

1 **#REZ-2022-0034**

2 **BILL NO. Z-22-07-24**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. P-15 (Sec. 19 of Adams Township)**

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

9 SECTION 1. That the area described as follows is hereby designated a C1
10 (Professional Office and Personal Services) District under the terms of Chapter 157 Title XV
11 of the Code of the City of Fort Wayne, Indiana:

12 DESCRIPTION OF TRACT II, remainder Parcel B

13 Part of Block 4 and a vacated cul-de-sac in Anthony Wayne Village Subdivision in
14 the City of Fort Wayne, Indiana, recorded in Plat Record 16, page 136 and 137 and
 found in the Office of the Recorder of Allen County, Indiana, more particularly
 described as follows:

15 Commencing at the intersection of the south right of way line of McKinnie Avenue
16 with the East line of Block 7 in said Anthony Wayne Village, said point being
17 located 5.00 feet South 00 degrees 52 minutes 30 seconds West of the Northeast
18 corner of said Block 7; thence South 87 degrees 21 minutes 03 seconds West
19 (bearing based on the State Plane Coordinate System (NAD83)(2011), Indiana East
20 zone), on said south right of way line, a distance of 1304.71 feet to the west right of
21 way line of Joshua Lane (described as Tract 4 in Document 2021022589 in said
22 Recorder's Office) and the POINT OF BEGINNING; thence South 02 degrees 38
23 minutes 57 seconds East, on said west right of way line, a distance of 120.83 feet;
24 thence South 47 degrees 38 minutes 57 seconds East, on said west right of way line,
25 a distance of 4.24 feet; thence South 02 degrees 38 minutes 57 seconds East, on said
26 west right of way line, a distance of 284.06 feet; thence South 42 degrees 21 minutes
27 03 seconds West, on said west right of way line, a distance of 23.11 feet to the south
28 line of said Block 4 and the north right of way line of Werling Drive; thence on a
29 non-tangent curve to the left, on said north right of way line, having a radius of
30 650.00 feet, a length of 210.12 feet and a chord of 209.31 feet bearing South 72
 degrees 58 minutes 56 seconds West to a found 5/8 inch rebar capped
 "STRUCTUREPOINT #0094" marking the southeast corner of a 2.013 acre parcel
 of land described in Document 2017043544 in said Recorder's Office; thence North
 02 degrees 41 minutes 11 seconds West on the east line of said parcel of land, a
 distance of 120.15 feet; thence North 02 degrees 38 minutes 57 seconds West,
 continuing on said east line, a distance of 356.03 feet to the northeast corner of said
 parcel of land and the south right of way line of McKinnie Avenue; thence North 87

degrees 21 minutes 03 seconds East on said south right of way line, a distance of 216.08 feet to the point of beginning, containing 2.216 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. P-15 (Sec. 19 of Adams Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0034
Bill Number: Z-22-07-24
Council District: 6-Sharon Tucker

Introduction Date: July 26, 2022

Plan Commission
Public Hearing Date: July 11, 2022 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 2.2 acres from R3/Multiple Family Residential to C1/Professional Office and Personal Services.

Location: Southwest corner of McKinnie Avenue and Joshua Lane

Reason for Request: For approval of a childcare center, health provider and other office uses.

Applicant: House Investments

Property Owner: House Investments

Related Petitions: Primary Development Plan, Village Premier

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services, which will allow the currently vacant parcel to be developed with a neighborhood services for a new mixed-use development.

Effect of Non-Passage: The property will remain zoned partially zoned R3 and C1, and may develop as such. The proposed development requires additional C1 ground to provide the desired services.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant House Investments (Village Premier Project)
Address 11590 N. Meridian St. Ste 550
City Indianapolis State IN Zip 46032
Telephone (317) 413-9430 E-mail mgadus@houseinvestments.com

Contact Person
Contact Person Andrew Boxberger
Address 301 W. Jefferson Ste. 200
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9411 E-mail aboxberger@carsonllp.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 Plaza Dr. (See Survey)
Present Zoning C1 & R3 Proposed Zoning C1 & C2 Acreage to be rezoned See Attached
Proposed density See Attached Development Plan units per acre
Township name Adams Township section # 13
Purpose of rezoning (attach additional page if necessary) See Attached

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

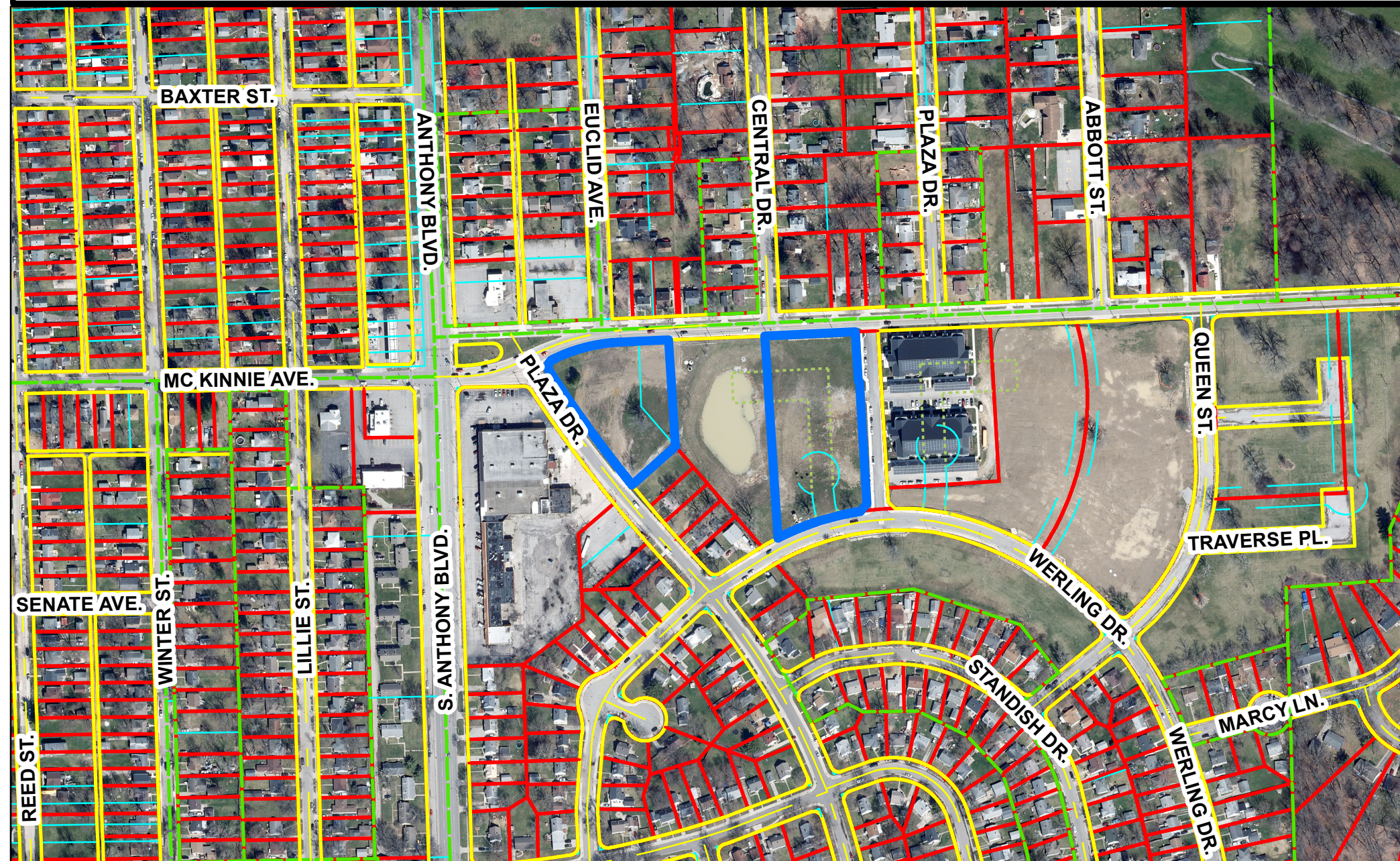
Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- ☒ 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.

Matthew S. Gadus (printed name of applicant)	Matthew S. Gadus (signature of applicant)	6/1/2022 (date)
<u>JONATHAN LEIST</u> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>6/7/22</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>6-7-22</u>	Receipt No. <u>140516</u>	Hearing Date <u>7-11-22</u>	Petition No. <u>REZ-2022-0034</u>
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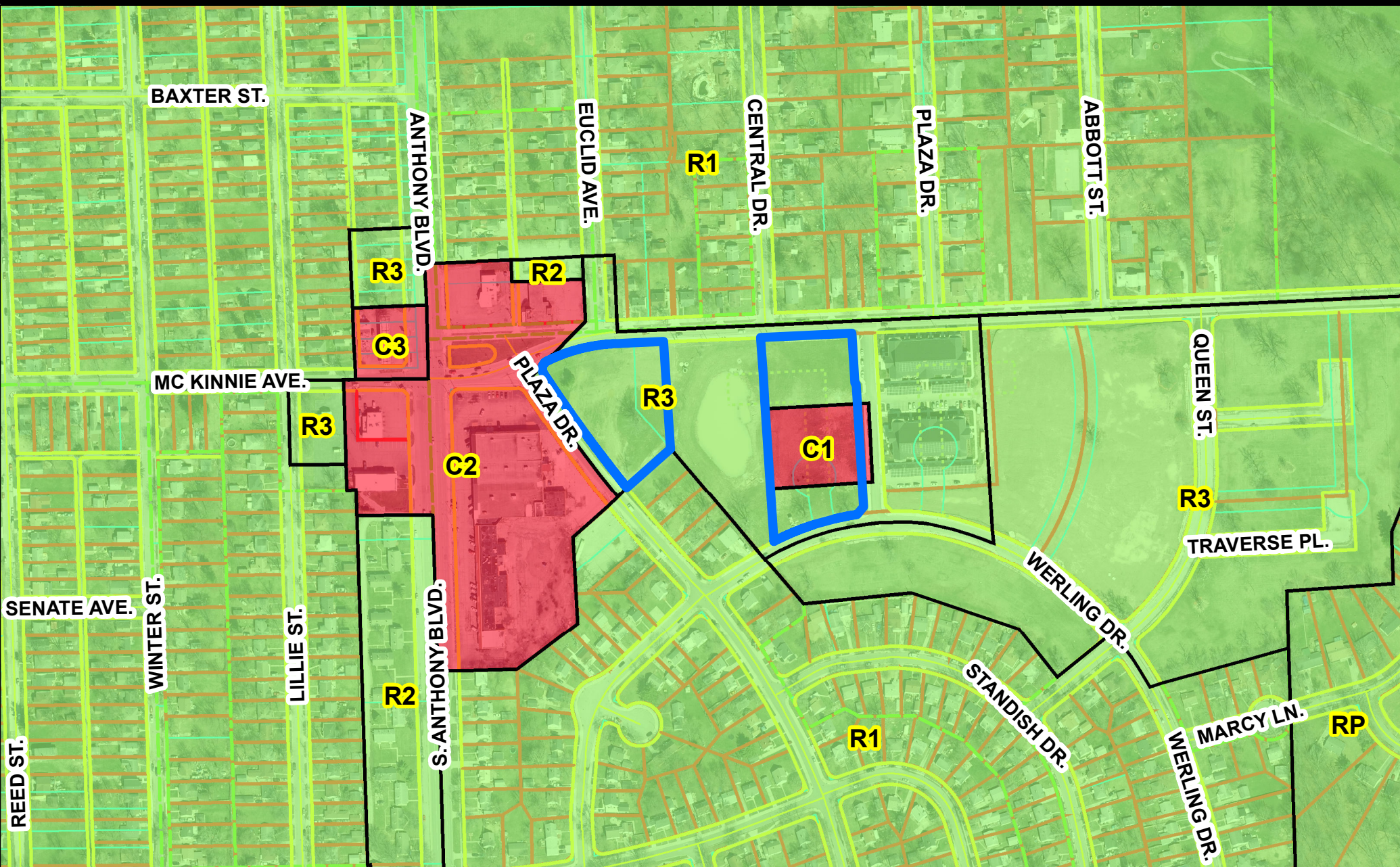
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 6/28/2022

0 50 100 Feet



1 inch = 300 feet



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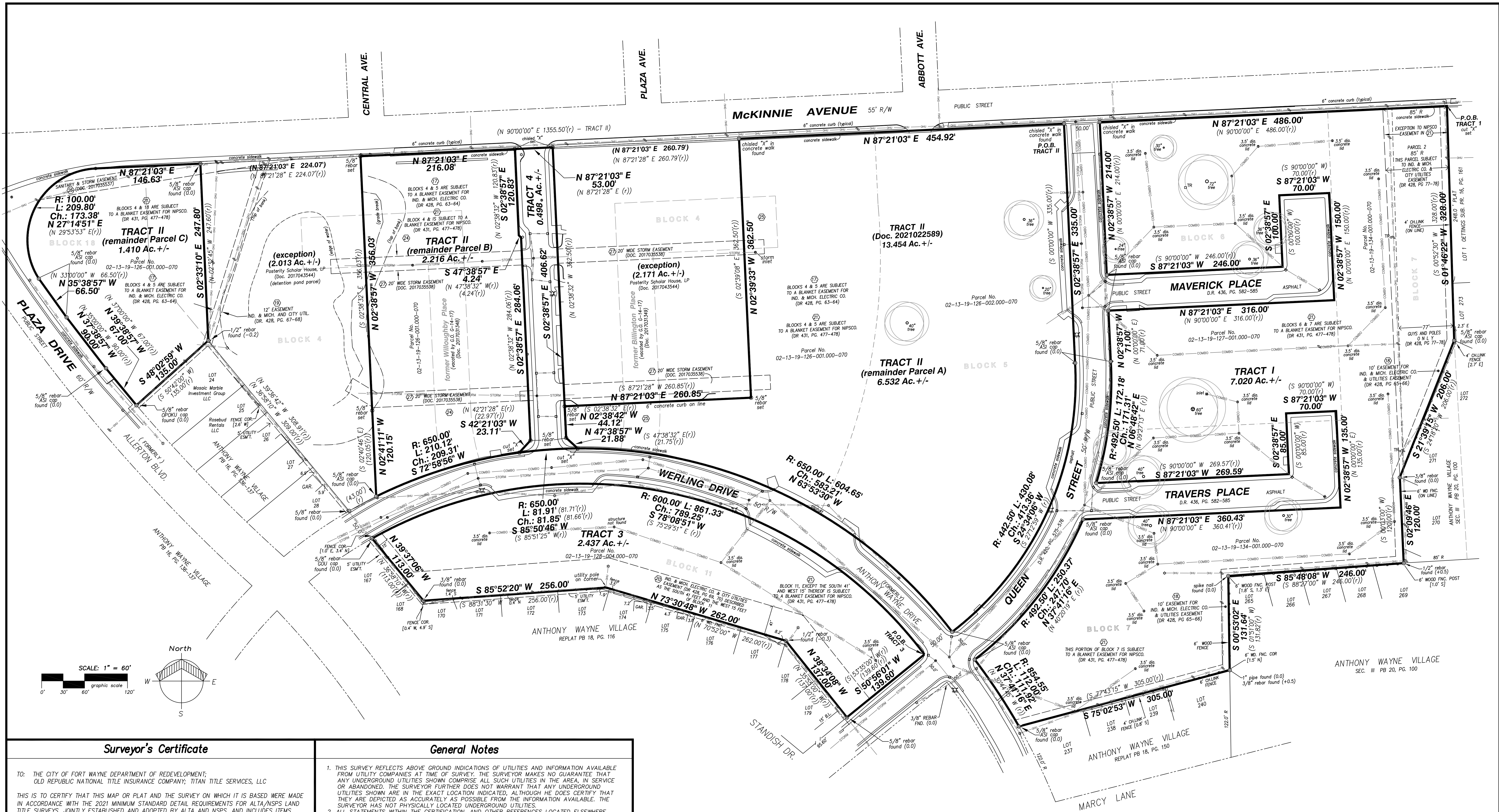
1 inch = 300 feet

Rezoning Petition Application

The purpose of the rezoning request is to facilitate the implementation of the attached development plan ("Development Plan") which is in conformance with the City's Southeast Strategy.

- Rezoning 2.216 acres (Tract II Remainder Parcel B on Survey) currently zoned C1 and R3 to entirely C1 zoning for the development of two commercial buildings on the site as shown on the Development Plan.





Surveyor's Certificate

TO: THE CITY OF FORT WAYNE DEPARTMENT OF REDEVELOPMENT;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; TITAN TITLE SERVICES, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6(b), 8, 11(b), 13, AND 16-20 OF TABLE A THEREOF.

THE INITIAL FIELD WORK WAS COMPLETED ON 09/30/2021.

DATE: 10/05/2021

[Signature]

REGISTERED SURVEYOR: TIMOTHY C. GOULOFF, L.S.
REGISTERED LAND SURVEYOR NO.: 29500017

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." (Timothy Gouloff)

REVISION	DATE	COMMENT	REVISION	DATE	COMMENT

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 COMPRISE ALL SUCH UTILITIES IN THE AREA, IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE THE ONLY UTILITIES LOCATED THEREIN, ALTHOUGH HE DOES CERTIFY THAT THEY ARE DEPICTED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.
2. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT, ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
3. THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2021 ALTA/NSPS SURVEY REQUIREMENTS.
4. THERE IS NO OBSERVABLE EVIDENCE OF GROUND MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
5. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
6. THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
7. THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS UNLESS OTHERWISE DEPICTED AND/OR DESCRIBED HEREON.
8. ZONING INFORMATION OR REPORT WAS NOT PROVIDED TO THE SURVEYOR BY THE CLIENT.
9. NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE PUBLIC RECORDS, INDICATION. NO OBSERVABLE EVIDENCE OF RECENT STREET SIDEWALK CONSTRUCTION, OR REPAIR.
10. NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A STATE OF INDIANA REGISTERED LAND SURVEYOR. ADDITIONS TO OR DELETION FROM THIS SURVEY DRAWING IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE HEREON SIGNED REGISTERED LAND SURVEYOR.
11. NO ATTEMPT WAS MADE TO DETERMINE WETLANDS OR OTHER ENVIRONMENTAL ISSUES, UNLESS OTHERWISE NOTED.

ALTA / NSPS Land Title Survey

Property Address:
4209 Plaza Drive, Fort Wayne, IN 46806



**GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.**

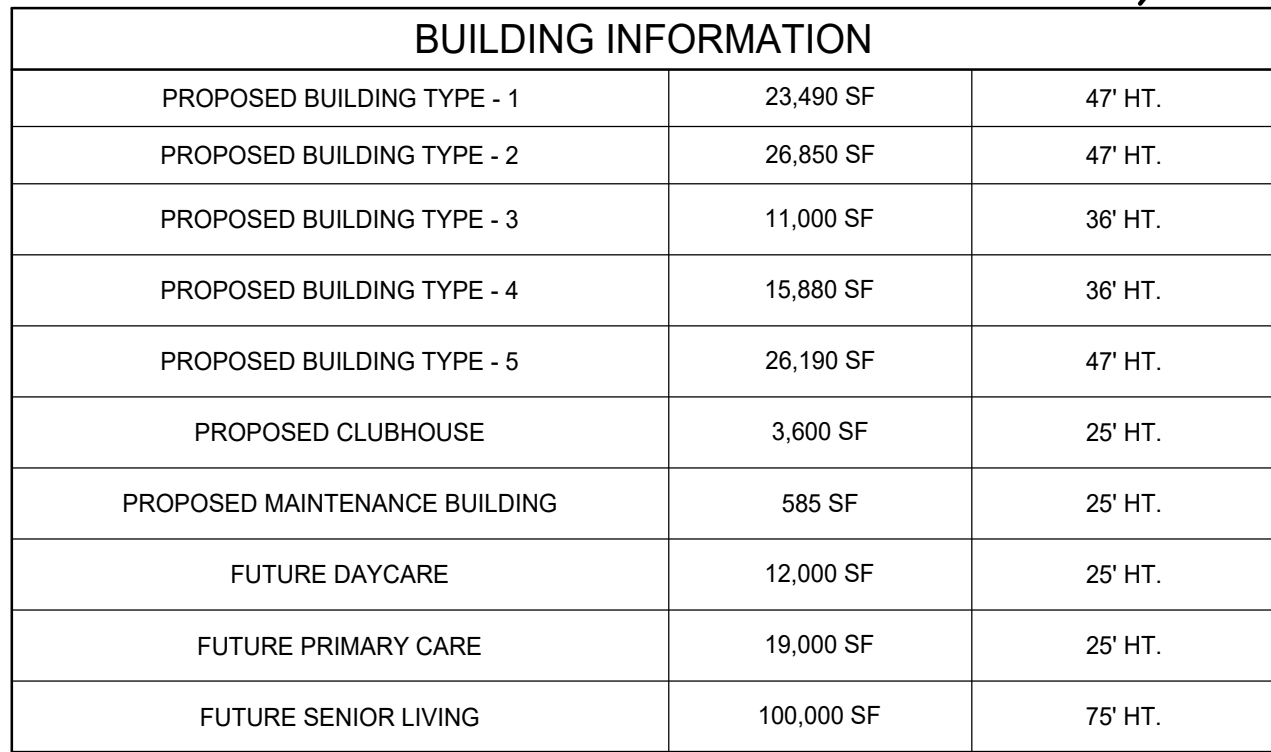
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Job No.:
9910560(ALTA)(2021)

Drawn by: TMJ

Checked by: TCG

Sheet: 1 of 2



FUTURE LOT INFORMATION	
EXISTING ZONING	R3 & C1
PROPOSED ZONING	C1
CURRENT USE	VACANT
PROPOSED USE	PRIMARY CARE & DAYCARE

PARKING SUMMARY		
BUILDING / USE	TOTAL PARKING REQUIRED	PROPOSED PARKING COUNT
MULTI-FAMILY 1 SPACE PER 1 & 2 BEDROOM UNITS 2 SPACES PER 3+ BEDROOM UNITS	262 SPACES	ON-STREET - 45 SPACES ONSITE - 259 SPACES
PRIMARY CARE & DAYCARE 1 SPACE PER 400SF	78 SPACES	70 SPACES
SENIOR LIVING & MIXED USE 1 SPACE PER 3 SLEEPING ROOMS	24 SPACES	45 SPACES

DEVELOPER
HOUSE INVESTMENTS 11590 N. MERIDIAN ST, SUITE 550 CARMEL, IN 46032 PH: (317) 580-2541 CONTACT: MATTHEW GADUS EMAIL: mgadus@houseinvestments.com

ENGINEER
ENGINEERING RESOURCES, INC. 4175 NEW VISION DR. FORT WAYNE, IN 46845 PH: (260) 490-1025 CONTACT: MARK REINHARD EMAIL: mark@eri.consulting
SURVEYOR
GULOFF - JORDAN SURVEYING AND DESIGN, INC. 1133 BROADWAY FORT WAYNE, IN 46802 PH: (260) 424-5382 CONTACT: TODD JORDAN EMAIL: todd@guloffjordan.com



SCALE: NOT TO SCALE

- LAYOUT LEGEND:**

PROPOSED ASPHALT PAVEMENT

PROPOSED CONCRETE PAVEMENT

PROPOSED RESURFACING

**VILLAGE
PREMIERE
FORT WAYNE, IN**

CAD FILE	5570-Primary Development Plot
PLOT DATE	06/06/22
DRAWN BY	EJY
PLOT SCALE	1"=80'

PRIMARY DEVELOPMENT PLAN
PD1