

1 **#REZ-2022-0044**

2 **BILL NO. Z-22-08-15**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. R-14 (Sec. 32 of St. Joseph Township)**

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 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 The North 260.0 feet of the South 280.0 feet of Lots Numbered 5 and 6 in J.H. Feichter's
13 Garden View Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat
14 Record 7, page 3, except the West 40.0 feet of said Lot Number 5 dedicated for Hobson
15 Road right-of-way.

16 and the symbols of the City of Fort Wayne Zoning Map No. R-14 (Sec. 32 of St. Joseph
17 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
18 Wayne, Indiana is hereby changed accordingly.

19 SECTION 2. If a written commitment is a condition of the Plan Commission's
20 recommendation for the adoption of the rezoning, or if a written commitment is modified and
21 approved by the Common Council as part of the zone map amendment, that written
22 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-2022-0044
Bill Number: Z-22-08-15
Council District: 1-Paul Ensley

Introduction Date: August 23, 2022

Plan Commission
Public Hearing Date: September 12, 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 1.74 acres from R3/Multiple Family Residential to C1/Professional Office and Personal Services.

Location: 3217 Lake Avenue

Reason for Request: To allow for the construction of a new medical office building.

Applicant: The Bowen Center

Property Owner: 3217 Lake Avenue LLC

Related Petitions: Primary Development Plan, The Bowen Center

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services zoning district, which will allow for the construction of a new medical office building.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family, which would not permit a new commercial building without rezoning or a new Board of Zoning Appeals approval.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant The Otis R. Bowen Center for Human Services dba The Bowen Center
Address 2621 E. Jefferson St., PO Box 497
City Warsaw State Indiana Zip 46581-0497
Telephone (574)267-7169 E-mail _____

Contact Person
Contact Person Troy Wilcoxson
Address PO Box 534
City South Whitley State IN Zip 46787
Telephone 260-723-4747 E-mail troy@wjcarey.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 3217 Lake Avenue
Present Zoning R3 Proposed Zoning C1 Acreage to be rezoned 1.74
Proposed density _____ units per acre
Township name St. Joseph Township section # 32
Purpose of rezoning (attach additional page if necessary) The Applicant is requesting the change in zoning to accommodate the construction of a Medical Office building to be used for counseling and primary care offices.
Sewer provider City Utilities Water provider City Utilities

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

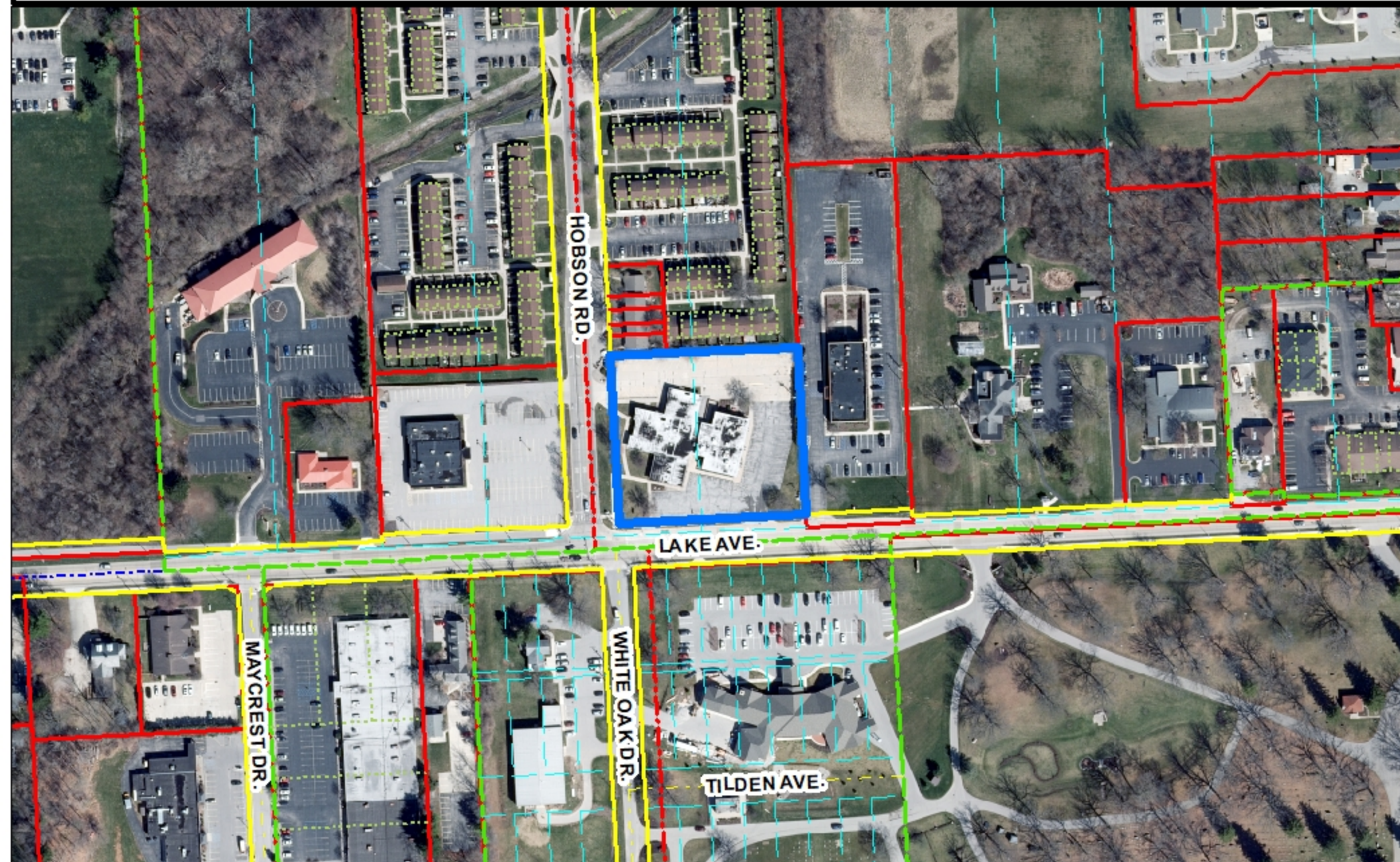
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures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

The Bowen Center [Signature] 8/1/22
(printed name of applicant) (signature of applicant) (date)
3217 Lake Avenue LLC [Signature] 7/29/22
(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.
8-1-22	141041	9-12-22	REZ-2022-0044



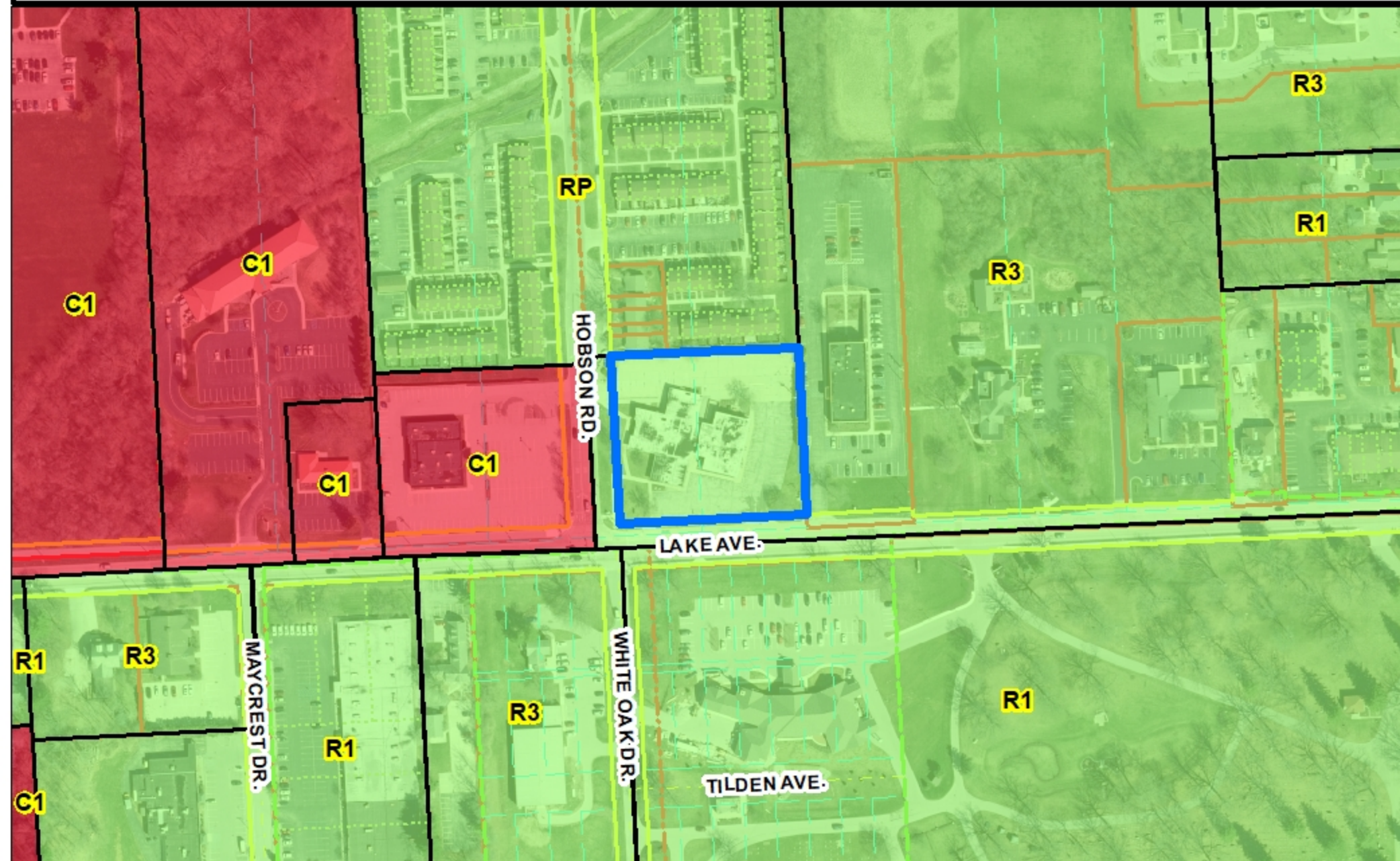
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 8/17/2022

0 50 100 Feet



1 inch = 200 feet



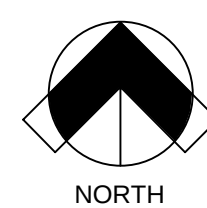
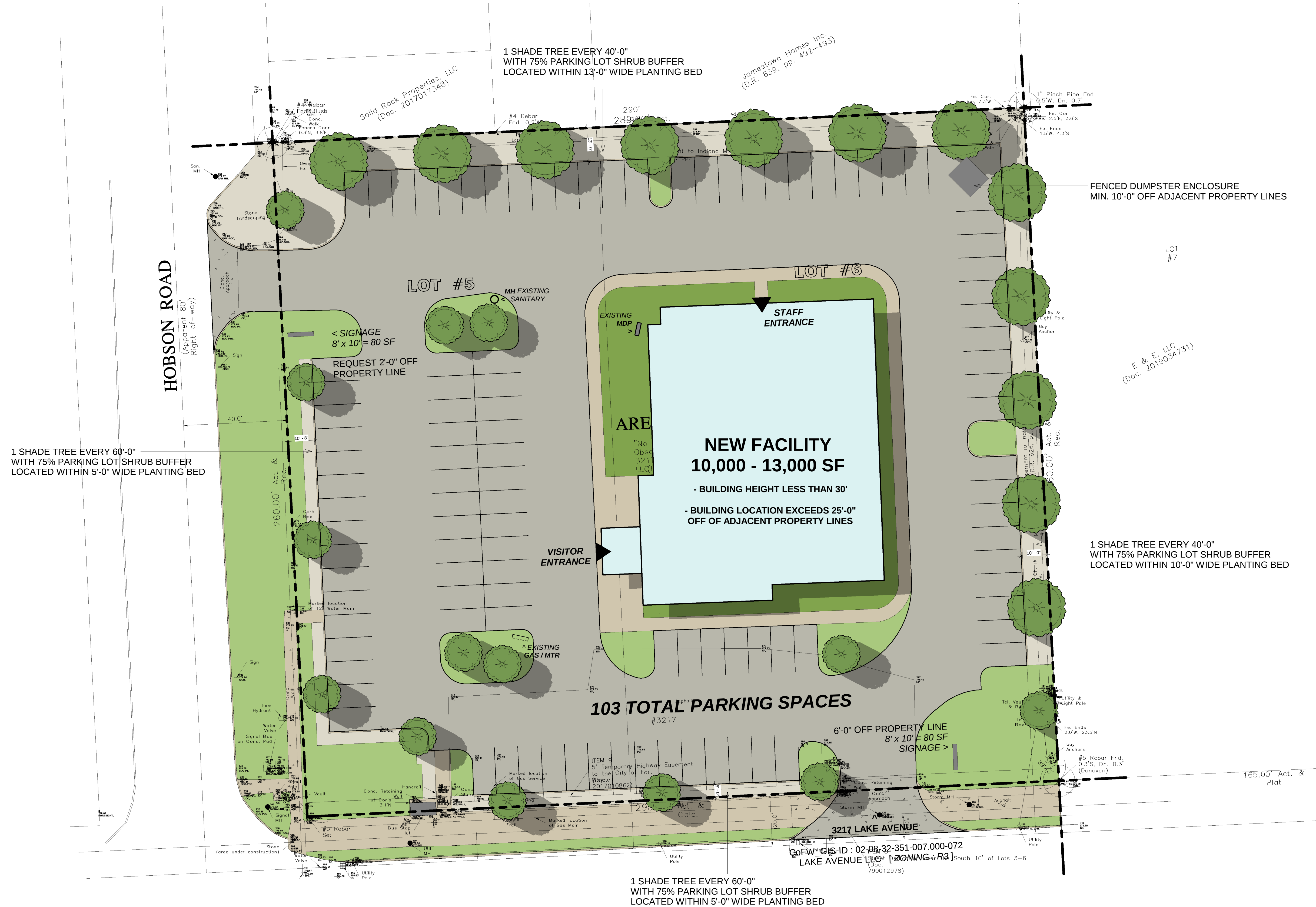
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0 50 100 Feet



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SCHEMATIC SITE / BLDG - PROPOSED

1" = 20'-0"

0 5' 10' 20'



BOWEN CENTER - LAKE AVENUE

07/27/2022

PLAT OF ALTA/NSPS LAND TITLE SURVEY

DESCRIPTION: (as described in File Number 2238692)

The North 260.0 feet of the South 280.0 feet of Lots Numbered 5 and 6 in J.H. Feichter's Garden View Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Record 7, page 3, except the West 40.0 feet of said Lot Number 5 dedicated for Hobson Road right-of-way.

Last Deed of Record: Doc. 205014581
Last Date of Fieldwork: July 8, 2022

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map No. 18003C 0305G, effective August 3, 2009.

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 3217 Lake Avenue, Fort Wayne, IN 46805

This survey is intended to retrace the record boundaries of a tracts of real estate described in a Warranty Deed from Eisaman Finley Real Estate, LLC, to 3217 Lake Avenue, LLC, dated February 22, 2005, and recorded in Document Number 205014581 in the Office of the Recorder of Allen County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:
-The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
-The plat of J.H. Feichter's Garden View Addition, Plat Record 7, page 3.

(A) AVAILABILITY OF REFERENCE MONUMENTS:
The following monuments were accepted and held as controlling monuments at the following locations:
-The Northwest corner of subject tract.....#4 rebar found.
-The Northeast corner of subject tract.....1 inch diameter pinched pipe found 0.5 feet West of corner.
-The Southeast corner of subject tract.....#5 rebar found with Donovan cap 0.3 feet South of corner.
-The Southeast corner of the East adjoining tract.....#4 rebar found.
-The Northwest corner of the East adjoining tract.....#4 rebar found.

Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 0.2 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 0.5 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:
Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. A metal hut for a bus stop on Lake Avenue lies 3.1 feet North of the South line of subject tract, as shown on the Plat of Survey. A chain link fence from subject tract extends 0.3 feet North of the North line of subject tract, as shown on the Plat of Survey. A chain link fence from the North adjoining tract extends a maximum of 3.8 feet South of the North line of subject tract, as shown on the Plat of Survey. Uncertainties based upon existing occupation and/or possession lines vary from the lines established in this survey by a maximum of 3.8 feet in the North-South direction and by a maximum of 2.5 feet in the East-West direction.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:
Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoiners' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL PRECISION:
The relative positional precision representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Urban Survey (0.07 feet plus 50 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:
1. The Southwest corner of subject tract was established at the intersection of calculated and record distances from found monuments at the Northwest corner of subject tract and the Southwest corner of the East adjoining tract.
2. The Southeast corner of subject tract was established between the Southeast corner of the East adjoining tract and the above-established Southwest corner of subject tract, at plat distance from said Southeast corner.
3. The Northeast corner of subject tract was established between the Northwest corner of the East adjoining tract and the above-established Southeast corner of subject tract, at calculated record distance from said Southeast corner.

(F) NOTES:
1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
7. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
8. Subsurface and environmental conditions were not examined or considered as a part of this survey.
9. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
10. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
11. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
12. Declaration is made to the parties set forth in the Certificate and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
13. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.
14. The survey was prepared following receipt of the Title Insurance Commitment by North American Title Insurance Company, dated May 30, 2022, and Numbered 2238692. A summary of Schedule B, Part II, Specific Exception items set forth in said commitment follows:

ITEM 2. Discrepancies or conflicts in boundary lines, shortages in area, or any encroachment or overlapping of improvements are shown on the Plat of Survey and discussed in the foregoing Surveyor's Report.
ITEM 3. Encroachments, encumbrance, violation, variation or adverse circumstance affecting the Title are shown on the Plat of Survey and discussed in the foregoing Surveyor's Report.
ITEM 4. Any easements, liens or encumbrances, or claims thereof not shown by the public records, may be revealed by a careful analysis of the Table A features shown on the Plat of Survey.
ITEM 7. The Utility Easement granted to Indiana & Michigan Electric Company over a portion of insured real estate by instrument recorded September 26, 1963 as Deed Book 626, pages 41-42, affects the surveyed parcel and is shown on the Plat of Survey.
ITEM 8. The Street Dedication Deed granted to the City of Fort Wayne recorded on May 16, 1979 as Document Number 79-12978 does not affect the surveyed parcel but is shown on the Plat of Survey.
ITEM 9. The Temporary Highway Easement Grant to the City of Fort Wayne, Indiana, a municipal corporation recorded on February 24, 2017 as Document Number 2017010862 affects the surveyed parcel and is shown on the Plat of Survey.

Item 1, Items 5-6, inclusive, and Item 10 deal with contractual and financial matters that are not survey-related.

CERTIFICATE OF ALTA/NSPS LAND TITLE SURVEY

To: 3217 Lake Avenue, LLC;
The Otis R. Bowen Center for Human Services, Inc., an Indiana non-profit corporation d/b/a The Bowen Center;
Titan Title Services, LLC; and
North American Title Insurance Company

ALTA/NSPS STANDARD CERTIFICATE

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 in 2021, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11(a), 13, 16, 17, 18, and 19 of Table A thereof. The fieldwork was completed on July 8, 2022. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Indiana, the Relative Positional Accuracy of this survey does not exceed that which is specified therein. With regard to ITEM 16, there appears to be no evidence of current earth moving work, building construction or building additions. With regard to Item 17, there have been no recent, nor are there any known proposed changes to the rights-of-way of Lake Avenue and Hobson Road.

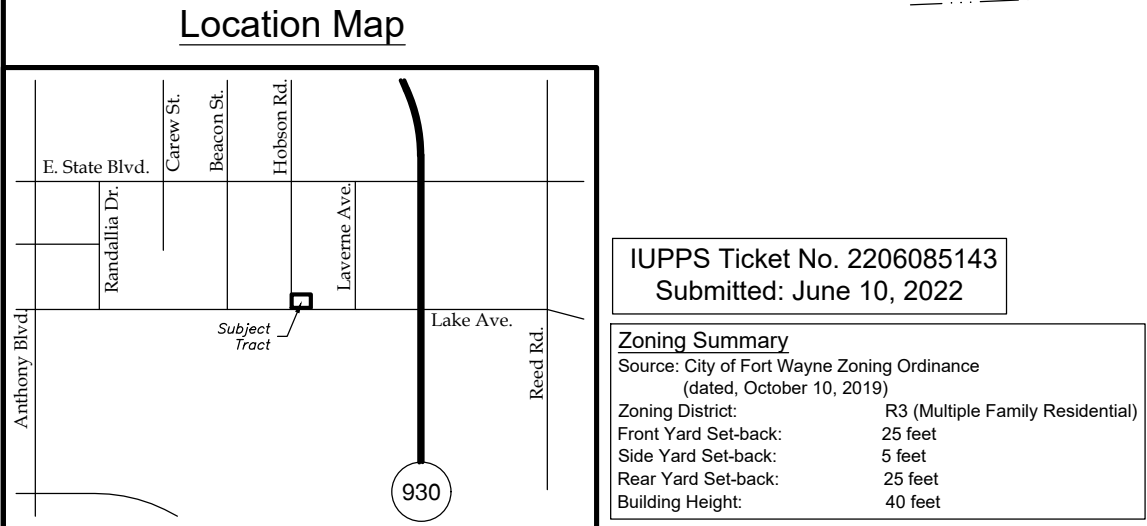
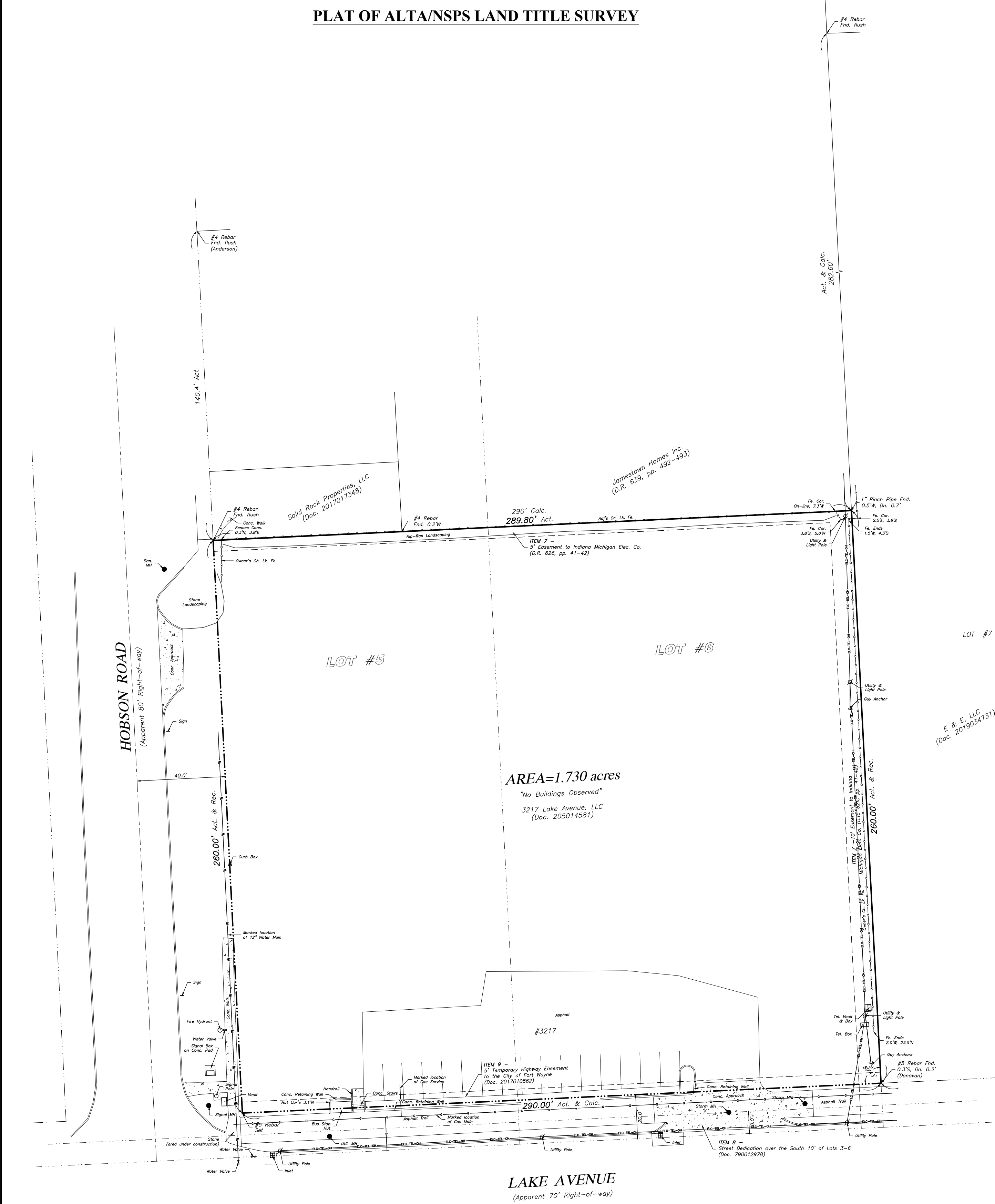
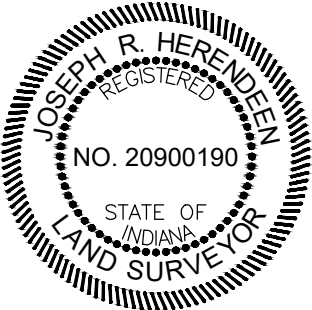
Note to the client, insurer, and lender - With regard to Table A, item 11, information from plans and/or reports provided by client (with reference as to the source of such information) and markings coordinated by the surveyor pursuant to a private utility request have been combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

INDIANA TITLE IAC 865, ARTICLE 1, RULE 12 CERTIFICATE

This document is a record retracement survey of real estate prepared under IAC Title 865, Article 1, Rule 12 and in conformity with established practices of surveying and made in accordance with the records on file in the Office of the Recorder of Allen County, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments either way across boundary lines unless specifically stated hereon. Corners were perpetuated as indicated.

I, Joseph R. Herendend, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.

Indiana Land Surveyor, Reg. No. 20900190 Date: 07/08/2022



ALTA/NSPS Land Title Survey of Part of Lots Numbered 5 and 6 in J.H. Feichter's Garden View Addition to the City of Fort Wayne			
Revisions:		For: 3217 Lake Avenue, LLC / Otis R. Bowen for Human Services, Inc.	
By: Sauer Land Surveying, Inc.		Drawn By: JRH	Checked By: KNP
14033 ILLINOIS ROAD, SUITE C FORT WAYNE, IN 46814 TEL: 260/469-3300 / FAX: 260/469-3301		Scale: 1" = 30'	Job No. 141-168
Date: July 8, 2022			