

# City of Fort Wayne Common Council

## DIGEST SHEET

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### Department of Planning Services

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2019-0042  
Bill Number: Z-19-06-19  
Council District: 2-Russ Jehl

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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

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Synopsis of Ordinance: To rezone approximately 4.0 acres from NC/Neighborhood Center to C3/General Commercial.

Location: 7601 (west of)

Reason for Request: To develop the property with a self-storage facility.

Applicant: Samuel E. Schwartz, Jr.

Property Owner: Show-Me Properties, LLC

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Related Petitions: Primary Development Plan, Schwartz Self Storage

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Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will allow a storage facility.

Effect of Non-Passage: The majority of the property will remain zoned as a neighborhood shopping center and may development with commercial and retail uses.

**#REZ-2019-0042**

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

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. U-46 (Sec. 9 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 C3 (General  
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort  
Wayne, Indiana:

**Tract 1**

The land referred to in this Commitment, situated in the County of Allen, State of Indiana, is  
described as follows:

A part of the Southeast Quarter of Section 9, Township 31 North, Range 13 East, St.  
Joseph Township, Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 9, Township 31  
North, Range 13 East, St. Joseph Township, Allen County, Indiana; thence South 89  
degrees 44 minutes 12 seconds West (assumed bearing and basis for this description) on  
the South line of said Southeast Quarter, a distance of 740.53 feet to the Southeast corner  
of a tract of land conveyed to Fort Wayne Fire Station Building Corp. in Document Number  
93-60342 as found in the Office of the Recorder of Allen County, Fort Wayne, Indiana;  
thence North 00 degrees 50 minutes 48 seconds West, on the East line of said Fort  
Wayne Fire Station Building Corp. tract, a distance of 315.00 feet to a 5/8" rebar (capped  
FIRM #0027) found monumenting Southeast corner of a 1.343 Acres tract of land  
conveyed to Maplecrest Corners Association, Inc. in Document Number 202097906 as  
found in said Recorder's Office; thence North 00 degrees 30 minutes 27 seconds West, on  
the East line of said 1.343 Acres Maplecrest Corners Association, Inc. tract, a distance of  
204.73 feet to a 5/8" rebar (capped Karst #0073) at the POINT OF BEGINNING for this  
description; thence continuing North 00 degrees 30 minutes 27 seconds West on the East  
line of said 1.343 Acres Maplecrest Corners Association, Inc. tract, a distance of 270.34  
feet to corner on the Easterly line of Lot #77 in Concord Hills Section II as found in Plat  
Book 42, Pages 124-128 as found in said Recorder's Office; thence North 06 degrees 38  
minutes 04 seconds West, on said East line of said Lot #77, a distance of 27.58 feet to a  
5/8" rebar (capped Karst #0073); thence North 89 degrees 44 minutes 12 seconds East,  
parallel with the South line of said Southeast Quarter, a distance of 323.82 feet to a 5/8"  
rebar (capped Karst #0073) on the West line of a 0.909 Acres tract of land (also being a  
50' Ingress-Egress & Utility Easement) conveyed to Maplecrest Corners Association, Inc.  
in Document Number 2010021467 as found in said Recorder's Office; thence South 00

degrees 15 minutes 48 seconds East on said West line, a distance of 297.74 feet to a 5/8" rebar found monumenting the Northeast corner of a 1.500 acre tract in Document Number 2015039803 as found in said Recorder's Office; thence South 89 degrees 44 minutes 12 seconds West along the North line of said 1.500 acre tract and parallel with said South line of said Southeast Quarter, a distance of 319.61 feet to the Point of Beginning, said in previous deed to contain 2.190 Acres, more or less.

ALSO;

A 50' ingress-egress & utility easement benefiting the above described tract of land as found in Document Number 205081665 and originally being recorded in Document Number 990076540 as found in the Office of the Recorder of Allen County, Fort Wayne, Indiana.

ALSO;

A 50' ingress-egress & utility easement benefiting the above described tract of land as found in Document Number 2010021467 as found in the Office of the Recorder of Allen County, Fort Wayne, Indiana.

## **Tract 2**

Land situated in the County of Allen, State of Indiana, is described as follows:

Part of the Southeast Quarter of Section 9, Township 31 North, Range 13 East, Allen County, Indiana.

EXCEPTING THEREFROM

A part of the Southeast Quarter of Section 9, Township 31 North, Range 13 East, St. Joseph Township, Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 9, Township 31 North, Range 13 East, St. Joseph Township, Allen County, Indiana; thence South 89°44'12" West (assumed bearing and basis for this description) on the South line of said Southeast Quarter, a distance of 740.53 feet to the Southeast corner of a tract of land conveyed to Fort Wayne Fire Station Building Corp. in Document Number 93-60342 as found in the Office of the Recorder of Allen County, Fort Wayne, Indiana; thence North 00°50'48" West on the East line of said Fort Wayne Fire Station Building Corp. tract, a distance of 315.00 feet to a 5/8" rebar (capped FIRM #0027) found monumenting the Southeast corner of a 1.343 acre tract of land conveyed to Maplecrest Corners Association, Inc. in Document Number 202097906 as found in said Recorder's Office, said corner being the POINT OF BEGINNING for this description; thence North 00°30'27" West, on the East line of said 1.343 acre Maplecrest Corners Association, Inc. tract, a distance of 204.73 feet to a 5/8" rebar (capped Karst #0073); thence North 89°44'12" East, parallel with the South line of said Southeast Quarter, a distance of 319.61 feet to a 5/8" rebar (capped Karst #0073) on the West line of a 0.909 acre tract of land (also being a 50' Ingress-Egress & Utility Easement) conveyed to Maplecrest Corners Association, Inc. in Document Number 2010021467 as found in said Recorder's Office; thence South 00°15'48" East on said West line, a distance of 204.73 feet to a 5/8" rebar found monumenting the Northeast corner of a 1.881 acre tract of land conveyed to Fifth Third Bank Indiana (Central) in Document Number 202107483 as found in said Recorder's Office; thence South 89°44'12" West, parallel with said South line of said Southeast Quarter and on the North line of said 1.881 acre tract, a distance

1 of 318.74 feet to the Point of Beginning, said in survey to contain 1.500 acres, more or  
2 less.

3 and the symbols of the City of Fort Wayne Zoning Map No. U-46 (Sec. 9 of St. Joseph  
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.

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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

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17 APPROVED AS TO FORM AND LEGALITY:

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19 Carol T. Helton, City Attorney  
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**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
Applicant Samuel E. Schwartz, Jr.  
Address 15802 PAHMENT RD  
City Northwest State IN Zip 46804  
Telephone 609 9048 E-mail \_\_\_\_\_

**Contact Person**  
Contact Person Robert C. Kruger, Esq.  
Address 200 East Main Street, Ste. 1000  
City Fort Wayne State IN Zip 46804  
Telephone 260-426-1300 E-mail rkruger@burtblee.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 7601 Maplecrest Road/6100 Topsfield Lane  
Present Zoning NC/R3 Proposed Zoning C3 Acreage to be rezoned 4.0  
Proposed density \_\_\_\_\_ units per acre  
Township name St. Joseph Township section # 9  
Purpose of rezoning (attach additional page if necessary) To allow for development of self-storage (mini-warehousing)  
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.

Samuel S. Schwartz, Jr. Samuel S. Schwartz, Jr. 6-4-19  
(printed name of applicant) (signature of applicant) (date)  
Show-Me Properties, LLC By: David E. Cole 6/4/19  
(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	Receipt No.	Hearing Date	Petition No.
<u>6-4-19</u>		<u>7-8-19</u>	<u>Re2-2019-0042</u>

Department of Planning Services  
Rezoning Petition Application

Applicant: Samuel S. Schwartz, Jr.  
Address: 15885 Parkway Dr  
City: West Haven State: CT Zip: 06794  
Telephone: 8609648 (Home)

Contact Person: Robert C. Kruger, Esq.  
Address: 300 East Main Street, Ste. 1000  
City: Fort Wayne State: IN Zip: 46804  
Telephone: 260-426-1300 E-mail: Rkruger@blairhise.com

All 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: 7601 Maplecrest Road  
Present Zoning: RG Proposed Zoning: C3 Average lot size: 1.2 acres per acre  
Proposed density: \_\_\_\_\_  
Township name: St. Joseph Township section: 9  
Purpose of rezoning (attach additional page if necessary): To allow for development of self-storage (multi-unit housing)  
Sewer provider: FWCU Water provider: FWCU

Requirements: Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to the list for applicable filing fees and procedures for additional requirements.  
☐ Applicable filing fee  
☐ Applicable number of surveys showing area to be rezoned (see map for details)  
☐ Legal description of parcel to be rezoned  
☐ Recording Questionnaire (original and 10 copies) County Recording Fee

I hereby understand and agree upon payment and submission of this application that I agree to the payment of fees for 10 percent of the property described in this application, that I agree to study to all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Planning Commission to their provisions, procedures and policies related to the handling and disposition of this application, that the above information is true and correct to the best of my knowledge and belief, that I agree to pay Allen County the cost of surveying the requested rezoned parcels at the rate of \$40 per acre or a minimum fee of \$100.00 per parcel, and

Samuel S. Schwartz, Jr. Sam F Schwartz Jr. 6-4-19  
(printed name of applicant) (signature of applicant) (date)  
Scott C. Boyd Scott C Boyd 6/4/19  
(printed name of property owner) (signature of property owner) (date)  
Tania G. Boyd Tania G Boyd 6/4/19  
(printed name of property owner) (signature of property owner) (date)  
(printed name of property owner) (signature of property owner) (date)

Received	Package Fee	Recording Fee	Filing Fee
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CERTIFICATE OF SURVEY

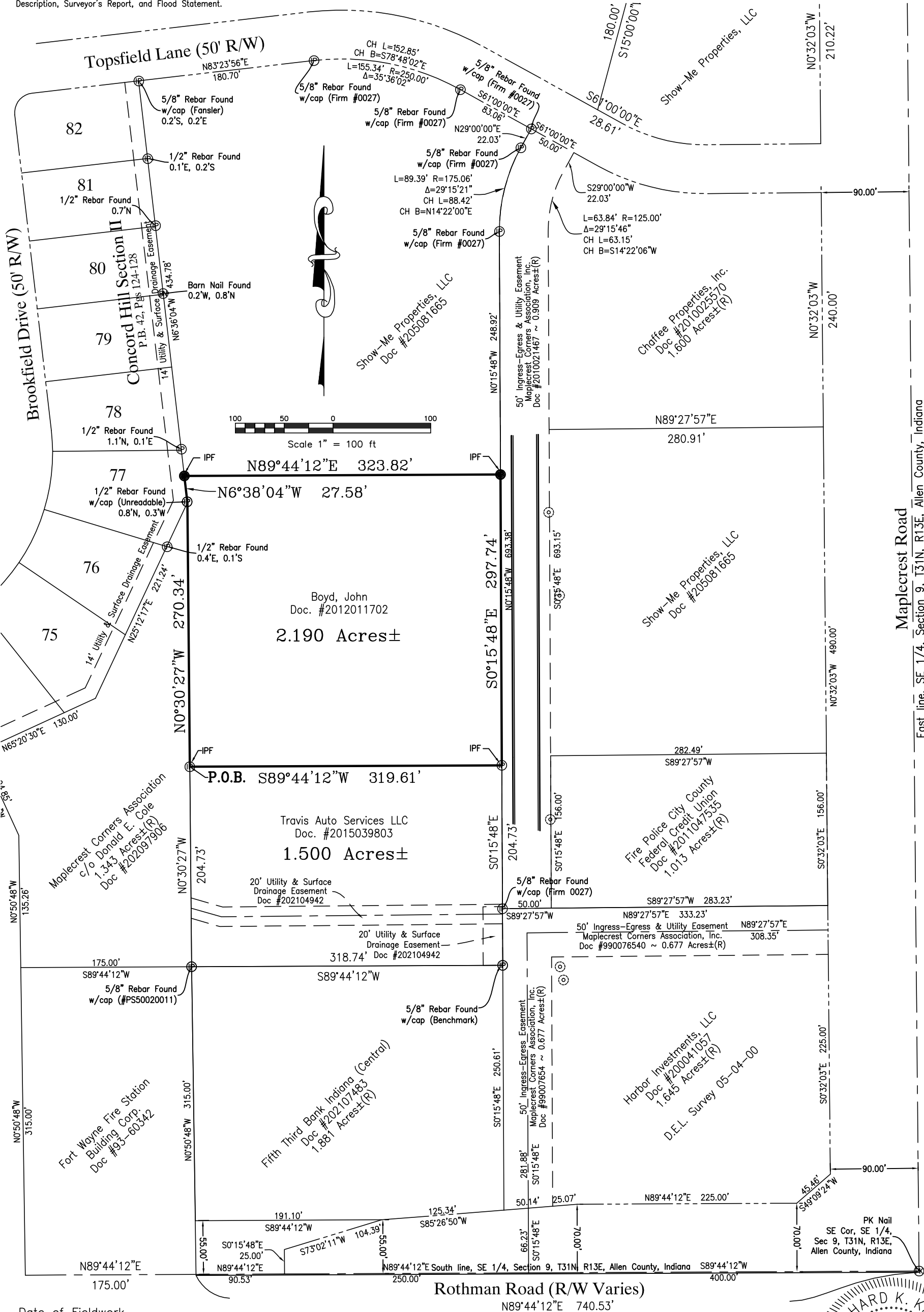
P.O Box 241  
Huntertown, IN 46743  
Phone: (260) 426-3336  
Fax: (260) 426-3337



Karst Surveying  
Services, Inc.

RICHARD K. KARST, PLS No. LS80040561

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made and monuments perpetuated as shown, in conformity with the record thereof in the Office of the Recorder of Allen County, Indiana. No encroachments existed, except as noted. The description of the real estate is as follows, to wit: See Attach Sheet for Legal Description, Surveyor's Report, and Flood Statement.

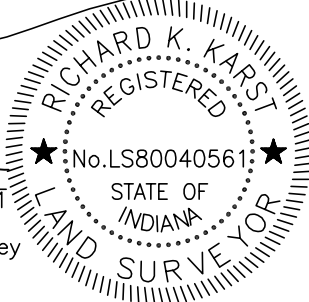


Date of Fieldwork  
March, 2015  
Job No. 12014461  
For: John Boyd

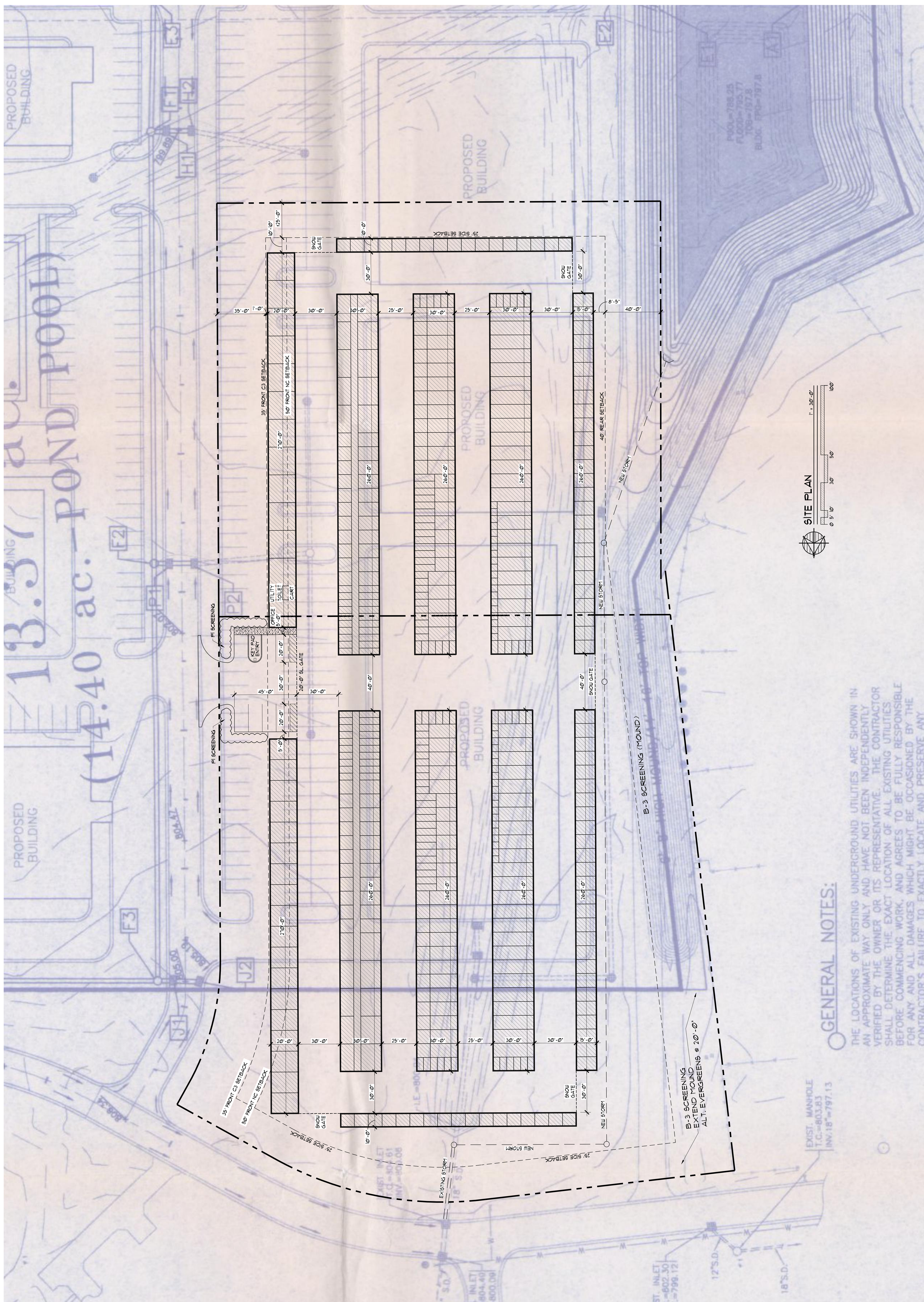
IN WITNESS WHEREOF, I hereunto place my hand and  
seal this 18th day of March, 2016.  
Revised: March 21, 2016

*Richard K. Karst*  
Richard K. Karst, PLS NO. 80040561

I hereby certify that to the best of my knowledge and belief this plat represents a survey  
conducted under my supervision in accordance with Title 865 IAC 1-12-1 thru 30.











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.

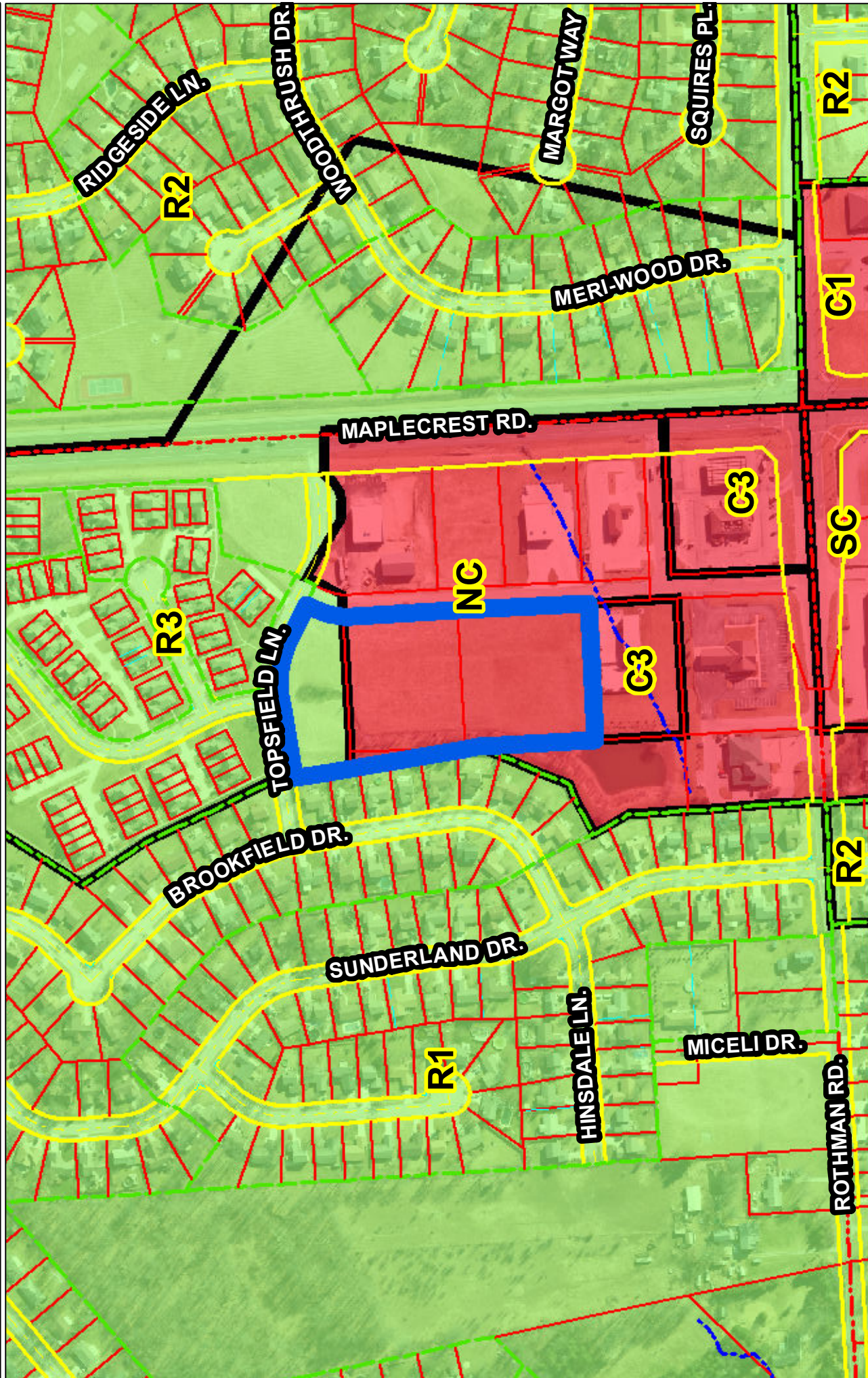
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 6/17/2019



1 inch = 300 feet







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North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 6/17/2019



1 inch = 300 feet

