

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0046
Bill Number: Z-18-09-11
Council District: 4-Jason Arp

Introduction Date: September 25, 2018

Plan Commission
Public Hearing Date: October 8, 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 1.47 acres of property from R1/Single Family
Residential to C1/Professional Office and Personal Services

Location: 6902 Omaha Court (Lots 1, 2, 25, and 26 in Westlawn Section A)

Reason for Request: To bring existing stormwater detention basin, which will be used for the new
West Village medical development, into compliance with the zoning
ordinance.

Applicant: 14W & Hadley Road Development Co, Inc.

Property Owner: 14W & Hadley Road Development Co, Inc.

Related Petitions: none

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal
Services which will allow the existing detention basin to be used for
commercial purposes.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential. The
desired uses of the basin for new commercial purposes will not be
permitted, thus creating a need for onsite detention on the West Village
medical development property.

#REZ-2018-0046

BILL NO. Z-18-09-11

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. C-06 (Sec. 1 of Aboite 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 C1
(Professional Office and Personal Services) District under the terms of Chapter 157 Title XV
of the Code of the City of Fort Wayne, Indiana:

A part of Lots 1 and 2 in Westlawn, Section A, an addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 22, page 8 and re-recorded in Plat Book 28, page 149, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-way Parcel Plat marked Exhibit "B", described as follows: Beginning at a point on the east line of said Lot 2 North 1 degree 07 minutes 14 seconds East 58.45 feet (17.816 meters) from the southeast corner of said Lot 2, which Point of Beginning is on the north boundary of State Road 14 (also known as Illinois Road); thence South 86 degrees 36 minutes 59 seconds West 100.30 feet (30.571 meters) along the boundary of said State Road 14 to the west line of said Lot 2; thence South 88 degrees 56 minutes 03 seconds West 125.08 feet (38.124 meters) (120.02 feet by Instrument No. 78-18505) along said boundary to the west line of said Lot 1 and the southeastern boundary of Omaha Court; thence along the boundary of said Omaha Court Northeasterly 6.34 feet (1.932 meters) along an arc to the left and having a radius of 65.00 feet (19.812 meters) and subtended by a long chord having a bearing of North 65 degrees 42 minutes 21 seconds East and a length of 6.34 feet (1.932 meters) to point "1775" designated on said parcel plat; thence North 86 degrees 06 minutes 15 seconds East 220.09 feet (67.083 meters) to the east line of said Lot 2; thence South 1 degree 07 minutes 14 seconds West 9.32 feet (2.841 meters) along said east line to the Point of Beginning and containing 1,545 square feet (143.5 square meters) more or less.

Together with:

A part of Lots 25 and 26 in Westlawn, Section A, an addition to the City of Fort Wayne Indiana, the plat of which is recorded in Plat Book 22, Page 8, and re-recorded in Plat Book 28, page 149, in the Office of the Recorder of Allen County

1 Indiana, and being that part of the grantors' land lying within the right-of-way lines
2 depicted on the attached Right-of-Way Parcel Plat, marked as Exhibit "B", described
3 as follows: Beginning at a point on the west line of said Lot 25, North 01 degree 07
4 minutes 14 seconds East 58.45 feet (17.816 meters) from the southwest corner of
5 said Lot 25, which Point of Beginning is on the north boundary of State Road 14;
6 thence North 01 degree 07 minutes 14 seconds East 9.32 feet (2.841 meters) along
7 said west line; thence North 86 degrees 06 minutes 15 seconds East 52.46 feet
8 (15.990 meters) to point "1776" designated on said parcel plat; thence South 89
9 degrees 45 minutes 15 seconds East 127.69 feet (38.920 meters) to point "1777"
10 designated on said parcel plat; thence Easterly 35.22 feet (10.735 meters) along an
11 arc to the right and having a radius of 11,652.29 feet (3,551.618 meters) and
12 subtended by a long chord having a bearing of South 89 degrees 40 minutes 03
13 seconds East and a length of 35.22 feet (10.735 meters) to the north boundary of said
14 State Road 14 at point "1778" designated on said parcel plat; thence South 86
15 degrees 39 minutes 11 seconds West 115.52 feet (35.210 meters) along the boundary
16 of said State Road 14 to the west line of said Lot 26; thence North 1 degree 07
17 minutes 14 seconds East 0.54 feet (0.165 meters) along said boundary and along said
18 west line; thence South 86 degrees 36 minutes 59 seconds West 100.30 feet (30.571
19 meters) along said boundary to the Point of Beginning and containing 1,316 square
20 feet (122.3 square meters), more or less.

21 and the symbols of the City of Fort Wayne Zoning Map No. C-06 (Sec. 1 of Aboite
22 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
23 Wayne, Indiana is hereby changed accordingly.

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

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

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Council Member

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APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant 14W & HADLEY ROAD DEVELOPMENT CO., INC.
Address 1017 S. HADLEY ROAD
City FORT WAYNE State IN Zip 46804
Telephone 260.432.3665 E-mail LOUGHEEDENG@COMCAST.NET

Contact Person
Contact Person SCOTT LOUGHEED
Address 1017 S. HADLEY ROAD
City FORT WAYNE State IN Zip 46804
Telephone 260.432.3665 E-mail LOUGHEEDENG@COMCAST.NET

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

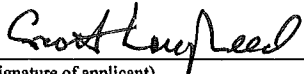
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 6902 OMAHA CT. (LOTS 1, 2, 25 & 26 WESTLAWN SECTION "A")
Present Zoning R-1 Proposed Zoning C-1 Acreage to be rezoned 1.47
Proposed density WRITTEN COMMITMENT - DETENTION POND ONLY units per acre
Township name ABOITE Township section # 1
Purpose of rezoning (attach additional page if necessary) ACCORDING TO DPS THE PURPOSE IS
CLEAN UP A LEGALLY NONCONFORMING USE TO A REZONED STORM WATER RUNOFF
DETENTION POND FOR RESIDENTIAL, COMMERCIAL AND GOVERNMENTAL AGENCY USE.
Sewer provider FT. WAYNE Water provider 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 Rezoning Only

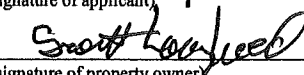
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures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

SCOTT LOUGHEED
(printed name of applicant)


(signature of applicant)

9-4-18
(date)

14W HADLEY ROAD DEV. CO., INC.
(printed name of property owner)


(signature of property owner)

9-4-18
(date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

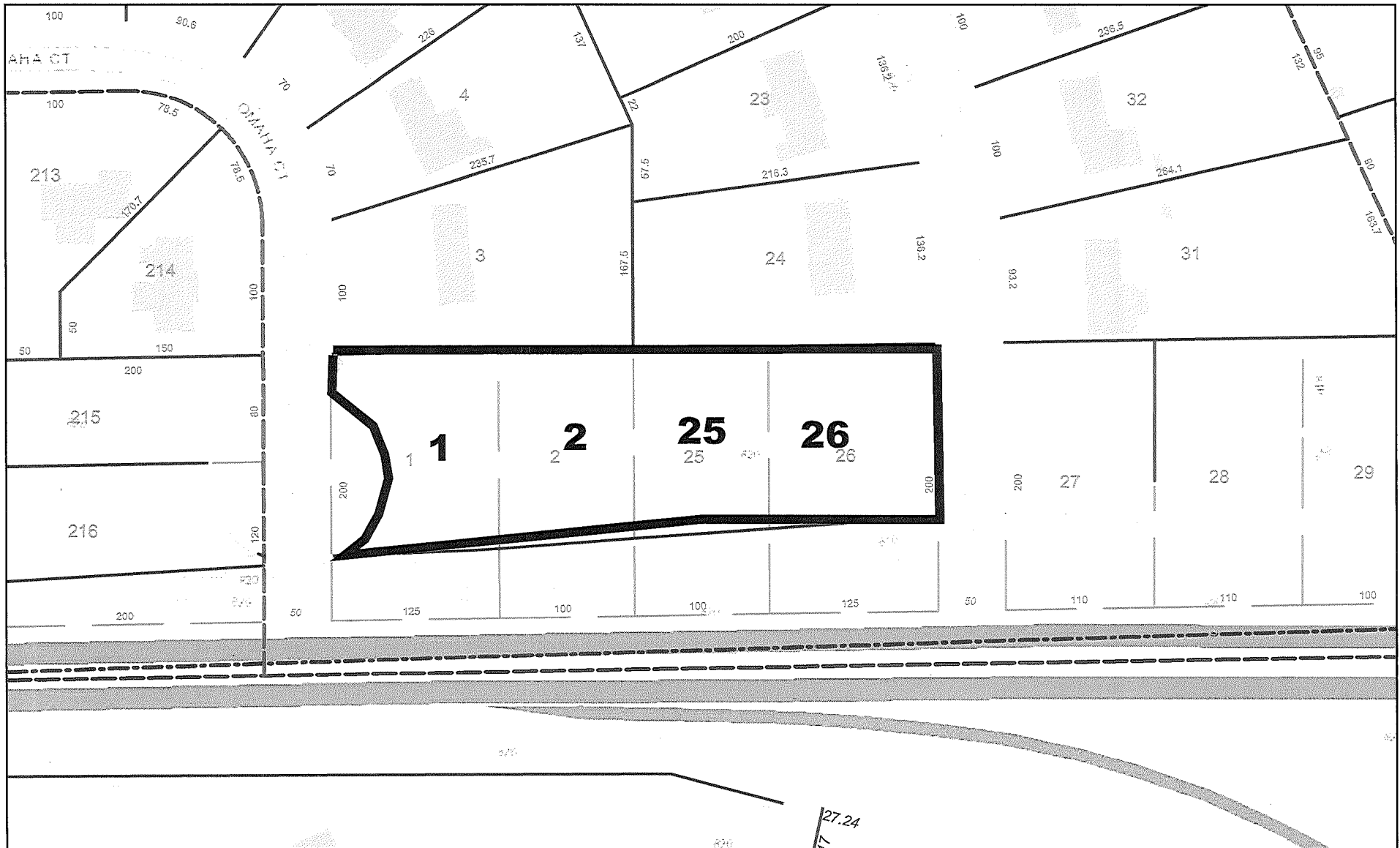
(signature of property owner)

(date)

Received	Receipt No.	Hearing Date	Petition No.
<u>9-4-18</u>	<u>128256</u>	<u>10/8/18</u>	<u>REZ-2018-0046</u>



REGIONAL DETENTION POND



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

LOTS 1, 2, 25, & 26 - WESTLAND ADDITION SEC. "A"
EXCEPT ROW TAKEN BY CITY AND STATE - SEE ATTACHED ROW
DESCRIPTION



Date: 9/4/2018 1" = 100'

Project: STP-4402(013)
Code: 4001
Parcel: 120

Lots **EXHIBIT "A"**
25/26

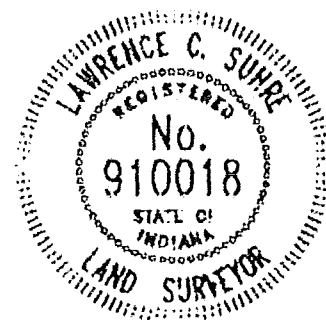
Sheet 1 of 1
WL-1

Fee Simple with Limitation of Access

A part of Lots 25 and 26 in Westlawn, Section A, an addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 22, page 8 and re-recorded in Plat Book 28, page 149, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", described as follows: Beginning at a point on the west line of said Lot 25 North 1 degree 07 minutes 14 seconds East 58.45 feet (17.816 meters) from the southwest corner of said Lot 25, which point of beginning is on the north boundary of S.R. 14 (also known as Illinois Road); thence North 1 degree 07 minutes 14 seconds East 9.32 feet (2.841 meters) along said west line; thence North 86 degrees 06 minutes 15 seconds East 52.46 feet (15.990 meters) to point "1776" designated on said parcel plat; thence South 89 degrees 45 minutes 15 seconds East 127.69 feet (38.920 meters) to point "1777" designated on said parcel plat; thence Easterly 35.22 feet (10.735 meters) along an arc to the right and having a radius of 11,652.29 feet (3,551.618 meters) and subtended by a long chord having a bearing of South 89 degrees 40 minutes 03 seconds East and a length of 35.22 feet (10.735 meters) to the north boundary of said S.R. 14 at point "1778" designated on said parcel plat; thence South 86 degrees 39 minutes 11 seconds West 115.52 feet (35.210 meters) along the boundary of said S.R. 14 to the west line of said Lot 26; thence North 1 degree 07 minutes 14 seconds East 0.54 feet (0.165 meters) along said boundary and along said west line; thence South 86 degrees 36 minutes 59 seconds West 100.30 feet (30.571 meters) along said boundary to the point of beginning and containing 1,316 square feet (122.3 square meters), more or less.

This description was prepared for the Indiana Department of Transportation by Lawrence C. Suhre, Indiana Registered Land Surveyor, License No. 910018, on the 28th day of October, 2004.

This description was written from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey.



Lawrence C. Suhre

EXHIBIT "B"

SHEET 1 OF 2

RIGHT-OF-WAY PARCEL PLAT

PREPARED FOR INDIANA DEPARTMENT OF TRANSPORTATION

PARCEL: 120
PROJECT: STP-4402(013)
ROAD: S.R. 14
COUNTY: ALLEN
SECTION: 1
TOWNSHIP: 30 N.
RANGE: 11 E.

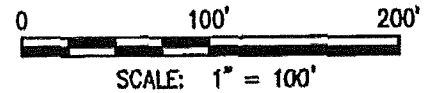
OWNER: REED, LAWRENCE E. ET UX.
INSTRUMENT NO. 80-010249 DATED: 5-8-80

L.A. CODE: 4001
DES. NO.: 9700260
DRAWN BY: P.A. McALLISTER, 9-27-04
CHECKED BY: J.R. RITTER, 10-14-04



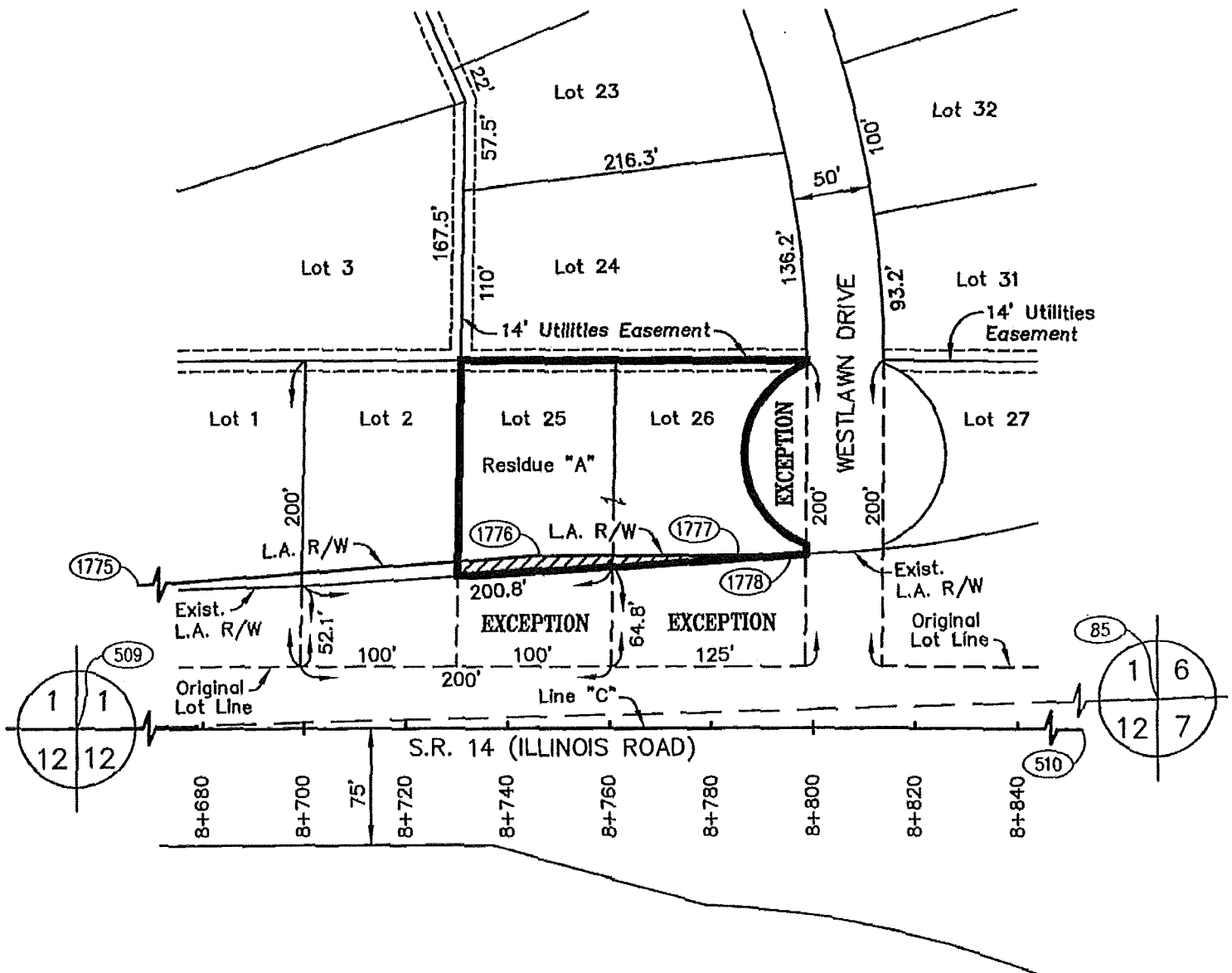
Hatched area is the approximate taking.

Dimensions shown below are from the above listed record documents.
Centerline stationing tic marks are shown at 20 meter intervals.



WESTLAWN, SECTION A, CITY OF FORT WAYNE

(Plat Book 28, page 149)



This plat was prepared from information obtained from the recorder's office
and other sources which were not necessarily checked by a field survey.

EXHIBIT "B"

SHEET 2 OF 2

RIGHT-OF-WAY PARCEL PLAT

PREPARED FOR INDIANA DEPARTMENT OF TRANSPORTATION

PARCEL: 120
 PROJECT: STP-4402(013)
 ROAD: S.R. 14
 COUNTY: ALLEN
 SECTION: 1
 TOWNSHIP: 30 N.
 RANGE: 11 E.

OWNER: REED, LAWRENCE E. ET UX.

L.A. CODE: 4001
 DES. NO.: 9700260
 DRAWN BY: P.A. McCALLISTER, 9-27-04
 CHECKED BY: J.R. RITTER, 10-14-04

POINT REFERENCE TABLE (METRIC UNITS)					
(NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES)					
POINT	CENTERLINE	STATION	OFFSET	NORTHING	EASTING
85	*	*	*	*	*
509	*	*	*	*	*
510	*	*	*	*	*
1775	"C"	+P(8+663.142)	28.000 Lt	4998.3522	8755.7632
1776	"C"	8+746.000	34.000 Lt	5003.9966	8838.6464
1777	"C"	+P.C.(8+784.920)	34.000 Lt	5003.8296	8877.5662
1778	"C"	+P(8+795.551)	34.000 Lt	5003.7673	8888.3000

* See "Location Control Route Survey Plat"

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 200074583 in the Office of the Recorder of Allen County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).

First Group
 Engineering Inc.
 5714 W. 74th Street,
 Indianapolis, Indiana
 Phone (317) 290-9549

Lawrence C. Suhre
 Lawrence C. Suhre
 Reg. Land Surveyor No. 910018
 State of Indiana

10-28-04
 Date



EXHIBIT "A"

Project: STP-4402(013)
Code: 4001
Parcel: 119

Sheet 1 of 1
WL-1

Fee Simple with Limitation of Access

LOTS
1/2

A part of Lots 1 and 2 in Westlawn, Section A, an addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 22, page 8 and re-recorded in Plat Book 28, page 149, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", described as follows: Beginning at a point on the east line of said Lot 2 North 1 degree 07 minutes 14 seconds East 58.45 feet (17.816 meters) from the southeast corner of said Lot 2, which point of beginning is on the north boundary of S.R. 14 (also known as Illinois Road); thence South 86 degrees 36 minutes 59 seconds West 100.30 feet (30.571 meters) along the boundary of said S.R. 14 to the west line of said Lot 2; thence South 88 degrees 56 minutes 03 seconds West 125.08 feet (38.124 meters) (120.02 feet by Instrument No. 78-18505) along said boundary to the west line of said Lot 1 and the southeastern boundary of Omaha Court; thence along the boundary of said Omaha Court Northeasterly 6.34 feet (1.932 meters) along an arc to the left and having a radius of 65.00 feet (19.812 meters) and subtended by a long chord having a bearing of North 65 degrees 42 minutes 21 seconds East and a length of 6.34 feet (1.932 meters) to point "1775" designated on said parcel plat; thence North 86 degrees 06 minutes 15 seconds East 220.09 feet (67.083 meters) to the east line of said Lot 2; thence South 1 degree 07 minutes 14 seconds West 9.32 feet (2.841 meters) along said east line to the point of beginning and containing 1,545 square feet (143.5 square meters), more or less.

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Lawrence C. Suhre

EXHIBIT "B"

SHEET 1 OF 2

RIGHT-OF-WAY PARCEL PLAT

PREPARED FOR INDIANA DEPARTMENT OF TRANSPORTATION

PARCEL: 119
PROJECT: STP-4402(013)
ROAD: S.R. 14
COUNTY: ALLEN
SECTION: 1
TOWNSHIP: 30 N.
RANGE: 11 E.

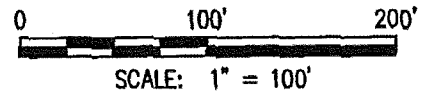
OWNER: TEMPLE, GARY LEE ET UX.
INSTRUMENT NO. 78-6620 DATED: 3-8-78
INSTRUMENT NO. 78-18505 DATED: 6-15-78
CAUSE NO. 5283 DATED: 6-7-60

L.A. CODE: 4001
DES. NO.: 9700260
DRAWN BY: P.A. McCALLISTER, 9-27-04
CHECKED BY: J.R. RITTER, 10-14-04



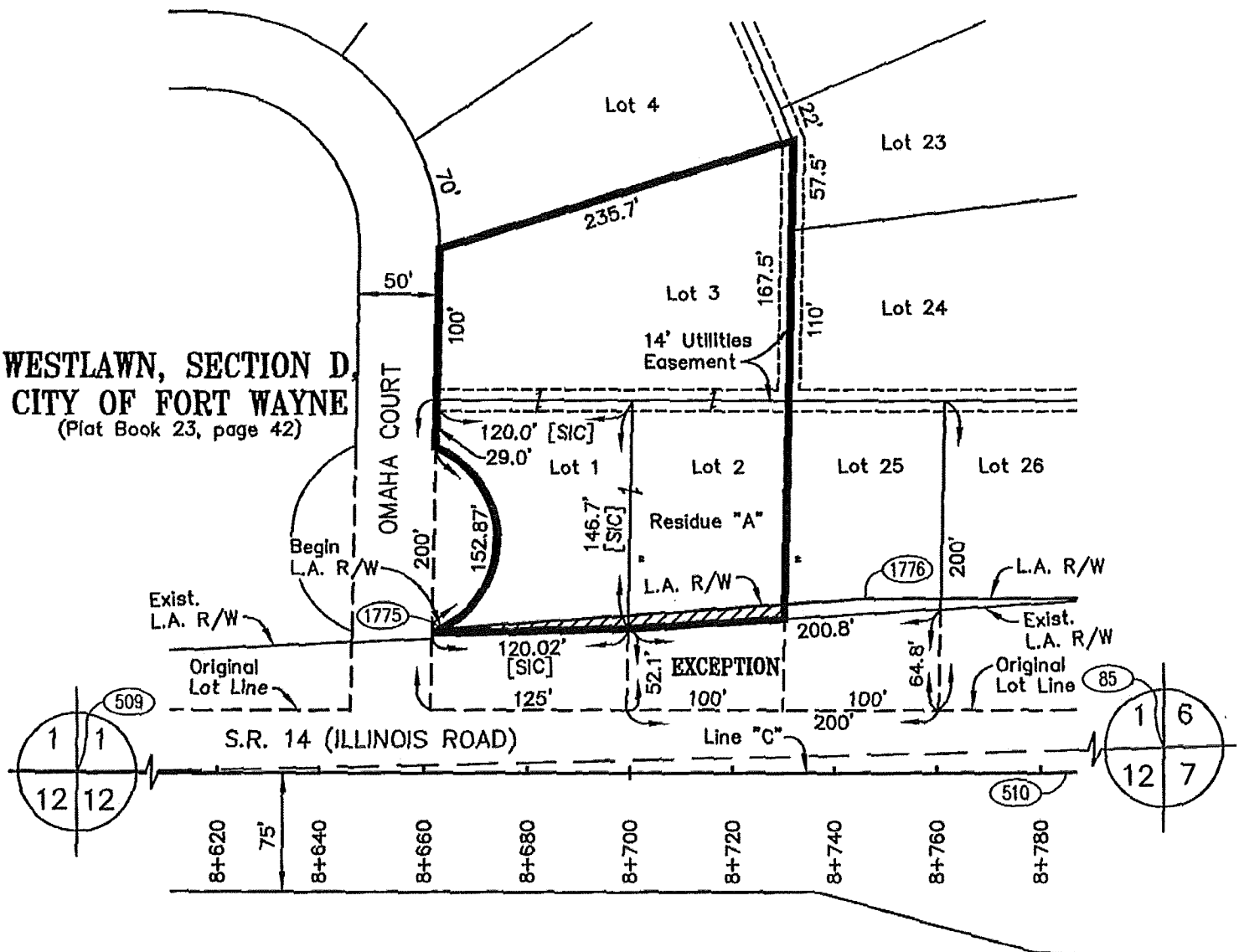
Hatched area is the approximate taking.

Dimensions shown below are from the above listed record documents.
Centerline stationing tic marks are shown at 20 meter intervals.



WESTLAWN, SECTION A, CITY OF FORT WAYNE (Plat Book 28, page 149)

WESTLAWN, SECTION D, CITY OF FORT WAYNE (Plat Book 23, page 42)



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EXHIBIT "B"

SHEET 2 OF 2

RIGHT-OF-WAY PARCEL PLAT

PREPARED FOR INDIANA DEPARTMENT OF TRANSPORTATION

PARCEL: 119
 PROJECT: STP-4402(013)
 ROAD: S.R. 14
 COUNTY: ALLEN
 SECTION: 1
 TOWNSHIP: 30 N.
 RANGE: 11 E.

OWNER: TEMPLE, GARY LEE ET UX.

L.A. CODE: 4001
 DES. NO.: 9700260
 DRAWN BY: P.A. McCALLISTER, 9-27-04
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510	*	*	*	*	*
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* See "Location Control Route Survey Plat"

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 200074583 in the Office of the Recorder of Allen County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).

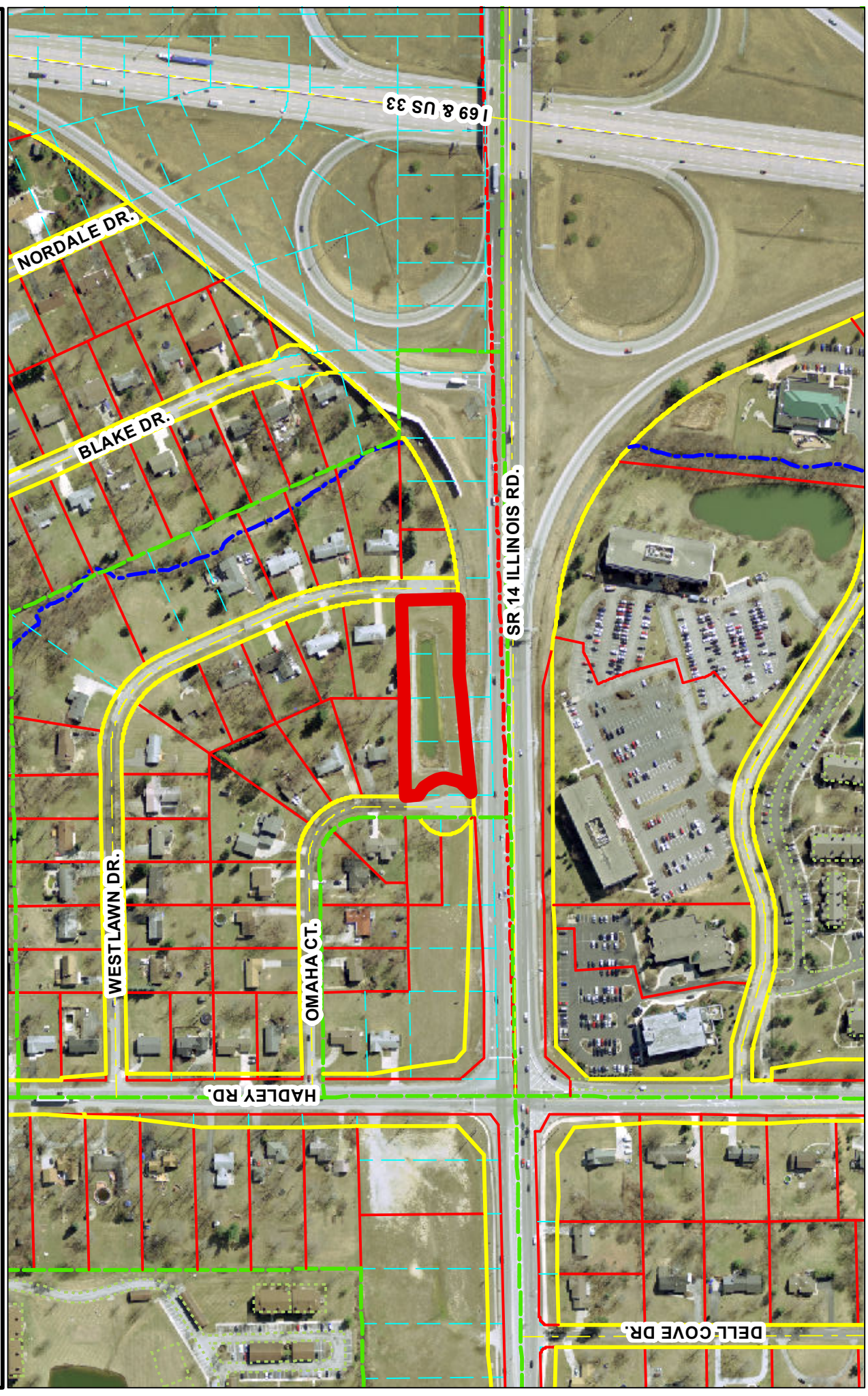
**First
Group**
 Engineering Inc.
 5714 W. 74th Street,
 Indianapolis, Indiana
 Phone (317) 290-9549

Lawrence C. Suhre 10-28-04
 Date
 Lawrence C. Suhre
 Reg. Land Surveyor No. 910018
 State of Indiana





Rezoning Petition REZ-2018-0046 (Omaha Ct)



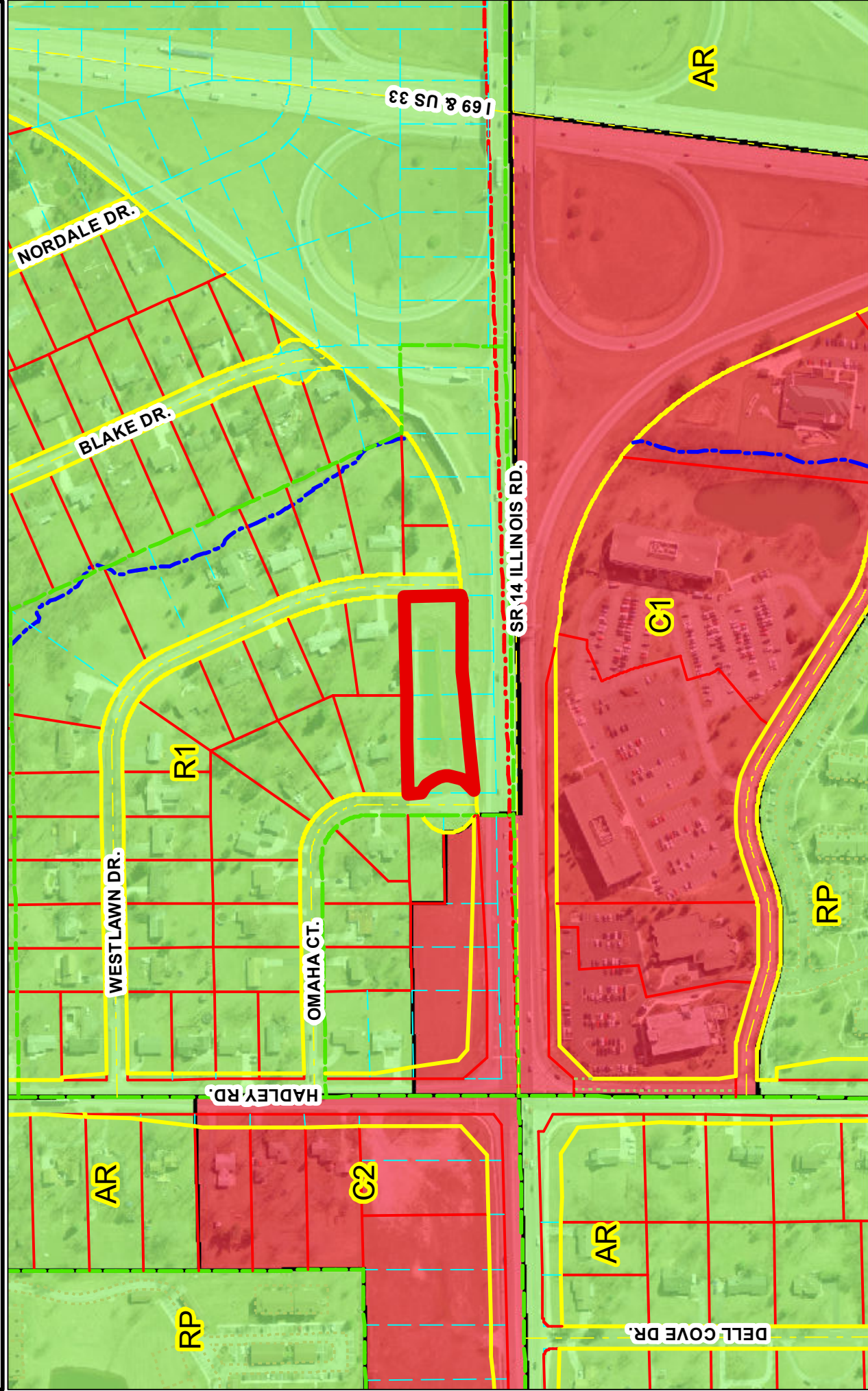
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 9/18/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



Rezoning Petition REZ-2018-0046 (Omaha Ct)



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