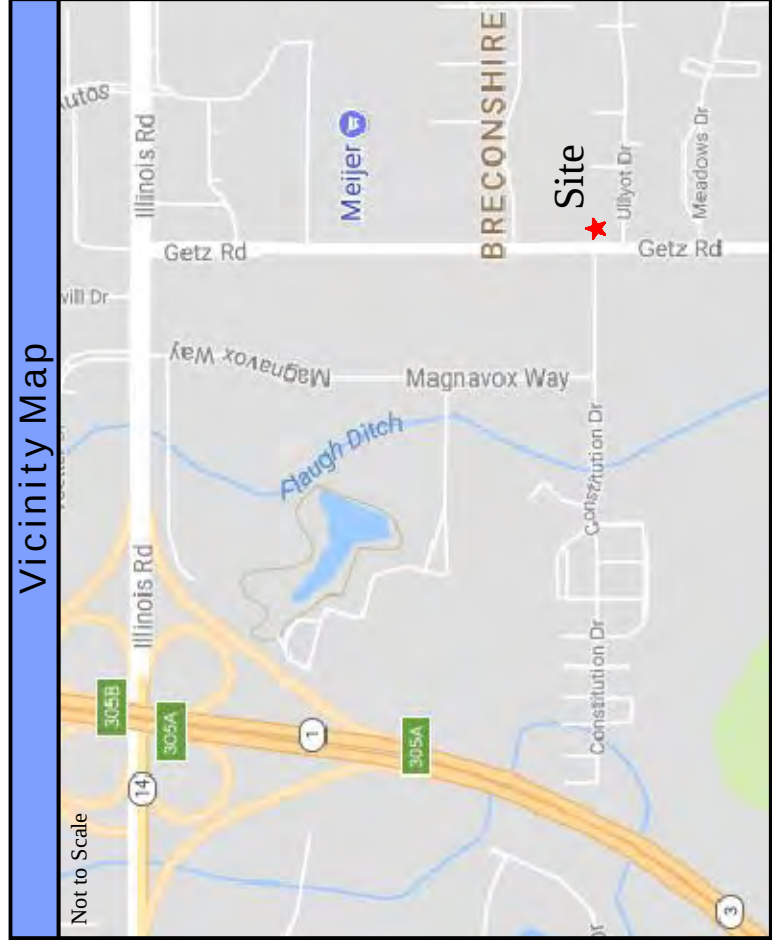
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NW Cor. NE 1/4
Sect. 7, T30N, R12E
Per County Records



Flood Plain Certification

This property is within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain as defined by the FIRIM (Flood Insurance Rate Map) for the City of Fort Wayne, Indiana, Community No. 180603, Panel No.0280G, dated August 3, 2005).

CONTROL TABLE			
Point #	Nothing	Easting	Elevation
501	179552.345	740721.333	812.750'
502	179578.453	740458.031	810.080'
503	179384.171	740652.193	810.850'
504	179330.874	740463.514	804.319'
505	179526.392	740350.302	806.133'
525	179210.946	740805.822	811.214'
526	179471.830	740852.741	812.242'
530	179471.830	740852.741	812.242'
7777	179210.859	740986.033	811.002'

The Above Elevations are Based on North American Vertical Datum (NAVD83)

Monument Legend

- A = 5/8" Steel Rebar Found 0.82' W & 0.45' S of Actual (Flush/No History)
- B = 5/8" Steel Rebar Found 0.82' W & 0.45' S of Actual (Flush/No History)
- C = 5/8" Steel Rebar w/ "Firm00027" id. Cap Fnd. 0.27' W & 0.41' N of Actual (Flush)
- D = 5/8" Steel Rebar w/ "Anderson" id. Cap Fnd. 0.84' W of Actual (Flush)
- E = 5/8" Steel Rebar w/ "Firm00027" id. Cap Found (Flush)
- F = 1" Steel Rebar Found 0.17' E of Actual (Flush/No History)
- A = 3/5" Steel Rebar Found 0.15' E & 0.26' S of Actual (Flush/No History)

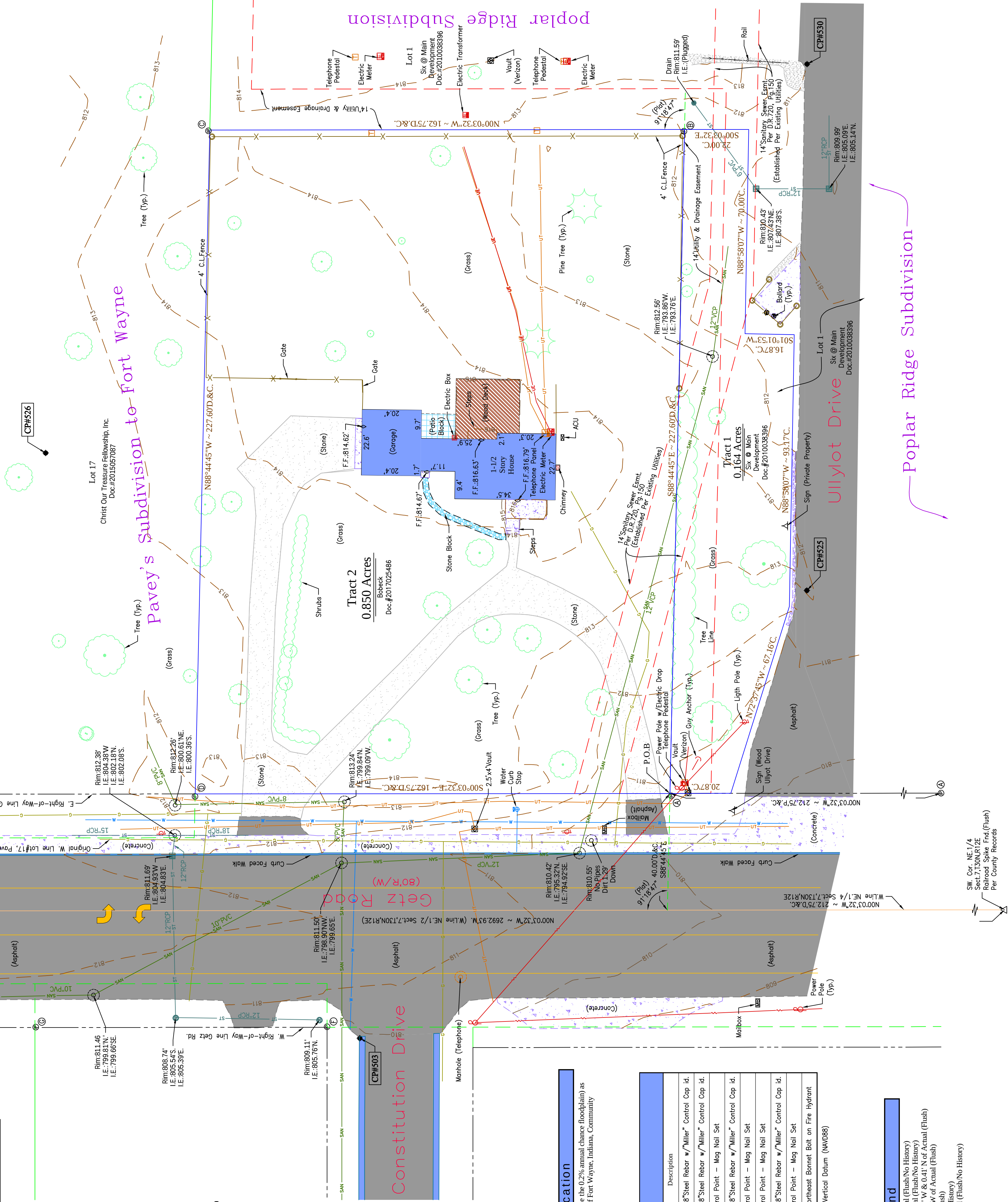
Tract 2 - Record Description - Doc.#2017025486

Part of the Northwest Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:
Commencing at the Southwest corner of the Northeast Quarter of Section 7, Township 30 North, Range 12 East; thence North, along the West line of said Northeast Quarter also being the centerline of the Geiz Road, a distance of 212.75 feet; thence East, perpendicular to said West line, a distance of 40.0 feet, to the true Point of Beginning; thence North, parallel with said West line, a distance of 162.75 feet; thence East, perpendicular to said West line, a distance of 227.6 feet; thence South, parallel with said West line, a distance of 162.75 feet; thence West, perpendicular to said West line, a distance of 227.6 feet to the true Point of Beginning, said in previous deed to contain 0.850 acre of land, more or less.

Tract 1 - Legal Description

Part of Lot Number One (1) in Poplar Ridge Subdivision recorded in Plat Book 48, Page 124 in the Office of the Recorder of Allen County, Indiana, being part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, more particularly described as follows:

Commencing at a Railroad Spike marking the Southwest corner of said Northeast Quarter; thence North 00 degrees 03 minutes 32 seconds West (GPS grid bearing and basis of bearings to follow), a distance of 212.75 feet (Deed) along the West line of said Northeast Quarter and within the right-of-way of Geiz Road; thence South 88 degrees 44 minutes 45 seconds East, distance of 40.00 feet (Deed) to the Southwest corner of an existing 0.850 acre tract as shown on the plat of said Northeast Quarter of Section 7, Township 30 North, Range 12 East, said tract being the POINT OF BEGINNING of the herein described tract; thence South 88 degrees 44 minutes 45 seconds East, a distance of 227.60 feet (Deed) along said South line to the East line of said 0.850 acre tract; thence South 00 degrees 03 minutes 32 seconds East, a distance of 22.00 feet along the Southerly extension of said East line; thence South 00 degrees 39 minutes 07 seconds West, a distance of 70.00 feet; thence South 01 degrees 01 minutes 53 seconds East, a distance of 16.87 feet; thence North 88 degrees 44 minutes 45 seconds East, a distance of 134.17 feet; thence North 72 degrees 14 minutes 37 seconds West, a distance of 67.16 feet; thence East, a distance of 22.27 feet along said Geiz Road; thence North 00 degrees 03 minutes 32 seconds West, a distance of 20.87 feet along said Easterly right-of-way line to the Point of Beginning. Containing 0.164 Acres, more or less. Subject to easements of record.



SURVEY COMPLETED BY:

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166
www.mlswebsteaus

Miller Land Surveying, Inc. *MLS*
Brett R. Miller, P.S., No.LS20300059
Robert J. Manetti, P.S., No.LS20400238
Precision and Professionalism is where we draw the line.

Fort Wayne Office
217 Airport North Office Park
Fort Wayne, IN 46825
Phone: (260) 489-8571

Surveyor's Report

PURPOSE OF SURVEY:

The purpose of this survey was to retrace an existing tract as described in Document Number 2017025486 in the Office of the Recorder of Allen County, Indiana, and to establish a new survey of 0.164 acres as requested by owner from an existing tract as described in Document Number 201803899 in the Office of the Recorder of Allen County, Indiana.

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the above theory of survey was based upon the following opinions and observations a result of uncertainties in lines and corners because of the following:

- A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS**
The monuments found are shown on the survey and listed on the survey under monument legend.
The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The corners of the subject tract were marked and labeled as shown on the survey drawing. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as true:
- Southwest corner Northeast Quarter Section 7, T30N, R12E: Railroad Spike (Per County Witnesses)
- Northwest corner Northeast Quarter Section 7, T30N, R12E: Harrison Marker (Per County Witnesses)
- B) OCCUPATION OR POSSESSION LINES**
There were no uncertainties based on visual inspection of occupation or possession lines.
- C) CLARITY OR AMBIGUITY OF DESCRIPTIONS**
There were no uncertainties based on the descriptions used for the survey. Documents used include:
1) Deed to Poplar Ridge Subdivision
2) Document Number 2017025486
3) Document Number 201803899
4) Document Number 201803899
- D) THEORETICAL UNCERTAINTY OF THE MEASUREMENTS**
Based on the use of the property (commercial property, industrial property, condominiums, townhouses, apartments, multiunit residential property, etc.) and the nature of the survey (boundary, subdivision, etc.) the acceptable relative positional accuracy is suburban survey 0.13 feet (40 millimeters) plus 100 ppm.

THEORY OF LOCATION:

The West (2037 feet) line of the subject tract was established per the Easterly right-of-way line of Geiz Road which was established by offsetting the West line of said Northeast Quarter Easterly a distance of 40.00 feet. The North (227.60 feet) line of the subject tract was established per the South line of Document Number 2017025486, also being a Northerly line of Lot 1 in said Northeast Quarter from the Southwest corner of said Northeast Quarter, along with a plat angle of 91 degrees 18 minutes 47 seconds as measured from said West line. Said angle of 91 degrees 18 minutes 47 seconds was held over the deed angle of 90 degrees based on the found monumentation and possession lines located in the field. The remaining lines of the subject tract were established per deed distances and along with being parallel with the above described West and South lines of the subject tract.

Tract 2 - 0.850 Acres

The West (162.75 feet) line of the subject tract was established per the Easterly right-of-way line of Geiz Road which was established by offsetting the West line of said Northeast Quarter Easterly a distance of 40.00 feet. The South (227.60 feet) line of the subject tract was established per the South line of Document Number 2017025486, also being a Northerly line of Lot 1 in said Northeast Quarter from the Southwest corner of said Northeast Quarter, along with a plat angle of 91 degrees 18 minutes 47 seconds as measured from said West line. Said angle of 91 degrees 18 minutes 47 seconds was held over the deed angle of 90 degrees based on the found monumentation and possession lines located in the field. The remaining lines of the subject tract were established per deed distances and along with being parallel with the above described West and South lines of the subject tract.

This survey is valid only with original signature and seal, full payment of invoice, and complete with all pages of survey. The survey is not to be used for any other purpose without written verification and adaptation by the land surveyor for the specific purpose intended will be at the surveyor's risk and without liability or legal exposure to the land surveyor.

Since the last date of field work of this survey, conditions beyond the knowledge or control of Miller Land Surveying, Inc. may have altered the validity and circumstances shown or noted herein.

I affirm, under the penalties for perjury, that I have taken reasonable care to reflect each Social Security number in this document, unless required by law, Brett R. Miller.

The commitment for title insurance was not provided at the time of this report, nor did the surveyor perform a title search. An abstract or title search may reveal additional information affecting the property.

Symbol and Line Legend	
	Air Conditioning Unit
	Bench Mark
	Control Point
	Finish Floor
	Iron Pin
	Mailbox
	Manhole
	Power Pole w/ Elec. Drop
	Water Valve
	Gas Meter
	Telephone Pedestal
	Curb Coat Inlet
	Round Inlet
	Post
	Pine Tree
	Sanitary Line
	Storm Line
	Underground Telephone
	Water Line
	Overhead Electric
	Underground Electric
	Gas Line
	Minor Contour
	Fence
	Curb
	Stone
	Pavement
	Concrete
	Easement
	Right-of-Way Line
	Building Setback Line
	Center Line
	Boundary

Notes

Location and sizes of underground utilities are shown from best available record drawings and/or field markings. Utility lines shown hereon are approximate in location and intended for reference only. Call Indiana Underground Plant Protection Services (IUPPS) at 1-800-382-5544 for field marked location of utilities prior to any excavation.

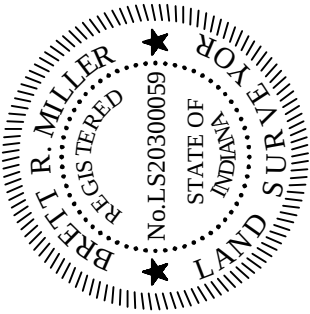
- Indiana Underground Plant Protection Services (IUPPS) Locate Number For This Project: 1710133796, 1710133810
Datum = North American Vertical Datum (NAVD83).
Elevations are based upon a INCORS (Indiana Continuously Operating Reference Station Network) Indiana East.

This survey is not and shall not be constructed to be an ALTA/NSPS Land Title Survey, Boundary Survey, Route Survey, or any other type of survey as defined by the Indiana Surveying Act. It is intended to be used for providing a topographic survey of the subject site for the purposes of civil engineering design and construction documents.

The locations and dimensions of all building structures on the face of the survey (if applicable) are not intended for structural design.

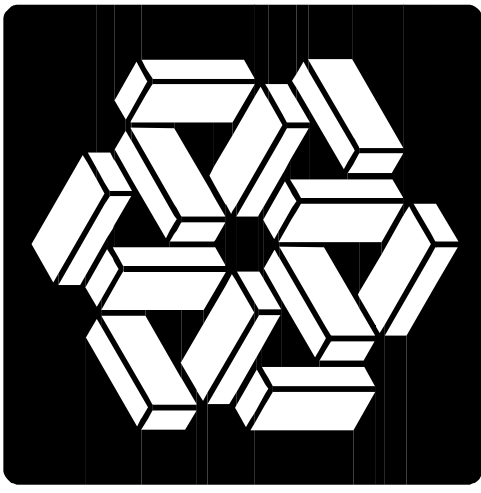
Certification

I, Brett R. Miller, certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, that to the best of my knowledge, information and belief all information shown herein is true and accurate.

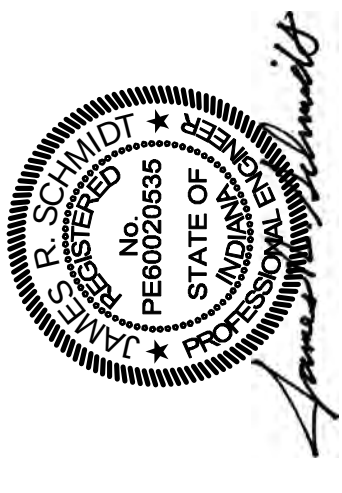


Brett R. Miller, P.S., 20300059

C1.0



MSKTD & Associates
Architecture | Engineering | Interior Design
1715 Magazine Way
Fort Wayne, IN 46804
260.432.9337
www.msktd.com

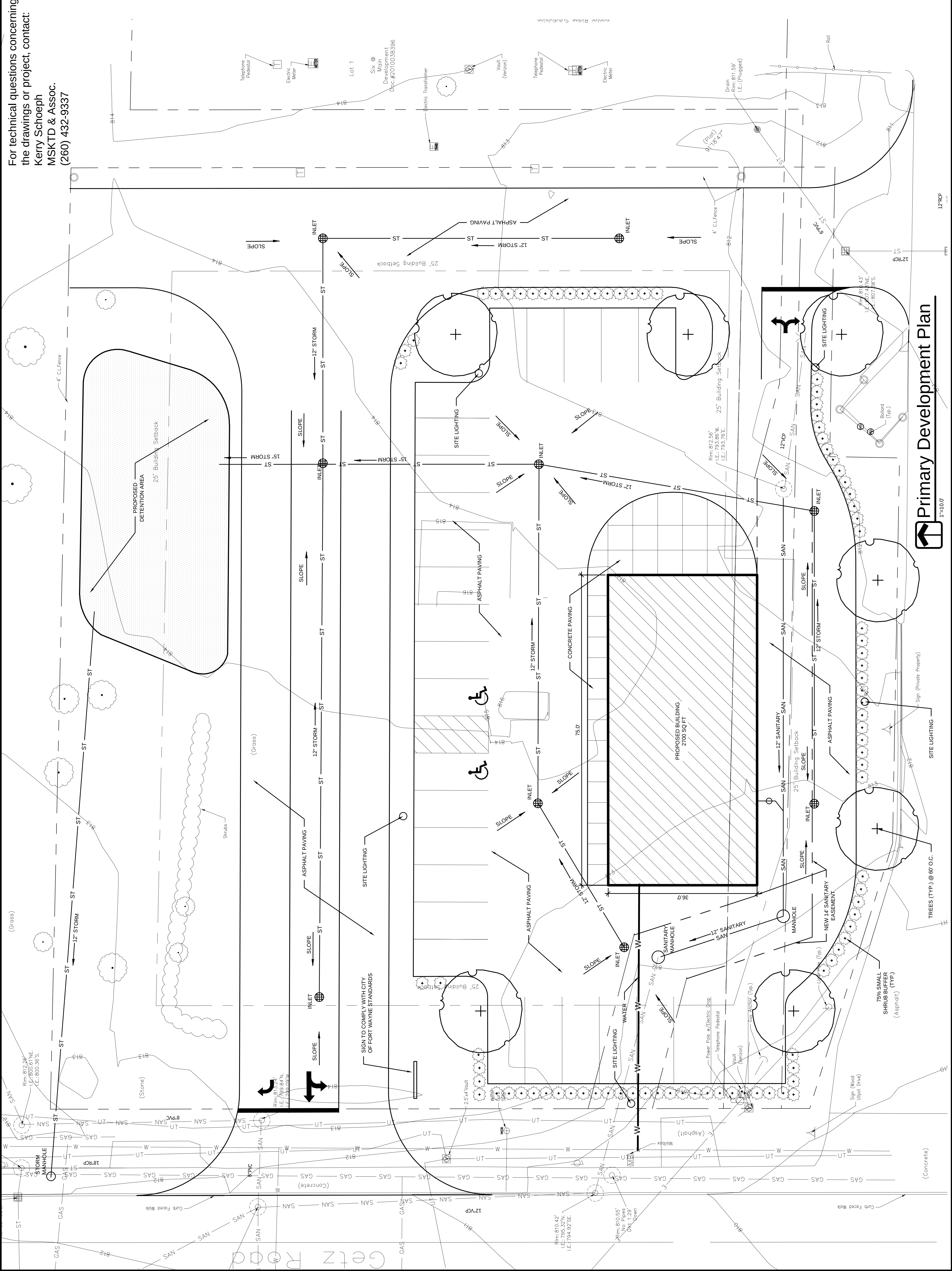


A Project for:
Bobeck Real Estate
Developer:
Bobeck Real Estate Company
3333 W. Hamilton Road South, Fort Wayne, Indiana 46814
Office: (260) 432-1000
1907 Getz Road, Fort Wayne, Indiana 46804

PROJECT NO.	6984
DATE	11-13-17
REV.	

SET DESCRIPTION	
SHEET TITLE	Primary Development Plan
SHEET NUMBER	C4-1

For technical questions concerning the drawings or project, contact:
Kerry Schoeph
MSKTD & Assoc.
(260) 432-9337



Primary Development Plan
1"=10.0'