

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0005
Bill Number: Z-18-02-20
Council District: 3-Tom Didier

Introduction Date: February 27, 2018

Plan Commission
Public Hearing Date: March 12, 2018 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.50 acres of property from I1-Limited Industrial to I3-Intensive Industrial.

Location: 2828 West Coliseum Boulevard

Reason for Request: To add 0.50 acres of land to the existing MacAllister Rental Store property.

Applicant: Tarbert Properties

Property Owner: Kim McMahon

Related Petitions: Primary Development Plan, MacAllister Rental Store

Effect of Passage: Property will be rezoned to the I3-Intensive Industrial district, which is the appropriate district for heavy equipment rental and storage.

Effect of Non-Passage: The property will remain zoned I1-Limited Industrial and may be used for those permitted uses. Mac Allister and McMahon Tire are swapping small amounts of land to add to their existing developments on Coliseum Road and the current zoning is inconsistent.

#REZ-2018-0005

BILL NO. Z-18-02-20

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-30 (Sec. 21 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 I3
(Intensive Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:

A part of the West Half of the Southeast Quarter of Section 21, Township 31 North,
Range 12 East, in Allen County, Indiana; also, being a part of lands conveyed to Paul
Martin by Deeds recorded as Document Number 87- 020314 and Document Number
93-052457 in the Office of the Recorder of Allen County, Indiana, more particularly
described as follows:

Commencing at the Northwest corner of Lot Number 151 in Lincolndale recorded in
Plat Book 12, page 32 in the Office of the Recorder of Allen County, Indiana, said
point being on the South right-of-way line of Arthur Street and marked by a 2-inch
angle iron; thence South 02 degrees 25 minutes 46 seconds East (state plane bearing
and basis of bearings to follow) along the West line of said Lot Number 151, a
distance of 214.17 feet (214.25 feet Deed) to the South line of said lot; thence North
88 degrees 10 minutes 11 seconds East along the South lines of Lots 151, 152, 153
and 154 in said Lincolndale, a distance of 340.02 feet (342.45 feet Deed) to the
POINT OF BEGINNING of the herein described tract, said point being referenced
by a 5/8-inch rebar with "Bonar" identification cap found 0.3 feet North; thence
continuing North 88 degrees 10 minutes 11 seconds East along the North line of the
parent tract described in Document Number 980004156 in the Office of the Recorder
of Allen County, Indiana, a distance of 85.22 feet (85.00 feet Deed) to a 5/8-inch
rebar found on the East line of said parent tract; thence South 02 degrees 10 minutes
04 seconds East along said East line, a distance of 246.69 feet to a 5/8-inch rebar
with "OPOKU" identification cap set; thence South 88 degrees 10 minutes 11
seconds West parallel with the North line of said parent tract, a distance of 90.73 feet
to a 5/8-inch rebar with "OPOKU" identification cap set on a West line of said
parent tract; thence North 00 degrees 53 minutes 14 seconds West along said West
line, a distance of 246.72 feet to the Point of Beginning. Containing 0.50 Acres more
or less. Subject to easements of record.

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3 and the symbols of the City of Fort Wayne Zoning Map No. I-30 (Sec. 21 of Washington
4 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
5 Wayne, Indiana is hereby changed accordingly.

6
7 SECTION 2. If a written commitment is a condition of the Plan Commission's
8 recommendation for the adoption of the rezoning, or if a written commitment is modified and
9 approved by the Common Council as part of the zone map amendment, that written
10 commitment is hereby approved and is hereby incorporated by reference.

11
12 SECTION 3. That this Ordinance shall be in full force and effect from and after its
13 passage and approval by the Mayor.

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15 _____
Council Member

16 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 Tarbert Properties
Address 6300 Southeastern Avenue
City Indianapolis State IN Zip 46203
Telephone (317) 860-3370 E-mail richpotosnak@macallister.com

Contact
Person

Contact Person Rich Potosnak
Address 6300 Southeastern Avenue
City Indianapolis State IN Zip 46203
Telephone (317) 860-3370 E-mail richpotosnak@macallister.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 2828 W. Coliseum Boulevard
Present Zoning I-1 Proposed Zoning I-3 Acreage to be rezoned 0.5 ac.
Proposed density n/a units per acre
Township name Washington Township section # 21
Purpose of rezoning (attach additional page if necessary) To allow for the development of a
MacAllister Rental Store ("CAT The Rental Store"), a business operation in the rental, sales and service
of small construction equipment and associated supplies.
Sewer provider City of Ft. Wayne Water provider City of Ft. Wayne

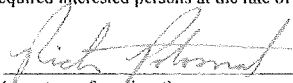
Filing
Requirements

*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 Rezonings Only

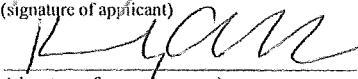
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures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

Rich Potosnak
(printed name of applicant)


(signature of applicant)

10/9/2017
(date)

Kim McMahon
(printed name of property owner)


(signature of property owner)

10/16/17
(date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

(signature of property owner)

(date)

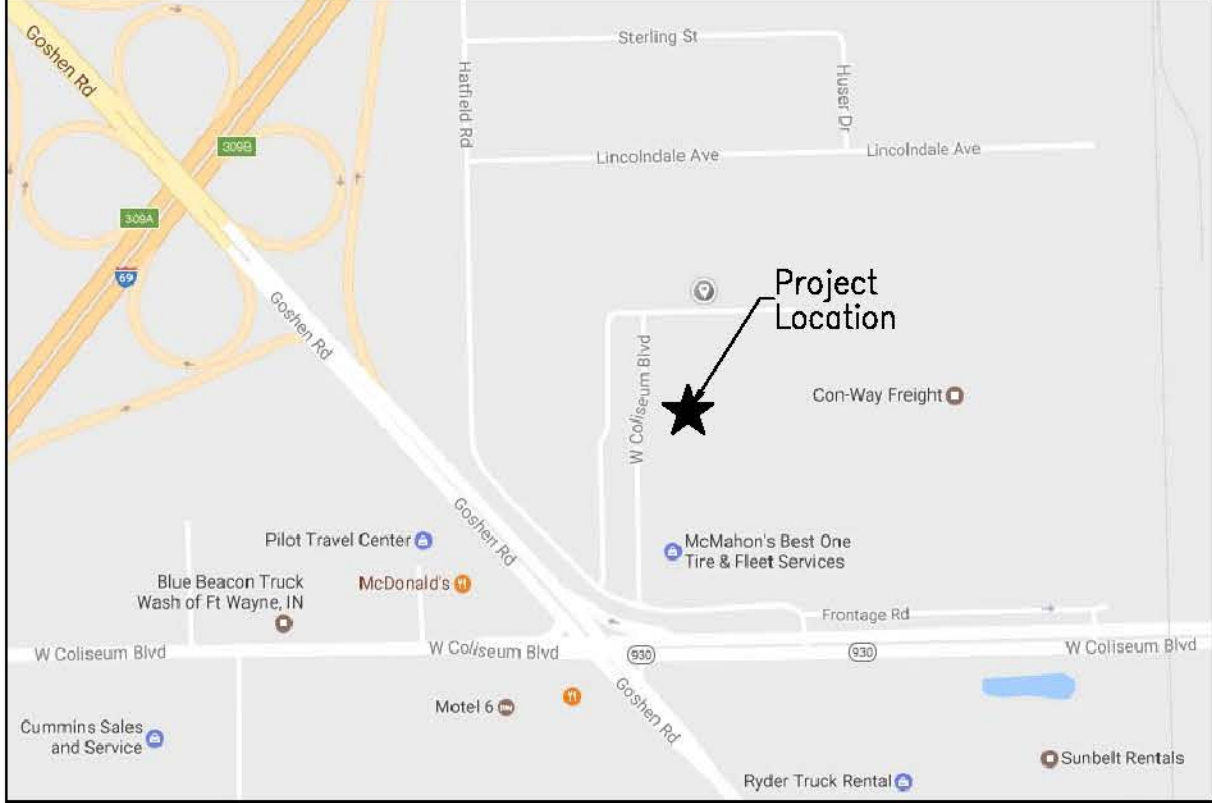
Received	Receipt No.	Hearing Date	Petition No.
<u>1-29-18</u>	<u>126003</u>	<u>3-12-18</u>	<u>REZ-2018-0005</u>

Legal Description
0.5 acre parcel of McMahon Shamrock Realty LLC

A part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12 East, in Allen County, Indiana; also, being a part of lands conveyed to Paul Martin by Deeds recorded as Document Number 87- 020314 and Document Number 93-052457 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot Number 151 in Lincolndale recorded in Plat Book 12, page 32 in the Office of the Recorder of Allen County, Indiana, said point being on the South right-of-way line of Arthur Street and marked by a 2-inch angle iron; thence South 02 degrees 25 minutes 46 seconds East (state plane bearing and basis of bearings to follow) along the West line of said Lot Number 151, a distance of 214.17 feet (214.25 feet Deed) to the South line of said lot; thence North 88 degrees 10 minutes 11 seconds East along the South lines of Lots 151, 152, 153 and 154 in said Lincolndale, a distance of 340.02 feet (342.45 feet Deed) to the POINT OF BEGINNING of the herein described tract, said point being referenced by a 5/8-inch rebar with "Bonar" identification cap found 0.3 feet North; thence continuing North 88 degrees 10 minutes 11 seconds East along the North line of the parent tract described in Document Number 980004156 in the Office of the Recorder of Allen County, Indiana, a distance of 85.22 feet (85.00 feet Deed) to a 5/8-inch rebar found on the East line of said parent tract; thence South 02 degrees 10 minutes 04 seconds East along said East line, a distance of 246.69 feet to a 5/8-inch rebar with "OPOKU" identification cap set; thence South 88 degrees 10 minutes 11 seconds West parallel with the North line of said parent tract, a distance of 90.73 feet to a 5/8-inch rebar with "OPOKU" identification cap set on a West line of said parent tract; thence North 00 degrees 53 minutes 14 seconds West along said West line, a distance of 246.72 feet to the Point of Beginning. Containing 0.50 Acres more or less. Subject to easements of record.

LEGEND			
X Ground Shot	Power Pole w/ Elec. Drop	Manhole	Automatic Sprinkler
Air Conditioning Unit	Round Inlet	Monitoring Well	Stand Pipe
Guy Anchor	Electric Box	Pine Tree	Sanitary Top
Antenna	Electric Meter	Paper Box	Stump
Beach Inlet	Electric Panel	Parking Block	T-Bar Post
Bench Mark	Electric Pedestal	Parking Meter	Temporary Bench Mark
Water Blow-Off	Beam Post	Boundary Mon. - Pipe	Telephone Pedestal
Ballard	Finish Floor	Post Indicator Valve	Telephone Pole
Bolt	Fire Hydrant	PK Nail	Valve
Soil Boring	Flag	Steel Plate	Water Curb Stop
Boulder	Gas Regulator	Square Post	Well
Column	Gas Curb Stop	Power Pole	Water Meter
Control Point	Gas Valve	Railroad Rail	Warning Riser
Satellite Dish	Handicap	Railroad Spike	Water Valve
Field Drain	Curb Cast Inlet	Sign	Yard Hydrant
Downspout	Irrigation Control Valve	Signal Pole	Yard Light
Drain	Square Inlet	Survey Marker Nail	Vent
	Light Pole Base Only	Strain Pole	Harrison Marker
	Light Pole		
	Mag Nail		
	Underground Cable Television		Overhead Telephone
	Overhead Electric		Underground Telephone
	Underground Electric		Water Line
	Fence		Right-of-Way Line
	Gas Line		Fiber Optic Line



UTILITY CONTACTS

NIPSCO
Jill Boganwright
801 E. 86th Ave.
Merrillville, IN 46410
(219) 647-6502
jboganwright@nsource.com

COMCAST
John Gayday
720 Taylor Street
Fort Wayne, IN 46802
(260) 458-5107
john_gayday@comcast.com

FRONTIER COMMUNICATIONS OF INDIANA
Dan White
221 W. Washington St.
Fairmount, IN 46928
(765) 436-2206
daniel.white@frontiercorp.com

CITY OF FORT WAYNE UTILITIES
Craig Berndt
200 E. Berry St., Room 250
Fort Wayne, IN 46802
(260) 427-2680
craig.berndt@cityoffortwayne.org

INDIANA MICHIGAN POWER
Bob Harber
3514 Landon Road
New Haven, IN 46774
(260) 408-1865
rharber@iamp.com

AT&T - TRANSMISSION
Lloyd McGown
301 Whaley Street RM403
Longview, TX 75601
(903) 753-3145
lmcgown@att.com

RVP FIBER COMPANY, LLC
Charlie Olszewski
201 Ionia Ave SW
Grand Rapids, MI 49503
(616) 233-7191
olszewski@ussignal.com

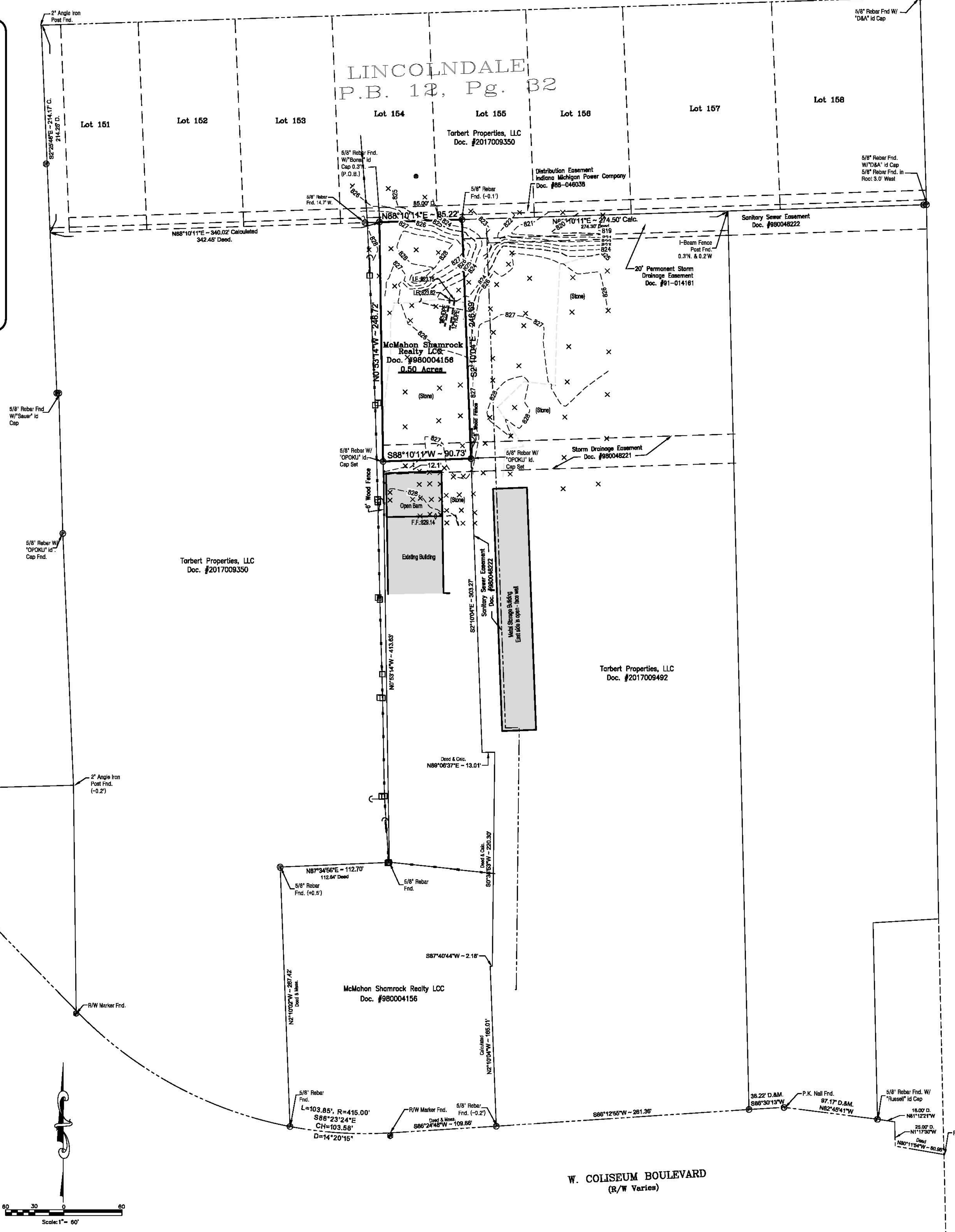
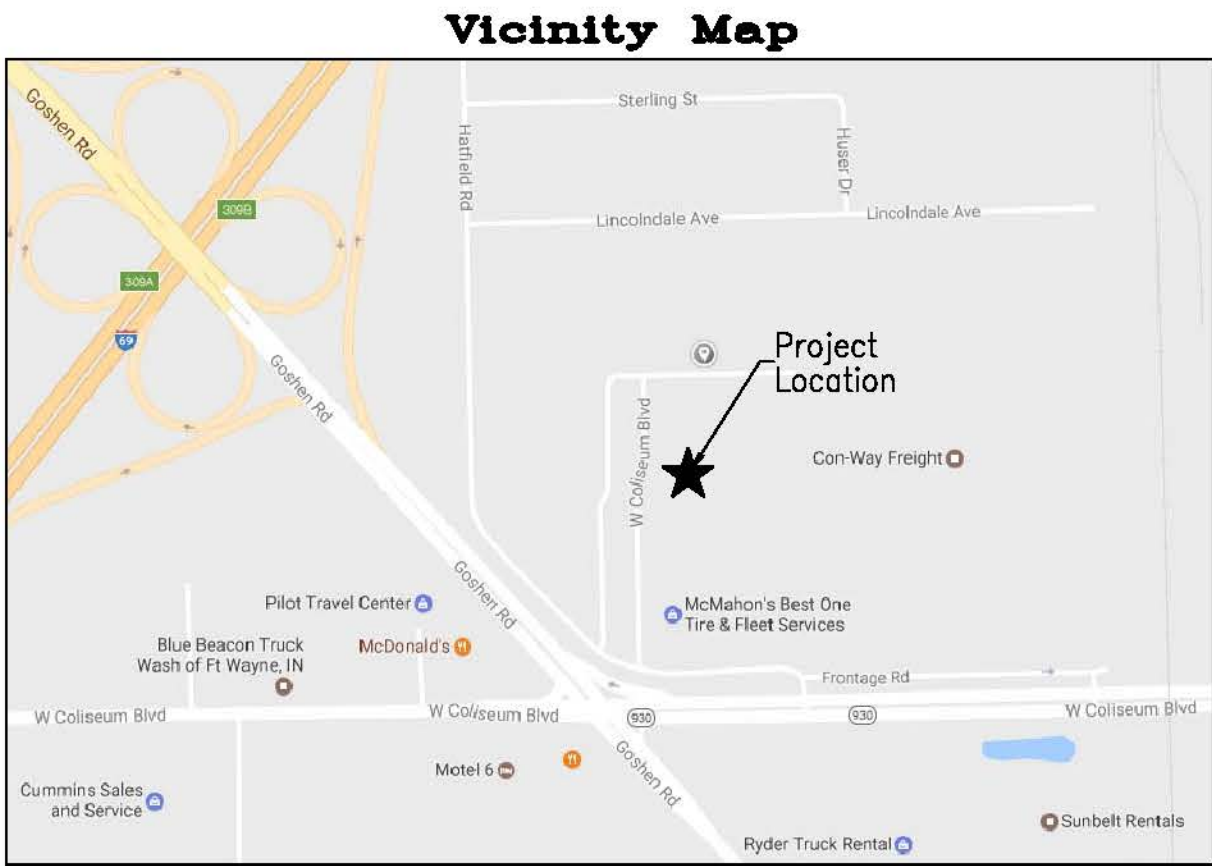
Chicago Title Insurance Company

Commitment No.: T8F17003370

Note Corresponding to Schedule B

Subject To:
Commitment No. T8F17003370 Schedule B – Part II Exceptions

- Easement as set out in deed recorded December 8, 1953 in Deed Record 475, pages 241-242. (Is not on or touches subject parcel)
- Any limitation of access to and from the land across the limited access right of way line of U.S.R. 30 and 33 a/k/a Coliseum Boulevard abutting the property, as established by instrument recorded June 11, 1973 as Document Number 73-14083 and by Allen Circuit Court, Cause No. CC-73-121 and Circuit Order Book 157, pages 482-484 dated August 10, 1973. (Is not on or touches subject parcel)
- Utility Easement granted to Indiana Michigan Power Company over a portion of insured real estate by instrument recorded June 16, 1998 as Document Number 98004442. (Is not on or touches subject parcel)
- Terms and Provisions of Agreement For The Construction, Maintenance, And Repair Of A Storm Water Detention Basin dated December 28, 1998 and recorded December 29, 1998 as Document Number 980092240. (Subject To)
- Easement for Storm Drainage, filed for record July 15, 1998 as Instrument # 980048221, in the Allen County Records. (Lies on and touches subject parcel)
- Easement for Distribution Easement, filed for record September 19, 2017 as Instrument # 2017049708, in the Allen County Records. (Is not on or touches subject parcel)



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Surveyor's Report

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the following opinion is submitted regarding the various uncertainties in the locations of the lines and corners established on this parcel as a result of: a) Variances in the reference monuments; b) Discrepancies in the record descriptions and plots; c) Inconsistencies in lines of occupation; d) Relative Positional Accuracy;

An electronic total station and data collector were used to collect data for physical location of pavement and parcel corner monumentation was accomplished employing the total station using standard radial surveying techniques and dual GPS receivers. The bearing used as basis for this survey was derived by dual frequency GPS receivers connected to INDOT CORS Network.

INTENT: This is to create a new 0.50 acre parcel from an existing parcel described in Document Number 980004156 situated in the Southwest Quarter of Section 21, Township 31 North, Range 12 East, Allen County, Indiana as recorded in the Office of the Recorder of Allen County, Indiana. This survey was completed with the benefit of title commitment file No. T8F17003370 by Chicago Title Insurance Company. Client has requested we provide an ALTA/NSPS Land Title survey of said new 0.50 acre parcel.

AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:

In our field research for this survey, we located a sufficient number of adjacent monuments (as shown on the graphic segment of this survey), which in our opinion, provided us with enough data to verify or reestablish the deed location of the subject property relative to the applicable found and accepted adjacent deed boundaries. Unless noted otherwise on this survey, all found monuments are flush with the ground, in good material condition and firmly set in the ground. Various sized monuments were found during the course of this survey as shown on sheet no. 1. We have no documented history for these monuments except as noted.

The following monumentations were accepted as the best available evidence of the location of Public Land System corners: None

THEORY OF LOCATION:

Based on the monuments found and the comparison of measurements taken between monuments and deeded dimensions, the line between the monuments found at the Northwest corner of Lot 151 in Lincoln Dale Addition and at the Northeast corner of Lot 158 in said Lincoln Dale Addition was held as the baseline for this survey. The boundary lines of the parent parcel were established by holding found monuments and deed distances. The 0.50 acre parcel was created per clients instructions. It is my opinion that the uncertainty associated with these corners is 0.5 feet based on the monument found relative to now established boundary line.

A) Discrepancies in the record descriptions and plots:

There are no apparent discrepancies in the record deeds and plots in this area. Copies of the documents and plots shown on sheet no.1 were reviewed and used in the completion of this survey.

B) Occupation or Possession lines:

Items, such as fences, indicating occupation or possession lines, are shown on the graphic portion of this survey with dimensions indicating their position relative to the lines and corners of this survey. The dimensions are given to the nearest tenth of a foot to illustrate the difference of the inconsistencies between said occupation or possession lines with the deed or plot line(s). Any uncertainty associated with these items is limited to the significant figures indicated by the dimensions.

C) Relative Positional Accuracy:

The calculated Relative Positional Accuracy due to random errors in measurement of the corners of this survey is within the specifications for a Urban Survey as defined in IAG 865

"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" Nana Opoku

Flood Zone Designation

This property is within Zone "X" (areas minimal flooding) as defined by the FIRM (Flood Insurance Rate Map) Panel Number 18003C 0281 G, having the effective date of August 3, 2009.

Miscellaneous Notes

- THERE IS EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THERE IS NO INFORMATION ON PROPOSED CHANGES IN RIGHT OF WAY LINES FROM THE CONTROLLING JURISDICTION. ALSO THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

ALTA/NSPS Land Title Survey

CERTIFIED TO: Torbert Properties, LLC, an Indiana limited liability company, McMahon Shamrock Realty, LLC, Chicago Title Insurance Company and Liberty Title & Escrow Company, LLC

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 7a, 11, and13, in Table A thereof. The field work was completed on October 2, 2017.



Nana A. Opoku
Nana A. Opoku,
License Number: LS21200012
Date of Plot or Map: January 23, 2018

Drawn By: NAO
 Date of office work: 1/23/2018
 Date of fieldwork: 10/2/2017
 Approved By: NAO
 Job Number: 17090293

APEX Consulting & Surveying, Inc.

LAND SURVEYING LAND PLANNING & DESIGN

**613 W. BRACKENRIDGE STREET
FORT WAYNE, IN. 46802
PH: (260) 755-5993
FAX: (888) 808-4177
E-MAIL : info@apexsurveying.net**

NANA A. OPOKU, PLS No. LS21200012

ALTA/NSPS LAND TITLE SURVEY

WASHINGTON TWP. SECTION 21, TOWNSHIP 31 NORTH,
RANGE 12 EAST, ALLEN COUNTY, INDIANA
* WEST COLISEUM BOULEVARD *

REVISIONS

BY	DATE	DESCRIPTION

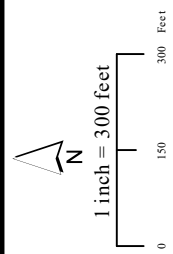
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 Sheet No.: **1 of 1**

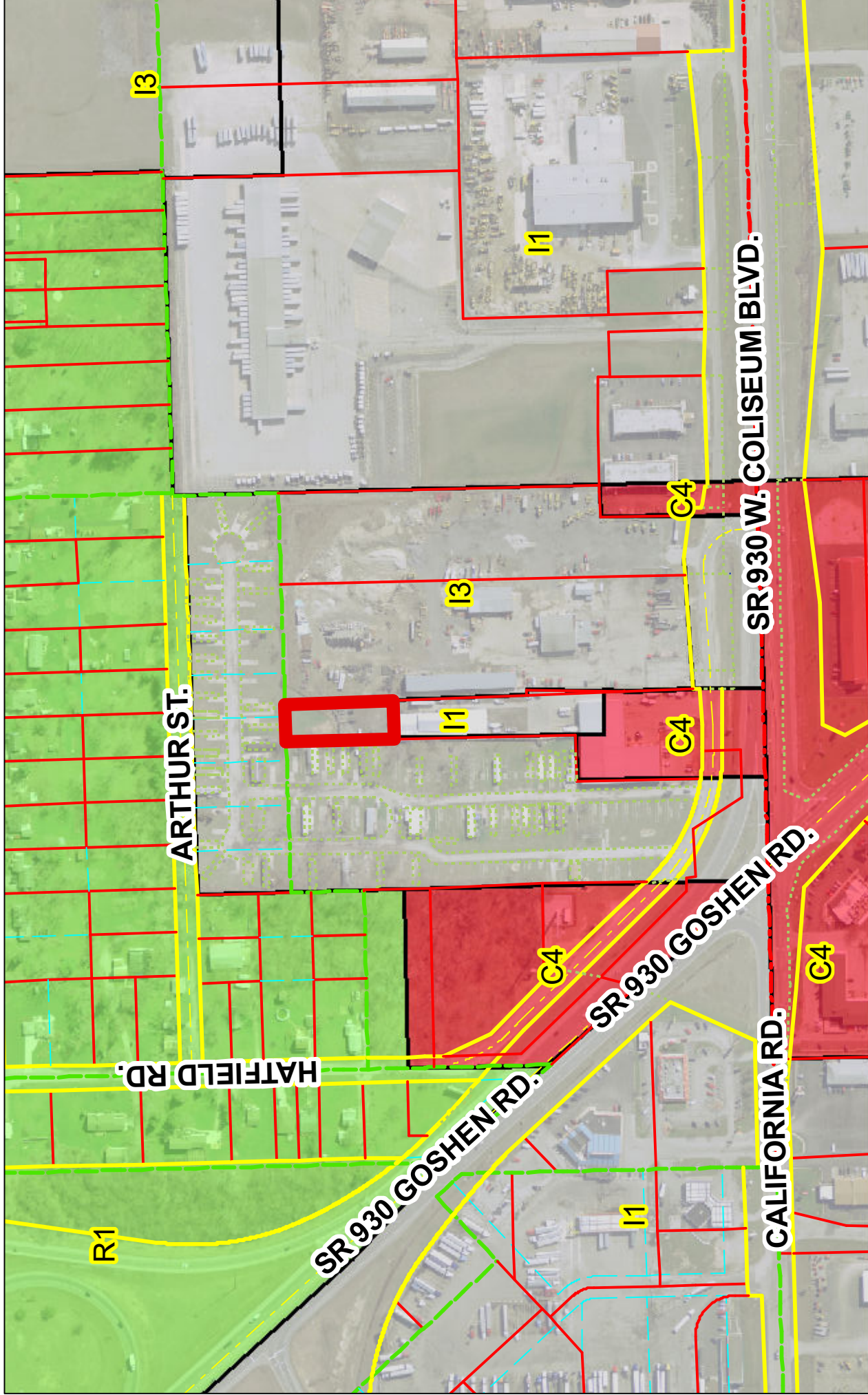


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 2/16/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only





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