

FACT SHEET

Case #REZ-2024-0046 and REZ-2024-0048 Bills # Z-24-12-04 and Z-24-12-05
Project Start: December 2024

APPLICANT:	JSK Hospitality, LLC
REQUEST:	To rezone property from C1/Professional Offices and Personal Services and AR/Low Intensity Residential to C1/Professional Offices and Personal Services and C2/Limited Commercial as well as to approve a primary development plan for an 11-lot commercial development including a hotel, multitenant commercial structures, and development lots with waivers to increase allowable square footage.
LOCATION:	7610 W Jefferson Blvd, southwest corner of its intersection with Engle Road (Section 24 of Aboite Township)
LAND AREA:	Rezone to C1 approximately 1.01 acres Rezone to C2/Limited Commercial approximately 11.5 acres Development Plan acreage is approximately 14.66 acres
PRESENT ZONING:	C1/Professional Offices and Personal Services and AR/Low Intensity Residential
PROPOSED ZONING:	C1/Professional Offices and Personal Services and C2/Limited Commercial
COUNCIL DISTRICT:	4 – Dr. Scott Myers
SPONSOR:	Fort Wayne Plan Commission

December 9, 2024 Public Hearing

- Two residents spoke in support.
- Six residents spoke about concerns.
- Rachel Tobin-Smith, Paul Sauerteig, and Amos Norman were absent.

December 16, 2024 Business Meeting

REZ-2024-0046 (Z-24-12-04)

Plan Commission Recommendation: DO PASS,

A motion was made by Ryan Neumeister and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation and a Written Commitment to Common Council for their final decision.

8-1 MOTION PASSED

Karen Richards voted nay.

REZ-2024-0048 (Z-24-12-05)

Plan Commission Recommendation: DO PASS,

A motion was made by Ryan Neumeister and seconded by Scott Myers to return the ordinance with a Do Pass recommendation and a Written Commitment to Common Council for their final decision.

8-1 MOTION PASSED

Karen Richards voted nay.

Fact Sheet Prepared by:
Michelle Wood, Senior Land Use Planner
January 9, 2025

PROJECT SUMMARY

The petitioner is requesting to rezone parcels along the north side of West Jefferson Boulevard, from about Aboite Center Road to Cadillac Drive, to develop commercially, including a new hotel and multiple family buildings, with mixed use. Today, about 2/3 of the property is zoned C1/Professional Offices and Personal Services, which permits many uses seen along West Jefferson, like banks, medical offices, and office parks. The remaining approximate 5.5 acres are zoned residentially but proposed to rezone to a commercial zoning district. This stretch of West Jefferson Boulevard has about 32,000 daily motorists, and Aboite Center Road has about 13,600 daily motorists, qualifying both as arterial streets. This means that these parcels could no longer be platted for residential use, since the ordinance prohibits any new plats from having frontage along an arterial street.

The C1/Professional Offices and Personal Services petition is located closest to the residences along Cadillac Drive. The C1 district does not permit retail, restaurants, and other uses that may contain more foot traffic. C1 is the district that is recommended to provide transition between residential districts like Cadillac Drive and the more intensive uses found along West Jefferson Boulevard. The rezoning petition for C2 affects about 11 acres, of which about 6.8 acres are already zoned commercially (C1). The remaining approximate 4.2 acres are zoned AR/Low-Intensity Residential but are at the corner of Aboite Center and West Jefferson, with the remaining 3 corners of that intersection being commercially zoned (The south side of the intersection is zoned C2 and the north sides are zoned C1).

West Jefferson Boulevard has been transitioning from residential to commercial over the past 30 years, pivoting the area to a more regional thoroughfare. The site is an artery between the core of Fort Wayne and places like I-69, Huntington, and Aboite and Lafayette Townships.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area.
- The following Goal would be applicable and supportive of this request:
LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 4 – Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

Generalized Future Land Use Map

- The project site is located within the Suburban Neighborhood generalized land use category. The primary use in this district is single-family residential. Secondary uses include Civic and Cultural Facilities, Parks and Open Space, Religious Institutions, Schools, and Single-Family Attached Residential.

Overall Land Use Related Action Steps

- **LUD Goal 1** Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.
- **LUD Goal 1.2** Explore modified development review processes to facilitate compatible infill development and redevelopment proposals
- **LUD Goal 1.3** Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities

Compatibility Matrix

- C1 is considered “compatible” to the suburban neighborhood future designated land use.
- C2 is considered “potentially compatible” to the suburban neighborhood future designated land use. Suggestions to improve compatibility include written commitments, building design, enhanced landscaping, enhanced access and connectivity such as trails/sidewalks, shared access points / roads, and street interconnections.

Today, the applicant is proposing to expand the original footprint of the development site and include Limited Commercial retail uses in some areas. The primary access to the site is provided by a new road that ends and terminates at West Jefferson Blvd. This development plan shows eleven tracts for development. All new development parcels have access to this road, either with direct frontage or by easement. Additional pedestrian access will be provided along West Jefferson, which is a requirement per the zoning ordinance.

Three of the parcels are showing proposed structures and related uses, like parking and landscaping. The first two are shown on Tracts F and G and are shown as three-story multiple use buildings. All are meeting the residential mitigation impact standards of being at least 50’ setback from residential structures, and as shown, no parking is shown in that setback. Rather, detention and landscaping are within that 50’ setback. The Tract F building will be zoned C1, so if the use of the building is mixed, that building will have uses that are more appointment-based and professional in nature. The Tract G building, located along Aboite Center Road, is proposed to be zoned C2, which permits retail, restaurants, and other light uses intended for foot traffic. Access to both structures are via the new access road and not from Cadillac Drive or Aboite Center Road. The hotel structure is located on Tract “A” and located in the proposed C2 district. The structure is located between the new access road and West Jefferson Boulevard, creating a through style lot. This hotel is 3-stories and will be about 68,232 square feet. The 136-car parking lot exceeds the minimum of 104 spaces (1 space per sleeping room).

There was discussion at the public hearing regarding screening and buffering. The applicant agreed to increase the required landscaping along areas adjacent to residential parcels. Fencing and street trees will be installed along the new public road between the hotel and residential lots. On the C1 parcel, 8 to 10-foot tall evergreen trees, large shrubs, and deciduous trees will be planted along with a 6-foot fence along the north side of the parking lot, adjacent to the residential lot. On the C2 parcel at Aboite Center Road, fencing and evergreen trees will be installed between the commercial lot and the residential lot.

A Written Commitment has been accepted by Plan Commission that relates the agreed-upon landscape enhancements as well as prohibited uses in the C2 district.

PUBLIC HEARING SUMMARY:

Presenter: Pat Hess, Beckman Lawson, represented the request as outlined above.

Public Comments:

John Hoffman, representing SWAP, spoke generally in favor of the proposal, stating that the area is recognized to develop commercially and it fits the comp plan. He stated that screening and buffering should be carefully considered.

Greg Papadakis, 7521 Aboite Center Road – Spoke in favor of the request, citing the redevelopment and reinvestment in these poorly maintained properties.

Gary Hoagland, representing 4323, 4329 and 4315 Cadillac Drive – Has concerns over traffic, hours of operation and noise.

Robert Stahl and Michael Stahl, 7721 Aboite Center Road - Expressed similar concerns over traffic.

Suzanne Carr, 4315 Cadillac Drive – Concerned about school bus pickup.

Paul Lagemann, County Councilman – Would prefer to see this request wait until after the zoning ordinance amendment for building heights is approved (it is now approved).

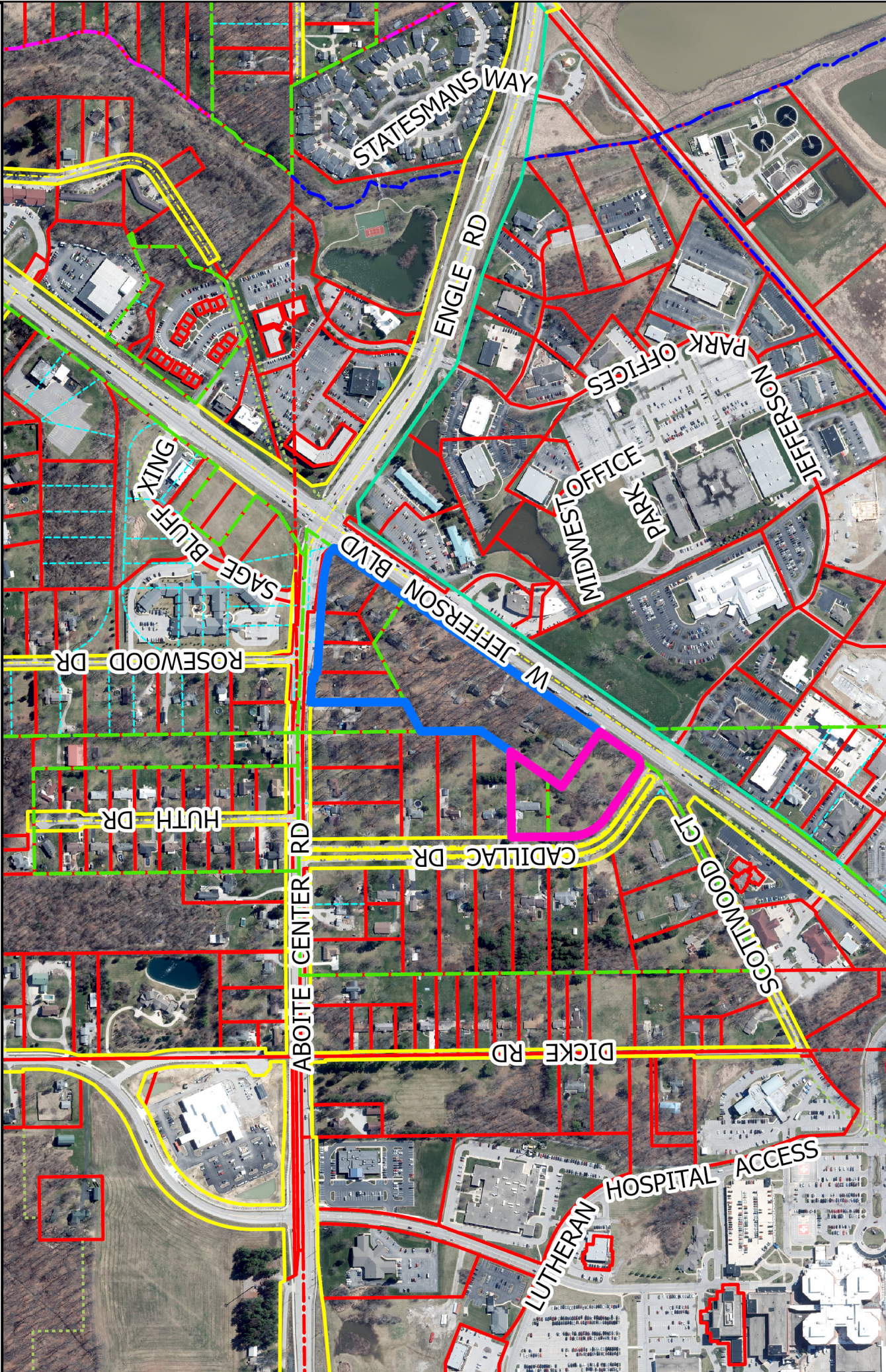
Elizabeth Roth, 4342 Cadillac Drive – Concerns include children, and proximity of development.

Closing Comments:

The hotel proposal meets current zoning ordinance height requirements. If the amendment is approved, they will still meet all zoning ordinance requirements. There is no access to Cadillac Drive. This is comprehensive planning of the entire area, not piecemeal development. The land has been zoned for office since 1997 and has not developed with offices in all that time. The proposed plan shows good planning, with improved traffic infrastructure, enhanced landscaping and responsible adherence with the zoning ordinance.



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



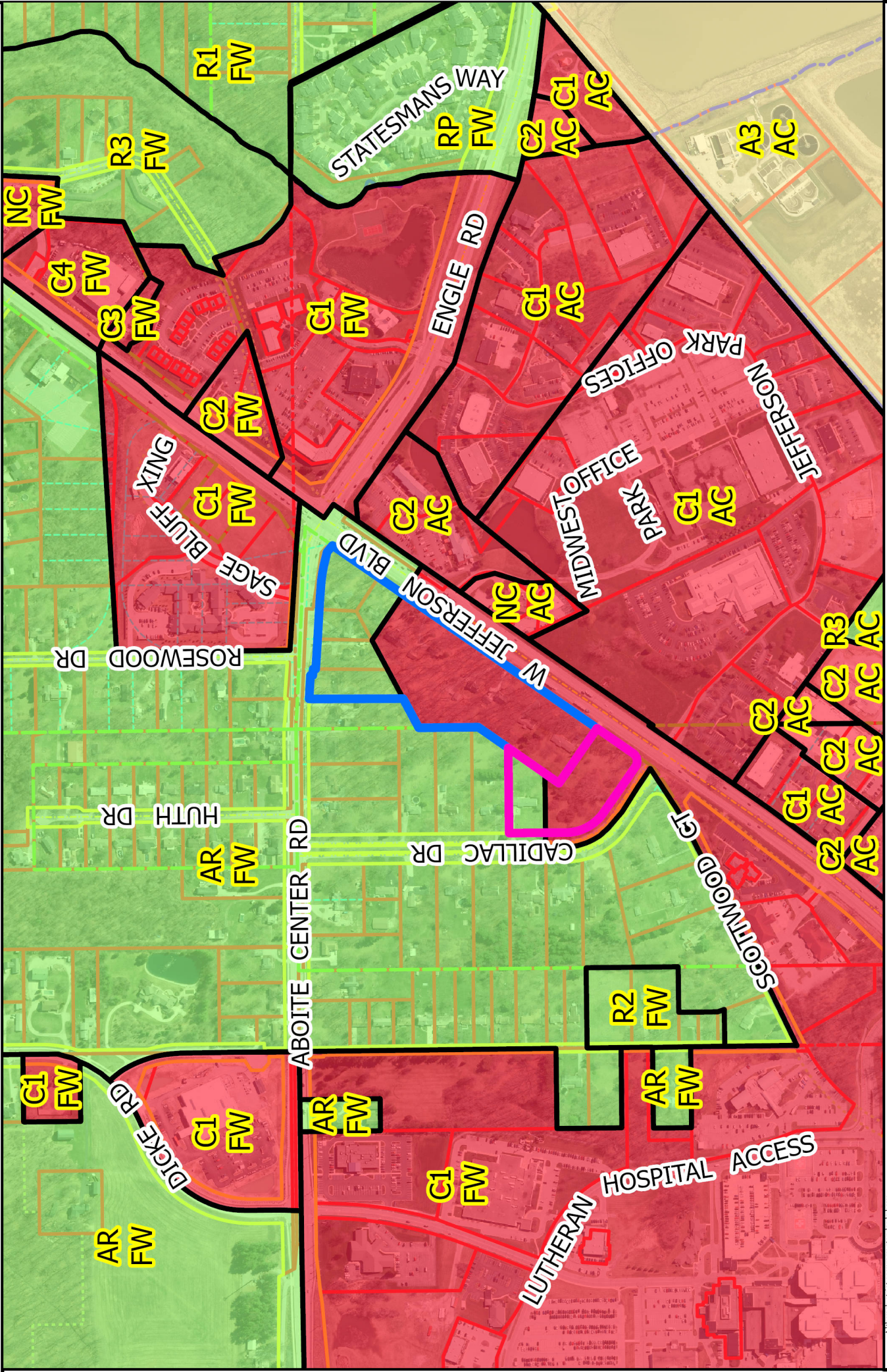
- JSK Rezone C1
- JSK Rezone C2

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



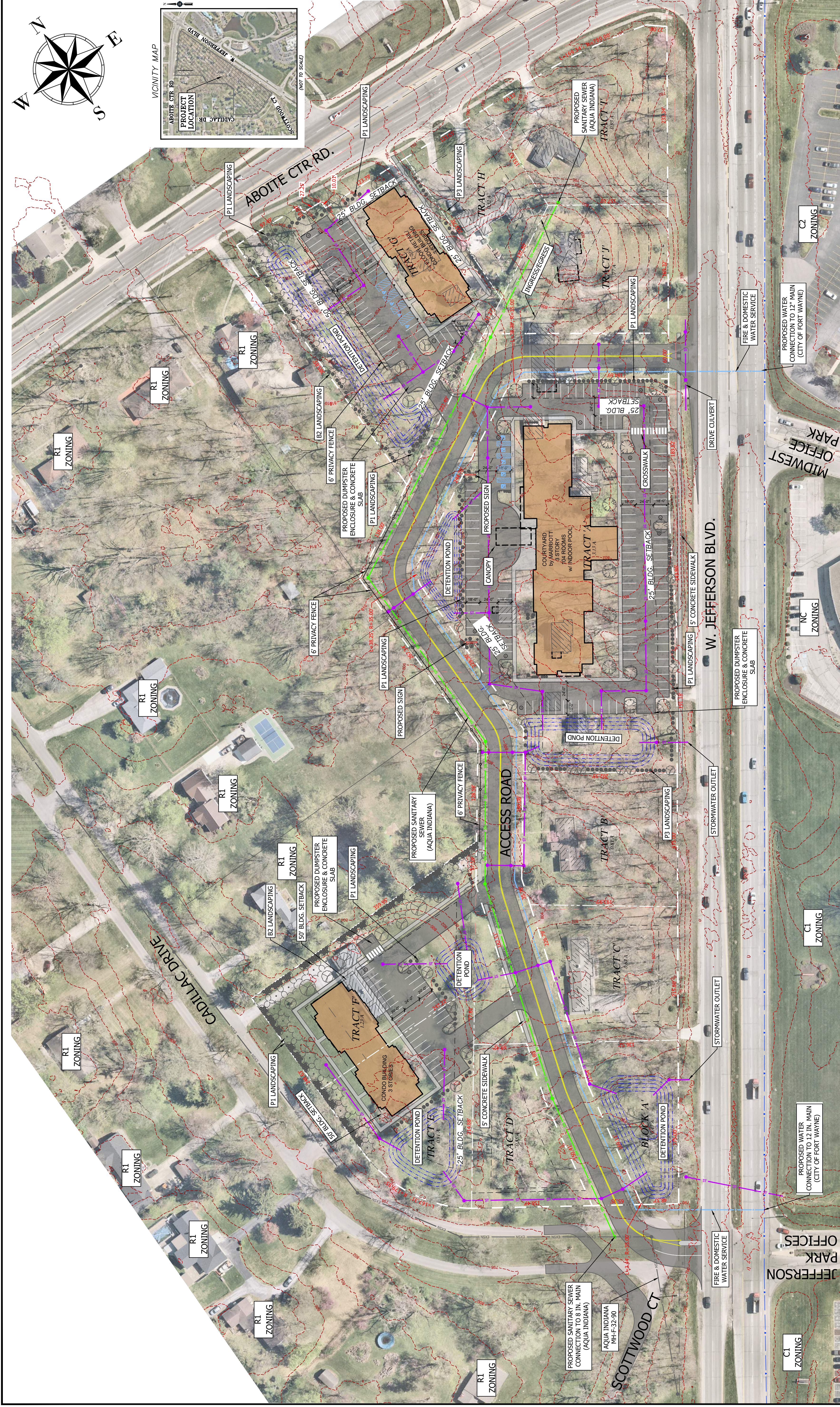
Rezoning Petition REZ-2024-0046 and Primary Development Plan PDP-2024-0053 - JSK Hospitality



- JSK Rezoning C1
- JSK Rezoning C2

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DEVELOPER	CIVIL ENGINEER	HOTEL PARKING SUMMARY			FLOOD INSURANCE RATE MAP (FIRM)	
FMS HOSPITALITY LLC 21 S. GILBERT BLVD SUITE 100 CHICAGO, IL 60601 PH: (260) 320-2784 CONTACT: AJ PATEL EMAIL: apatel@ajshospitality.com	A&Z ENGINEERING LLC 2220 Kudson PARK SUITE 100 CHICAGO, IL 60601 PH: (260) 485-7077 CONTACT: LANDON GROGG EMAIL: lgrogg@az-engineering.net	1 SPACE PER SLEEPING ROOM	TOTAL PARKING REQUIRED	PROPOSED PARKING	ALLEN COUNTY, INDIANA AND INCORPORATED AREAS FIRM MAP NUMBER: 18003C02866 PANEL 286 OF 495 DATED AUGUST 3, 2009	
		104 ROOMS	104 SPACES	136 SPACES		
		CONDO/COMMERCIAL PARKING SUMMARY				
		1 SPACE PER 400 SQFT (COMM.) & 1 SPACE PER 1-2 BEDROOM UNIT (CONDO)	TOTAL PARKING REQUIRED	PROPOSED PARKING		
		9600 SQFT & 16 UNITS				40 SPACES
SURVEYOR	ARCHITECT	CONDO PARKING SUMMARY			ZONING SUMMARY	
SAUER LAND SURVEYING, INC. 7203 ENGLE ROAD FT. WAYNE, IN 46804 PH: (260) 469-3300 CONTACT: JOSEPH HEREIDEN	MAJST ARCHITECTURAL SERVICES 112 N. MAIN ST. GOSHEN, IN 46526 PH: (574) 537-8500 CONTACT: MICHAEL MAJST EMAIL: michaelmajst@maustarchitects.com	1 SPACE PER 1-2 BEDROOM UNIT (CONDO)	TOTAL PARKING REQUIRED	PROPOSED PARKING	EXISTING ZONING	
		24 UNITS	24 SPACES	31 SPACES	PROPOSED ZONING	
					CURRENT USE	CL & C2
					PROPOSED USED	RESIDENTIAL
						HOTEL & CONDOS W/ 1ST FLOOR RETAIL

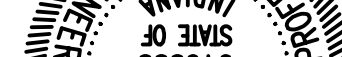
PRIMARY DEVELOPMENT PLAN

Scale: 1" = 60'

GENERAL NOTE

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

	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

 A&Z ENGINEERING LLC 1220 Ruston Pass Fort Wayne, IN 46825 260.485.7077 www.azengineering.net  DATE: 11/05/2024 BY: <i>W. Zwick</i>										APPROVED BY: XXX CHECKED BY: XXX DRAWN BY: XXX DESIGNED BY: XXX SURVEYED BY: XXX PROJECT NO.: 24-2020 DRAWING FILE NAME: 24-2020 Design - ALT SCALE: 1" = 60' SHEET NUMBER 1 of 1 TOTAL SHEETS 1									
PROJECT TITLE PRIMARY DEVELOPMENT PLAN PROJECT 7532 W. JEFFERSON BLVD. REZONING																			

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this ____ day of _____, 2025 by Daystar Development, Inc., an Indiana corporation (“Daystar”), FWS Hospitality, LLC, an Indiana limited liability company (“FWS”) and Grigorios Papadakis and Rita J. Papadakis, husband and wife (“Papadakis”) (collectively the “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 14.66 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (the “Real Estate”); and

WHEREAS, Declarant submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from AR/Low Intensity Residential and C1/Professional Office and Personal Services, bearing number REZ-2024-0046 and REZ-2024-0048 (the “Petitions”), which Petitions have been approved by the City of Fort Wayne Plan Commission (the “Plan Commission”) and the Fort Wayne Common Council (“City Council”); and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petitions, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon approval of the Petitions by the Plan Commission and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. Subject to the terms and conditions herein contained, the following uses, as those uses are defined in the Fort Wayne Zoning Ordinance, shall be prohibited upon the Real Estate:
 - a. Animal Kennel
 - b. Bowling alley
 - c. Club, private
 - d. Correctional services facility

- e. Homeless shelter
 - f. Reception hall
 - g. Residential facility for homeless individuals
 - h. Treatment center
 - i. Zoo
2. Permitted Uses. Any use otherwise permitted in the C2 zoning district pursuant to the Ordinance which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.
3. Other Commitments:
- a. A 6-foot solid board fence will be installed between edge of pavement of the new public road and the adjacent residentially zoned lots. Applicant will work with City Engineering and utility providers to ensure that required amount of right-of-way and infrastructure will not conflict with screening and buffering requirements, and provide for maintenance of said fencing and landscaping.
 - b. Screening and buffering on Tract F:
A 6-foot solid board fence will be installed along the north side of the lot, between the tract and the adjacent residential lot. Fence will meet primary setback (25') from Cadillac Drive. A 75% shrub buffer and deciduous trees will be installed on the south side of the fence. A continuous 8 to 10-foot tall (installed size) evergreen tree (or large evergreen shrub such as arborvitae) will be installed on the north side of the fence. The above described landscape plan is based on the site layout on the Primary Development Plan. Should the layout change with final engineering, landscaping will be re-evaluated by the Plan Commission with the Secondary Development Plan.
 - c. Screening and buffering on Tract G:
A 6-foot solid board fence will be installed along the west side of the lot parking area, to be maintained as long as the adjacent lot remains residential. A continuous 8 to 10-foot tall (installed size) evergreen tree (or large evergreen shrub such as arborvitae) will be installed on the west side of the detention basin, along with a 75% shrub buffer. The above described landscape plan is based on the site layout on the Primary Development Plan. Should the layout change with final engineering, landscaping will be re-evaluated by the Plan Commission with the Secondary Development Plan.
 - d. Provision on building orientation on Tract F - building will be parallel with West Jefferson. If final engineering does not allow this orientation, documentation will be provided to Plan Commission with Secondary Development Plan.

4. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
5. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may be modified or terminated by the Plan Commission making findings of fact that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination. Further, pursuant to I.C. 36-7-4-1015(b)(4), this Commitment shall automatically terminate if: (i) the zoning district or classification applicable to the Real Estate is changed; or (ii) if the land use to which this Commitment relates is changed.
6. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
7. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.
8. Authority to Sign. The person signing this Commitment in a representative capacity on behalf of Declarant warrants and represents that: (a) the person has the actual authority and

power to so sign, and to bind the respective entity to the provisions of this Commitment; and (b) all corporate or other entity action necessary for the making of this Commitment has been duly taken.

9. Last Deeds of Record. The most recent deeds of record for the Real Estate were recorded in the Office of the Recorder of Allen County, Indiana as Document Numbers 200046807, 2023027527, 204004837, 2050032778, 2007056298, 2012055180, 203040526, and 203040524.
10. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
11. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
12. Effective Date. The effective date (“Effective Date”) of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

#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

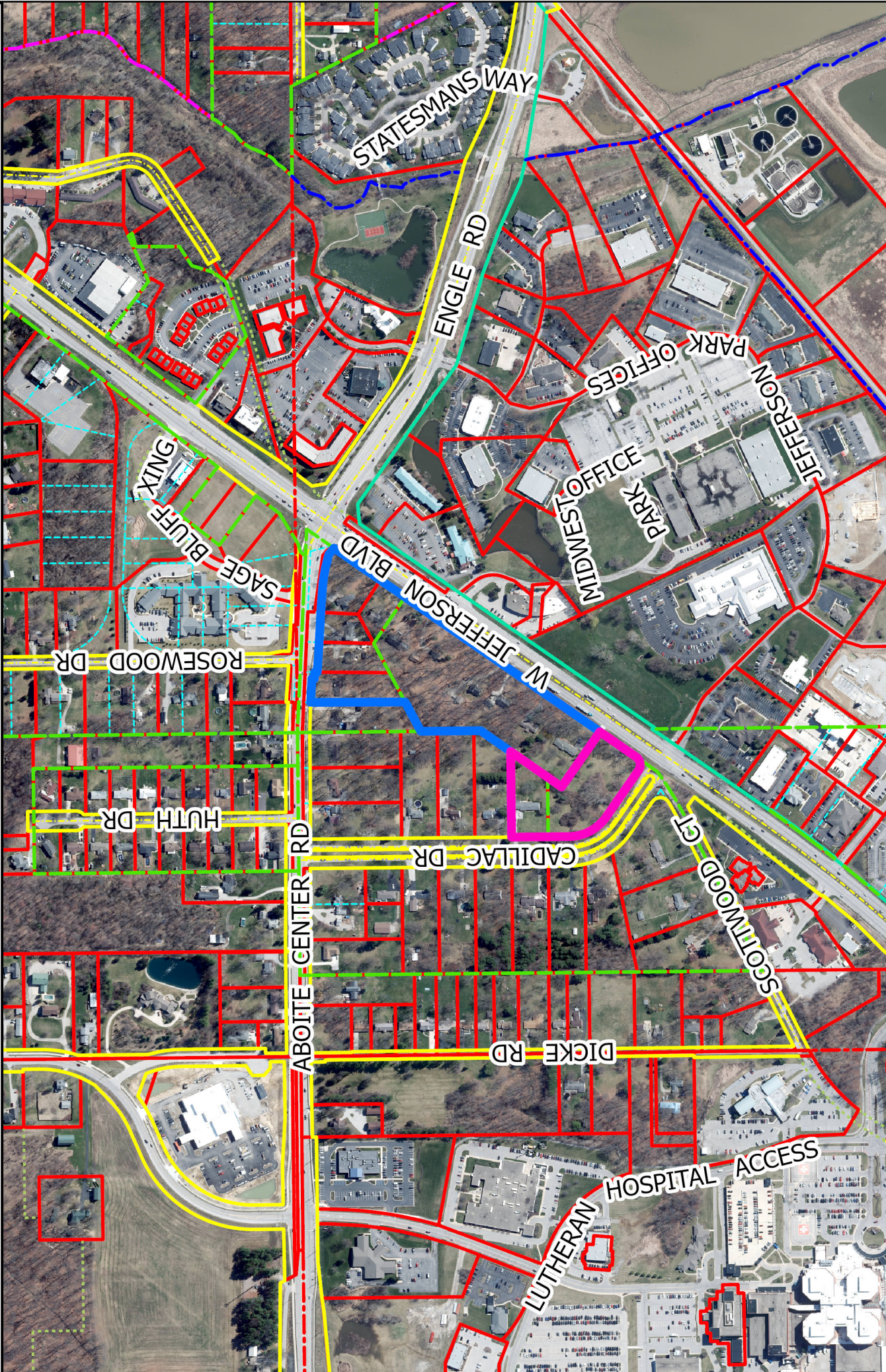
Related Petitions: REZ-2024-0048, PDP-2024-0053 – JSK Hospitality

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



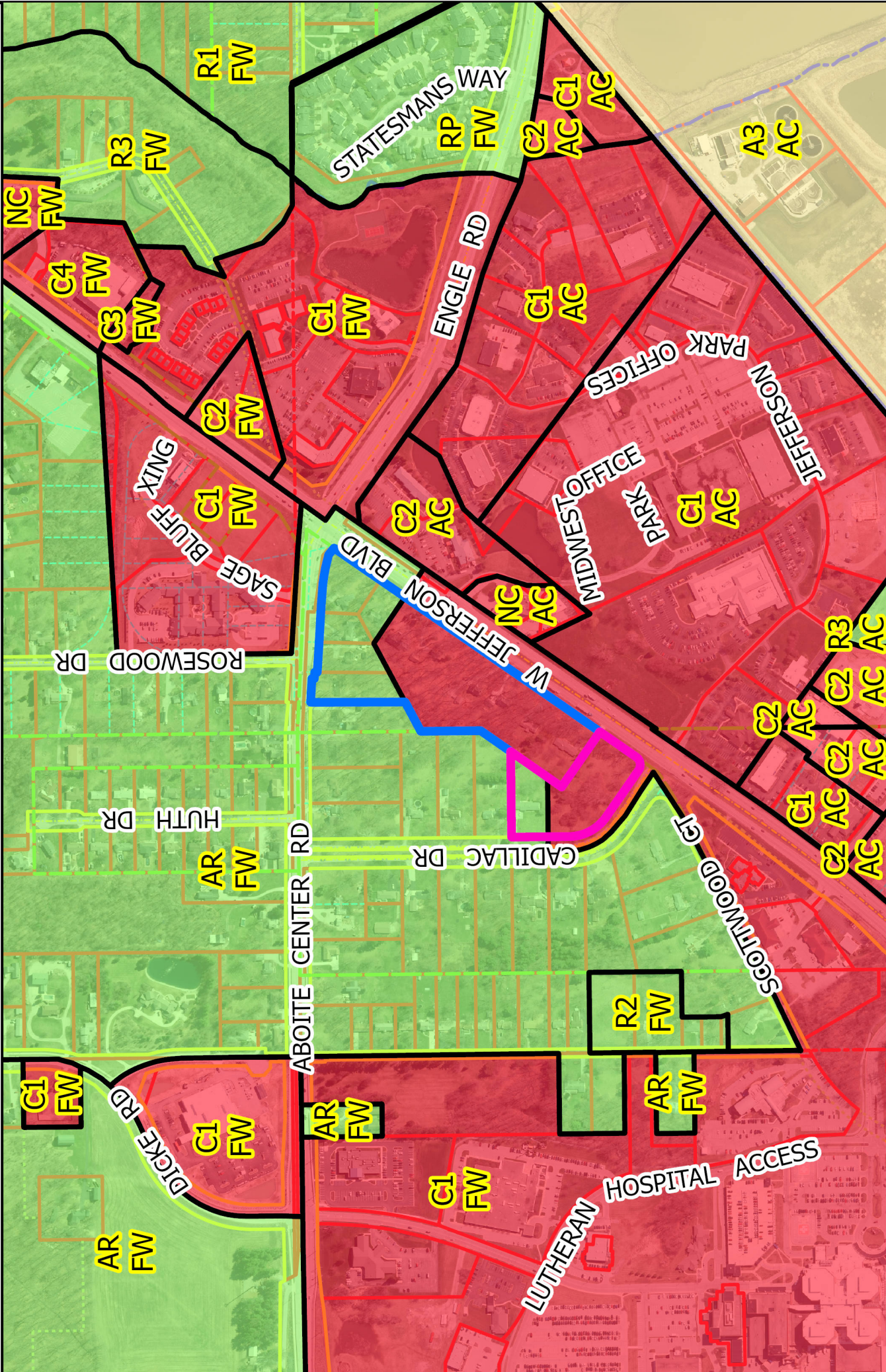
-  JSK Rezone C1
-  JSK Rezone C2

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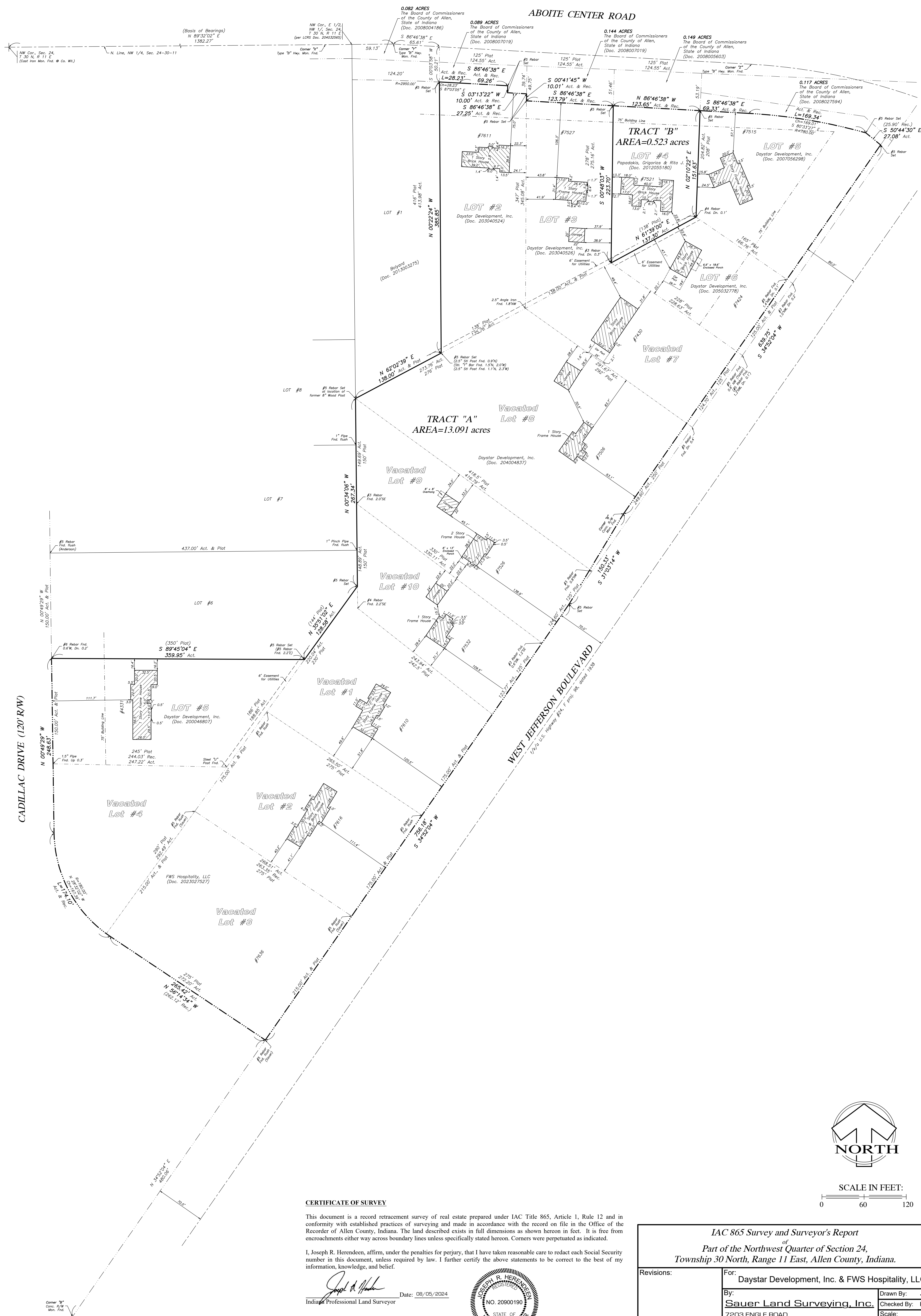
- JSK Rezoning C1
- JSK Rezoning C2



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PLAT OF SURVEY



SCALE IN FEET:

A horizontal number line with three tick marks labeled 0, 60, and 120. The line is divided into two equal segments by the tick mark at 60.

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.

 Date: 08/05/2024
Indiana Professional Land Surveyor



*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: JRM
	By: <u>Sauer Land Surveying, Inc.</u>		Checked By: KN
	7203 ENGLE ROAD FORT WAYNE, IN 46804 TEL: 260/469-3300 / FAX: 260/469-3301		Scale: 1" = 60'
	Date: August 5, 2024	Page 1 of 2	Job No. 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: (as described in Document Number 2007056298)

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 most Westerly corner of said lot; thence North 86 degrees 47 minutes 38 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 47 minutes 38 seconds East, 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 South line, 155.41 feet to the point of beginning, containing 1.085 acres of land, more or less.

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 most Westerly corner of said lot; thence North 86 degrees 47 minutes 38 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 47 minutes 38 seconds East, 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 South 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 200807019)

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. Robiette aka Mabel F. Robiette, as Trustee of the Mabel F. Robiette 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 202307527.

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 adjacents' 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.

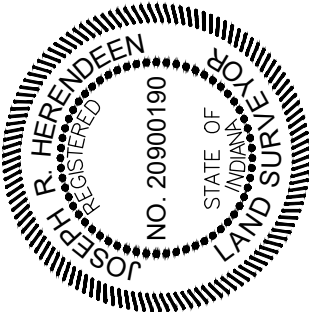
(E) ESTABLISHMENT OF LINES AND CORNERS:

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.
10. The East line of Lot 3 in Hillside Heights Addition was established between the above-established Southwest corner of Lot 2 and a record point on the South right-of-way line of Abbot Center Road.
11. 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.
12. 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, this title commitment is the best evidence of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
3. The flood statement herein 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 herein.
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.

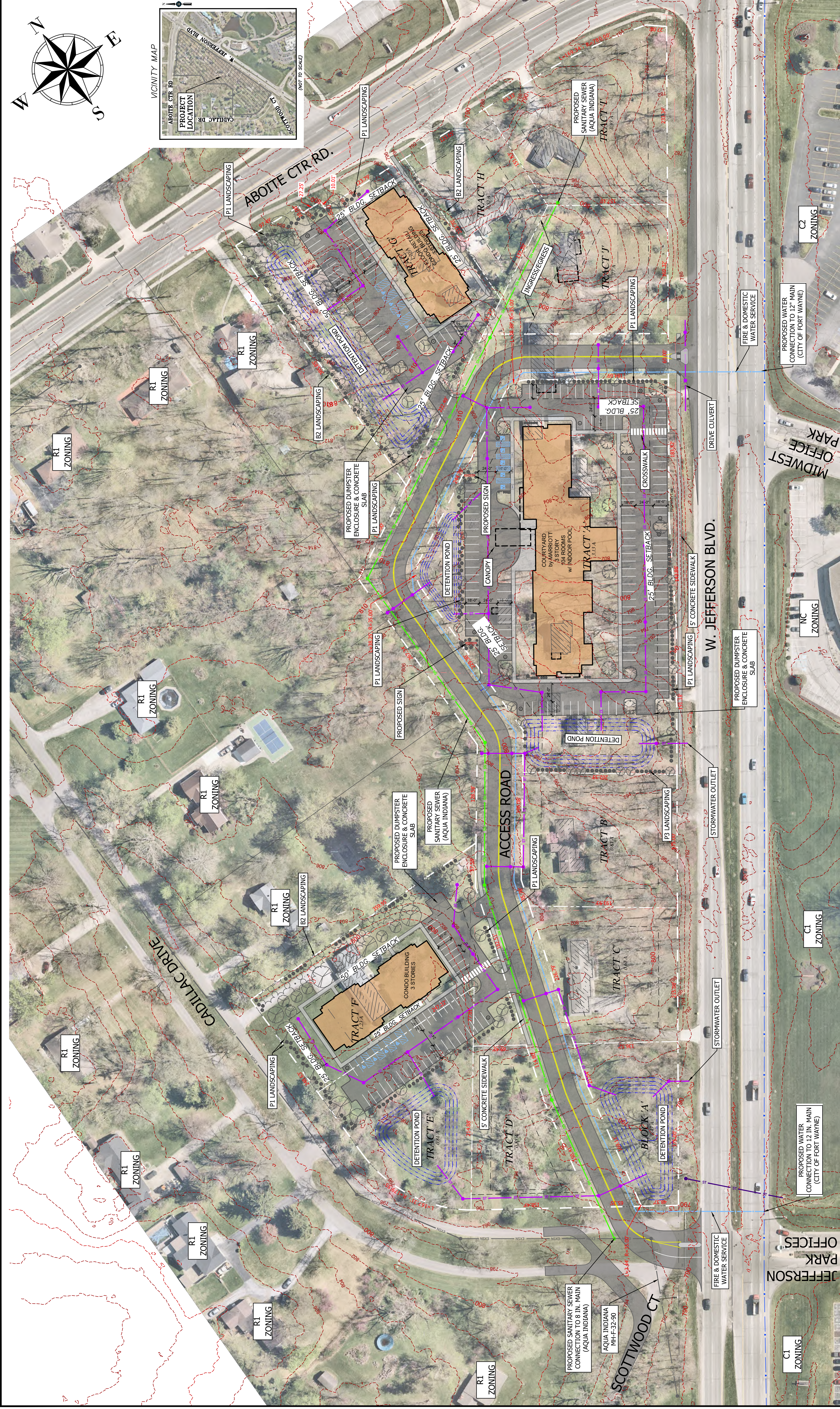
Joseph R. Herendend
Date: 08/05/2024
Indiana Professional Land Surveyor

Last Deeds of Record: Deeds, 200046807, 203040524, 203040526, 204004837, 205032778, 2007056298, 2012055180 & 202307527.
Last Date of Fieldwork: August 2, 2024

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18063C (2506G), effective August 3, 2009.

<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

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'

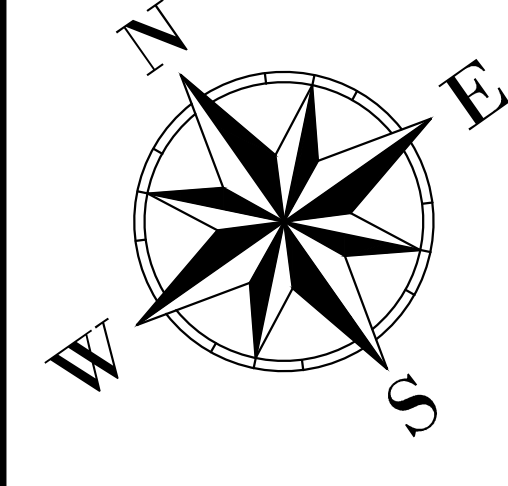
0 30 60 120

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 104 ROOMS CONDO/COMMERCIAL PARKING SUMMARY 1 SPACE PER 400 SQFT (CONDO) & 1 SPACE PER 1-2 BEDROOM UNIT (CONDO)		ALLEN COUNTY, INDIANA AND INCORPORATED AREAS FIRM MAP NUMBER: 18003C0286G PANEL 286 OF 495 DATED AUGUST 3, 2009	
SAUER LAND SURVEYING, INC. 7703 ENGLE ROAD FT. WAYNE, IN 46804 PH: (260) 469-3300 CONTACT: JOSEPH HERENDEN		ARCHITECT MAUST ARCHITECTURAL SERVICES 112 N. MAIN ST. GOSHEN, IN 46526 PH: (574) 537-8500 CONTACT: MICHAEL MAUST EMAIL: michaelmaust@maustarchitects.com		9600 SQFT & 16 UNITS CONDO PARKING SUMMARY 1 SPACE PER 1-2 BEDROOM UNIT (CONDO)		ZONING SUMMARY EXISTING ZONING PROPOSED ZONING CURRENT USE HOTEL & CONDOS W/ 1ST FLOOR RETAIL	
				24 UNITS		R1 & C1 C1 & C2 RESIDENTIAL PROPOSED USED	
				24 SPACES			
				40 SPACES			
				104 SPACES			
				136 SPACES			

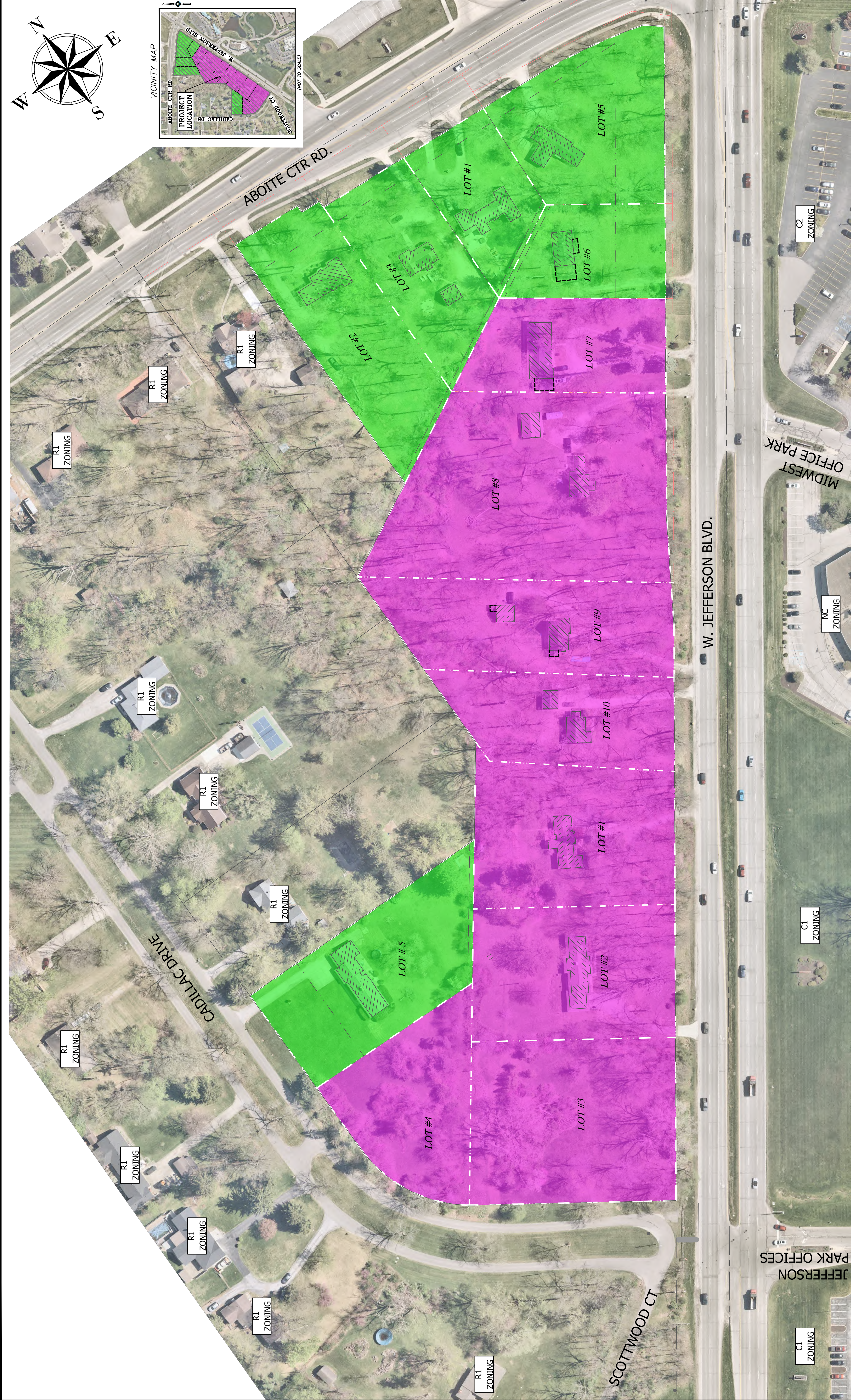
PROJECT	7532 W. JEFFERSON BLVD. REZONING
SHEET TITLE	PRIMARY DEVELOPMENT PLAN
APPROVED BY:	XXX
CHECKED BY:	XXX
DRAWN BY:	XXX
DESIGNED BY:	XXX
SURVED BY:	XXX
DATE:	11/05/2024
BY:	XXX



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'

0

30

60

120

SCALE 1" = 60'

GENERAL NOTE

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

PROJECT NO:	24-2020
DRAWING FILE NAME:	24-2020 ExistZoning
SCALE:	1" = 60'
SHEET NUMBER	2
of	3
TOTAL SHEETS	3

SHEET TITLE		EXISTING ZONING		PROJECT		7532 W. JEFFERSON BLVD.	
						REZONING	
		SURVEYED BY: XXX		DESIGNED BY: XXX		DRAWN BY: XXX	
						CHECKED BY: XXX	
						APPROVED BY: XXX	

DATE: 11/05/2024

BY: *Matthew Spivey*

REGISTERED

LAND SURVEYOR

NO. 910335

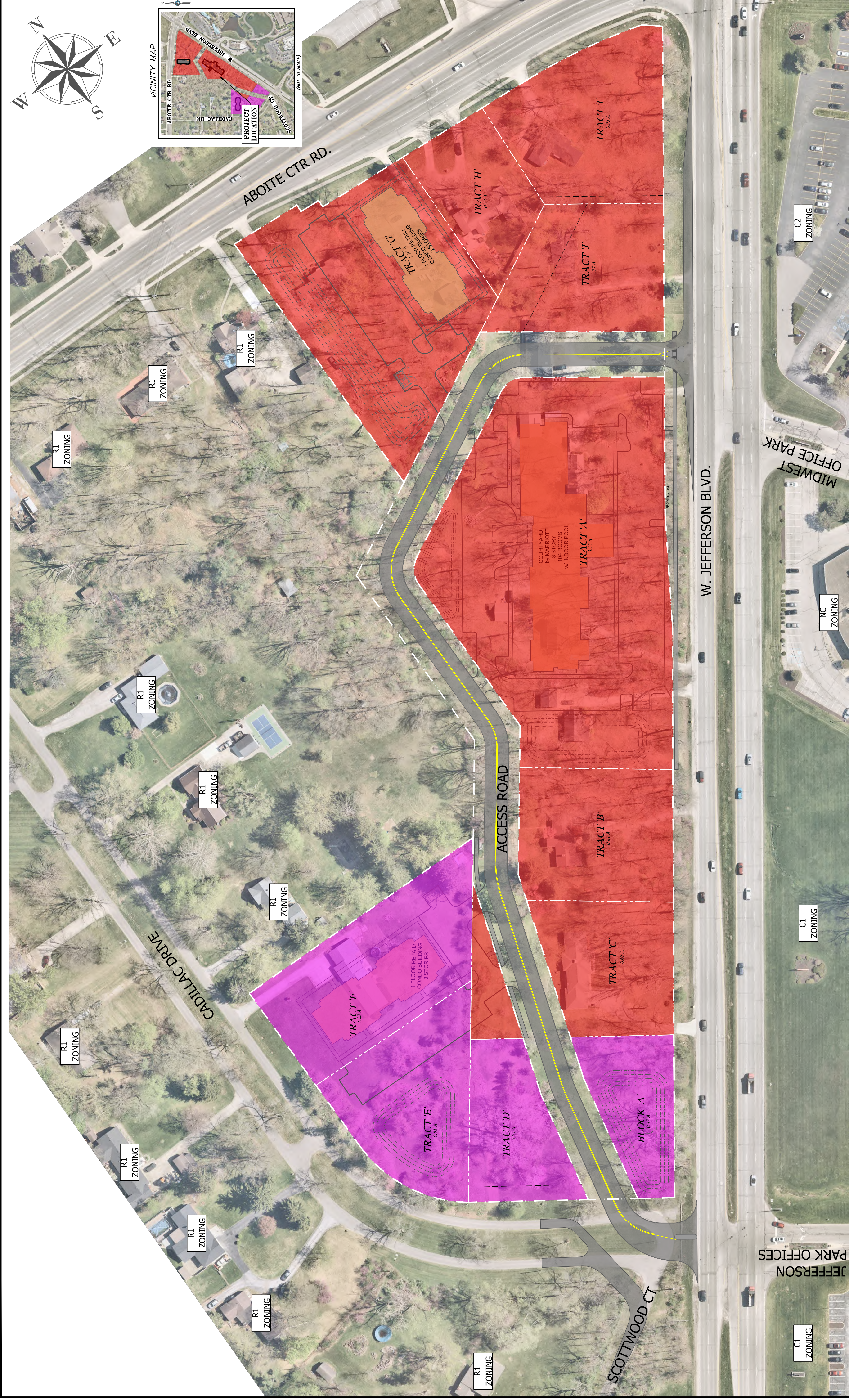
STATE OF INDIANA

EXPIRATION DATE 12/31/2026

A&Z ENGINEERING

LLC

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

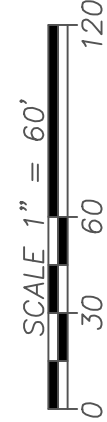


PROPOSED ZONING PLAN
Scale: 1" = 60'

LEGEND

PROPOSED C1 ZONING

PROPOSED C2 ZONING



JEFFERSON
PARK OFFICES

C1
ZONING

C1
ZONING

NC
ZONING

MIDWEST
OFFICE PARK

C2
ZONING

PROPOSED ZONING PLAN

7532 W. JEFFERSON BLVD.
REZONING

PROJECT

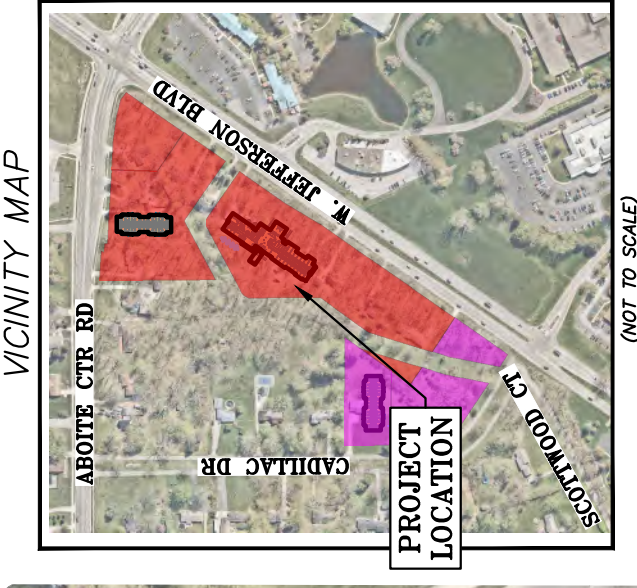
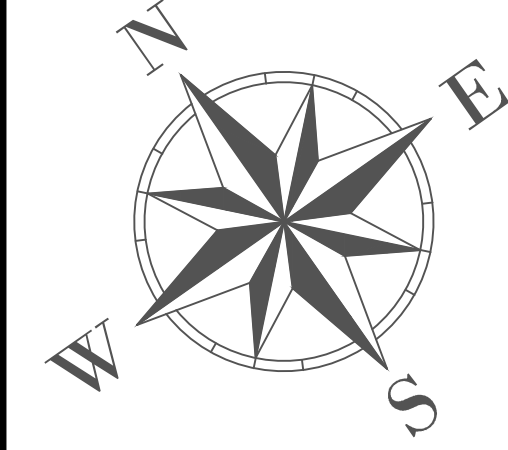
APPROVED BY:	XXX
CHECKED BY:	XXX
DRAWN BY:	XXX
DESIGNED BY:	XXX
SURVEYED BY:	XXX

DATE: 11/05/2024

BY: *Matthew Krogg*

PROFESSIONAL ENGINEER
No. 910335
STATE OF INDIANA
REGISTERED

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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.

[illegible][illegible]

John A. Hill Date 08-13-2011
John A. Hill



SCALE IN FEET:

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

Refers:	For: Daystar Development, Inc. & PWS Hospitality, LLC		
	By: Sauer I and Surviving, Inc.	Drawn By: SS	
	2103 B CHLEFORD	Case # 187	173
	FOUNTAINVIEW, CA 94804	Scale	
	TEL: 860/433-2000 / FAX 260/453-3501	1" = 60'	
	Date: August 6, 2024	Page 1 of 2	148-164

