

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0059
Bill Number: Z-19-09-09
Council District: 3-Tom Didier

Introduction Date: September 24, 2019

Plan Commission
Public Hearing Date: October 7, 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 2.22 acres from C1/Professional Office and Personal Services to C2/Limited Retail.

Location: NW corner of Twin Creeks Drive and Winnsboro Pass

Reason for Request: To allow for retail development

Applicant: Colonial Heights, LLC

Property Owner: Colonial Heights, LLC

Related Petitions: Primary Development Plan, Shoppes at Windsor Village

Effect of Passage: Property will be rezoned to the C2/Limited Retail district to allow for retail shops and services on one lot within the Windsor Village commercial development.

Effect of Non-Passage: The portion of the property will remain zoned C1/Professional Office and Personal Services and may develop with those permitted uses, but not with retail development.

#REZ-2019-0059

BILL NO. Z-19-09-09

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-66 (Sec. 32 of Perry 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 C2 (Limited
Retail) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

A portion of the 9.30 acre tract of land conveyed to Colonial Heights, LLC in
Document Number 2016047409, being a part of the South Half of the Northwest
Quarter of Section 32, Township 32 North, Range 12 East, Allen County, Indiana,
more particularly described as follows:

BEGINNING at the Southwest corner of the 9.30 acre tract of land described in
Document No. 2016047409, this point being the intersection of the Northerly right-
of-way line of Winnsboro Pass and the Easterly right-of-way line of Lima Road
(State Road #3) and also being a Westerly corner of Windsor Woods, Section V, as
recorded in Plat Cabinet "B", page 106 in the Office of the Recorder of Allen County,
Indiana; thence North 01 degrees 09 minutes 30 seconds West (deed bearing and
is used as the basis for the bearings in this description) along the Westerly line of
said 9.30 acre tract, being the Easterly right-of-way line of Lima Road (State Road
#3) as established by Indiana Project "S" 419(4) 1959, a distance of 271.00 feet;
thence North 88 degrees 53 minutes 00 seconds East, a distance of 281.81 feet to
the Westerly right-of-way line of Twin Creeks Drive; thence Southeasterly, along
said Westerly right-of-way as defined by a curve to the left having a radius of 350.00
feet, not tangent to the last course, an arc distance of 143.74 feet, being subtended
by a chord having a length of 142.74 feet and a bearing of South 23 degrees 51
minutes 39 seconds East to the point of tangency; thence South 35 degrees 37
minutes 35 seconds East, continuing along said Westerly right-of-way, a distance of
109.48 feet to the point of curvature of a curve to the right having a radius of 125.00
feet; thence Southeasterly, continuing along said Westerly right-of-way, along the
arc of said curve, an arc distance of 48.42 feet, being subtended by a chord having
a length of 48.12 feet and a bearing of South 24 degrees 31 minutes 46 seconds
East; thence South 40 degrees 10 minutes 34 seconds West, not tangent to the last
course, continuing along said Westerly right-of-way, a distance of 33.54 feet to the
Southwest corner of said Twin Creeks Drive, this being a point on the aforesaid
Northerly right-of-way line of Winnsboro Pass; thence South 88 degrees 02 minutes
45 seconds West, along said Northerly right-of-way, a distance of 12.00 feet; thence
South 88 degrees 11 minutes 00 seconds West, continuing along said Northerly

1 right-of-way, a distance of 79.11 feet; thence North 79 degrees 07 minutes 00
2 seconds West, continuing along said Northerly right-of-way, a distance of 48.48 feet
3 to the point of curvature of a curve to the left having a radius of 515.72 feet; thence
4 Northwesterly, continuing along said Northerly right-of-way, along the arc of said
5 curve, an arc distance of 108.01 feet, being subtended by a chord having a length of
6 107.81 feet and a bearing of North 85 degrees 07 minutes 00 seconds West to the
7 point of tangency; thence South 88 degrees 53 minutes 00 seconds West,
8 continuing along said Northerly right-of-way line, a distance of 150.08 feet (platted
9 150.0 feet) to the Point of Beginning, containing 2.22 acres of land, more or less,
10 and subject to and/or together with all easements of record.

11
12 and the symbols of the City of Fort Wayne Zoning Map No. K-66 (Sec. 32 Perry Township),
13 as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana
14 is hereby changed accordingly.

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

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

21
22 _____
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 Colonial Heights, LLC
Address 10104 Woodland Plaza Cv
City Fort Wayne State IN Zip 46825
Telephone 260-497-7875 E-mail zohrabt@tazian.com

Contact Person
Contact Person Zohrab Tazian
Address 10104 Woodland Plaza Cv
City Fort Wayne State IN Zip 46825
Telephone 260-497-7875 E-mail zohrabt@tazian.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 NW corner Twin Creeks Drive & Winnsboro Pass
Present Zoning C1 Proposed Zoning C2 Acreage to be rezoned 2.22
Proposed density N/A units per acre
Township name Perry Township section # 32
Purpose of rezoning (attach additional page if necessary) allow the development of a 10,800 Square Foot retail building on 1.49 acres with out parcel of 0.73 acres
Sewer provider CoFW Water provider CoFW

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 CoFW

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.

Zohrab K. Tazian, Member
(printed name of applicant)

Zohrab K. Tazian
(signature of applicant)

8/28/2019
(date)

Colonial Heights, LLC
(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)

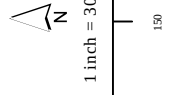
(date)

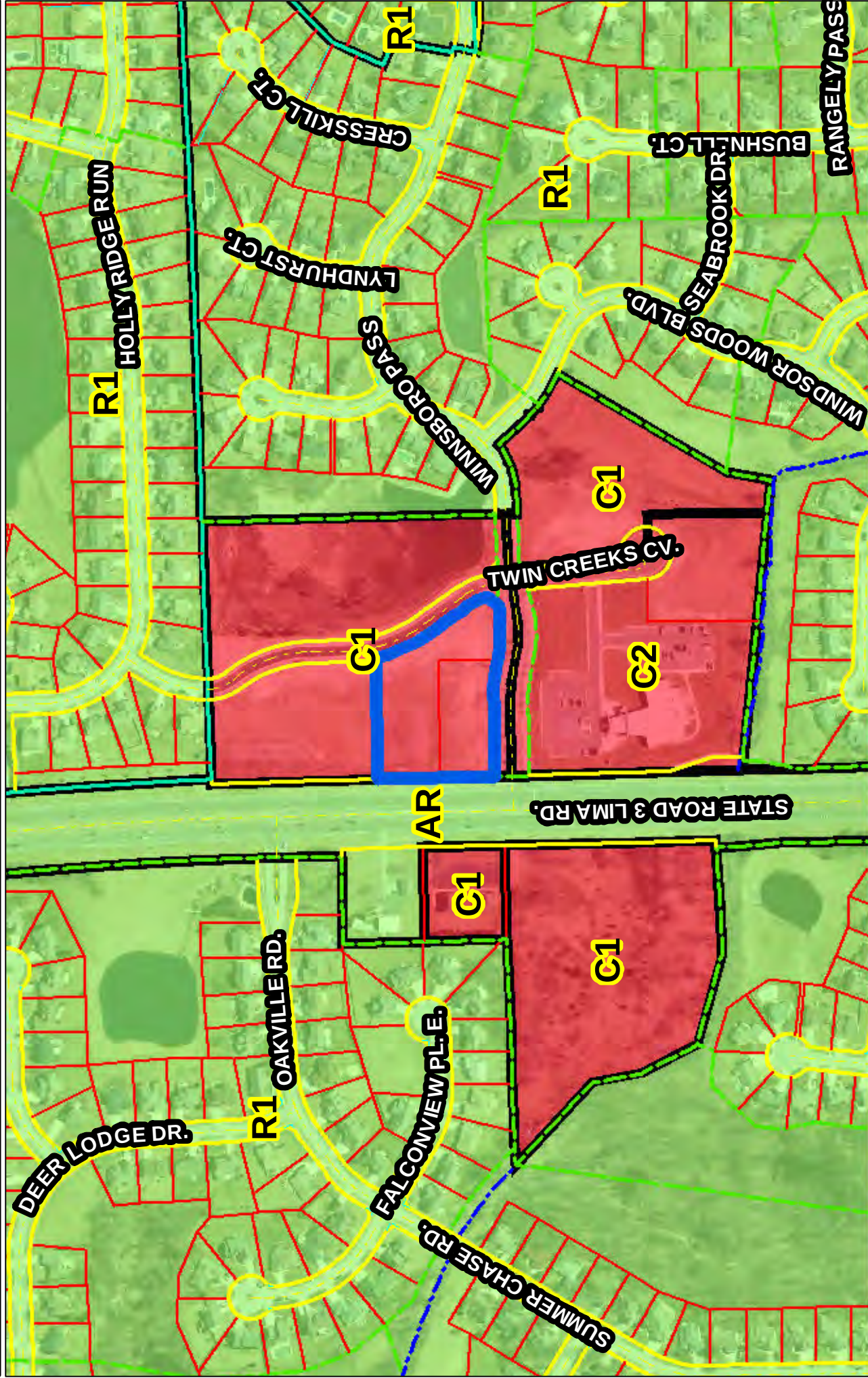
Received	Receipt No.	Hearing Date	Petition No.
<u>9/3/19</u>	<u>131802</u>	<u>9/19/19</u>	<u>RE2-2019-0059</u>



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 9/10/2019





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1 inch = 300 feet



