

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0039
Bill Number: Z-19-06-16
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 2.44 acres from R1/Single Family Residential to C1/Professional Office and Personal Services.

Location: 4809 Illinois Road

Reason for Request: To bring all parcels under one zoning district and to allow additional parking for a new Cali Spa.

Applicant: Nghia Nguyen

Property Owner: Nghia Nguyen

Related Petitions: Primary Development Plan, Cali Spa

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services, which will allow the new Cal Spa operation to expand the parking lot.

Effect of Non-Passage: The property will remain zoned residentially which will not allow further expansion of the parking lot.

#REZ-2019-0039

BILL NO. Z-19-06-16

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-02 (Sec. 8 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 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:

Part of the Northwest Quarter of Section 11, Township 30 North, Range 11 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 11, Township 30 North, Range 11 East, Allen County, Indiana; thence South 89 degrees 10 minutes 28 seconds East (based on INDOT plan bearings for State Road No.14 project) along the North line of the Northwest Quarter of Section 11 a distance of 1217.8 feet; thence South 00 degrees 47 minutes 35 seconds west a distance of 59.63 feet to a point on the South right of way line of State Road No.14 (Illinois Road), said point being the POINT OF BEGINNING; thence South 89 degrees 13 minutes 27 seconds East along said right of way line a distance of 111.43 feet; thence South 89 degrees 53 minutes 34 seconds East along said right of way line a distance of 242.2 feet; thence South 87 degrees 21 minutes 35 seconds East along said right of way line a distance of 406.67 feet to a point on the East line of a tract of land conveyed to BHI Retirement Communities, Inc. as recorded in Document 2017010332 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 51 minutes 59 seconds West along said BHI Retirement Communities, Inc. tract a distance of 289.52 feet; thence North 89 degrees 15 minutes 28 seconds West a distance of 509.7 feet; thence north 00 degrees 47 minutes 35 seconds East a distance of 60.0 feet; thence North 89 degrees 15 minutes 28 seconds West a distance of 250.0 feet; thence North 00 degrees 47 minutes 35 seconds East a distance of 240.37 feet to the Point of Beginning, containing 4.864 acres.

1 and the symbols of the City of Fort Wayne Zoning Map No. F-02 (Sec. 8 of Wayne
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
3 Wayne, Indiana is hereby changed accordingly.
4

5 SECTION 2. If a written commitment is a condition of the Plan Commission's
6 recommendation for the adoption of the rezoning, or if a written commitment is modified and
7 approved by the Common Council as part of the zone map amendment, that written
8 commitment is hereby approved and is hereby incorporated by reference.
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10 SECTION 3. That this Ordinance shall be in full force and effect from and after its
11 passage and approval by the Mayor.
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13 _____
14 Council Member

15 APPROVED AS TO FORM AND LEGALITY:

16 _____
17 Carol T. Helton, City Attorney
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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Nghia Nguyen
Address 16819 Coldwater Rd
City Fort wayne State IN Zip _____
Telephone 260-804-3304 E-mail danangoik@yahoo.com

Contact Person
Contact Person Phillip A Troyer Inc
Address 1510 W Ludwig Rd
City Fort Wayne State IN Zip 46825
Telephone 260-489-2810 E-mail phil@patroyer.com

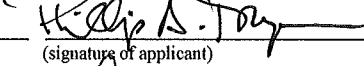
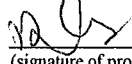
All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 4809 Illinois Rd
Present Zoning C1/R1 Proposed Zoning C1 Acreage to be rezoned 2.44 total
Proposed density _____ units per acre
Township name Wayne Township section # 8
Purpose of rezoning (attach additional page if necessary) Combine existing commercial tract into one parcel
Sewer provider FWCU Water provider FWCU

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.

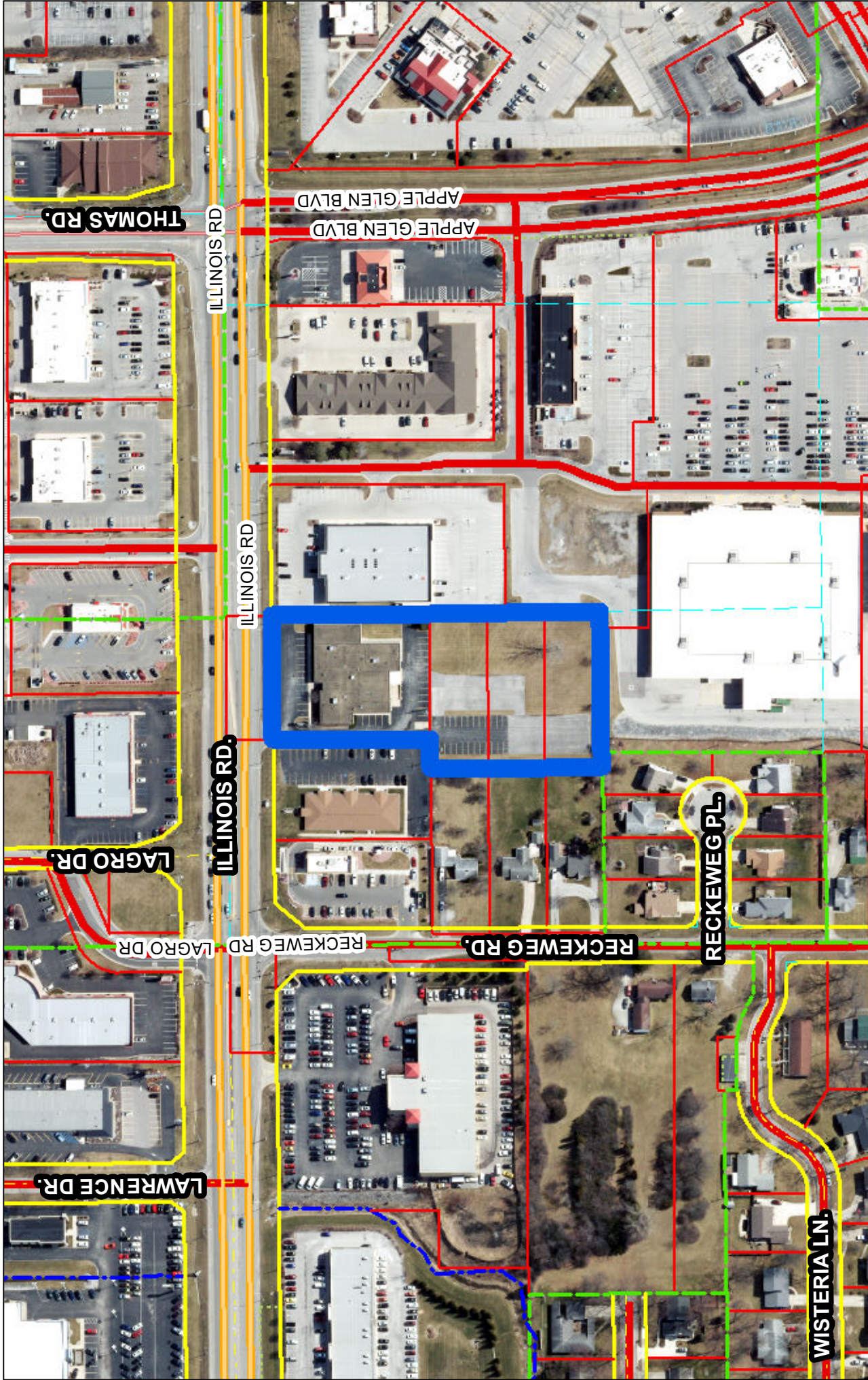
- ☐ Applicable filing fee
- ☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
- ☐ Legal Description of parcel to be rezoned
- ☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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.

<u>Phillip A Troyer</u> (printed name of applicant)	<u></u> (signature of applicant)	<u>6-4-19</u> (date)
<u>Nghia Nguyen</u> (printed name of property owner)	<u></u> (signature of property owner)	<u>6-4-19</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

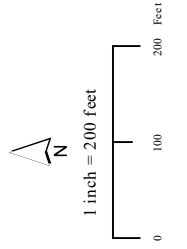
Received <u>6/4/19</u>	Receipt No. <u>130684</u>	Hearing Date <u>7-8-19</u>	Petition No. <u>REZ - 2019 - 6039</u>
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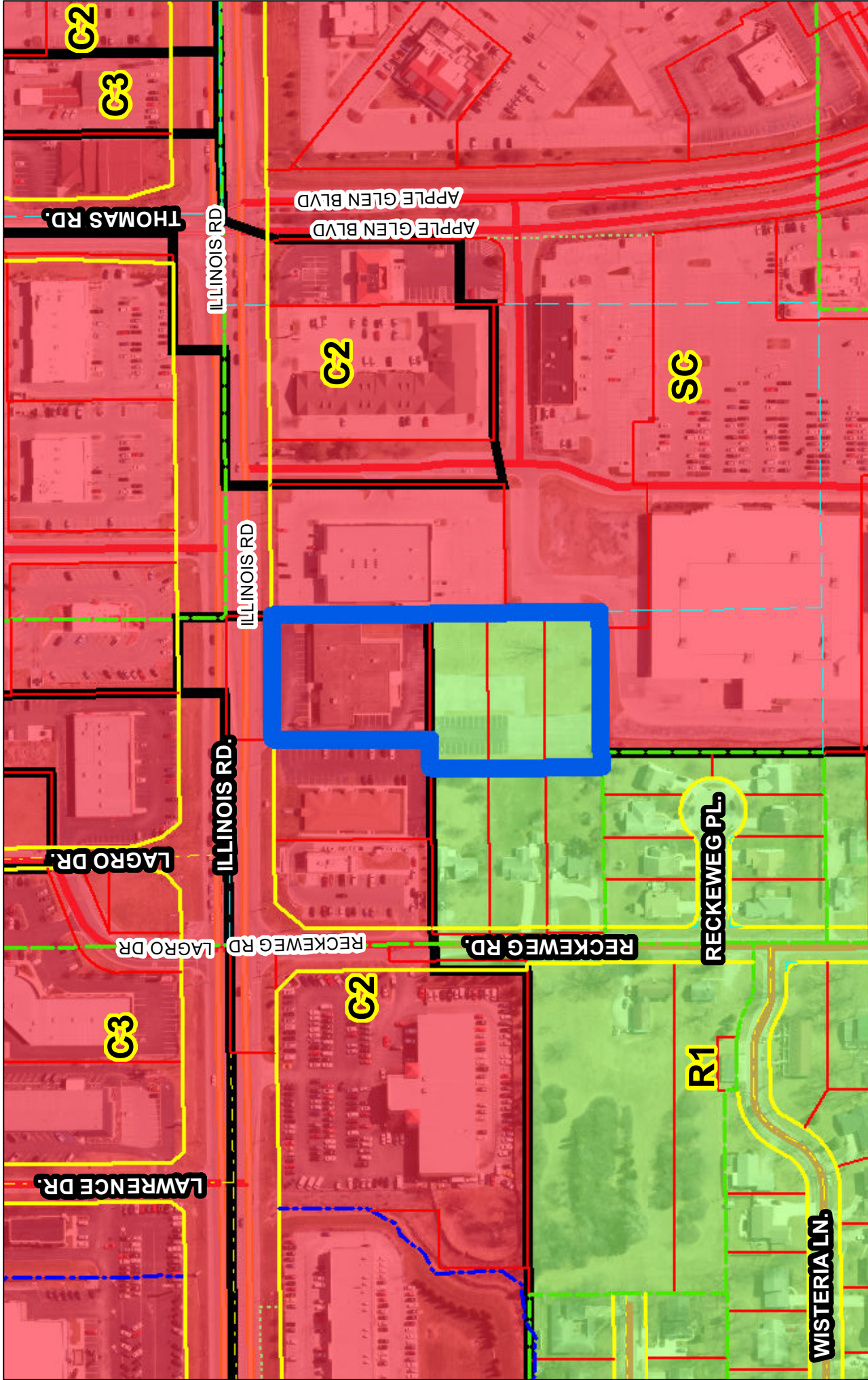
Rezoning Petition REZ-2019-0039 - 4809 Illinois Road



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.

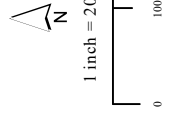
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 6/17/2019





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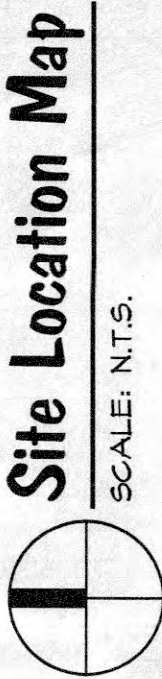
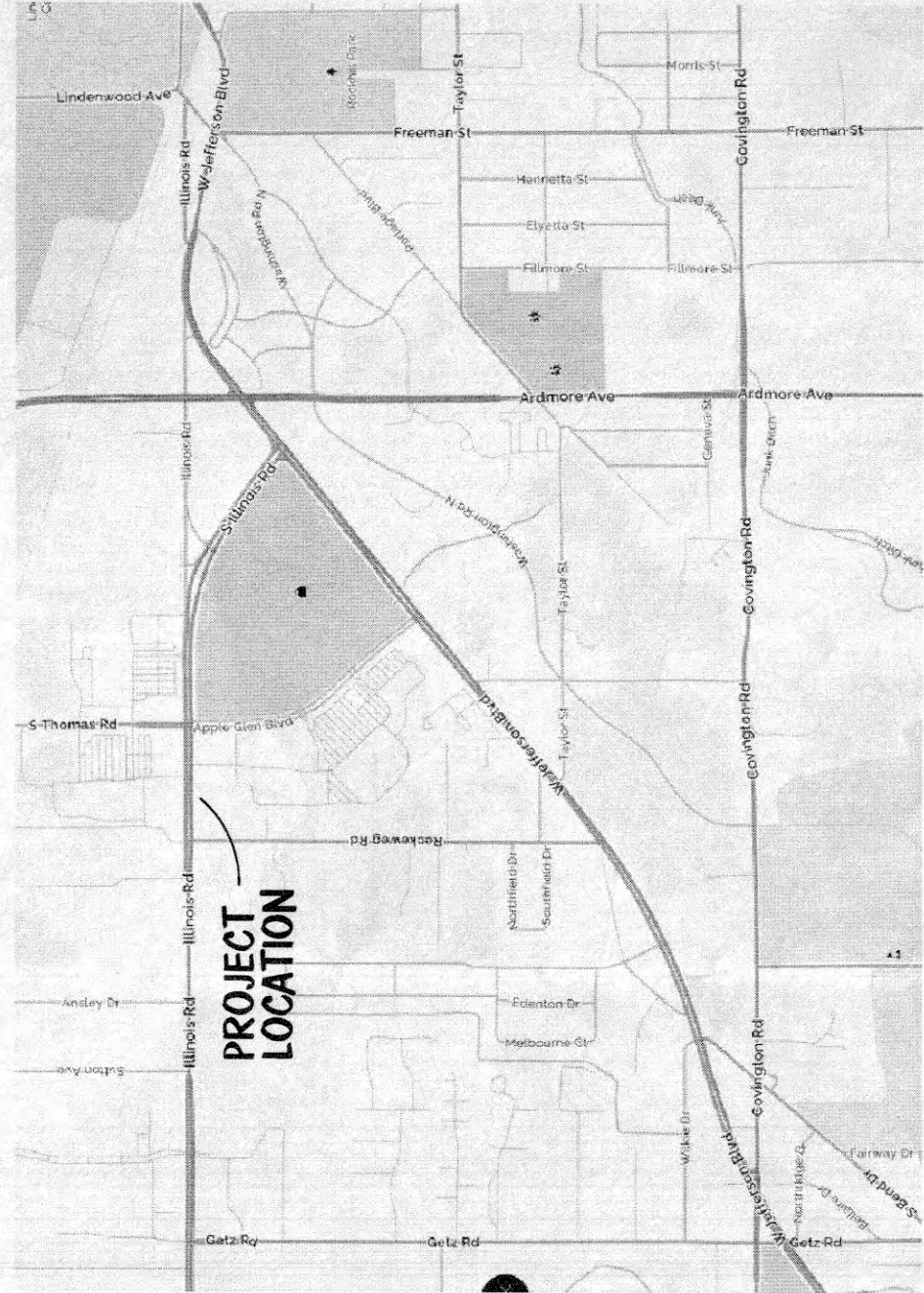


Annotation Legend

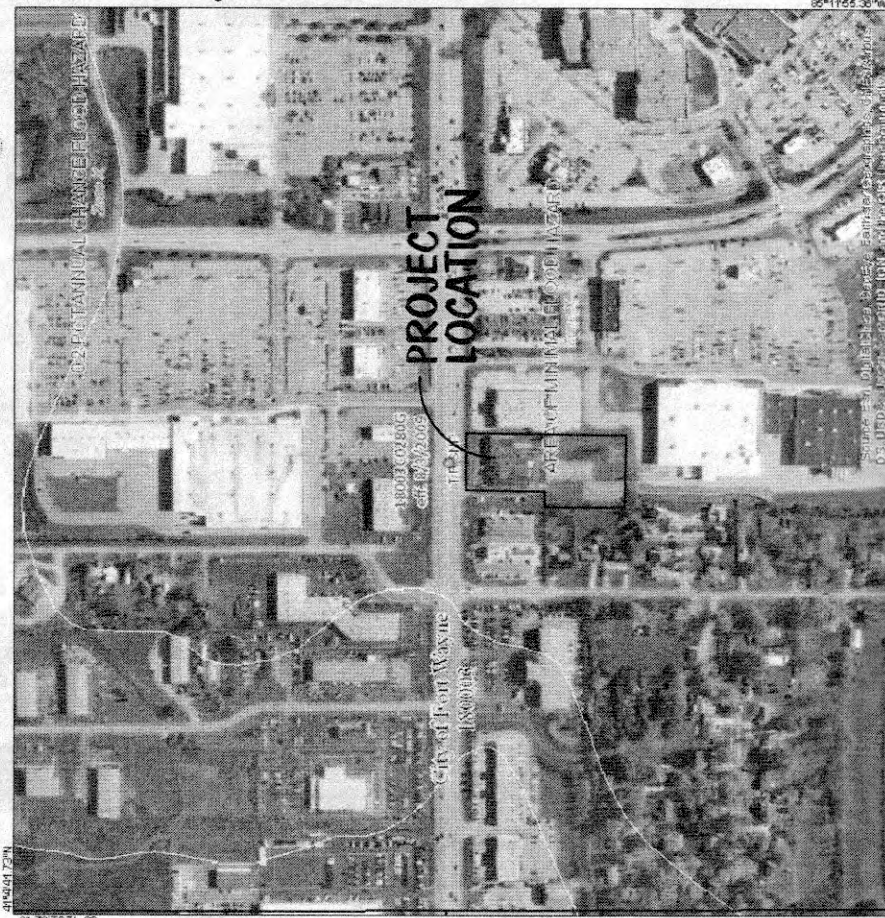
- P = PLATTED DIMENSION
- D = DEED DIMENSION
- M = MEASURED DIMENSION
- DR = DEED RECORD
- PR = PLAT RECORD
- DOC = DOCUMENT
- RC = REFERENCE CORNER
- CM = CONTROLLING MONUMENT
- FM = FENCE
- FFTF = FARM FIELD TYPE FENCE
- CL = CENTERLINE OF ROADWAY
- RLM = RIGHT OF WAY LINE
- POC = POINT OF BEGINNING
- POG = POINT OF BEGINNING
- SPC = INDIANA STATE PLANE ZONE EAST COORDINATES
- OR = MONUMENT
- ON = MONUMENT

MONUMENT LEGEND

- A - 5/8" BY 2 1/2" REBAR WITH FORESIGHT CONSULTING, LLC - BOUNDARY IDENTIFICATION
- B - SURVEY MARKER NAIL WITH FORESIGHT CONSULTING, LLC IDENTIFICATION MASHES SET
- C - 3/4" IDENTIFICATION CAP FOUND
- D - 1/2" IDENTIFICATION CAP FOUND
- E - 1/2" REBAR FOUND
- F - 1/2" REBAR FOUND
- G - 1/2" REBAR FOUND
- H - 1/2" REBAR FOUND
- I - PIPE FOUND
- J - FINCH PIPE FOUND
- K - MONUMENT FOUND
- L - STANDARD CONCRETE RIGHT OF WAY
- M - MAG NAIL FOUND



National Flood Hazard Layer FIRMette



This is an original design created by Foresight Consulting, LLC. Foresight Consulting, LLC. None of the concepts, ideas, plans or details shall be used by or disclosed to any person, firm or corporation for any purpose without the prior written permission of Foresight Consulting, LLC. The contractor shall be responsible for the accuracy of the drawings and shall have precedence over the verbal dimensions. The contractor shall verify and be responsible for all dimensions and conditions on the job and Foresight Consulting, LLC must be notified of any discrepancies immediately. Shop drawings shall be submitted to Foresight Consulting, LLC for approval before construction.

Performed for:

ALTA/NSPS SURVEY FOR:
Part of Lot 10 in Samuel Edsall's
Subdivision of Lago Reserve
4809 Illinois Road, Fort Wayne, Indiana 46804

Drawing Revisions

Commission Number	182271
Date	July 13th, 2018
Title	
Sheet Number	S1.1
	SHEET 1 OF 2

REAL ESTATE DESCRIPTION (PER TITLE COMMITMENT)

PARCEL I:
THE EAST 195 FEET OF THE NORTH FIVE HUNDRED SEVENTY-FIVE (575) FEET, EXCEPT THE SOUTH TWO HUNDRED FIFTY-SEVEN (257) FEET, HETEROGENEOUS LOT OF LOT NUMBER TEN (10) IN SAMUEL EDSELL'S SUBDIVISION OF LAGO RESERVE IN SECTION EIGHT (8), TOWNSHIP THIRTY (30) NORTH, RANGE TWELVE (12) EAST, ALLEN COUNTY, INDIANA.

PARCEL II:
THE EAST 240 FEET OF THE NORTH 861 FEET OF THE SOUTH 2514 FEET OF THE NORTH 525 FEET OF LOT NO. 10 IN SAMUEL EDSELL'S SUBDIVISION OF LAGO RESERVE, IN SECTION 8, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA.

PARCEL III:
THE EAST 240 FEET OF THE SOUTH 1118 FEET, EXCEPT THE SOUTH 832 FEET OF THE NORTH 525 FEET OF LOT NO. 10 IN SAMUEL EDSELL'S SUBDIVISION OF LAGO RESERVE IN SECTION 8, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA.

PARCEL IV:
THE EAST 240 FEET OF THE SOUTH 832 FEET OF THE SOUTH 2514 FEET OF THE NORTH 525 FEET OF LOT NUMBER TEN (10) IN SAMUEL EDSELL'S SUBDIVISION OF LAGO RESERVE, IN SECTION 8, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA.

Professional Surveyor's Certification

TO: CALI LLC, HAA LLC, METROPOLITAN TITLE OF INDIANA, LLC, FIRST AMERICAN TITLE INSURANCE COMPANY AND FIRST BANK OF INDIANA.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAT REPRESENTS A SURVEY CONDUCTED UNDER MY SUPERVISION IN ACCORDANCE WITH TITLE 36B IAC, ARTICLE 1, RULE 12, SECTIONS 1 THROUGH 30 FOR AN SURVEY CLASSIFICATION REINFORCEMENT SURVEY.

COMMISSION NUMBER: 182271
SURVEYED FOR: CALI, LLC

DATES OF FIELDWORK: JUNE 12TH & 15TH, 2018
IN WITNESS WHEREOF, I HERETO PLACE MY HAND AND SEAL THIS 15TH DAY OF JULY, 2018.

CERTIFICATION AND DECLARATION IS MADE TO THE ORIGINAL PLAT, THIS PLAT IS NOT TRANSFERABLE TO ANY OTHER INSTITUTION OR SUBSEQUENT OWNERS. THIS PLAT IS THE ORIGINAL PLAT AND THE ORIGINAL OR ELECTRONIC SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE AND COMPLETE WITH ALL PAGES OF THE SURVEY DOCUMENTS.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN REASONABLE CARE TO PREPARE THIS SURVEY ACCURATELY AND IN ACCORDANCE WITH THE REQUIREMENTS OF THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Todd R. Bauer, PS No. 29800007
tobae@tbbi.biz



ALTA/NSPS Land Title Survey

SCALE: 1" = 60'

