

#REZ 2024 0012

BILL NO. Z-24-03-17

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. H-34 & I-34 (Sec. 21 of Washington 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:

LEGAL DESCRIPTION

The eastern 216.49 feet of the following:

Part of the Northeast Quarter and the Northwest Quarter of Section 21, Township 31 North,
Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said Section 21; thence North
90 degrees 00 minutes 00 seconds East (assumed bearing for the North line of said Northeast
Quarter and is the basis of bearings this description) along the North line of said Northeast
Quarter, being within the right of way of Washington Center Road, 391.90 feet to the
Northeast corner of a 68.66 acres parcel (John H. Dehner, Inc.), Deed Book 686, page 433-
34; thence South 00 degrees 21 minutes 17 seconds West along the East line of said Deed
Book 686, page 433-34, 271.80 feet to a point; thence South 90 degrees 00 minutes 00
seconds West 216.49 feet to a point; thence North 00 degrees 09 minutes 32 seconds East,
65.63 feet to a point; thence South 90 degrees 00 minutes 00 seconds West, 174.03 feet to a
point on the West line of said Northeast Quarter; thence South 00 degrees 02 minutes 04
seconds West along said West line, 383.86 feet to a point; thence North 88 degrees 35
minutes 45 seconds West, 290.94 feet to a point; thence North 00 degrees 08 minutes 27
seconds East, 582.45 feet to a point on the North line of the Northwest Quarter of said
Section 21; thence North 89 degrees 54 minutes 36 seconds East along said North line, being
within the right of way of Washington Center Road, 289.78 feet to the point of beginning,
said in previous deed to contain 6.086 acres of land, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. H-34 & I-34 (Sec. 21 of
Washington 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-2024-0012
Bill Number: Z-24-03-17
Council District: 3 – Nathan Hartman

Introduction Date: March 26, 2024

Plan Commission
Public Hearing Date: April 8, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 1.37 acres from C2/Limited Commercial to C3/General Commercial

Location: 5725 Hatfield Road, east of its intersection with Washington Center Road (Section 21 of Washington Township)

Reason for Request: To permit a new gas station canopy

Applicant: Washington Center Plaza, LLC

Property Owner: Washington Center Plaza, LLC

Related Petitions: Primary Development Plan – 5725 Hatfield Road Gas Station Canopy

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will allow for a new gas station canopy.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial, which does not permit a new gas station canopy. The site will continue with existing uses, and may be redeveloped with areas for moderate intensity business, community, office, personal service, and limited retail uses, along with certain residential facilities.

Department of Planning Services Rezoning Petition Application

Applicant

Applicant Washington Center Plaza LLC
Address 2990 Bristoe Ln
City Fort Wayne State IN Zip 46814
Telephone _____ E-mail _____

Property Ownership

Property Owner Washington Center Plaza LLC
Address 2990 Bristoe Ln
City Fort Wayne State IN Zip 46814
Telephone _____ E-mail _____

Contact Person

Contact Person Robert C. Kruger, Esq.
Address 200 E. Main Street, Suite 1000
City Fort Wayne State IN Zip 46802
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 5725 Hatfield Rd Township and Section WASH Sec 7
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.37
Purpose of rezoning (attach additional page if necessary) _____
to accommodate construction of gas canopies to be used as part of a gas station/convenience store in existing retail building.
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

Washington Center Plaza LLC
(printed name of applicant)

By 
(signature of applicant)

04/03/2024
(date)

Washington Center Plaza LLC
(printed name of property owner)

By 
(signature of property owner)

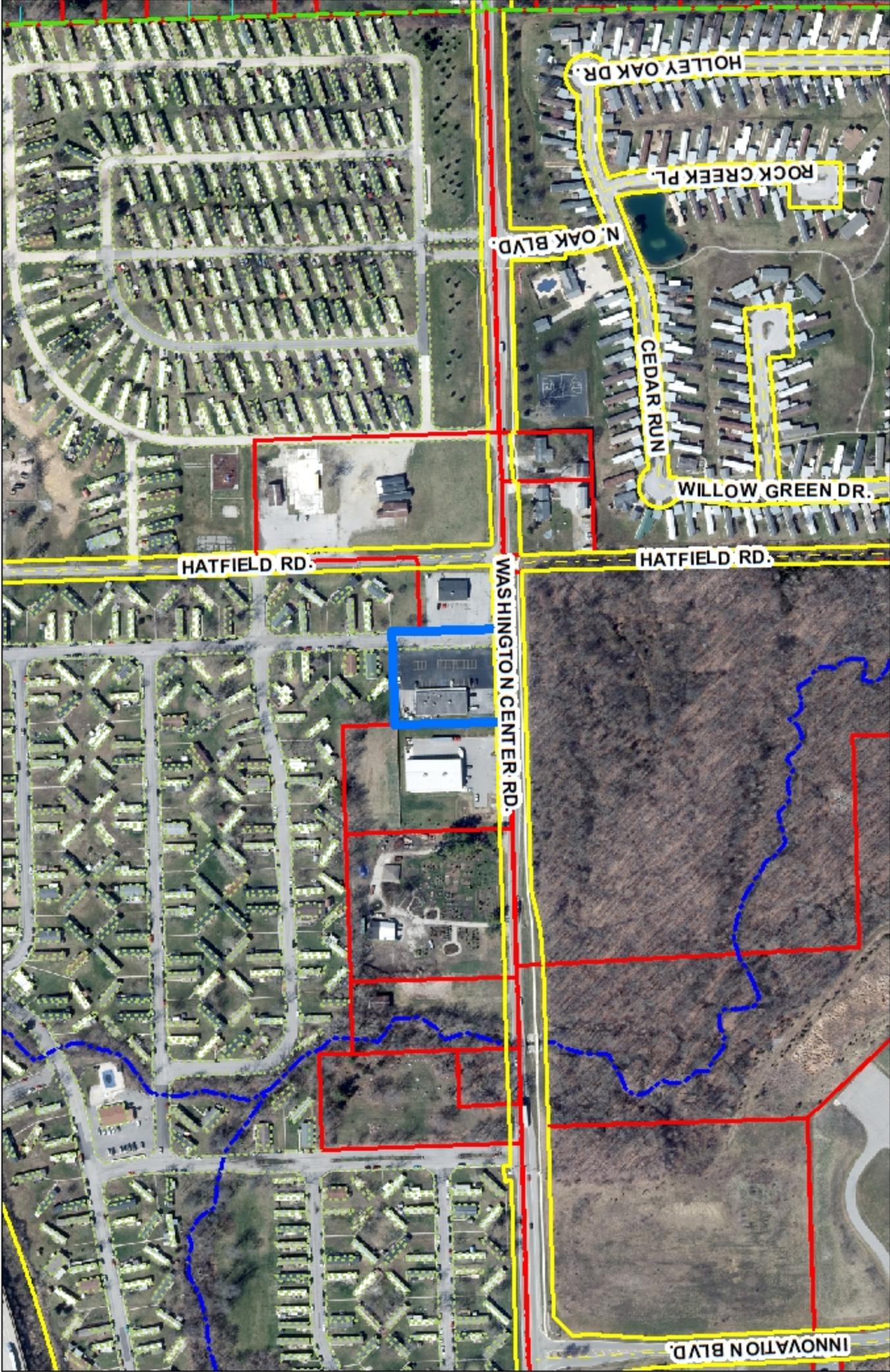
04/03/2024
(date)



Received	Receipt No.	Hearing Date	Petition No.
<u>3/5/24</u>	<u>144948</u>	<u>4/8/24</u>	<u>PEZ-2024-0012</u>

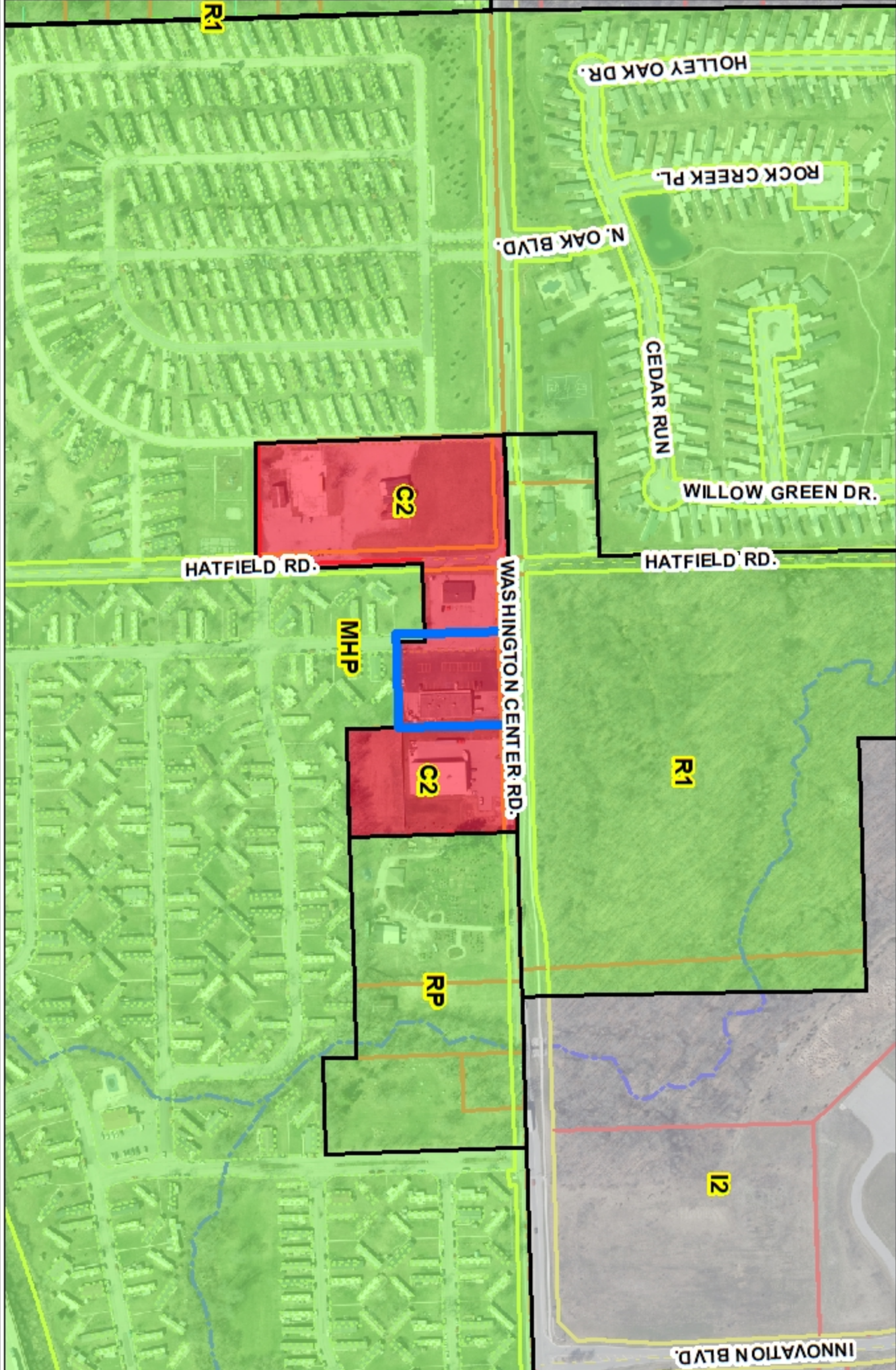
Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org





Although not a guarantee, the information contained herein is based on the best available information and is not intended to be a warranty of any kind. The user of this information assumes all liability for any errors or omissions in this map. © 2024 Alton, Illinois. All rights reserved. North American Datum 1983. State Plane Coordinate System, Indiana East. Printed and Contained: Spring 2024. Date: 3/15/2024

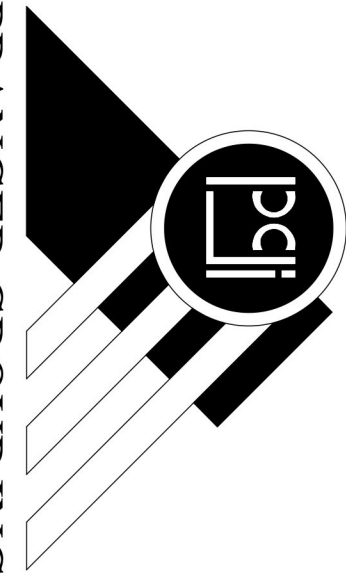




Although not a guarantee, we warrant that the information contained herein was prepared in good faith and to the best of our knowledge and belief. We do not warrant the accuracy of the information contained herein and we do not assume any liability for any error or omission in this map.

© 2024 State of Texas, Department of Transportation
North American Datum 1983
State Plane Coordinate System, NAD83
Texas State Plane, Zone 14N
Date: 3/15/2024

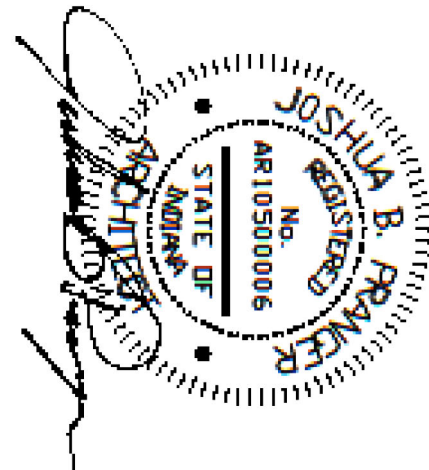




PRANGER GROUP INC.
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Each concept, idea, design plan and detail as shown on this drawing is the property of Pranger Group Inc. and shall not be used for any purpose without the expressed written consent of Pranger Group Inc. The owner shall have the right to retain copies of this document for information and reference purposes as they pertain only to this project.

CERTIFICATION:



5725 Hatfield Road
Fort Wayne, Indiana

Washington Center Plaza, LLC.

A Primary Development Plan For:

REVISION DATE BY

DATE PROJECT NO.
03-05-24 6485

SHEET TITLE

Primary
Development Plan

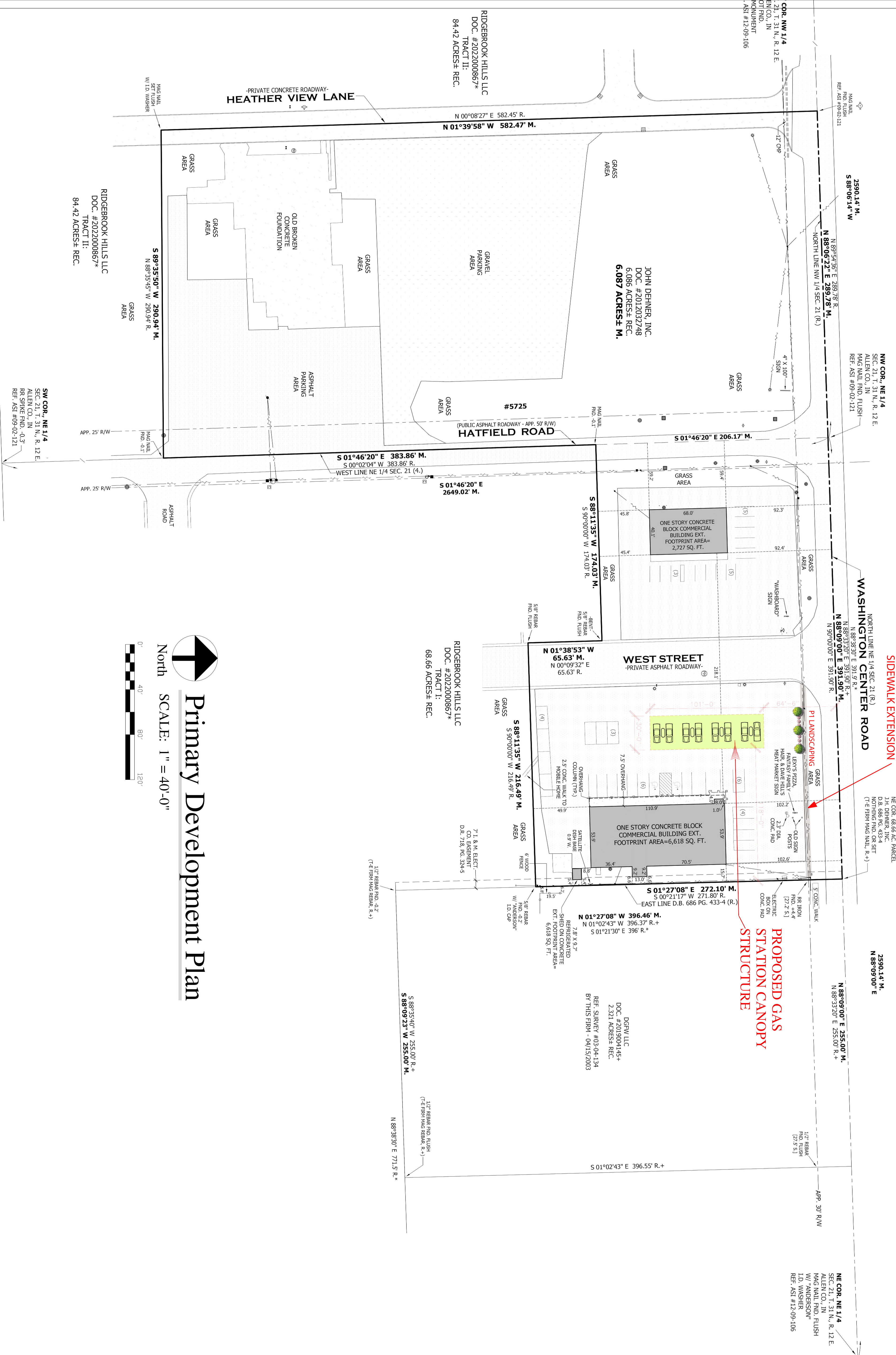
SHEET NO.

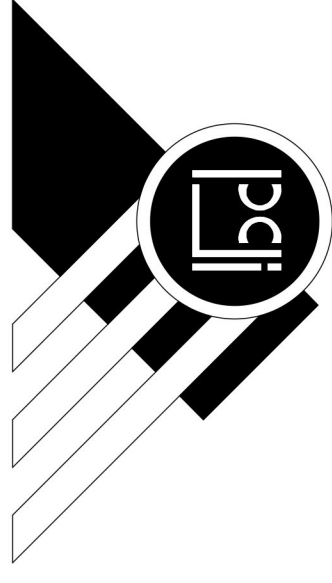
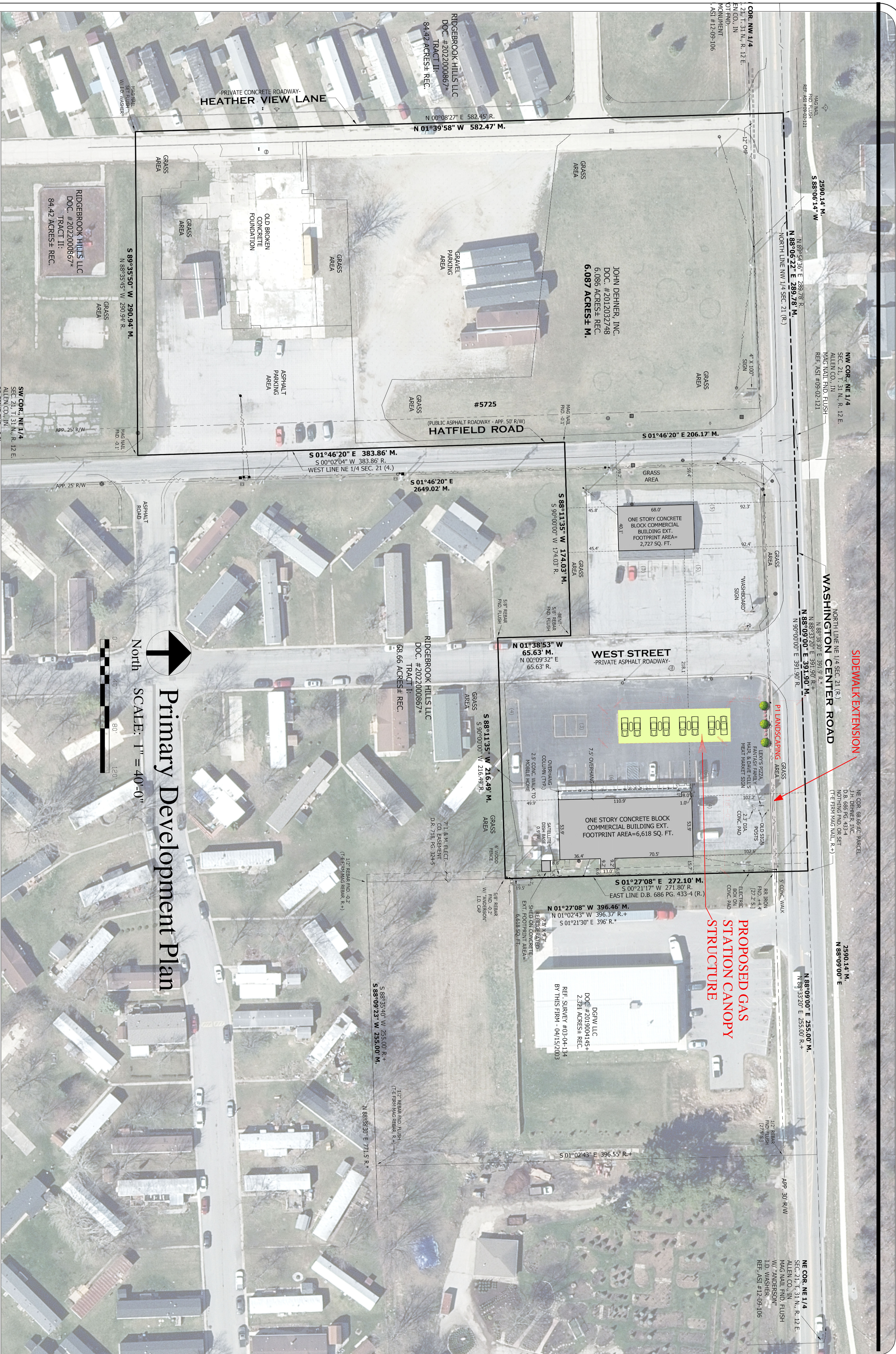
PDP-1



Primary Development Plan

North SCALE: 1" = 40'-0"

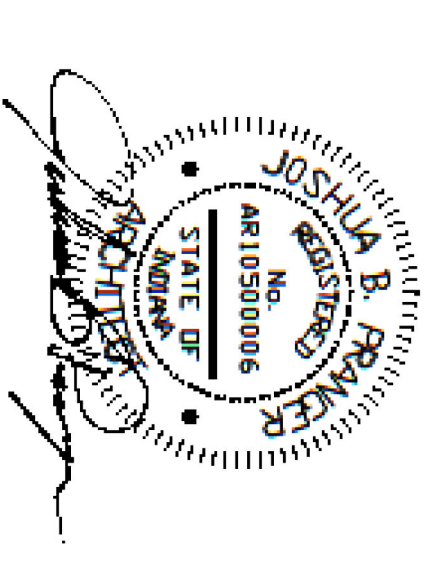




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CERTIFICATION:



A Primary Development Plan For:

Washington Center Plaza, LLC.

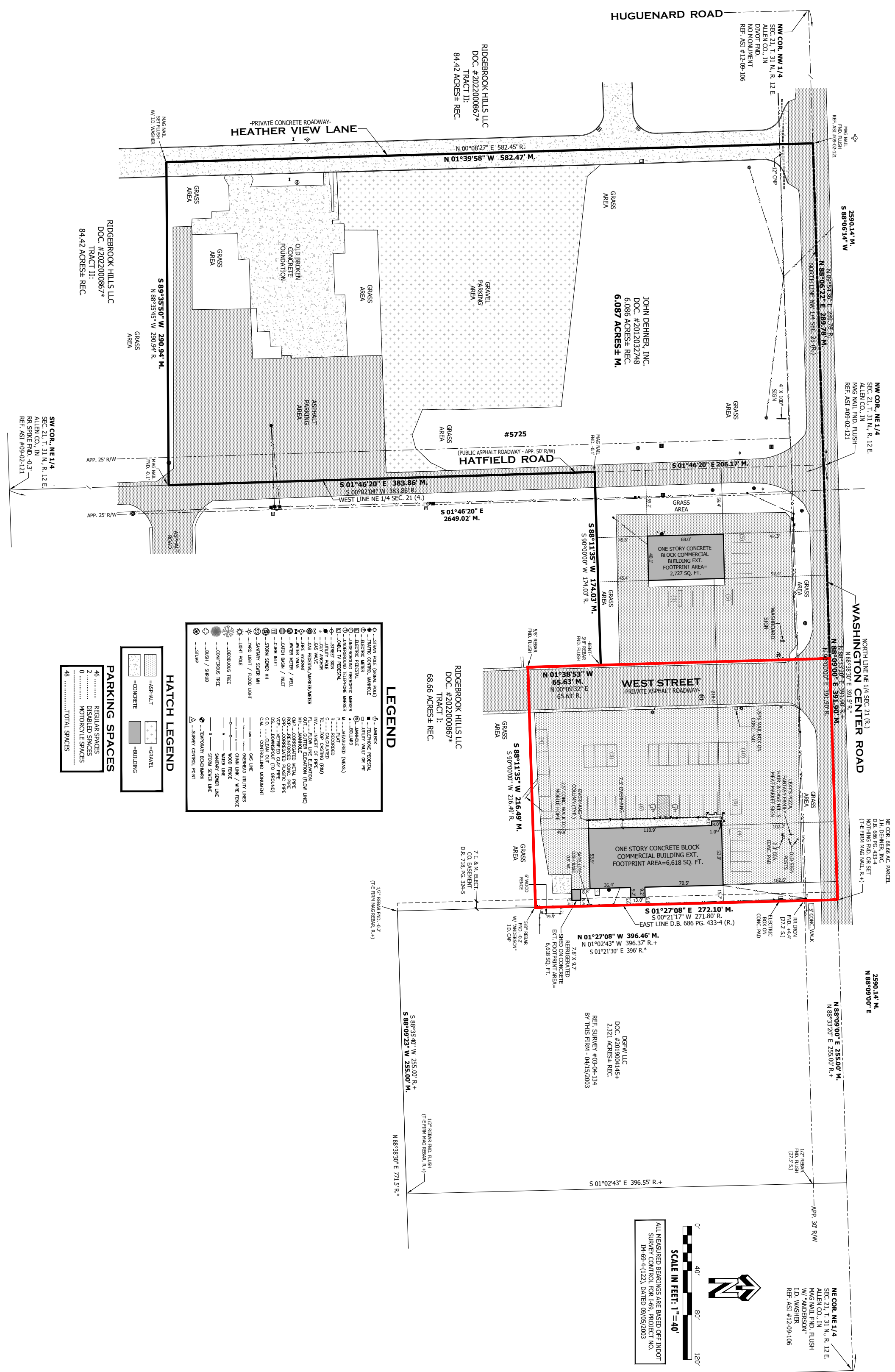
5725 Hatfield Road
Fort Wayne, Indiana

REVISION	DATE	BY

DATE	PROJECT NO.
03-05-24	6485

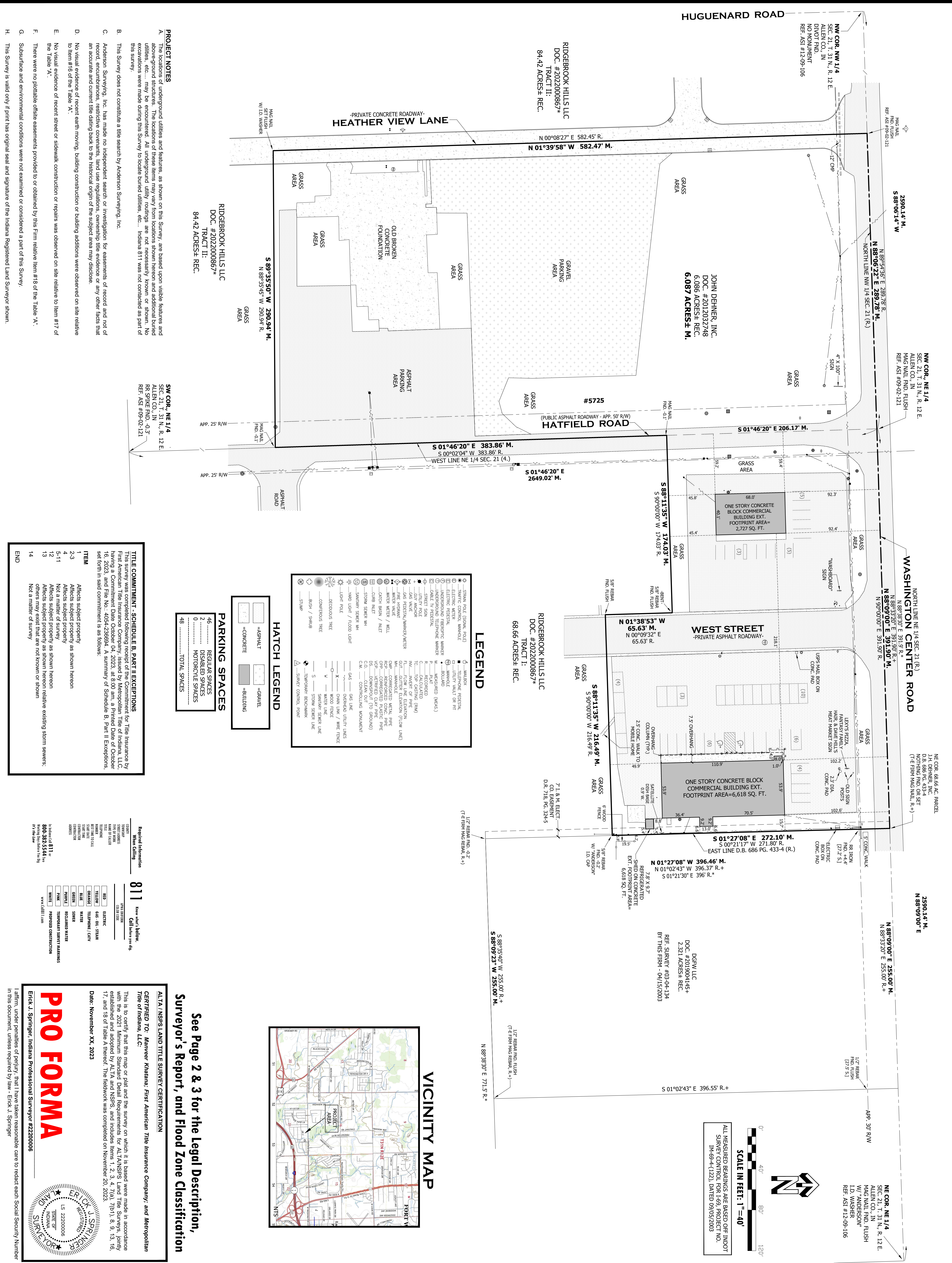
SHEET TITLE
Primary Development Plan

SHEET NO.
PDP-2



SCALE IN FEET: 1"=40

ALL MEASURED BEARINGS ARE BASED OFF INDOT
SURVEY CONTROL FOR I-69, PROJECT NO.
IM-69-4-(122), DATED 09/05/2003



ALTA / NSPS Land Title Survey

The lands of John Dehner, Inc.

5725 Hatfield Road, Fort Wayne, IN 46818

Part of the NW 1/4 & NE 1/4 of Section 21, T. 31 N., R. 12 E.

Washington Township, Allen County, Indiana

ANDERSON SURVEYING, INC.

Registered Professional Engineers and Land Surveyors

Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
www.andersonsurveying.com

1947 E. Schug Road
Columbia City, IN 46725
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Fax: (260) 482-6855
Toll Free: (888) 483-1724

AS INC.

EST. 1978

CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

www.andersonsurveying.com

PRO FORMA

See Page 2 & 3 for the Legal Description, Surveyor's Report, and Flood Zone Classification

ALTA / NSPS LAND TITLE SURVEY CERTIFICATION

CERTIFIED TO: Manover Kratana, First American Title Insurance Company, and Metropolitan Title of Indiana, LLC.

This is to certify that the 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, 2, 3, 4, 7(a), 7(b), 8, 9, 13, 16, 17, and 18 of Table A thereof. The fieldwork was completed on November 20, 2023.

Date: November XX, 2023

PRO FORMA

Eric J. Springer, Indiana Professional Surveyor #22200006

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. - Eric J. Springer

ALTA

PAGE 1 OF 3

SURVEY NO.: 09-02-121

ALTA / NSPS LAND TITLE SURVEY

5725 Hatfield Road

Fort Wayne, IN 46818

SCALE: 1" = 40'

DATE: 11/28/2023

DRAWN BY: E.J.S.

CHECKED BY: M.C.V.

SAVED FILE: NOV23/09-02-121_5725 HATFIELD RD ALTA/NSPS-121.dwg

NO.

REVISION:

DATE:

BY:



WWW.ANDERSONSURVEYING.COM

DESCRIPTION OF REAL ESTATE:

Part of the Northeast Quarter and the Northwest Quarter of Section 21, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said Section 21; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing for the North line of said Northeast Quarter and is the basis of bearings this description) along the North line of said Northeast Quarter, being within the right of way of Washington Center Road, 391.90 feet to the Northeast corner of a 68.66 acres parcel (John H. Dehner, Inc.), Deed Book 686, page 433-34; thence South 00 degrees 21 minutes 17 seconds West along the East line of said Deed Book 686, page 433-34, 271.80 feet to a point; thence South 90 degrees 00 minutes 00 seconds West 216.49 feet to a point; thence North 00 degrees 09 minutes 32 seconds East, 65.63 feet to a point; thence South 90 degrees 00 minutes 00 seconds West, 174.03 feet to a point on the West line of said Northeast Quarter; thence South 00 degrees 02 minutes 04 seconds West along said West line, 383.86 feet to a point; thence North 88 degrees 35 minutes 45 seconds West, 290.94 feet to a point; thence North 00 degrees 08 minutes 27 seconds East, 582.45 feet to a point on the North line of the Northwest Quarter of said Section 21; thence North 89 degrees 54 minutes 36 seconds East along said North line, being within the right of way of Washington Center Road, 289.78 feet to the point of beginning, said in previous deed to contain 6.086 acres of land, more or less.

Property Address: 5725 Hatfield Road, Fort Wayne, IN 46818

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.

The purpose of this document was to perform a Retracement Survey of that real estate described in a Corporate Deed conveyed to John Dehner, Inc., recorded June 15, 2012, as Document #2012032748 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, Southwest, and Southeast corners of the Northeast Quarter of Section were established by found monuments accepted in place as the best available evidence for the locations of said corners. No modern information for these corners was found in the records of the Allen County Surveyor's Office (ACSO). The monuments at the Northwest and Southwest corners were previously utilized by this firm in 2009 during the field work for the subject 6.086-acre parcel which was for a Description Plan only (see below discussion). These perpetuations were also utilized during a retracement survey of the south and west adjoining parcel by this Firm dated November 14, 2012, Survey Number 12-09-106.

The Northeast corner of the Northeast Quarter was reestablished in 2012 by the northerly extension of the monumented East line of said Quarter as defined by the East Quarter corner and by the called for and found INDOT monument at the intersection of said East line with the northerly right-of-way of I-69 with the easterly extension of the monumented North line of said Quarter as defined by the North Quarter corner and by the northeast corner of the cemetery parcel. The northeast corner of the cemetery parcel was established by extending the monumented east line northerly at record distance. No modern information for the location of the Northeast corner of Section 21 was found in the records of the ACSO. The old Section corner witnesses along the North line of Section 21 have all been lost or destroyed.

SURVEYOR'S REPORT CONTINUED ON PAGE 3 OF 3

Survey Number: 09-02-121

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SURVEYOR'S REPORT CONTINUED

The Northwest corner of the East Half of the Northwest Quarter of Section 21 was established by extending the monumented East line of Highview Park Addition northerly at the record distance of 2641.2 feet. The sum of the platted distances for this line is 2636 feet resulting in variance of up to 5.2 feet. This established location falls on the line from the monumented North Quarter corner and divot found near the Northwest corner of Section 21.

The northerly right-of-way of I-69 and the ramp to US 30 & 33 (N.W.C) were established by INDOT plan dimensions from called for and found INDOT monuments as shown (INDOT Control Points 683, 684, 685, 686, & 666). The found INDOT monuments conformed to plan dimension within the RPA for this survey. The INDOT bearing system was used as the basis of bearings this survey.

The boundary lines of the subject 6.086-acre parcel were established by record geometry and previous data of this Firm (2009 and 2012 surveys as discussed above). This description was created by this Firm on March 3, 2009, Survey No. 09-02-121, though a survey was not prepared per instruction of the client, John Dehner, Inc., as the parcel was not for a conveyance. The lines as established this survey conform to record geometry within 0.3 feet by field measurement as shown.

Reference Documents this survey:

- Prior survey and description plan by this Firm as discussed above
- Recorded plat of Highview Park Addition
- Previous surveys by this Firm within Highview Park Addition, Survey Numbers 99-06-205, 01-06-162, & 11-06-102
- INDOT plans for I-69 (Project No. 69-4(2), 1959 and Project No. IM-69-4-(122), 2003
- Current deeds of record for the subject and adjoining tracts
- ACSO Section corner information
- 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 0.3 feet due to existing monumentation relative the subject tract. 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 Plat of Survey relative to the location of existing utilities, private roadways, concrete walks, and gravel & asphalt parking areas. Also see the location of the wood fence and satellite dish along the north-south 271.80-foot course. Finally, see the location of the concrete walk utilized to access an adjoining mobile home along the east-west 216.49-foot course. Unwritten rights may be associated with these occupations.

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 provided to this firm and referenced in this survey as prepared by First American Title Insurance Company, issued by Metropolitan Title of Indiana, LLC, having a Commitment Date October 04, 2023, at 8:00 am, a Printed Date of October 16, 2023, and File No.: 4054-236694. Future abstract or title searches 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.

FLOOD ZONE CLASSIFICATION

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Map 18003C0170G, 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 20th day of November, 2023

Certified this XXth day of November, 2023

Survey Number: 09-02-121

ANDERSON SURVEYING, INC.

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5725 Hatfield Road – WASHINGTON CENTER PLAZA, LLC

Rezoning Criteria

1. Comprehensive Plan. This site is located in a Urban Infill Area. The gas canopies and allied gas station-use (using an existing building) will be an ideal use for nearby high-density residential and access to Washington Center Rd. The proposed development makes use of a highly underutilized parcel. The Generalized Future Land Use Map shows the site located in a Mixed Residential area. Supporting uses in a Mixed Residential area include neighborhood-oriented commercial uses. The convenience store portion of the use would likely be primarily utilized by the surrounding mobile home park residents.
2. Current Conditions and the Character of Current Structures and Uses in the Area. The location and use of an existing commercial building will be compatible with the surrounding high-density residential use in the surrounding mobile home parks. Also, there is existing access to Washington Center using internal roads currently serving the commercial site.
3. The Most Desirable Use for Which the Land in the District is Adapted. Because of the site's use of an existing retail commercial building as well as its access to Washington Center Rd., the site is ideal for the proposed use.
4. The Conservation of Property Values throughout the Jurisdiction. The gas station and convenience store will be an amenity to the surrounding neighborhoods. The convenience store will allow for easier access to some food staples as an alternative for taking high-traffic arterials to the Meijer on Lima Rd.
5. Responsible Development and Growth. The review of the development plan submitted contemporaneously with this rezoning request will insure careful design and development of the proposed uses requiring C3 zoning.