

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0036
Bill Number: Z-19-06-15
Council District: 4-Jason Arp

Introduction Date: June 25, 2019

Plan Commission
Public Hearing Date: July 8, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 2.34 acres from R1/Single Family Residential , R3/Multiple Family Residential and C2/Limited Commercial to C3/General Commercial.

Location: 6411 through 6441 Bluffton Road

Reason for Request: To bring all parcels under one zoning district and to allow an additional restaurant and warehouse on the property.

Applicant: Colony Shoppes, LLC

Property Owner: Colony Shoppes, LLC

Related Petitions: Primary Development Plan, Colony Shoppes

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will allow the existing uses, as well as a warehouse.

Effect of Non-Passage: The property will remain zoned residentially and commercially which allows the current uses but will not allow a new restaurant or warehouse.

1 **#REZ-2019-0036**

2 **BILL NO. Z-19-06-15**

3
4 **ZONING MAP ORDINANCE NO. Z-_____**

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map Nos. J-23 and J-27 (Sec. 27 of Wayne Township)**

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9
10 SECTION 1. That the area described as follows is hereby designated a C3 (General
11 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
12 Wayne, Indiana:

13 **PARCEL I: DOC # 2018063516 (PREVIOUS: Doc.# 2015009561)**

14 Lot Number 18 and the South 10 feet of Lot Number 19, in William May Addition,
15 Section B, as recorded in Plat Record 18, page 25, in the Office of the Recorder of
16 Allen County, Indiana.

17 **PARCEL II: Doc.# 2018063515 (PREVIOUS: DOC #2013010723)**

18 Part of Lots Number 7, 8 and 9 in Liberty Gardens Addition, Fort Wayne, Indiana,
19 described as follows:

20 Starting at the most Southerly corner of said Lot 9; thence Northwesterly 93.80 feet
21 along the Southerly line of said of 9 to a 5/8" rebar stake on the Easterly right of way
22 line of Bluffton Road; thence Northwesterly, deflecting right 24 degrees 06 minutes
23 23 seconds 63.91 feet along said right of way to a 5/8" rebar stake; thence
24 Northerly, deflecting right 24 degrees 15 minutes 15 seconds, 61.18 feet along said
25 right of way to a 5/8" rebar stake which shall be the place of beginning; thence
26 continuing Northerly, 327.62 feet along said right of way line to a 5/8" rebar stake on
27 the North line of said Lot Number 7; thence Southeasterly, deflecting right 131
28 degrees 49 minutes 00 seconds, 408.75 feet along the North line of said Lots 7, 8 and
29 9 to a steel post at the Northeast corner of said Lot 9; thence Southwesterly,
30 deflecting right 89 degrees 30 minutes 33 seconds, 73.36 feet along the East line of
 said Lot 9 to a 5/8" rebar stake; thence Westerly, deflecting right 48 degrees 40
 minutes 27 seconds, 256.20 feet to the place of beginning, said in previous deed to
 contain 1.31 acres, more or less.

1 PARCEL III: Doc.# 2018063515 (PREVIOUS DOC #2017047976)

2 Part of Lots Number 8 and 9 in Liberty Gardens Addition, an Addition to the City of
3 Fort Wayne, Allen County, Indiana, as per plat thereof recorded in Plat Book 8, page
4 61, in the Office of the Recorder of Allen County, Indiana, described as follows:

5 Beginning at the most Southerly corner of said Lot 9; thence Northwesterly, 93.80
6 feet, along the Southerly line of said Lot 9, to the Easterly right of way line of
7 Bluffton Road; thence Northwesterly, deflecting right 24 degrees 06 minutes 23
8 seconds, 63.91 feet along said right of way line; thence Northerly, deflecting right 24
9 degrees 15 minutes 15 seconds, 61.18 feet along said right of way line; thence
10 Easterly, deflecting right 90 degrees 00 minutes 00 seconds, 256.20 feet to the
11 Easterly line of said Lot 9; thence Southwesterly, deflecting right 131 degrees 19
12 minutes 33 seconds, 242.05 feet along said Easterly line, to the place of beginning,
13 said in previous deed to contain 0.63 acres, more or less.

14 and the symbols of the City of Fort Wayne Zoning Map Nos. J-23 and J-27 (Sec. 27 of
15 Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of
16 Fort Wayne, Indiana is hereby changed accordingly.

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

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

23 _____
Council Member

24 APPROVED AS TO FORM AND LEGALITY:

25 _____
26 Carol T. Helton, City Attorney
27
28
29
30

Department of Planning Services
 Rezoning Petition Application

Applicant	Applicant	COLONY SHOPPES, LLC - CHUCK HOCKEMA		
	Address	10211 DUPONT CIRCLE DR W, STE A		
	City	Fort Wayne	State	IN Zip 46825
	Telephone	765-414-1014	E-mail	CHOCKEMA@GMAIL.COM

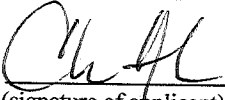
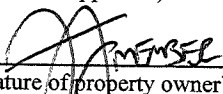
Contact Person	Contact Person	SAME AS APPLICANT		
	Address			
	City		State	
	Telephone		E-mail	

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	6411 THROUGH 6441 BLUFFTON ROAD
	Present Zoning	R1, R3, C2
	Proposed Zoning	C3
	Acreage to be rezoned	2.34
	Proposed density	NA
Township name	WAYNE	
Township section #	27	
Purpose of rezoning (attach additional page if necessary)	For the future development of a 2 building commercial / warehouse buildings with parking & to establish conformity of existing property use.	
Sewer provider	FORT WAYNE	
Water provider	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

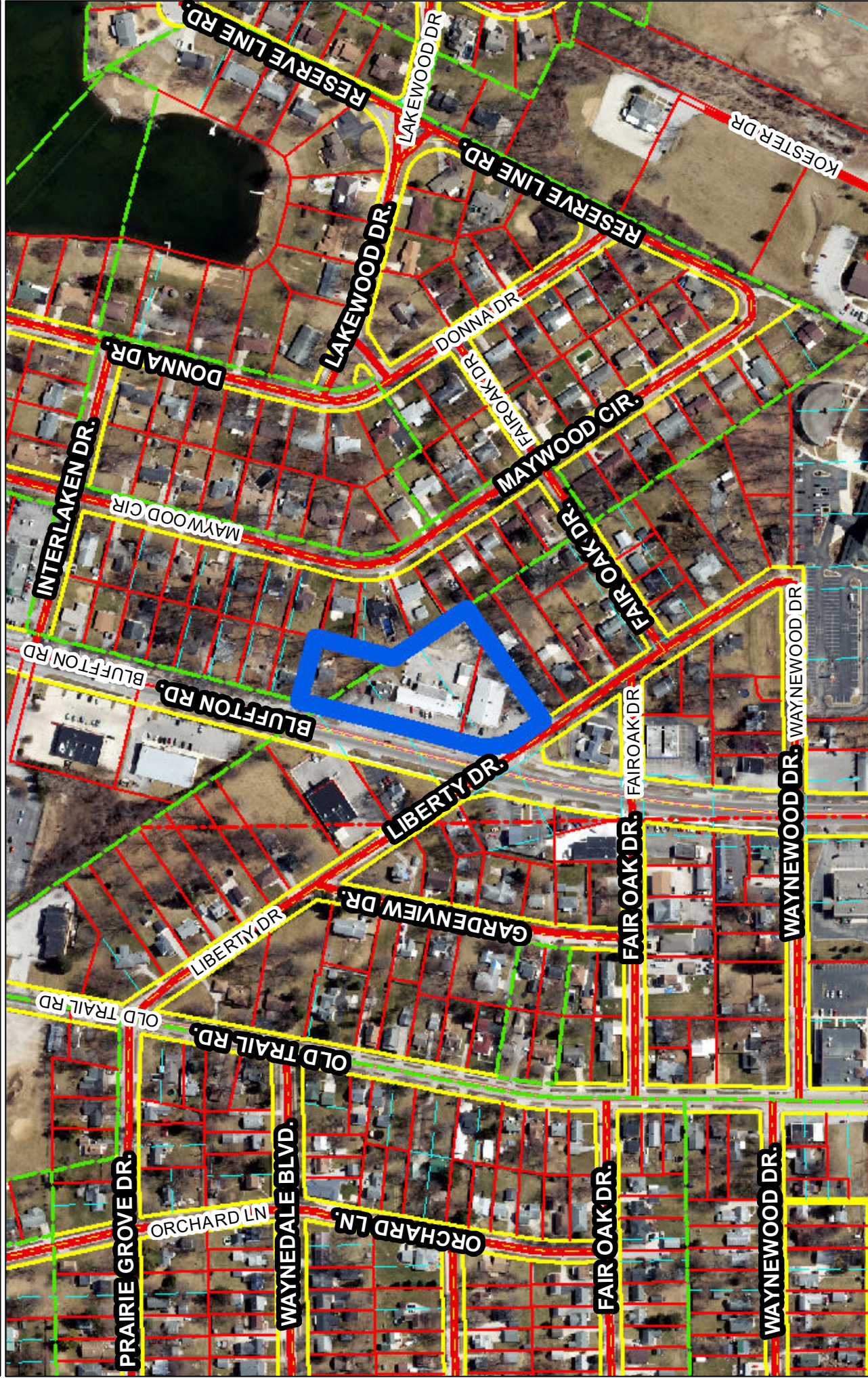
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures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

Chuck Hockema		6/3/19
(printed name of applicant)	(signature of applicant)	(date)
JOEL M. JOHNSON		6/3/19
(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 6-4-2019	Receipt No. 130711	Hearing Date 7-8-2019	Petition No. REZ-2019-0036
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Rezoning Petition REZ-2019-0036 and Primary Development Plan PDP-2019-0029 - Colony Shoppes



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: 6/17/2019

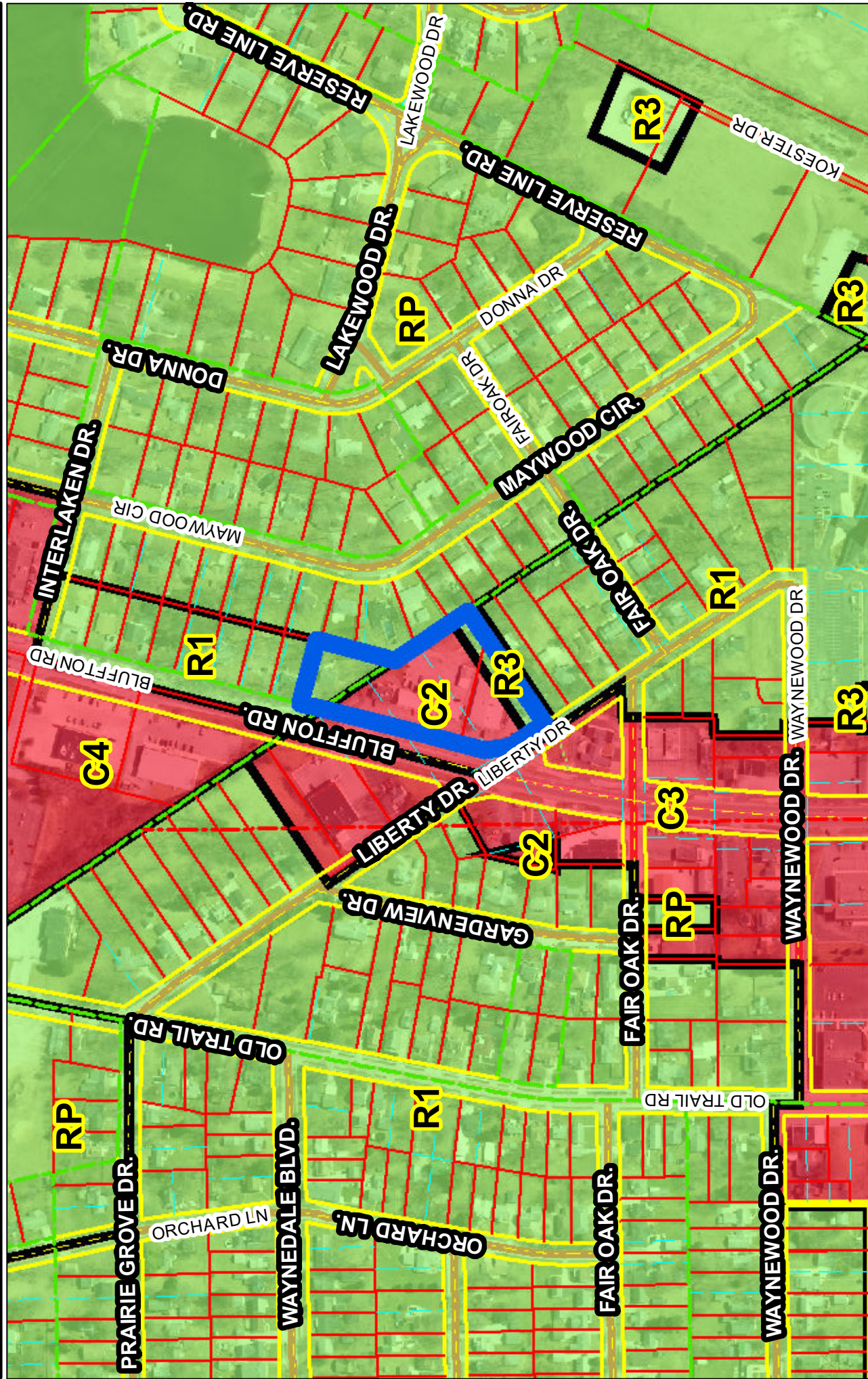


1 inch = 300 feet





Rezoning Petition REZ-2019-0036 and Primary Development Plan PDP-2019-0029 - Colony Shoppes

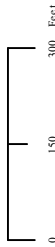


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North American Datum 1983
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Photos and Contours: Spring 2009
Date: 6/17/2019



1 inch = 300 feet



Surveyor's Report

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-2 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8 inch round by 24 inch long steel rebar with yellow plastic caps stamped GOU LS29500017, and set flush with the ground surface.

Monuments found are noted with an above (x,y) or below (x,y) ground surface dimension.

The purpose of this survey is to "retrace" the boundary of the real estates described in Document Numbers 2015009561 (Parcel I), 2013010723 (Parcel II) and 2017041976 (Parcel III) as found in the Office of the Recorder of Allen County, Indiana.

THEORY OF LOCATION:
The lines and corners for this survey were established as depicted on the survey drawing.

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) Availability and condition of reference monuments:
Monuments found by the location of the monuments found or set on the subject property and an adjacent (property) is the difference between "measured" and "retraced" angular and/or distance measurements as depicted on the survey drawing. For this survey, uncertainty is 1.03' +/- North - South, 0.30' +/- East - West.
- (B) Occupation or possession lines:
No uncertainty was created by visible occupation lines (fences, hedge rows, etc.) that were evident at the time of the survey.
- (C) Clarity or ambiguity of the record description and/or adjacent's descriptions:
No uncertainty was created by record description or adjacent's descriptions.
- (D) The Relative Positional Precision for this survey falls under the classification of a "Suburban" survey. Random errors in measurements = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7, of said Rule 12.

Title Commitment Information

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN THE COMMITMENT FOR TITLE INSURANCE BY METROPOLITAN TITLE OF INDIANA, LLC. FILE NO. 4035-127934, WITH AN EFFECTIVE DATE OF NOVEMBER 13, 2018.

Schedule B - Part Two Items

- (24) Terms, conditions and provisions of Grant of Easement dated April 9, 1997, recorded April 14, 1997, Instrument No. 970161575, re-recorded May 19, 1998, Instrument No. 9702555555, and the plat thereon.
- (25) **SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SHOWN ON SURVEY DRAWING.**
Terms conditions and provisions of Cross Parking and Ingress/Egress Easement dated May 27, 1998, recorded May 27, 1998, in Instrument No. 980035136, Parcels II and III.
- (26) **SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SHOWN ON SURVEY DRAWING.**
Terms, conditions and provisions of Temporary Service Agreement dated September 16, 1998, recorded September 17, 1998, in Instrument No. 980065627, (Parcel II).
- (27) **SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL.**
Easements and building setback lines as shown on the recorded subdivision plat of Liberty Gardens Addition recorded in Plat record 6, page 61.
- (28) **SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SHOWN ON SURVEY DRAWING.**
Easements and building setback lines as shown on the recorded subdivision plat of Liberty Gardens Addition recorded in Plat record 6, page 61.
- (29) **SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SHOWN ON SURVEY DRAWING.**
Consent, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in Document recorded as Plat Record 18, page 25, amended by Miscellaneous Record 150, pages 437-441, Miscellaneous Record 324, pages 325-329 and Instrument No. 980074163.
- (31) **SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL.**
The following matters referenced on the survey by Timothy C. Gouloff, R.L.S., dated November 14, 2018, just south of the North property line.
a) A portion of the asphalt pavement extends over the Northeast property line.
b) 6 foot wood fence running along the Southeast, Northeast and Southeast property lines, not coincident with said lines at certain points.
c) Sign situated upon the Northwest property line.
d) Stacked limestone wall situated across the Northwest property line.
SURVEYOR'S NOTE: AFFECTS SUBJECT PARCEL. SHOWN ON SURVEY DRAWING.

Statement of Encroachments

Flood Statement

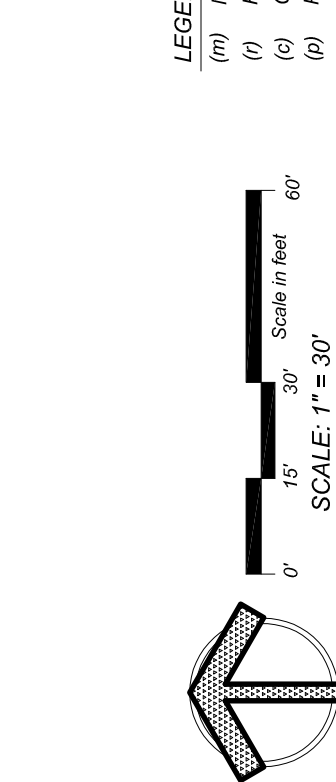
AS SCALED ON THE NPFI FIRM MAP NUMBER 18003C0293G FOR ALLEN COUNTY, INDIANA, DATED AUGUST 3, 2009, THE REAL ESTATE DEPICTED AND DESCRIBED HEREON APPEARS TO LIE IN ZONE "X" (NOT A SPECIAL FLOOD HAZARD AREA).

Bearing Basis

BEARINGS BASED ON GEODETIC STATE PLANE COORDINATE SYSTEM (NAD83)(2011) INDIANA EAST ZONE

Legend

- UTILITY POLE
UTILITY POLE WITH LAMP
LIGHT POLE
OVERHEAD UTILITY LINES
GUY ANCHOR
COMMUNICATIONS PIT
FIRE HYDRANT
MANHOLE
CURB INLET
CATCH BASIN
SANITARY SEWER PIPE
BURIED GAS LINE
SIGN
ROLLRAP



TOTAL AREA OF SUBJECT PARCELS:
2.34 Ac. (c & m)

- CURRENT PARKING SPACES**
73 - REGULAR PARKING SPACES
2 - TRUCK PARKING SPACES
75 - TOTAL PARKING SPACES
- PARCEL I ZONED - R1**
(Single Family Residential)
MAX. BUILDING HEIGHT: 40'
FRONT YARD SETBACK: 30'
REAR YARD SETBACK: 25'
SIDE YARD SETBACK: 5'
- PARCELS II & III ZONED - R3**
(Multiple Family Residential)
MAX. BUILDING HEIGHT: 40'
FRONT YARD SETBACK: 25'
REAR YARD SETBACK: 25'
SIDE YARD SETBACK: 5'
- PARCELS II & III ZONED - C2**
(Limited Commercial)
MAX. BUILDING HEIGHT: 40'
FRONT YARD SETBACK: 25'
REAR YARD SETBACK: 25'
SIDE YARD SETBACK: 25'

A Zoning report or letter was NOT provided to the surveyor from the client by the time this survey drawing was completed.



Description

- PARCEL I:** Doc # 2015009561
Lot Number 19 and the South 1/4 of Lot Number 19, in William May Addition, Section B, as recorded in Plat Record 16, page 25, in the Office of the Recorder of Allen County, Indiana.
- PARCEL II:** Doc # 2013010723
Part of Lots Number 7, 8 and 9 in Liberty Gardens Addition, Fort Wayne, Indiana, described as follows:
Starting at the most Southerly corner of said Lot 8, thence Northwesterly 83.80 feet along the Southerly line of said Lot 8 to a 5/8" rebar stake on the Easement right of way line of Bluffton Road, thence Northwesterly, deflecting right 24 degrees 08' minutes 23 seconds 63.91 feet along said right of way line to a 5/8" rebar stake, thence Northwesterly, deflecting right 24 degrees 08' minutes 23 seconds 63.91 feet along said right of way line to a 5/8" rebar stake, thence Northwesterly, deflecting right 24 degrees 08' minutes 23 seconds 63.91 feet along said right of way line to a 5/8" rebar stake on the North line of said Lot 7, thence Southwesterly, deflecting right 131 degrees 49 minutes 00 seconds, 408.75 feet along the North line of said Lot 7, 8 and 9 to a steel post at the Northeast corner of said Lot 8, thence Southwesterly, deflecting right 89 degrees 48 minutes 40 seconds 27' seconds, 256.20 feet to the place of beginning, said in previous deed to contain **1.31 acres**, more or less.
- PARCEL III:** Doc # 2017041976
Part of Lots Number 9 and 10 in Liberty Gardens Addition, as Addition to the City of Fort Wayne, Allen County, Indiana, as per said deed recorded in Plat Book 6, page 61, in the Office of the Recorder of Allen County, Indiana, described as follows:
Beginning at the most Southerly corner of said Lot 9, thence Northwesterly, 83.80 feet, along the Southerly line of said Lot 9, to the Easement right of way line of Bluffton Road, thence Northwesterly, deflecting right 24 degrees 08' minutes 23 seconds, 63.91 feet along said right of way line, thence Northwesterly, deflecting right 24 degrees 15 minutes 15 seconds, 61.18 feet along said right of way line, thence Northwesterly, deflecting right 24 degrees 15 minutes 15 seconds, 61.18 feet along said right of way line, thence Northwesterly, deflecting right 131 degrees 19 minutes 33 seconds, 242.05 feet along said Easement line, to the place of beginning, said in previous deed to contain **0.63 acres**, more or less.
- PARCEL III TRACT A:**
A non-exclusive easement for parking and ingress and egress as set forth in Cross Parking and Ingress/Egress Easement dated May 27, 1998, and recorded July 27, 1998, as Instrument 980035136, in the Office of the Recorder of Allen County, Indiana.

General Notes

1. THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES AT TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THIS SURVEY DRAWING ARE CORRECT OR ABANDONED. THE SURVEYOR'S FIELD WORK DOES NOT WARRANT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES, LOCATED ELSEWHERE, OR HAS BEEN ADVISED BY OTHERS THAT THERE ARE UNDERGROUND UTILITIES, OR PARKING, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON, OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2016 ALTA/NSPS SURVEY REQUIREMENTS.
2. THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO BLUFFTON ROAD AND LIBERTY DRIVE DEDICATED PUBLIC STREETS OR HIGHWAYS.
3. THERE IS NO VISIBLE EVIDENCE OF ENCROACHMENTS ON SUBJECT PROPERTY.
4. BUILDING ADDITIONS WITHIN RECENT MONTHS.
5. THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
6. CONVEYANCES IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, CORNERS OR CORNERS UNLESS OTHERWISE SPECIFIED, AND/OR DESCRIBED HEREON.
7. ZONING INFORMATION NOT PROVIDED TO THE SURVEYOR BY THE TITLE INSURER.
8. BUILDING AREAS SHOWN HEREON ARE FOR THE FOOTPRINT OF THE BUILDING ONLY.
9. NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
10. NO OBSERVABLE EVIDENCE OF RECENT SURVEYOR, ADDITIONS TO OR DELETION FROM THIS SURVEY DRAWING IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE HEREON SIGNED REGISTERED LAND SURVEYOR.
11. NO UTILITIES OR EASEMENTS MADE TO DETERMINE WETLANDS OR OTHER ENVIRONMENTAL ISSUES, UNLESS OTHERWISE NOTED.

Surveyor's Certificate

TO: DUPONT PRIME, LLC, BOB BROCKMANN, AMERICAN WAY, LLC, FIRST AMERICAN TITLE INSURANCE COMPANY, LAKE CITY BANK AND METROPOLITAN TITLE OF INDIANA, LLC

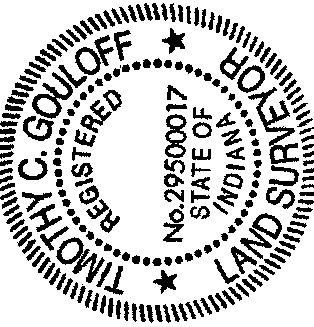
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 9, 11(a) AND 13 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 10-30-18.

DATE: NOVEMBER 14, 2018

Timothy C. Gouloff

REGISTERED SURVEYOR: TIMOTHY C. GOULOFF, LS
REGISTERED LAND SURVEYOR NO.: 29500017



REVISION	DATE	COMMENT	REVISION	DATE	COMMENT

ALTA / NSPS Land Title Survey

Property Address:

6411, 6415 & 6441 Bluffton Road, Fort Wayne, IN 46819



GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Job No.: 20140160 ALTA
Drawn by: MJC
Checked by: TCG
Sheet: 1 of 1

