

#REZ 2024 0046

BILL NO. Z-24-12-04

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. B-15 (Sec. 24 of Aboite 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
Commercial) district under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Lot Numbers 2, 3, 4, 5, and 6 in Hillside Heights Addition, to the City of Fort Wayne, as
recorded in Plat Record 15, page 53 in the Office of the Recorder of Allen County,
Indiana.

TOGETHER WITH:

Lots #1 and #2 in Hillside Acres Amended to the City of Fort Wayne, Indiana as
recorded in Plat Book 16, page 144 together with Lots #7, #8, #9 and #10 in Hillside
Heights Addition to the City of Fort Wayne as recorded in Plat Book 15A, page 53 in
the Allen County Recorder's Office, all of said Lots being vacated pursuant to that
Certification of Vacation of Lots #1 and #2 in Hillside Acres Addition and Lots #7, #8,
#9 and #10 of Hillside Heights Addition, and Restrictive Covenants recorded January
25, 1999 at Document Number 990005720 in the Office of the Recorder of Allen
County, Indiana:

PARCEL I:

Vacated Lot Number 1 in the partially vacated plat of Hillside Acres Addition Amended,
as recorded in Plat Record 16, page 144.

PARCEL II:

Vacated Lot Number 2 in the partially vacated plat of Hillside Acres Addition Amended,
as recorded in Plat Record 16, page 144.

PARCEL III:

Vacated Lot Number 7 in the partially vacated plat of Hillside Heights Addition as
recorded in Plat Record 15, page 53.

PARCEL IV:

Vacated Lot Number 8 in the partially vacated plat of Hillside Heights Addition as
recorded in Plat Record 15, page 53.

PARCEL V:

Vacated Lot Number 9 in the partially vacated plat of Hillside Heights Addition as
recorded in Plat Record 15, page 53.

PARCEL VI:

Vacated Lot 10 in the partially vacated plat of Hillside Heights Addition as recorded in
Plat Record 15, page 53.

1
2 and the symbols of the City of Fort Wayne Zoning Map No. B-15 (Sec. 24 of Aboite
3 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
4 Wayne, Indiana is hereby changed accordingly.
5

6 SECTION 2. If a written commitment is a condition of the Plan Commission's
7 recommendation for the adoption of the rezoning, or if a written commitment is modified and
8 approved by the Common Council as part of the zone map amendment, that written
9 commitment is hereby approved and is hereby incorporated by reference.
10

11 SECTION 3. That this Ordinance shall be in full force and effect from and after its
12 passage and approval by the Mayor.
13

14 _____
15 Council Member

16 APPROVED AS TO FORM AND LEGALITY:
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18 _____
19 Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2024-0046
Bill Number: Z-24-12-04
Council District: 4 – Dr. Scott Myers

Introduction Date: November 26, 2024

Plan Commission
Public Hearing Date: December 9, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 11.5 acres from R1/Single Family Residential and C1/Professional Office and Personal Services to C2/Limited Commercial

Location: 7424 to 7616 West Jefferson and 7515 to 7611 Aboite Center Road
(Section 24 of Aboite Township)

Reason for Request: To permit a mixed-use development with retail and hotel

Applicant: JSK Hospitality, LLC

Property Owner: Daystar Development Inc., FWA Hospitality LLC, Grigorios and Rita Papdakis

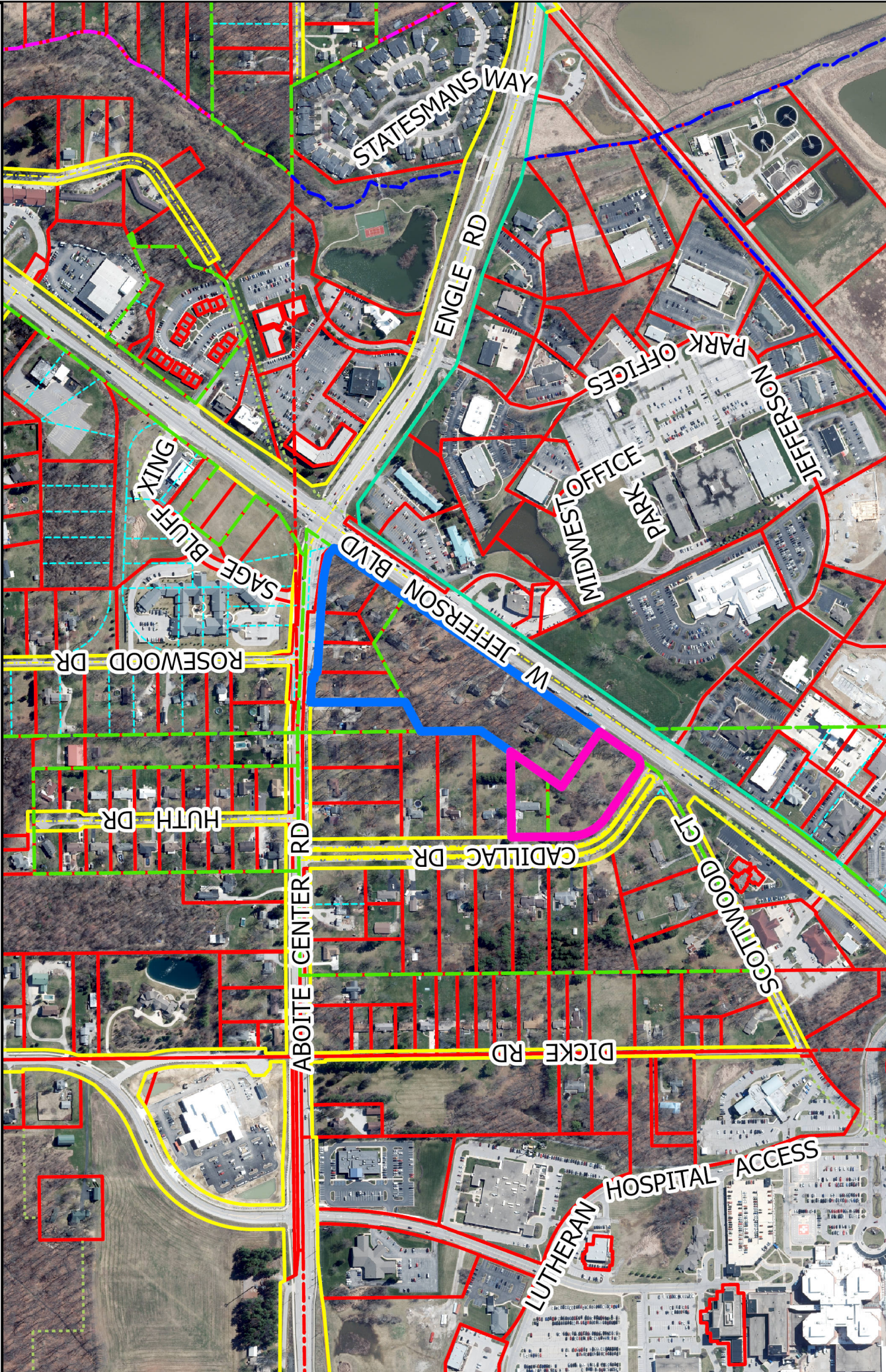
Related Petitions: REZ-2024-0048, PDP-2024-0053 – JSK Hospitality

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which permits a mixture of office, retail and residential uses.

Effect of Non-Passage: Property will remain partially zoned R1/Single Family Residential and C1/Professional Office and Personal Services may continue with existing single family residential and office type uses. Hotels and retail are not permitted in R1 or C1 zoning.



Rezoning Petition REZ-2024-0046 and Primary Development Plan PDP-2024-0053 - JSK Hospitality



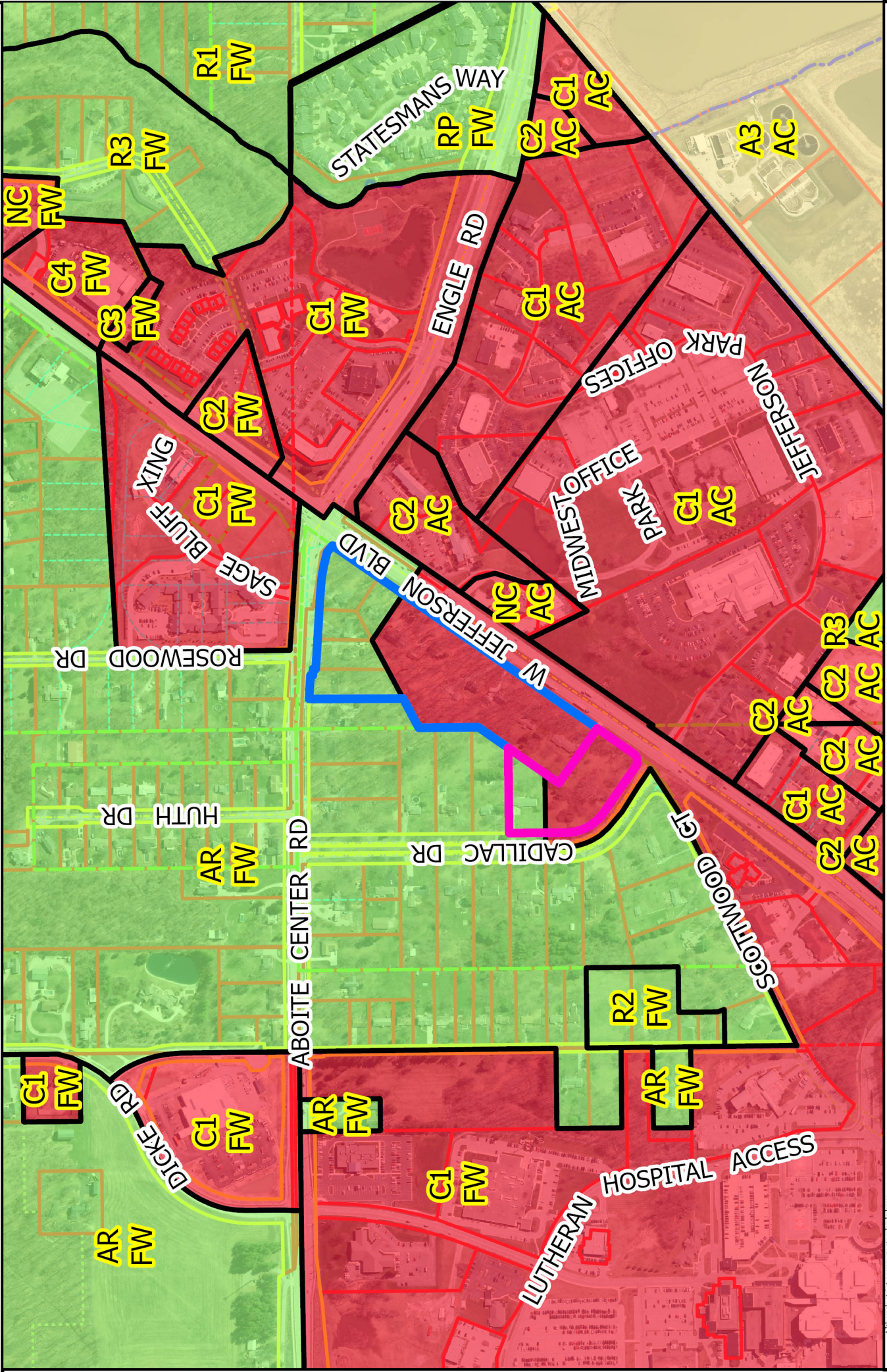
-  JSK Rezone C1
-  JSK Rezone C2

Although every effort has been made to ensure the accuracy of this map, the County of Allen 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.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/25/2024



Rezoning Petition REZ-2024-0046 and Primary Development Plan PDP-2024-0053 - JSK Hospitality



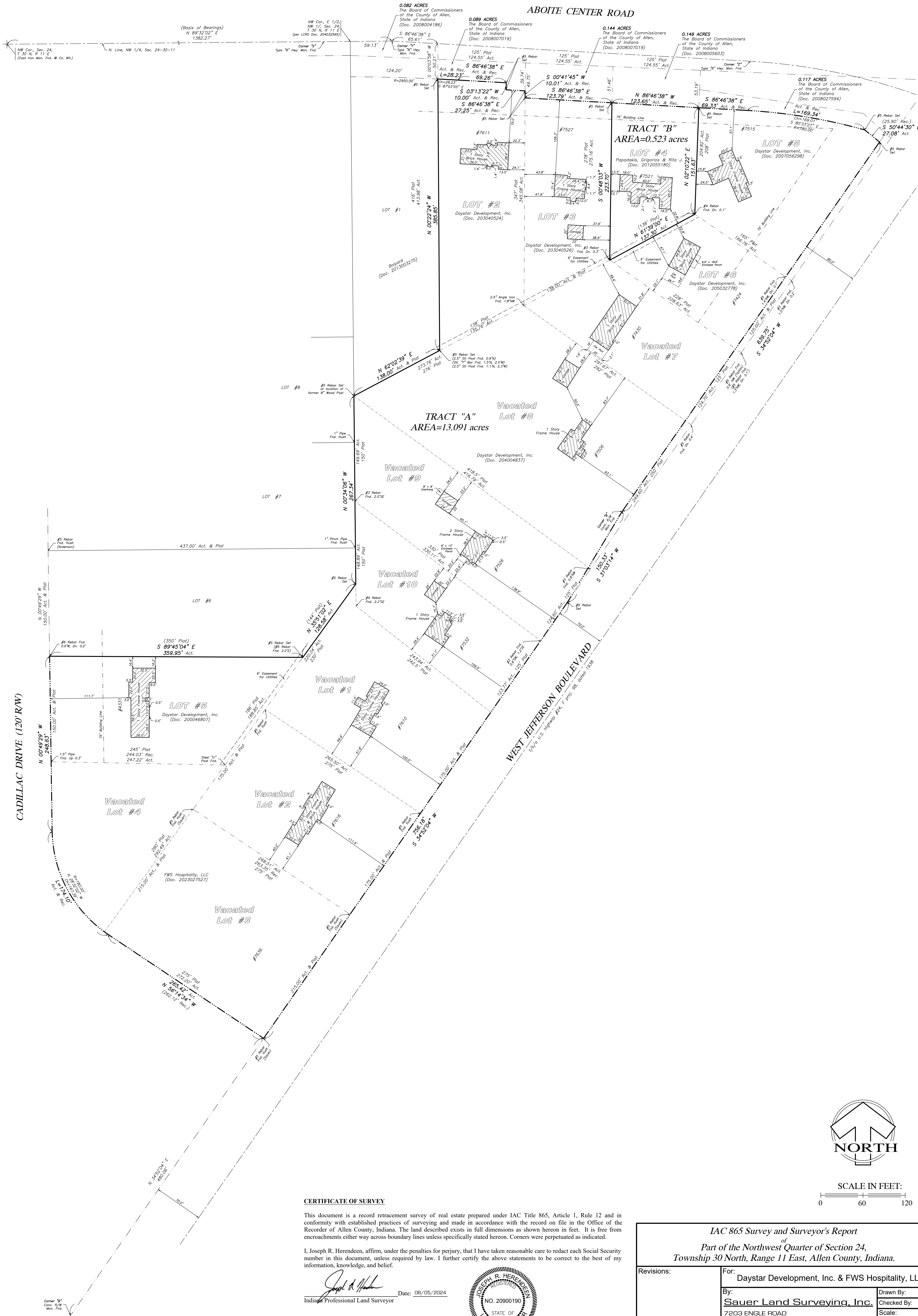
- JSK Rezoning C1
- JSK Rezoning C2



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: 11/25/2024

PLAT OF SURVEY



SCALE IN FEET:
0 60 120

CERTIFICATE OF SURVEY

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 record 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. Herendeen, 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. I further certify the above statements to be correct to the best of my information, knowledge, and belief.

Joseph R. Herendeen
Indiana Professional Land Surveyor
Date: 08/05/2024



IAC 865 Survey and Surveyor's Report
of
Part of the Northwest Quarter of Section 24,
Township 30 North, Range 11 East, Allen County, Indiana.

Revisions:	For: Daystar Development, Inc. & FWS Hospitality, LLC	Drawn By: JRH
By: Sauer Land Surveying, Inc.	Checked By: KNP	Scale: 1" = 60'
7203 ENGLE ROAD FORT WAYNE, IN 46804 TEL: 260/469-3300 / FAX: 260/469-3301	Date: August 5, 2024	Page 1 of 2
		148-164

RECORD DESCRIPTIONS

TRACT "A": (as described in Document Number 200406807)

Lot Number 5 in Hillside Acres Addition Amended, as recorded in Plat Record 16, page 144.

TOGETHER WITH: (as described in Document Number 203040524)

Lot Number 2 in Hillside Heights Addition, to the City of Fort Wayne, as recorded in Plat Record 15, page 53, EXCEPTING therefrom that portion condemned for the purpose of widening the Abbot Center Road by Circuit Court Cause No. CC-81-811.

ALSO: (as described in Document Number 203040526)

Lot Number 3 in Hillside Heights Addition, to the City of Fort Wayne, as recorded in Plat Record 15, page 53, EXCEPTING therefrom that portion condemned for the purpose of widening the Abbot Center Road by Circuit Court Cause No. CC-81-811.

EXCEPTING THEREFROM: (as described in Document Number 200807019)

A part of Lot 2 in Hillside Heights Addition, a subdivision in Abbot Township, Allen County, Indiana, the plat of which is recorded in Plat Record 15A, page 53, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the northwest corner of said lot; thence South 87 degrees 35 minutes 44 seconds East 124.55 feet (125.00 feet by Plat Record 15A, Page 53) along the north line of said lot to the northeast corner of said lot; thence South 0 degrees 40 minutes 45 seconds West 39.74 feet along the east line of said lot to the line between the point designated "868" and the point designated "867"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 27.25 feet to said point "867"; thence North 3 degrees 12 minutes 22 seconds East 10.00 feet to the point designated "866"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 69.26 feet to the point designated "865"; on said Exhibit "B", thence Westerly 28.23 feet along an arc to the left having a radius of 2,950.00 feet and subtended by a long chord having a bearing of North 87 degrees 04 minutes 05 seconds West and a length of 28.23 feet to the west line of said lot; thence North 0 degrees 02 minutes 38 seconds East 28.15 feet along said west line to the point of beginning and containing 0.089 acres, more or less.

TOGETHER WITH

A part of Lot 3 in Hillside Heights Addition, a subdivision in Abbot Township, Allen County, Indiana, the plat of which is recorded in Plat Record 15A, page 53, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the northwest corner of said lot; thence South 87 degrees 35 minutes 44 seconds East 124.55 feet (125.00 feet by Plat Record 15A, Page 53) along the north line of said lot to the northeast corner of said lot; thence South 0 degrees 40 minutes 45 seconds West 39.74 feet along the east line of said lot to the line between the point designated "868" and the point designated "867"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 27.25 feet to said point "867"; thence North 3 degrees 12 minutes 22 seconds East 10.00 feet to the point designated "866"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 69.26 feet to the point designated "865"; on said Exhibit "B", thence Westerly 28.23 feet along an arc to the left having a radius of 2,950.00 feet and subtended by a long chord having a bearing of North 87 degrees 04 minutes 05 seconds West and a length of 28.23 feet to the west line of said lot; thence North 0 degrees 02 minutes 38 seconds East 28.15 feet along said west line to the point of beginning and containing 0.089 acres, more or less.

ALSO TOGETHER WITH: (as described in Document Number 204004837)

Lots #1 and #2 in Hillside Acres Amended to the City of Fort Wayne, Indiana as recorded in Plat Book 16, page 130 together with Lots #7, #8, #9 and #10 in Hillside Heights Addition, a subdivision in Abbot Township, Allen County, Indiana, the plat of which is recorded in Plat Record 15A, page 53, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the northwest corner of said lot; thence South 87 degrees 35 minutes 44 seconds East 124.55 feet (125.00 feet by Plat Record 15A, Page 53) along the north line of said lot to the northeast corner of said lot; thence South 0 degrees 40 minutes 45 seconds West 39.74 feet along the east line of said lot to the line between the point designated "868" and the point designated "867"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 27.25 feet to said point "867"; thence North 3 degrees 12 minutes 22 seconds East 10.00 feet to the point designated "866"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 69.26 feet to the point designated "865"; on said Exhibit "B", thence Westerly 28.23 feet along an arc to the left having a radius of 2,950.00 feet and subtended by a long chord having a bearing of North 87 degrees 04 minutes 05 seconds West and a length of 28.23 feet to the west line of said lot; thence North 0 degrees 02 minutes 38 seconds East 28.15 feet along said west line to the point of beginning and containing 0.135 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.009 acres, more or less, for a net additional taking of 0.135 acres, more or less.

ALSO TOGETHER WITH:

Parcel #1 and #2 in Hillside Acres Amended to the City of Fort Wayne, Indiana as recorded in Plat Book 16, page 130 together with Lots #7, #8, #9 and #10 in Hillside Heights Addition, a subdivision in Abbot Township, Allen County, Indiana, the plat of which is recorded in Plat Record 15A, page 53, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the northwest corner of said lot; thence South 87 degrees 35 minutes 44 seconds East 124.55 feet (125.00 feet by Plat Record 15A, Page 53) along the north line of said lot to the northeast corner of said lot; thence South 0 degrees 40 minutes 45 seconds West 39.74 feet along the east line of said lot to the line between the point designated "868" and the point designated "867"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 27.25 feet to said point "867"; thence North 3 degrees 12 minutes 22 seconds East 10.00 feet to the point designated "866"; on said Exhibit "B", thence North 86 degrees 47 minutes 38 seconds West 69.26 feet to the point designated "865"; on said Exhibit "B", thence Westerly 28.23 feet along an arc to the left having a radius of 2,950.00 feet and subtended by a long chord having a bearing of North 87 degrees 04 minutes 05 seconds West and a length of 28.23 feet to the west line of said lot; thence North 0 degrees 02 minutes 38 seconds East 28.15 feet along said west line to the point of beginning and containing 0.135 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.009 acres, more or less, for a net additional taking of 0.135 acres, more or less.

PARCEL I: Vacated Lot Number 1 in the partially vacated plat of Hillside Acres Addition Amended, as recorded in Plat Record 16, page 144.

PARCEL II: Vacated Lot Number 2 in the partially vacated plat of Hillside Acres Addition Amended, as recorded in Plat Record 16, page 144.

PARCEL III: Vacated Lot Number 7 in the partially vacated plat of Hillside Heights Addition as recorded in Plat Record 15, page 53.

PARCEL IV: Vacated Lot Number 8 in the partially vacated plat of Hillside Heights Addition as recorded in Plat Record 15, page 53.

PARCEL V: Vacated Lot Number 9 in the partially vacated plat of Hillside Heights Addition as recorded in Plat Record 15, page 53.

PARCEL VI: Vacated Lot Number 10 in the partially vacated plat of Hillside Heights Addition as recorded in Plat Record 15, page 53.

PARCEL VII: Vacated Lot Number 16 in the partially vacated plat of Hillside Heights Addition as recorded in Plat Record 15, page 53.

ALSO TOGETHER WITH: (as described in Document Number 205032778)

Lot No. Six (6) in Hillside Heights, a subdivision of Allen County, Indiana.

ALSO: (as described in Document Number 2007056298)

Lot Number 5 in Hillside Heights Addition, in Township 30 North, Range 11 East, Allen County, Indiana, as recorded in Plat Record 15, page 53, in the Office of the Recorder of Allen county, Indiana.

Except the following parcel taken for Abbot Center Road right-of-way:

Part of the East Half of the Northwest Quarter of Section 24, Township 30 North, Range 11 East, Allen County, Indiana, described as follows:

Commencing at the Northwest corner of the East Half of the Northwest Quarter of said section; thence East along the South line of said East Half 500.74 feet; thence South 3 degrees 08 minutes 09 seconds West 45.43 feet to the Northwest corner of Lot Number 5, Hillside Heights Addition and the point of beginning; thence South 86 degrees 51 minutes 51 seconds East, 231.52 feet to the Northeast corner of said lot; thence South 19 degrees 38 minutes 38 seconds East, 85.07 feet to the most Easterly corner of said lot; thence North 48 degrees 08 minutes 09 seconds West 38.81 feet to the point of beginning; thence North 55 degrees 09 minutes 09 seconds East, 27.50 feet along said West line to the point of beginning, containing 9861 square feet, more or less.

Said legal being described by a modern survey by Anderson Surveying, Inc. dated February 13, 2006 as follows:

Part of Lot Number 5 in Hillside Heights Addition, as recorded in Plat Record 15, page 53, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at a 1/2 inch diameter rebar monumenting the Southwest corner of said Lot Number 5; thence North 03 degrees 10 minutes 51 seconds East a recorded bearing of South 86 degrees 51 minutes 51 seconds East for the North line of the East Half of the Northwest Quarter of Section 24, Township 30 North, Range 11 East, Allen County, Indiana, as shown on the right-of-way exception plans of the Abbot Center Road is utilized as the basis for all bearings relative this description), along the Westerly line of said Lot Number 5, 183.00 feet to a 1/2 inch diameter rebar on the Southerly right-of-way line of Abbot Center Road; thence South 81 degrees 52 minutes 22 seconds East along said Southerly right-of-way line, 229.87 feet to a point, said point being monumented by a 1/2 inch diameter rebar 4.9 feet South and 0.7 feet East; thence South 45 degrees 54 minutes 25 seconds West along said Southerly right-of-way line, 49.46 feet to a 3/8 inch diameter rebar with an orange identification cap stamped "ANDERSON FRM #29A" on the north side of said rebar; thence South 86 degrees 51 minutes 51 seconds East along said Southerly right-of-way line, 251.68 feet to a 5/8 inch diameter rebar with an orange identification cap stamped "ANDERSON FRM #29A"; the Southerly line of said Lot Number 5; thence North 54 degrees 08 minutes 09 seconds West along said Southerly line, 155.41 feet to the point of beginning, containing 1.085 acres of land, more or less.

EXCEPTING THEREFROM: (as described in Document Number 2008027594)

A part of Lot 5 in Hillside Heights Addition, a subdivision in Abbot Township, Allen County, Indiana, the plat of which is recorded in Plat Book 15A, page 53, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said lot South 2 degrees 36 minutes 36 minutes West 27.50 feet (distance quoted from Instrument #87-008377) from the northwest corner of said lot, said lot to the point of beginning is also the northwest corner of the grantor's land; thence South 81 degrees 44 minutes 43 seconds East 235.04 feet (230.66 feet by Instrument #87-008377) along the northern line of the grantor's land to the northeast corner of the grantor's land; thence South 48 degrees 05 minutes 14 seconds East 41.32 feet along the northeastern line of the grantor's land to the northwestern boundary of U.S. 24; thence South 34 degrees 49 minutes 34 seconds West 14.92 feet along the boundary of U.S. 24 to the point designated "1701" on said Exhibit "B"; thence North 50 degrees 45 minutes 30 seconds West 25.90 feet to the point designated "1702" on said Exhibit "B"; thence westerly 169.34 feet along an arc to the left having a radius of 169.00 feet and subtended by a long chord having a bearing of North 86 degrees 47 minutes 38 seconds West and a length of 169.01 feet to the point designated "9722" on said Exhibit "B"; thence North 86 degrees 47 minutes 38 seconds West 69.33 feet to said west line; thence North 2 degrees 36 minutes 24 seconds East 25.69 feet along said west line to the point of beginning and containing 0.117 acres, more or less.

(continued on right)

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Addresses: 4331 Cadillac Drive, 7515, 7521, 7527 & 7611 Abbot Center Road; and 7424, 7430, 7506, 7532, 7610, 7616 & 7636 West Jefferson Boulevard, Fort Wayne, IN 46804

This survey is intended to retrace the remainders of the record boundaries of thirteen tracts of real estate described in the following deeds in the Office of the Recorder of Allen County, Indiana:

1. A Warranty Deed from Bradley J. Bloomfield and Janice M. Bloomfield to Dystar Development, Inc., dated July 25, 2000, in Document Number 200046807.
2. A Warranty Deed from Judy Homett n/k/a Judy Springer, to Dystar Development, Inc., dated April 16, 2003, in Document Number 200056298.
3. A Warranty Deed from Steven R. Bree and Carole Bree to Dystar Development, Inc., dated April 16, 2003, in Document Number 203040426.
4. A Quitclaim Deed from Dystar Development, LLC, to Dystar Development, Inc., dated January 20, 2004, in Document Number 204004837.
5. A Warranty Deed from Mable F. Robnette aka Mabel F. Robnette, as Trustee of the Mabel F. Robnette Trust Under Deed of Trust Dated October 17, 2001, to Dystar Development, Inc., dated May 26, 2005, in Document Number 203032778.
6. A Quitclaim Deed from William L. Smits to Dystar Development, Inc., dated September 28, 2007, in Document Number 2007056298.
7. A Special Warranty Deed from Fannie Mae A/K/A Federal National Mortgage Association, to Grigorio Papadakis and Rita J. Papadakis, dated September 17, 2012, in Document Number 2012055180.
8. A Warranty Deed from Dawn M. Praker to FWS Hospitality, LLC, dated June 27, 2023, in Document Number 2023027527.

In Accordance with Title 865, Article 1, Chapter 12, Sec. 1 et seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various (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: Copies 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 this survey;
- Allen County Surveyor's Section Corner Records.
- The plat of Hillside Heights Addition, Plat Record 15, page 53.
- A survey of a part of Lot 5 in Hillside Hgts. Add. by Anderson Surveying, Inc., Survey No. 06-01-152, dated February 13, 2006.
- A survey of Lots 3 and 4 in Hillside Hgts. Add. by Sauer Land Surveying, Inc., Document Number 204021966.
- A survey of Lot 9 in Hillside Hgts. Add. by Anderson Surveying, Inc., Survey No. 97-01-122, dated January 15, 1997.
- A location control route survey for Abbot Center Road by JALZ Indiana, LLC, Document Number 20405266.
- INDOT highway plans and grants for U.S. Highway 92A, P project 9A, dated 1/98.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

- The Northwest corner of Section 24,.....County witnessed east iron monument found.
- The North Quarter corner of Section 24,.....No monument evidence found.

The following monuments were accepted and held as non-PLS corners:

- The most Southerly corner of Lot 1, Hillside Acres Amended,.....#5 rebar found.
- The most Westerly corner of Lot 1, Hillside Acres Amended,.....#5 rebar found.
- The most Southerly corner of Lot 2, Hillside Acres Amended,.....#5 rebar found with Sauer cap.
- The most Westerly corner of Lot 2, Hillside Acres Amended,.....#5 rebar found with Sauer cap.
- The Southeast corner of Lot 3, Hillside Acres Amended,.....#5 rebar found with Sauer cap.
- The Northwest corner of Lot 4, Hillside Acres Amended,.....1.5 inch diameter pipe found.
- The Northeast corner of Lot 4, Hillside Acres Amended,.....Steel "U" post found.
- The Northeast corner of Lot 5, Hillside Acres Amended,.....#5 rebar found 2.2 feet East of corner.
- The Northeast corner of Lot 6, Hillside Acres Amended,.....#5 rebar found with Anderson cap.
- The Northeast corner of Lot 7, Hillside Acres Amended,.....1 inch diameter pinched pipe found.
- The Southeast corner of Lot 1, Hillside Heights Addition,.....2.5 inch steel post found 0.9 feet North of corner.
- The Southeast corner of Lot 2, Hillside Heights Addition,.....#4 rebar found.
- The most Southerly corner of Lot 7, Hillside Heights Addition,.....#5 rebar found.
- The Southwest corner of Lot 9, Hillside Heights Addition,.....#5 rebar found 2.0 feet Southeast of corner.
- Corner "A",.....Concrete right-of-way monument found.
- Corner "B",.....Concrete right-of-way monument found.
- Corner "X",.....Type "B" Highway monument found.
- Corner "Y",.....Type "B" Highway monument found.
- Corner "Z",.....Type "B" Highway monument found.

Due to a lack of found monuments at the North Quarter corner of Section 24, the North line of the Northwest Quarter of Section 24 was established using the above-referenced Northwest corner of Section 24, found monuments in Abbot Center Road, and plan geometry as stated in the above-referenced location control route survey. Uncertainties due to variances between found controlling monuments and record descriptions were determined to be a maximum of 15.42 feet in any direction. Uncertainties between all found monuments and record descriptions were determined to be 15.42 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 established boundaries of subject tract. No occupation and/or possession lines were observed or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(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 adjointers' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy 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 Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

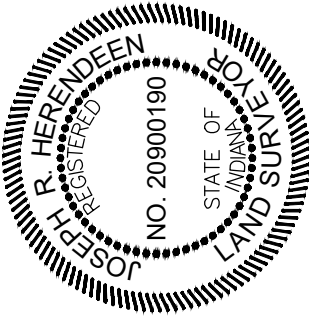
(E) ESTABLISHMENT OF LINES AND CORNERS:

1. The most Northerly lines of subject tract were all established on and along the South right-of-way lines of Abbot Center Road, using record and plan geometry and found monuments at the Northwest corner of Section 24-30-11 and Corners "X", "Y", and "Z".
2. The Southeasterly lines of subject tract were established on and along the plan right-of-way of West Jefferson Boulevard, using INDOT plan geometry and grants, concrete right-of-way monuments at Corners "A" and "B" and found monuments at the most Southerly corners of Lots 1, 2, and 3 in Hillside Acres Amended Addition and the most Southerly corners of Lot 7 in Hillside Acres Amended Addition.
3. The Southwest and West lines of Lots 3, 4, 5, and 6 in Hillside Acres Amended Addition were established using plat and survey geometry and found monuments at the most Southerly corner of Lot 3 and the Northwest corners of Lots 4 and 6 in Hillside Acres Amended Addition. The Northwest corner of Lot 5 in Hillside Acres Amended Addition was established at the midpoint of a line between said Lots 4 and 6 in Hillside Acres Amended Addition.
4. The Northwest lines of Lots 1, 2, and 3 in said Hillside Acres Amended Addition was established using a line of found monuments at the most Westerly corners of Lots 1 and 2 and the Northeast corner of Lot 4 in said Hillside Acres Amended Addition.
5. The North line of Lot 5 in Hillside Acres Amended Addition was established between its above-established Northwest corner and a monument found near the Northeast corner of said Lot 5, terminating at the Northwest lines of Lots 1, 2, and 3 in said Hillside Acres Amended Addition.
6. The West line of the plat of Hillside Heights Addition was established from the plan location of the Northwest corner of the East half of the Northwest Quarter of Section 24, through a line of found monuments at the Northeast corners of Lots 6 and 7 in Hillside Acres Amended Addition.
7. The Southwest corner of Lot 1 in Hillside Heights Addition was established at the location of a former wood post, using survey geometry.
8. The South lines of Lots 1, 2, 3 and 4 in Hillside Heights Addition was established using found monuments and/or their original locations at the Southwest corner of Lot 1 and the Southeast corners of Lots 3 and 4 in said Hillside Heights Addition. The Southwest corner of Lot 2 was established on and along said West line, at a pit distance from said Southwest corner of Lot 1.
9. The West line of Hillside Heights Addition was established on and along said West line, at a pit distance from said Southwest corner of Lot 1, to the point on the South right-of-way line of Abbot Center Road.
10. The East line of Lot 3 in Hillside Heights Addition was established between the above-referenced Southeast corner of Lot 3 and a record point on the South right-of-way line of Abbot Center Road.
11. The East line of Lot 4 in Hillside Heights Addition was established between the above-referenced Southeast corner of Lot 4 and a record point on the South right-of-way line of Abbot Center Road.

SURVEYOR'S REPORT

(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 surveyor is not to be held responsible for the location of the original boundaries. As such, the title commitment has been provided for review.
3. The flood statement hereon is for informational purposes only. As of this date, no title commitment has been provided for review. 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 deed records and information from other public sources referred to in this survey are hereby incorporated as part of this survey as fully, fairly, and accurately as the same appear in the public records.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. 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.
11. Notices of distances of 100 feet or more are given in seconds of arc, as is solely to minimize errors introduced by rounding. Neither distances can be used 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 theoretical uncertainty stated in Part (D) of the Surveyor's Report.
12. Since the last date of fieldwork for 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.
13. Declaration is made to original purchaser of the survey, 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 the survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.



Date: 08/05/2024
Indiana Professional Land Surveyor

CERTIFICATE OF SURVEY

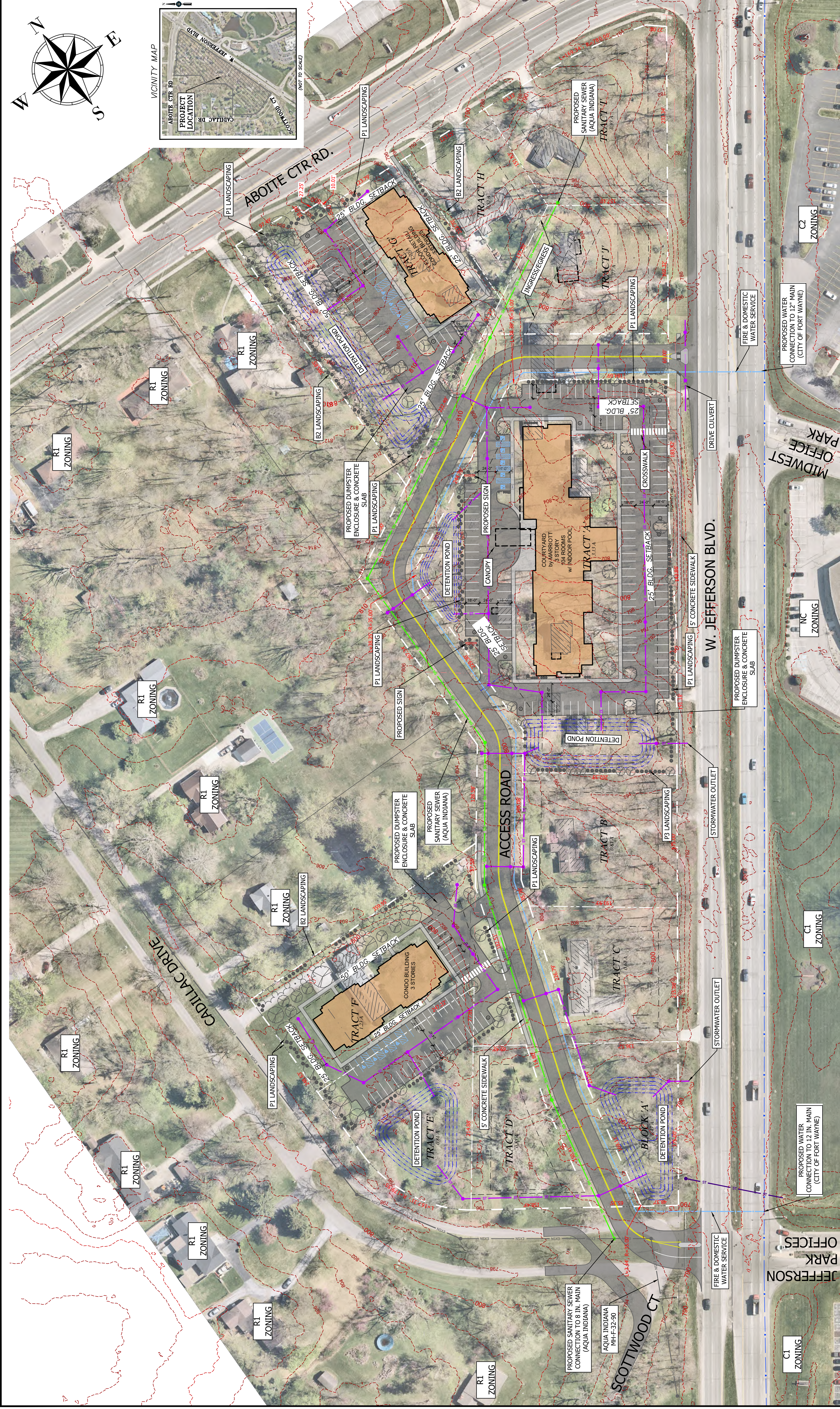
This document is a record retracement survey of real estate prepared under IAC Title 865, Article 1, Rule 12 and in conformity with established surveying principles. The survey was conducted in accordance with the provisions of the Office of the Recorder of Allen County, Indiana. The land described exists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

I, Joseph R. Herendend, affirm, under the penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document, unless required by law. I further certify the above statements to be correct to the best of my information, knowledge, and belief.

Joseph R. Herendend
Date: 08/05/2024
Indiana Professional Land Surveyor

<i>IAC 865 Survey and Surveyor's Report</i> <i>Part of the Northwest Quarter of Section 24,</i> <i>Township 30 North, Range 11 East, Allen County, Indiana.</i>	
Revisions:	For: Daystar Development, Inc. & FWS Hospitality, LLC
By:	Checked By: JRH Sauer Land Surveying, Inc. 7203 ENGLE ROAD FORT WAYNE, IN 46804 TEL: 260 / 469-3300 / FAX: 260 / 469-3301 Scale: 1" = 60'
Date: August 5, 2024	Page 2 of 2 148-164
Drawn By:	JRH
Job No.	

S:\2024 Projects\24-2020 FMS Hospitality - W Jefferson Rezoning\CAD\24-2020 Design\dwg--11/25/2024--1" = 60'--Landscape.dwg



LEGEND	
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CONCRETE PAVEMENT
	PROPOSED STORM SEWER
	EXISTING STORM SEWER
	PROPOSED SANITARY SEWER
	PROPOSED WATER LINE
	EXISTING WATER LINE
	PROPOSED DECIDUOUS TREE
	PROPOSED CONIFEROUS TREE
	PROPOSED SHRUB

GENERAL NOTE

FOR EXISTING PROPERTY LINES AND BEARING & DISTANCES, SEE BOUNDARY SURVEY PERFORMED AUGUST 5TH OF 2024 BY SAUER LAND SURVEYING, INC.

PRIMARY DEVELOPMENT PLAN

Scale: 1" = 60'

DEVELOPER	CIVIL ENGINEER	HOTEL PARKING SUMMARY		FLOOD INSURANCE RATE MAP (FIRM)	
FMS HOSPITALITY LLC 121 S. Doctor MLK Jr. Blvd SOUTH BEND, IN 46601 PH: (574) 320-2784 CONTACT: AJ PATEL EMAIL: ajpatel@fmshospitality.com	A&Z ENGINEERING LLC 1220 Rushton Pass FT. WAYNE, IN 46825 PH: (260) 485-7077 CONTACT: LANDON GROGG EMAIL: lgrogg@a-z-engineering.net	1 SPACE PER SLEEPING ROOM	PROPOSED PARKING	ALLEN COUNTY, INDIANA AND INCORPORATED AREAS FIRM MAP NUMBER: 18003C0286G PANEL 286 OF 495 DATED AUGUST 3, 2009	
		104 ROOMS	104 SPACES		
		CONDO/COMMERCIAL PARKING SUMMARY	PROPOSED PARKING		
		1 SPACE PER 400 SQFT (CONDO) & 1 SPACE PER 1-2 BEDROOM UNIT (CONDO)	40 SPACES		
		9600 SQFT & 16 UNITS	44 SPACES		
		CONDO PARKING SUMMARY	PROPOSED ZONING		
		1 SPACE PER 1-2 BEDROOM UNIT (CONDO)	24 SPACES		
		24 UNITS	50 SPACES		
			PROPOSED ZONING		
			CURRENT USE		
			PROPOSED USED		

HOTEL PARKING SUMMARY		FLOOD INSURANCE RATE MAP (FIRM)	
1 SPACE PER SLEEPING ROOM	PROPOSED PARKING	ALLEN COUNTY, INDIANA AND INCORPORATED AREAS FIRM MAP NUMBER: 18003C0286G PANEL 286 OF 495 DATED AUGUST 3, 2009	
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CONDO/COMMERCIAL PARKING SUMMARY	PROPOSED PARKING		
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1 SPACE PER 1-2 BEDROOM UNIT (CONDO)	24 SPACES		
24 UNITS	50 SPACES		
	PROPOSED ZONING		
	CURRENT USE		
	PROPOSED USED		

PROJECT

7532 W. JEFFERSON BLVD.
REZONING

PRIMARY DEVELOPMENT PLAN

SHEET TITLE

APPROVED BY: XXX

CHECKED BY: XXX

DRAWN BY: XXX

DESIGNED BY: XXX

SURVEYED BY: XXX

DATE: 11/05/2024

BY:

PROJECT NO.: 24-2020

DRAWING FILE NAME: 24-2020 Design.dwg

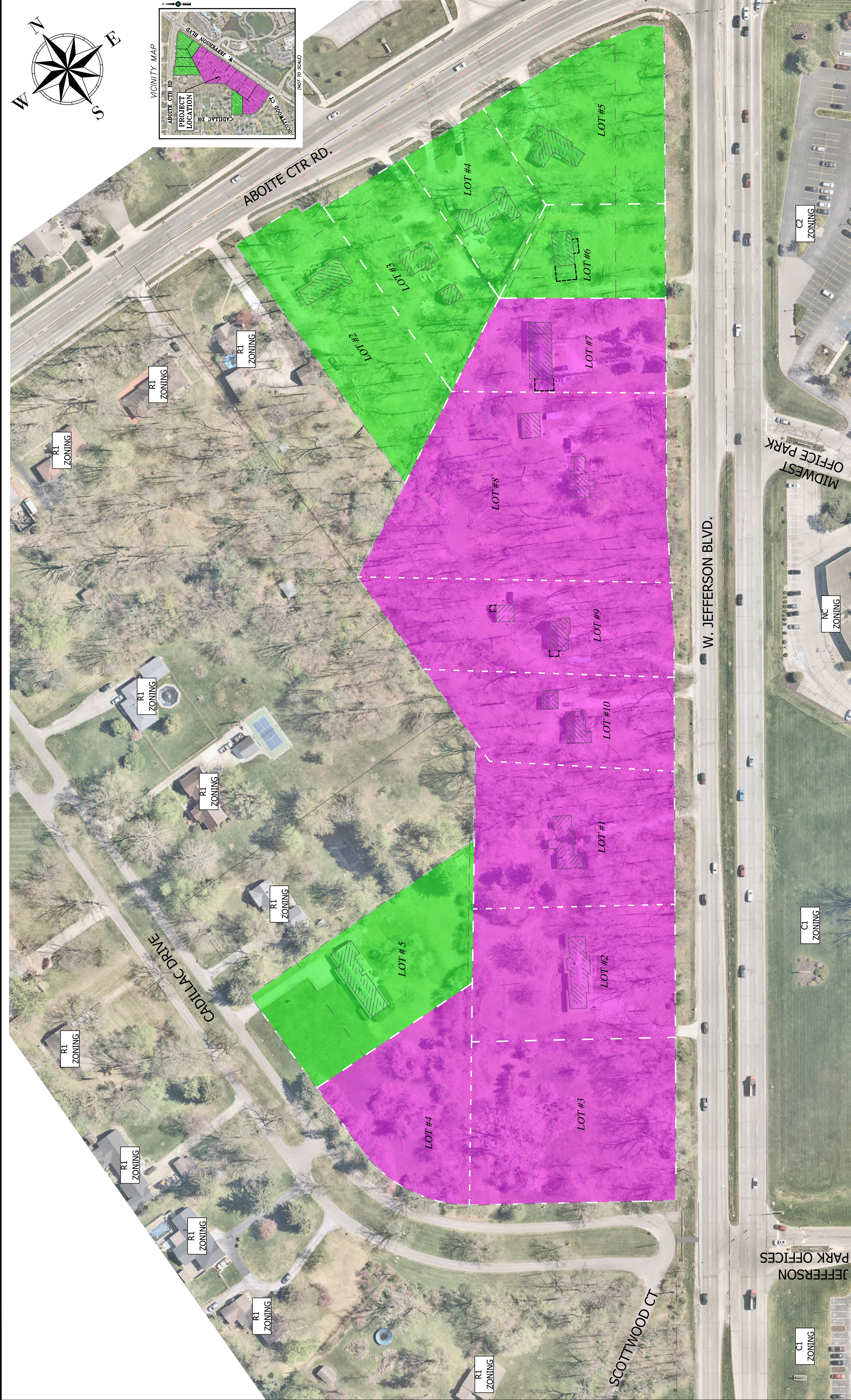
SCALE: 1" = 60'

SHEET NUMBER 1 of 3

A&Z ENGINEERING

1220 Rushton Pass
Fort Wayne, IN 46825
260.485.7077
www.a-z-engineering.net

FOR REZONING PURPOSED ONLY



LEGEND

- EXISTING C1 ZONING
- EXISTING R1 ZONING

EXISTING ZONING

Scale: 1" = 60'

SCALE 1" = 60'

0 30 60 120

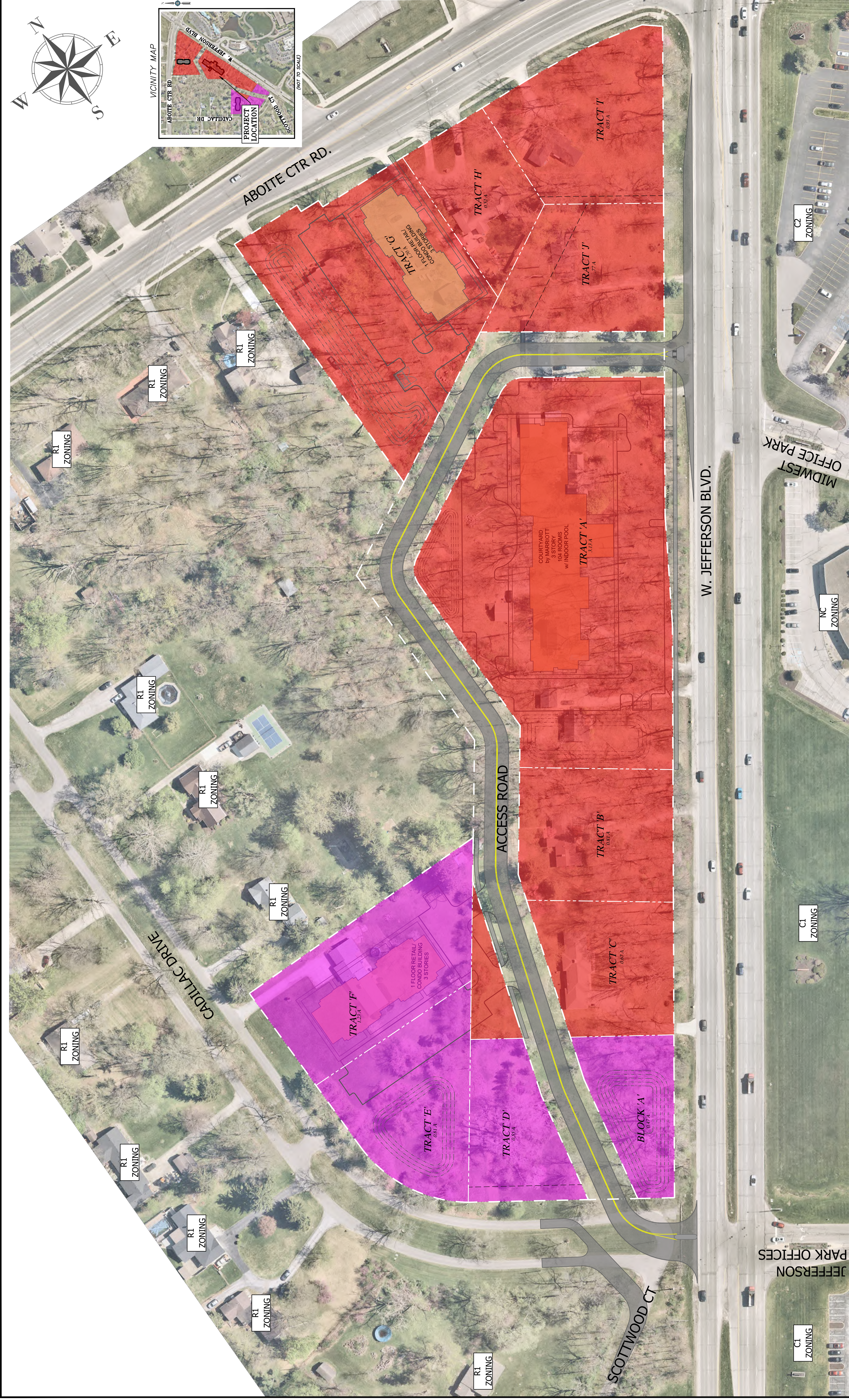
GENERAL NOTE

FOR EXISTING PROPERTY LINES AND BEARINGS & DISTANCES, SEE BOUNDARY SURVEY PERFORMED AUGUST 5TH OF 2024 BY SAUER LAND SURVEYING, INC.

PROJECT		7532 W. JEFFERSON BLVD. REZONING	
SHEET TITLE		EXISTING ZONING	
APPROVED BY:		XXX	
CHECKED BY:		XXX	
DRAWN BY:		XXX	
DESIGNED BY:		XXX	
SURVEYED BY:		XXX	
DATE:		11/05/2024	
BY:		[Signature]	
PROJECT NO:		24-2020	
DRAWING FILE NAME:		24-2020 ExistZoning	
SCALE:		1" = 60'	
SHEET NUMBER		2 of 3	
TOTAL SHEETS		3	

A & Z ENGINEERING

1220 Ruston Pass
Fort Wayne, IN 46825
260.485.7072
www.a-z-engineering.net



PROPOSED ZONING PLAN

Scale: 1" = 60'

SCALE 1" = 60'

0 30 60 120

LEGEND

PROPOSED C1 ZONING

PROPOSED C2 ZONING

PROJECT

7532 W. JEFFERSON BLVD.
REZONING

PROPOSED ZONING PLAN

DATE: 11/05/2024

BY: *Matthew K. Hymel*



APPROVED BY: XXX

CHECKED BY: XXX

DRAWN BY: XXX

DESIGNED BY: XXX

SURVEYED BY: XXX

PROJECT NO: 24-2020

DRAWING FILE NAME: 24-2020 PropZoning

SCALE: 1" = 60'

SHEET NUMBER 3 OF 3

TOTAL SHEETS 3

Rezoning Petition REZ-2024-_____; R1 and C1 to C2

Applicant: JSK Hospitality LLC

Fort Wayne Plan Commission

December 9, 2024, Public Hearing

Rezoning Criteria:

1. The Comprehensive Plan

On the Generalized Future Land Use for the Southwest Quadrant of Fort Wayne map in the All in Allen Comprehensive Plan ("Comprehensive Plan") (p. 70), this area is designated as appropriate for Suburban Neighborhood development. The subject 13-acre parcel proposed for C2 Limited Commercial with a hotel and related development.

Goal 1.1 (p. 110) of the Comprehensive Plan encourages compact infill development and increased density.

The Future Growth and Development Map in the Comprehensive Plan (p. 55) shows this site as being "urban infill area." It is not reserved as a low intensity residential area. Policy 1.3 encourages compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities. Policy 1.1.1 further states mixed use redevelopment opportunities on vacant or underutilized properties within Priority Investment and Urban Infill Opportunity Areas on the Future Growth and Development map are encouraged. These parcels have been listed for sale by the owners for many years.

The Land Use Compatibility Index (p. 213) shows that neighborhood commercial and community commercial is potentially compatible with adjacent single family suburban development with additional mitigation efforts, building design, landscaping and connectivity are provided. The plan meets or exceeds the landscaping requirements of the zoning ordinance. The height of the main use, the hotel, is under the maximum for the C2 (proposed) district.

2. Current conditions and the character of current structures and uses in the district

The bulk of the development site was rezoned to C1 Professional Office and Services in the mid to late 90s but has never developed into office and personal service uses. Adjacent properties to the north and west are zoned AR Low Intensity Residential. To the south,

across West Jefferson Blvd., and to the east, the properties are zoned C2 Limited Commercial, NC Neighborhood Commercial and C1. The West Jefferson corridor has, and will continue to be, developed into commercial uses.

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

The most desirable use for the property is neighborhood and community commercial. While this subject property contains several single-family residences, they have been used as rentals for many years with the property being for sale for C1 uses. The C1 uses have yet to develop. Here, the developer proposes a comprehensive development for this whole tract along West Jefferson, instead of piece meal development as time goes by. This allows for controlled access points and comprehensive design. The mixed-use part of the development, featuring ground floor commercial with residential on the upper stories provides for a gradient of uses – with the least intense being located near existing residential, and the hotel closest to West Jefferson.

4. The conservation of property values throughout the jurisdiction

This criteria applies to property values throughout the jurisdiction. Development into the highest and best use of properties supports positive property values. In fact, underutilized or underdeveloped property within the urban services area, and along major corridors like West Jefferson Boulevard tends to depress property values as a whole.

5. Responsible development and growth

The proposal is compliant with the Comprehensive Plan. The development plan complies with the C2 zoning requirements, save for the lot coverage max for the hotel site. The lot coverage waiver is being sought to negate the need for a height waiver. Allowing new development along the West Jefferson corridor (Wash and Shine, Peter Franklin Jewelers, Mercedes Benz Dealership) is not something this community has shied away from when it represents quality, compatible development.

PLAT OF SURVEY

ABOVE CENTER ROAD

CUDDELL DRIVE (125' WIDE)

TRACT "A" AREA=11.001 acres

TRACT "B" AREA=0.523 acres

LOT #1, LOT #2, LOT #3, LOT #4, LOT #5, LOT #6, LOT #7, LOT #8, LOT #9, LOT #10, LOT #11, LOT #12, LOT #13, LOT #14, LOT #15

WEST HENDERSON BOULEVARD

STATEMENT OF WORK

SOUTHERN LAND SURVEYING, INC.

References:

Daystar Development, Inc. & FMS Hospitality, LLC	Drawn by: JCH
2003 B. GLENN ROAD	Check by: JCH
PO BOX 11111, EL PASO, TEXAS 79911	Scale: 1" = 60'
TEL: 950/453-3300 / FAX: 950/453-3301	Job No: 1008-101
Date: August 6, 2024	Page 1 of 2

[illegible]

John A. Hill Date 08.15.2011
John A. Hill



SCALE IN FEET:

 0 50

Revised:	For: Daystar Development, Inc. & FWS Hospitality, LLC		
	By: Sauer Land Surveying, Inc.	Drawn By: JS	
	2203 E. GLENN RD	Checked By: JS	
	PORT WASHINGTON, MI 48064	Scale:	1" = 60'
	TEL: 580/453-3303 / FAX 260/453-3304		
	Date: August 6, 2024	Page 1 of 2	148-164

