

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0024
Bill Number: Z-18-05-05
Council District: 5-Geoff Paddock

Introduction Date: May 8, 2018

Plan Commission
Public Hearing Date: May 14, 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 0.10 acres of property from R2-Two Family Residential to C3-General Commercial.

Location: 1904 Maumee

Reason for Request: To redevelop the parcel with a restaurant and bring the existing parking lot into an appropriate zoning district.

Applicant: DFW, LLC

Property Owner: Powers Hamburgers, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3-General Commercial zoning district, which will match the adjacent zoning and allow the existing parking lot as a permitted use.

Effect of Non-Passage: The property containing the parking lot will remain zoned R2-Two Family Residential, which does not permit a stand-alone parking lot, and will hinder the redevelopment of the overall parcel.

#REZ-2018-0024

BILL NO. Z-18-05-05

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. P-02 (Sec. 7 of Adams 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 C3 (General
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Lot Number 72 in Fletcher's Addition, an amended plat of Fletcher's Out Lot, to the
City of Fort Wayne, according to the plat thereof, recorded in Deed Record 61, pages
285-286, in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. P-02 (Sec. 7 of Adams
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 DFW, LLC.
Address P.O. Box 6096
City FT. WAYNE State Indiana Zip 46896
Telephone 260-740-9897 E-mail felicia2177@yahoo.com

Contact Person
Contact Person Deborah Wallace
Address P.O. Box 6096
City FT. WAYNE State IN Zip 46896
Telephone 260-740-9897 E-mail felicia2177@yahoo.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 1904 MAUMEE AVE
Present Zoning R2 Proposed Zoning C3 Acreage to be rezoned _____
Proposed density 1 units per acre
Township name Wayne Township section # 7
Purpose of rezoning (attach additional page if necessary) FOR FUTURE RESTAURANT

Sewer provider City Utilities Water provider City Utilities

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 \$500.00
☒ 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.

Deborah Wallace Deborah Wallace 3/28/18
(printed name of applicant) (signature of applicant) (date)
POWERS HAMBURGERS LLC Bennett Rebeck 4-7-18
(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>3-28-18</u>	<u>126474</u>	<u>5/14/18</u>	<u>PEZ-2018-0024</u>

PLAT OF SURVEY

DONOVAN ENGINEERING, INC.

3521 LAKE AVENUE, SUITE 2
FORT WAYNE, INDIANA 46805
260.424.7418
www.donovan-eng.com

GREGORY L. ROBERTS PLS S0548 IN

KENNETH W. HARRIS PLS 29500021 IN

MICHAEL W. HARRIS PLS 21100018 IN

Parcel B:

Lots number 72 and 73 in Fletcher's Addition, an amended plat of Fletcher's Out Lot, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 61, pages 285 - 286, in the Office of the Recorder of Allen County, Indiana.

Parcel C:

Part of Fletcher's Out Lot One (1) and of the space North thereof, in the City of Fort Wayne, Allen County, Indiana, described as follows:

Commencing at the intersection of the South line of Maumee Avenue, the West line of Fletcher Avenue, running thence South along the West line of Fletcher Avenue a distance of seventy-five (75) feet, thence in a Southwesterly direction to intersect a line drawn parallel to and 50 feet distant from the aforesaid West line of Fletcher Avenue at a point 118 feet

South of the South line of said Maumee Avenue; thence North and along said parallel line 118 feet to the South line of Maumee Avenue; thence in a Southeasterly direction along the South line of Maumee Avenue 51 and 25/100 feet to the place of beginning, which real estate is more completely described in the certificate of survey made by A. K. Hofer, Registered Engineer, on October 30, 1959, as follows:

Part of Fletcher's Out Lot No. 1 in the West Half of the Northwest Quarter of Section 7, Township 30 North, Range 13 East, in Allen County, Indiana, by metes and bounds described as follows; to-wit:

Commencing on the West line of Fletcher Avenue, in the City of Fort Wayne, Indiana, at a point situated 75.4 feet North of the Southeast corner of said Out Lot; thence running North on the said Avenue West line 44.2 feet to the Northeast corner of said Out Lot as situated on the section line between Section 6 and 7, of the Township and Range aforesaid; thence West on the line aforesaid as situated coincidental with the North line of said Out Lot No. 1, a distance of 50 feet; thence South on a line parallel to the aforesaid Fletcher Avenue line, a distance of 72.05 feet to the North line of the former right of way on the Indiana Service Corporation; thence Northeastward, a distance of 57.95 feet to the place of beginning; together with a part contiguous to and North of the parcel afore-described, of the Southwest Quarter of Section 6, Township 30 North, Range 13 East, in particular described as follows, to-wit:

Commencing on the West line of Fletcher Avenue in the City of Fort Wayne, Indiana, at the Northeast corner of said Fletcher's Out Lot No. 1, at which point the section line between said Section 7 and 6 intersect the said avenue line; thence running North on the said Avenue line, a distance of 30.8 feet to the South line of Maumee Avenue; thence Northwestward along the aforesaid avenue line, a distance of 51.25 feet to a point situated 50 feet normally distant West of the West line of said Fletcher Avenue, thence Southward on a line parallel to and 50 feet West of the line aforesaid, a distance of 45.95 feet to the section line between section 6 and 7 as situated coincidental with the North line of said Out Lot No. 1; thence East on the line aforesaid, a distance of 50.0 feet to the place of beginning at the West line of said Fletcher Avenue; and also

Parcel D:

The East 50 feet of Fletcher's Out Lot Numbered One (1) in the West ½ of the Northwest Quarter of Section 7, Township 30 North, Range 13 East, except the South 40 feet thereof and further excepting from said East 50 feet that portion lying within Parcel C.

Job No.: 17-1313
Job for: POWERS HOLDING

Date: 4-25-17

LEGEND

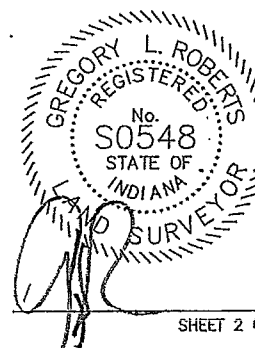
IPF Iron Pin (Rebar) Found
PF Pipe Found
RRF Railroad Spike Found
PKF P.K. Nail Found
MNF Mag Nail Found
MNS Mag Nail Set
IPS 5/8" rebar set w/cap stamped "DEI FIRM #0027"
(M) Measured (P) Platted
(R) Recorded (C) Calculated

Date of latest field work: 4-24-17

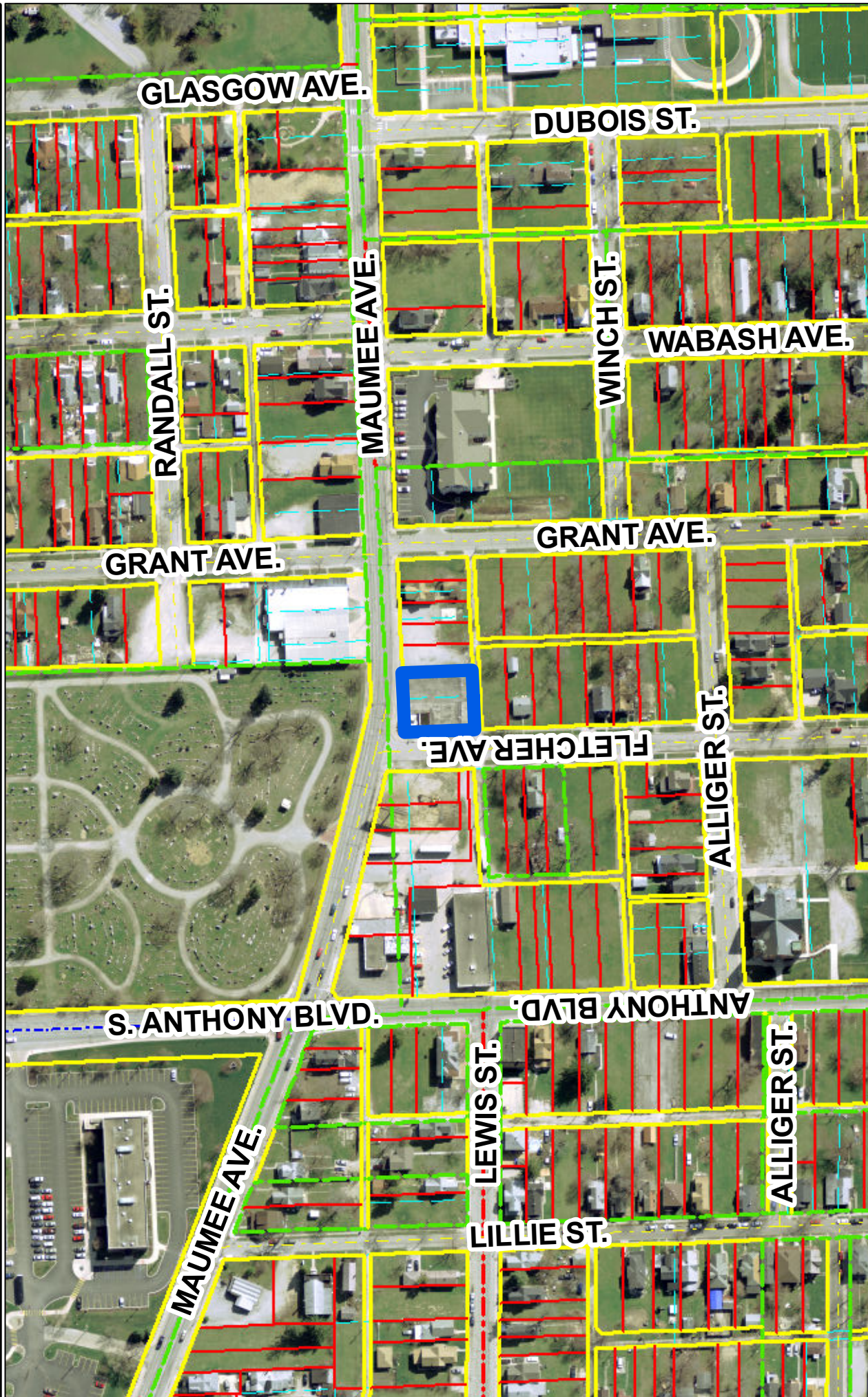
L:\AutoCAD\Lot Survey\72 & 73 Fletcher's & Outlot 1, Maumee Ave.dwg, 4/25/2017 3:23:37 PM

All monuments are at grade except as noted.
All Property line distances are recorded
dimensions, except as noted. Monuments found
have no documented history except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 865 IAC 1-12.



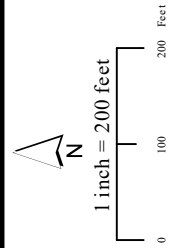
SHEET 2 OF 3

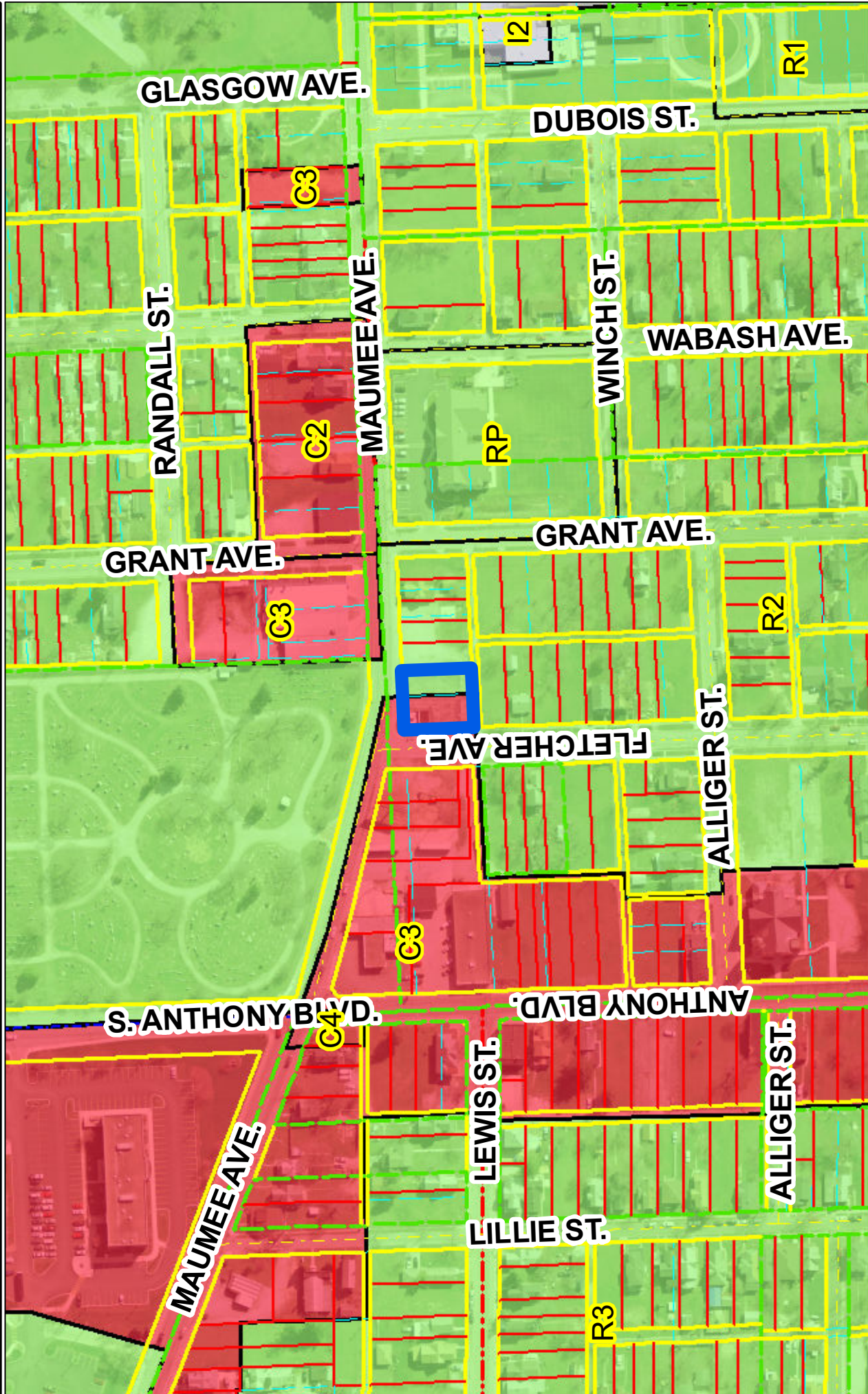


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4/23/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only





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