

#REZ-2023-0050

BILL NO. Z-23-10-17

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Q-10 (Sec. 06 of Adams 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:

PARCEL A:

Part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 30 North, Range 13
East, Allen County, Indiana, in particular described as follows, to-wit:

COMMENCING on the East line of Maycrest Drive as platted in Bradtmiller's Addition and recorded in
Plat Record 15, page 135, in the Office of the Recorder of said County, at its intersection by the South
line of Maysville Road or Lake Avenue as situated 30 feet South of the North line of said Quarter
Section; thence South on the East line of said Maycrest Drive, a distance of 385 feet; thence East on a
line parallel to said Lake Avenue, a distance of 237.0 feet; thence North on a line parallel to the East
line of said Maycrest Drive, a distance of 385 feet to the South line of said Lake Avenue; thence West
on the line aforesaid, a distance of 237.0 feet to the point of beginning, said in previous deed to contain
91,245 square feet, or 2.095 acres, more or less.

EXCEPT THAT PART conveyed to City of Fort Wayne, Indiana recorded as Instrument No.
2016061955 described as follows:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East of the Second Principal
Meridian in Allen County, Indiana, and being described as follows:

BEGINNING at the intersection of the East right-of-way line of Maycrest Drive as platted in
Bradtmiller's Addition and recorded in Plat Record 15, page 135 in the Office of the Recorder of Allen
County, Indiana, and the South right-of-way line of Lake Avenue as situated 30 feet South of the North
line of said Northeast Quarter; thence North 87 degrees 18 minutes 53 seconds East (state plane
bearing and basis of bearings to follow) along said South right-of-way line, a distance of 15.00 feet;
thence South 53 degrees 37 minutes 29 seconds West, a
distance of 18.03 feet, said point also being on the East right-of-way line of said Maycrest Drive;
thence North 02 degrees 41 minutes 07 seconds West along said East right-of-way line, a distance of
10.00 feet to the Point of Beginning. Said in previous deed to contain 0.002 acre (75 square feet) more
or less.

PARCEL B:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana,
in particular described as follows, to-wit:

COMMENCING on the East line of Maycrest Drive as platted in Bradtmiller's Addition and recorded in
Plat Record 15, page 135, in the Office of the Recorder of said County, at a point 385.0 feet South of

1 its intersection by the South line of Maysville Road or Lake Avenue as situated 30 feet South of the
2 North line of said Quarter Section; thence South on the East line of Maycrest Drive, a distance of 235.0
3 feet; thence East on a line parallel to said Lake Avenue, a distance of 237.0 feet; thence North on a
4 line parallel to the East line of said Maycrest Drive, a distance of 235.0 feet to a point 385.0 feet South
5 of the South line of said Lake Avenue; thence West on a line parallel to the South line of said Lake
6 Avenue, a distance of 237.0 feet to the point of beginning.

7 -----
8 The above described real estate is subject to all legal rights-of-way, subject to all Regulated Drain
9 Easements for any Regulated Drains or Tiles being on or within 75 feet of the above described parcel,
10 subject to all other easements, restrictions and rights affecting the above-described parcel.

11 and the symbols of the City of Fort Wayne Zoning Map No. Q-10 (Sec. 06 of Adams
12 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
13 Wayne, Indiana is hereby changed accordingly.

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

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

20 _____
21 Council Member

22 APPROVED AS TO FORM AND LEGALITY:

23 _____
24 Malak Heiny, City Attorney
25
26
27
28
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0050
Bill Number: Z-23-10-17
Council District: 1-Paul Ensley

Introduction Date: October 24, 2023

Plan Commission
Public Hearing Date: November 13, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 3.36 acres from R1/Single Family Residential to C1/Professional Office and Personal Services

Location: 3030 Lake Avenue

Reason for Request: To allow existing and future professional office and personal service uses.

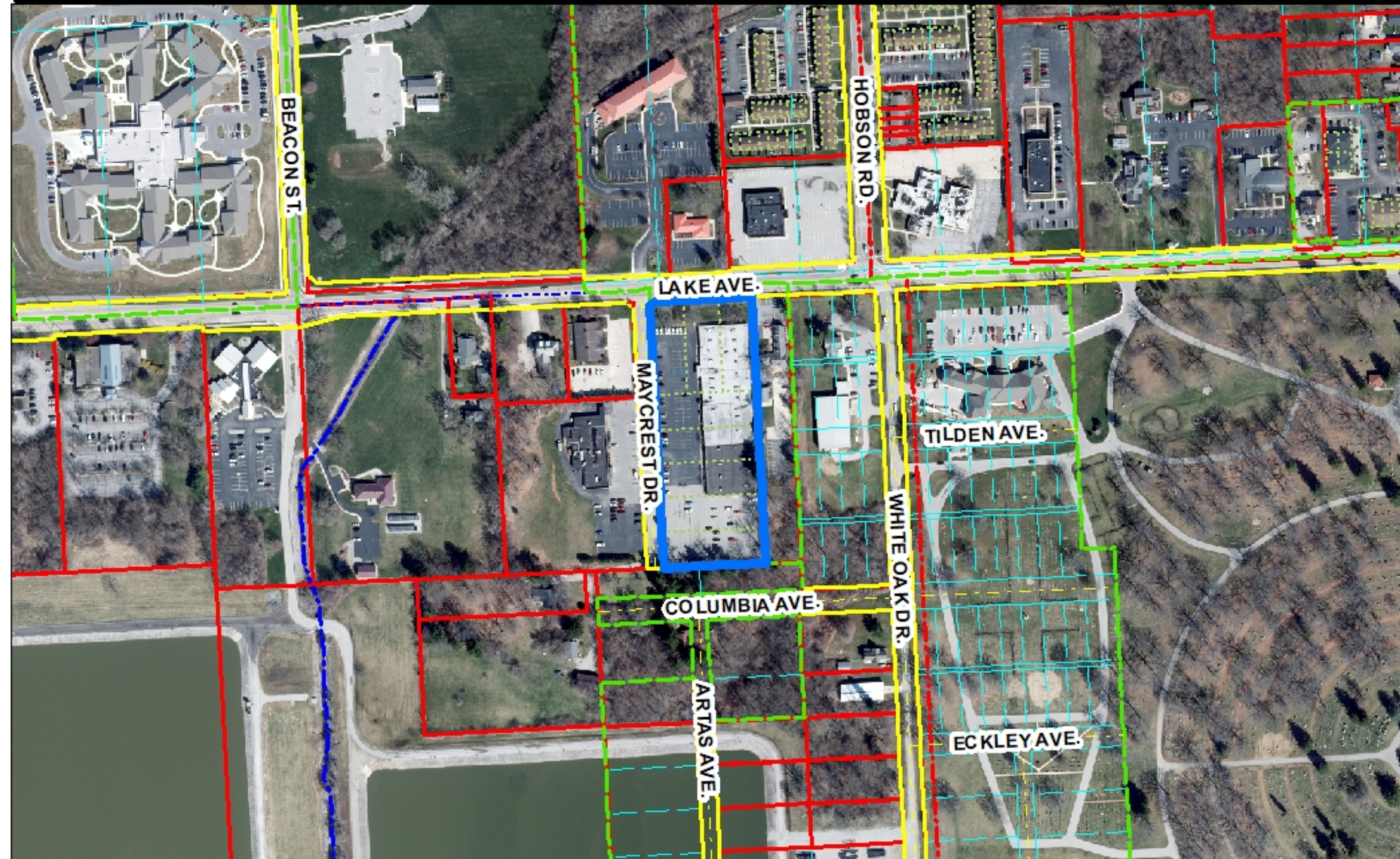
Applicant: Midwest Enterprises LLC

Property Owner: Midwest Enterprises LLC

Related Petitions: None

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services zoning district, which will allow existing and future professional office and personal service uses.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which does not permit professional office and personal services. The site may be redeveloped with single family housing.



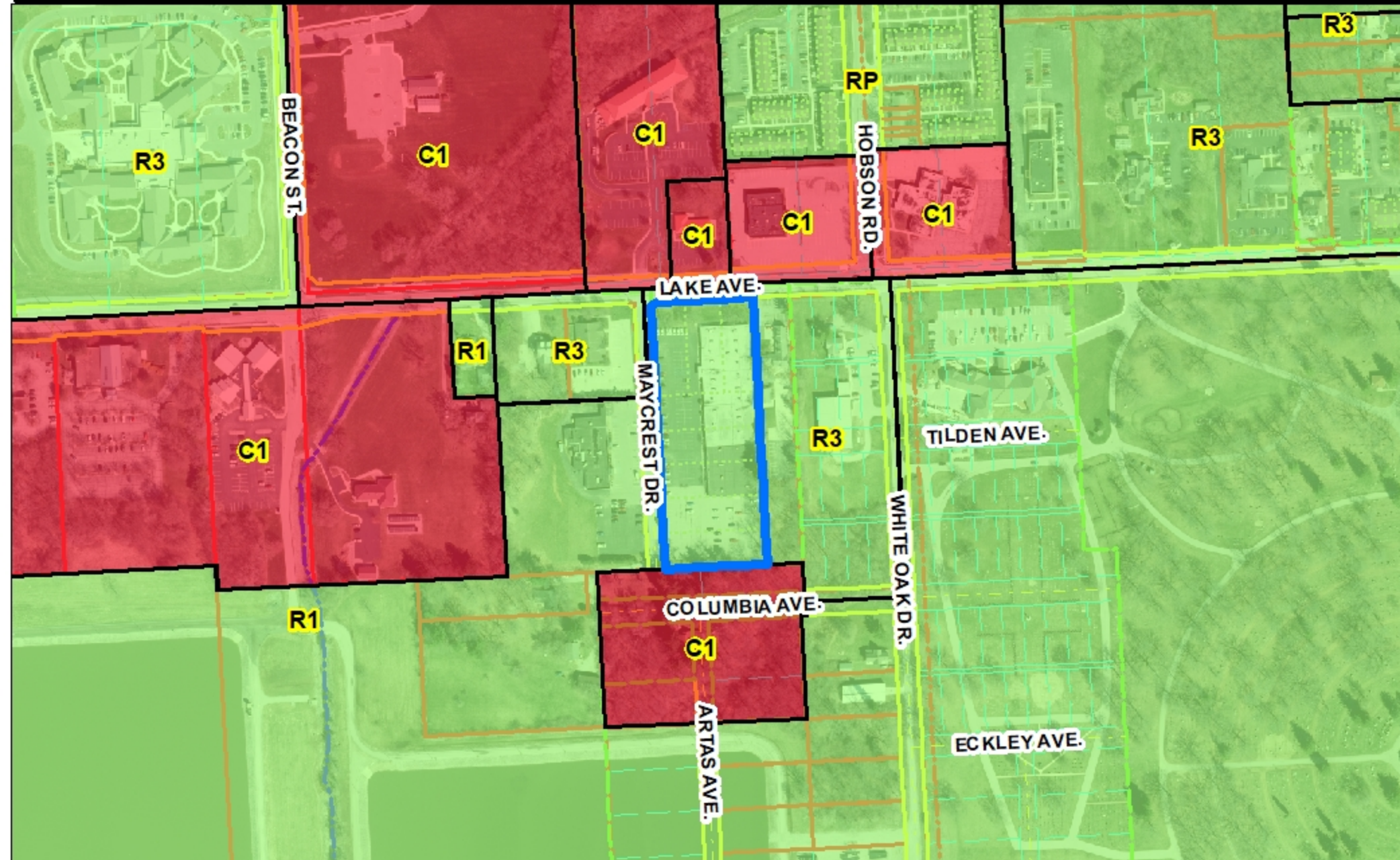
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 10/16/2023

0 125 250 Feet



1 inch = 300 feet



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0 125 250 Feet



1 inch = 300 feet

**Department of Planning Services
Rezoning Petition Application**

Applicant

Applicant Midwest Enterprises LLC
Address 9730 Braesmont Dr.
City Houston State TX Zip 77096
Telephone _____ E-mail _____

Property Ownership

Property Owner Midwest Enterprises LLC
Address 9730 Braesmont Dr.
City Houston State TX Zip 77096
Telephone _____ E-mail _____

Contact Person

Contact Person Logan Stevens
Address 301 W. Jefferson Blvd., Ste. 200
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9411 E-mail stevens@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 3030 Lake Ave. Township and Section Adams, Section 6
Present Zoning R1 Proposed Zoning C1 Acreage to be rezoned 3.365
Purpose of rezoning (attach additional page if necessary) To accomodate the permitted uses of professional offices and personal services carried out/to be carried out on the premises.
Sewer provider Fort Wayne Water provider Fort Wayne

Filing Checklist

Applications will not be accepted unless the following filing requirements are submitted with this application.

- ☒ Filing fee \$1000.00
- ☒ Surveys showing area to be rezoned
- ☒ Legal Description of parcel to be rezoned
- ☒ Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Midwest Enterprises LLC

(printed name of applicant)


(signature of applicant)

9-27-2023
(date)

Midwest Enterprises LLC

(printed name of property owner)


(signature of property owner)

9-27-2023
(date)



Received	Receipt No.	Hearing Date	Petition No.
<u>10-2-23</u>	<u>144185</u>	<u>11-13-23</u>	<u>RET-2023-</u>

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org

0050



Department of Planning Services

Rezoning Petition Application

Applicant
Applicant Midwest Enterprises LLC
Address 9730 Braesmont Dr.
City Houston State TX Zip 77096
Telephone _____ E-mail _____

Property Ownership
Property Owner Midwest Enterprises LLC
Address 9730 Braesmont Dr.
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Contact Person
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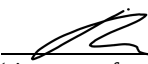
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Sewer provider Fort Wayne Water provider Fort Wayne

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Midwest Enterprises LLC
(printed name of applicant)


(signature of applicant)

9-27-2023
(date)

Midwest Enterprises LLC
(printed name of property owner)


(signature of property owner)

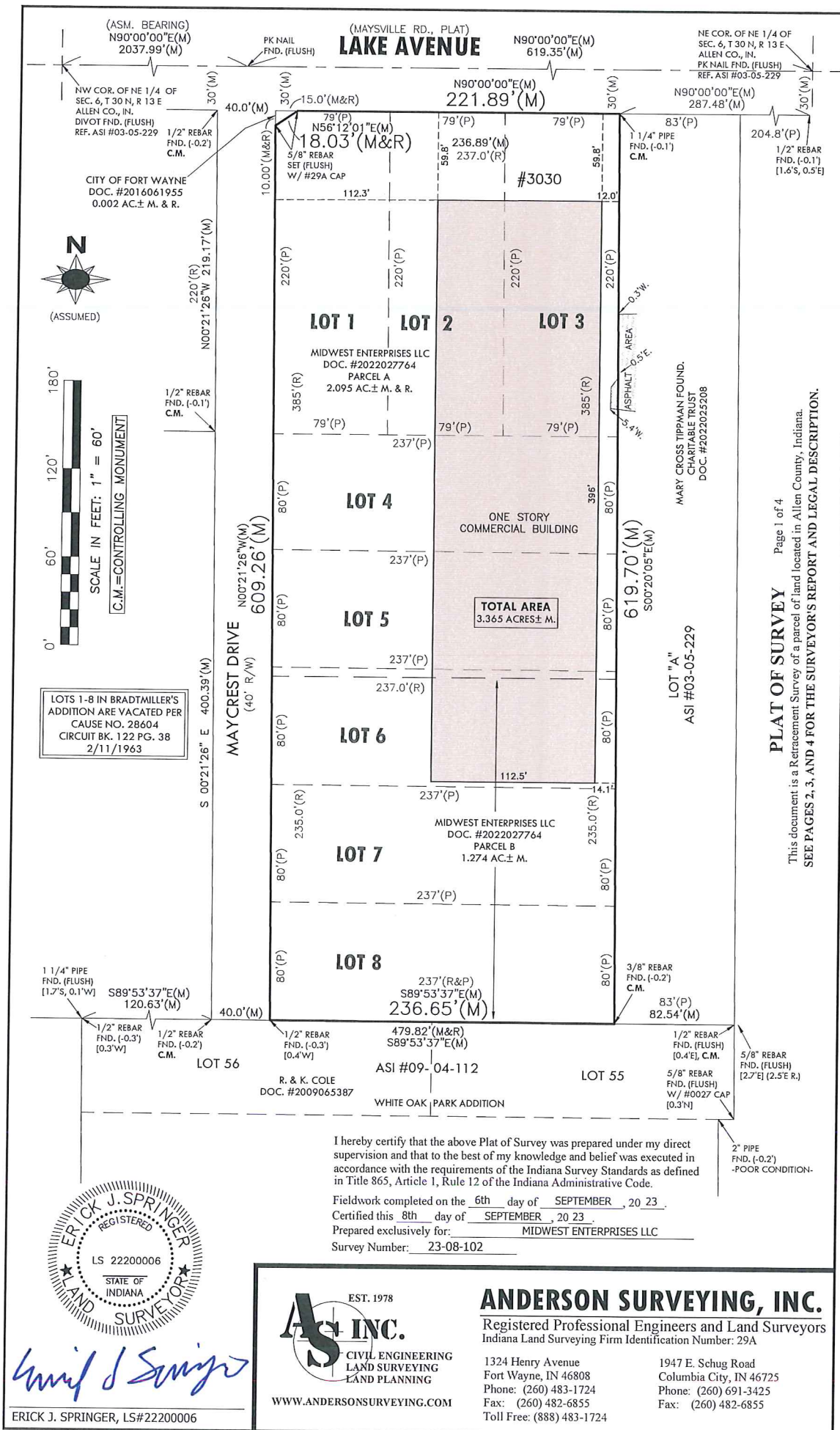
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RECORDED DESCRIPTION OF REAL ESTATE:

Present Owner (s): Midwest Enterprises LLC

Property Address: 3030 Lake Ave., Fort Wayne, IN 46805

Recorder's Document #2022027764

PARCEL A:

Part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit:

COMMENCING on the East line of Maycrest Drive as platted in Bradtmiller's Addition and recorded in Plat Record 15, page 135, in the Office of the Recorder of said County, at its intersection by the South line of Maysville Road or Lake Avenue as situated 30 feet South of the North line of said Quarter Section; thence South on the East line of said Maycrest Drive, a distance of 385 feet; thence East on a line parallel to said Lake Avenue, a distance of 237.0 feet; thence North on a line parallel to the East line of said Maycrest Drive, a distance of 385 feet to the South line of said Lake Avenue; thence West on the line aforesaid, a distance of 237.0 feet to the point of beginning, said in previous deed to contain 91,245 square feet, or 2.095 acres, more or less.

EXCEPT THAT PART conveyed to City of Fort Wayne, Indiana recorded as Instrument No. 2016061955 described as follows:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East of the Second Principal Meridian in Allen County, Indiana, and being described as follows:

BEGINNING at the intersection of the East right-of-way line of Maycrest Drive as platted in Bradtmiller's Addition and recorded in Plat Record 15, page 135 in the Office of the Recorder of Allen County, Indiana, and the South right-of-way line of Lake Avenue as situated 30 feet South of the North line of said Northeast Quarter; thence North 87 degrees 18 minutes 53 seconds East (state plane bearing and basis of bearings to follow) along said South right-of-way line, a distance of 15.00 feet; thence South 53 degrees 37 minutes 29 seconds West, a distance of 18.03 feet, said point also being on the East right-of-way line of said Maycrest Drive; thence North 02 degrees 41 minutes 07 seconds West along said East right-of-way line, a distance of 10.00 feet to the Point of Beginning. Said in previous deed to contain 0.002 acre (75 square feet) more or less.

PARCEL B:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit:

COMMENCING on the East line of Maycrest Drive as platted in Bradtmiller's Addition and recorded in Plat Record 15, page 135, in the Office of the Recorder of said County, at a point 385.0 feet South of its intersection by the South line of Maysville Road or Lake Avenue as situated 30 feet South of the North line of said Quarter Section; thence South on the East line of Maycrest Drive, a distance of 235.0 feet; thence East on a line parallel to said Lake Avenue, a distance of 237.0 feet; thence North on a line parallel to the East line of said Maycrest Drive, a distance of 235.0 feet to a point 385.0 feet South of the South line of said Lake Avenue; thence West on a line parallel to the South line of said Lake Avenue, a distance of 237.0 feet to the point of beginning.

The above described real estate is subject to all legal rights-of-way, subject to all Regulated Drain Easements for any Regulated Drains or Tiles being on or within 75 feet of the above described parcel, subject to all other easements, restrictions and rights affecting the above-described parcel.

SURVEYOR'S REPORT

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (RPA) due to random errors in measurement of the corners of the subject tract established this survey is within the specifications for an "**Urban**" Survey (0.07 feet plus 50 parts per million) as defined in I.A.C. 865.

Survey Number: 23-08-102

ANDERSON SURVEYING, INC.

1324 Henry Avenue
Fort Wayne, Indiana 46808
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1947 E. Schug Road
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Toll Free: (888) 483-1724



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SURVEYOR'S REPORT CONTINUED

The purpose of this document was to perform a Retracement Survey of that real estate described in a Limited Warranty Deed conveyed to *Midwest Enterprises LLC*, recorded May 20, 2022, as Document #2022027764 in the Office of the Recorder of Allen County, Indiana. The boundary lines of the subject tract and other relevant lines were established as follows:

The Northwest and Northeast corners of the Northeast Quarter of Section 6 were established by record information of this Firm based upon a Retracement Survey of Lot "A" dated June 2, 2003, Survey Number 03-05-229. These perpetuations were also utilized during a Retracement Survey by this Firm of the south adjoining tract dated April 11, 2009, Survey Number 09-04-112. No modern information relative the location of these corners was found in the records of the Allen County Surveyor's Office (ACSO).

The northeast corner of subject Parcel "A" was established by a found iron pipe accepted in place. This pipe is situated 30.0 feet south of the North line of the Northeast Quarter. The southeast corner of subject Parcel "B" was established by a found 3/8-inch rebar accepted in place. The west line of subject Parcels "A" and "B" was retraced being 40.0 feet east of the monumented west right-of-way line of Maycrest Drive. The monuments held as controlling are labelled "C.M." on the Plat of Survey.

Parcels "A" and "B" are comprised of Lots #1-8 in Bradtmiller's Addition. These Lots were vacated per Cause No. 28604, Circuit Book 122, page 38, on February 11, 1963. No copy of this document was found or provided. This information was found on the Allen County iMap website. The ancient Plat of Bradtmiller's Addition was prepared on June 25, 1941, and does not state the type, size, or material of the monuments set during platting. As a result, the found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation. The uncertainty for all corners is not readily determinable because of the reliance on local corners.

The excepted 0.002-acre parcel was retraced by record geometry from the intersection of the established south right-of-way line of Lake Avenue with east right-of-way line of Maycrest Drive. These lines were retraced as defined above and as shown on the Plat of Survey.

Reference Documents this survey:

- Prior Retracement Surveys by this Firm as discussed above
- Plat of Bradtmiller's Addition
- Plat of White Oak Park Addition
- County Tax and GIS Maps

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: Up to 1.7 feet north-south and 2.7 feet east-west due to existing monumentation as shown on the Plat of Survey. Record bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8-inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey. No dimension on this Plat of Survey can be interpreted to be of greater precision than the RPA as stated above.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See the location of the asphalt area along the east line of the subject parcel as shown on the Plat of Survey. Unwritten rights may be associated with this occupation.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report are valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

This is certified as an "Urban" Survey in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. This Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

Survey Number: 23-08-102

ANDERSON SURVEYING, INC.

1324 Henry Avenue
Fort Wayne, Indiana 46808
www.AndersonSurveying.com

Phone: (260) 483-1724
Fax: (260) 482-6855

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Columbia City, Indiana 46725

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Fax: (260) 482-6855
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FLOOD ZONE CLASSIFICATION

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Map 18003C0305G, effective August 3, 2009. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

Field Survey completed the 6th day of September, 2023

Certified this 8th day of September, 2023

Prepared exclusively for: Midwest Enterprises LLC

Survey Number: 23-08-102

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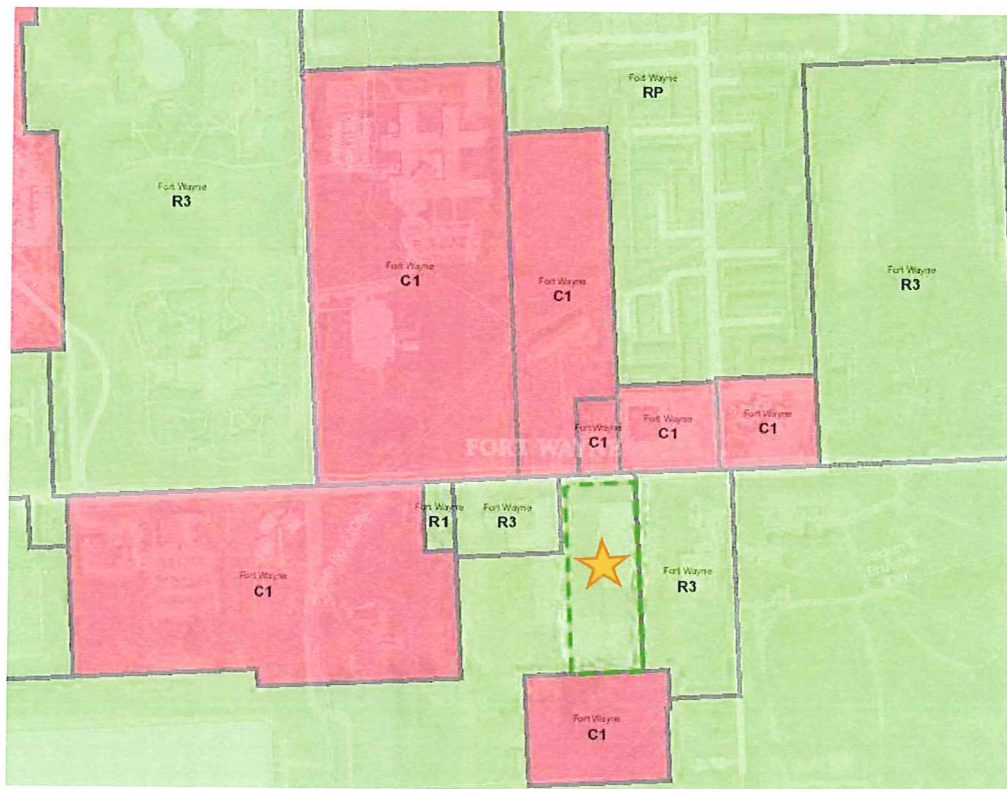
Phone: (260) 691-3425
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Rezoning Petition Application

Request

Petitioner, Midwest Enterprises LLC, respectfully requests to rezone property located at 3030 Lake Ave., Fort Wayne, Indiana 46805. Petitioner desires to accommodate the permitted uses as professional offices and personal services carried out on the premises.

Currently, the property is zoned R1. The property has historically been used for professional offices and/or personal services for many years. The property is located in an area of general commercial character with several other C1 properties serving as professional offices and/or personal services, including the neighboring R3 properties to the east and west of the property. Furthermore, even many of the surrounding buildings are also zoned residential, but are commercial in nature and used for commercial purposes.



The Petitioner does not have any current plans to make any significant alterations to the structure of the building, parking lot, vegetation, or sidewalk. The impact of the rezoning is expected to be nominal given the historic use of the property. The visual appearance of the building and surrounding area will remain the same. Therefore, Petitioner is only seeking to rezone the real estate to align with the historical and current use of the property. The Petitioner believes rezoning is appropriate with regards to (1) the Comprehensive Plan; (2) the current conditions and the character of current structures and uses in the district; (3) the most desirable use for which the land in the district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth.

The Comprehensive Plan:

The rezoning of the property from R1 to C1 aligns with the objectives and goals outlined in the All In Allen Comprehensive Plan. The Comprehensive Plan emphasizes the need for sustainable economic development. By approving the rezoning from R1 to C1 for the continued use as professional offices and/or personal services at this location, the rezoning supports the Comprehensive Plan's vision of creating vibrant and accessible commercial spaces that meet the needs of businesses and residents in the area. Furthermore, the property is located in a "Priority Investment Area" which includes areas well-served by infrastructure with established traditional neighborhood patterns and opportunities for investment that will lead to more complete neighborhoods with good access to amenities. Finally, the future land use is intended to be "Neighborhood Commercial." Therefore, Petition believes that rezoning aligns with the Comprehensive Plan.

Current conditions and the character of current structures and uses in the district:

The area where the property is located has existing commercial activity. The property has been used for many years as professional offices and/or personal services. Located in the heart of the Lake Avenue Medical Corridor, the property is well placed in one of Fort Wayne's major medical service districts. Petitioner believes the current conditions and character of the area supports the current use and rezoning of the property.

The most desirable use for which the land in the district is adapted:

Considering the location and surrounding developments, Petitioner believes the most desirable use for the land is as professional offices and/or a space where personal services are carried out on the premises. The historical use corresponds with the demographics and character of the area, in providing complementary and/or supplemental services. Altering the property in such ways as to conform with the current zoning designation while providing another area that is equal to or better suited for the same use would require a significant monetary outlay for Petitioner, potential developers, and existing tenants alike. Lastly, this type of land use will continue to foster a strong commercial presence in the area, which may attract both newly formed and well-established businesses to the area, and benefit resident who live in the surrounding area.

The conservation of property values throughout the jurisdiction:

Rezoning the property for professional offices and/or personal services will continue to conserve and potentially enhance property values in the area. The structure and visual appearance of the property is not expected to change. The intent is to bring the property's historical use into compliance with the requisite zoning, which will support growth and current property values.

Responsible development and growth:

The rezoning of the property aligns with the principles of responsible development and growth. Existing infrastructure capacity supports the current use of the property, which will permit efficient use of public resources for other development and redevelopment around Fort Wayne. Due to the historical use and structure of the property, rezoning will not aggravate the supply/demand for residential housing or contribute to urban sprawl.

