

1 #REZ-2013-0120

2 BILL NO. Z-13-10-01

3
4 ZONING MAP ORDINANCE NO. Z-18-13

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. O-70 (Sec. 27 of Perry Township)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the area described as follows is hereby designated a CM2
10 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
11 of the City of Fort Wayne, Indiana:

12 A PORTION OF THE LANDS OF THE UNION CHAPEL CHURCH OF THE UNITED BRETHREN IN
13 CHRIST AS RECORDED IN DEED RECORD R PAGE 420, DEED RECORD 595 PAGE 432 AND
14 DOCUMENT 90-018687 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, ALSO
15 BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 32 NORTH,
16 RANGE 12 EAST, ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

17 COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27,
18 TOWNSHIP 32 NORTH, RANGE 32 EAST, ALLEN COUNTY, INDIANA, SAID NORTHWEST CORNER
19 BEING MARKED BY A MAG NAIL FOUND WITH "ANDERSON" IDENTIFICATION WASHER;
20 THENCE NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG THE NORTH LINE
21 OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 81.08 FEET; THENCE
22 SOUTH 01 DEGREES 32 MINUTES 16 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT
23 ON THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD; THENCE NORTH 88 DEGREES
24 27 MINUTES 44 SECONDS EAST ON AND ALONG THE SOUTH RIGHT OF WAY LINE OF UNION
25 CHAPEL ROAD A DISTANCE OF 127.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN
26 DESCRIBED DEVELOPMENT PARCEL REAL ESTATE DESCRIPTION, SAID POINT OF BEGINNING
27 BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL
28 ROAD AND THE WEST RIGHT OF WAY LINE OF A 14' ALLEY RUNNING NORTH-SOUTH
29 REPRESENTED ON THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION
30 AND BEING MARKED BY A SURVEY MARKER NAIL WITH "FORESIGHT-CONSULTING, LLC -
BOUNDARY" IDENTIFICATION WASHER;
THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG
THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 14.00 FEET TO
THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD
AND THE EAST RIGHT OF WAY LINE OF A 14' ALLEY RUNNING NORTH-SOUTH REPRESENTED
ON THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION AND BEING
MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY"
IDENTIFICATION CAP;
THENCE CONTINUING NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG
THE SOUTH RIGHT OF WAY LINE OF UNION CHAPEL ROAD, A DISTANCE OF 200.00 FEET TO A
POINT ON THE WEST LINE OF LOT NUMBER 3 WITHIN THE McADAMS HIGHLAND GROVE
ADDITION, SAID POINT BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-
CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;
THENCE SOUTH 01 DEGREES 47 MINUTES 04 SECONDS EAST ON AND ALONG THE WEST LINE
OF LOT NUMBER 3 WITHIN McADAMS HIGHLAND GROVE ADDITION, A DISTANCE OF 239.50
FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 3, SAID SOUTHWEST CORNER LYING ON

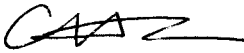
1 THE NORTH RIGHT OF WAY LINE OF AN ALLEY RUNNING EAST-WEST AND REPRESENTED ON
2 THE AFOREMENTIONED PLAT OF McADAMS HIGHLAND GROVE ADDITION AND BEING MARKED
3 BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION
4 CAP;
5 THENCE CONTINUING SOUTH 01 DEGREES 47 MINUTES 04 SECONDS EAST ALONG THE
6 SOUTHERLY EXTENSION OF THE WEST LINE OF LOT NUMBER 3 WITHIN McADAMS HIGHLAND
7 GROVE ADDITION, A DISTANCE OF 14.00 FEET TO THE NORTHWEST CORNER OF LOT NUMBER
8 19, SAID NORTHWEST CORNER LYING ON THE SOUTH RIGHT OF WAY LINE OF AN ALLEY
9 RUNNING EAST-WEST REPRESENTED ON THE AFOREMENTIONED PLAT OF McADAMS
10 HIGHLAND GROVE ADDITION AND BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-
11 CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;
12 THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE SOUTH
13 LINE OF THE AFOREMENTIONED ALLEY, A DISTANCE OF 100.00 FEET TO A 5/8" BY 24" REBAR
14 WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;
15 THENCE SOUTH 01 DEGREES 47 MINUTES 04 SECONDS EAST 100.00 FEET NORMALLY DISTANT
16 FROM AND PARALLEL WITH THE WEST LINE OF LOT NUMBER 19 A DISTANCE OF 248.50 FEET
17 TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LADDIE LANE, SAID POINT BEING
18 MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY"
19 IDENTIFICATION CAP;
20 THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST ON AND ALONG THE NORTH
21 RIGHT OF WAY LINE OF LADDIE LANE, A DISTANCE OF 282.70 FEET TO THE POINT OF
22 INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF LADDIE LANE AND THE EAST RIGHT
23 OF WAY LINE OF COLDWATER ROAD AS RECORDED IN DOCUMENT NUMBER 200017776 IN THE
24 OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID POINT OF INTERSECTION
25 BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY"
26 IDENTIFICATION CAP;
27 THENCE NORTH 01 DEGREES 47 MINUTES 56 SECONDS WEST ON AND ALONG THE NORTH
28 RIGHT OF WAY LINE OF COLDWATER ROAD, A DISTANCE OF 327.30 FEET TO A 5/8" BY 24"
29 REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;
30 THENCE NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST, A DISTANCE OF 127.31 FEET TO
A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION
CAP;
THENCE NORTH 01 DEGREES 58 MINUTES 24 SECONDS WEST, A DISTANCE OF 89.18 FEET TO
THE SOUTHWEST CORNER OF THE LANDS OF GENERAL TELEPHONE COMPANY OF INDIANA,
INC. AS RECORDED IN DOCUMENT NUMBER 85-004630 IN THE OFFICE OF THE RECORDER OF
ALLEN COUNTY, INDIANA, SAID SOUTHWEST CORNER BEING MARKED BY A 5/8" BY 24" REBAR
WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP;
THENCE NORTH 88 DEGREES 27 MINUTES 44 SECONDS EAST ON AND ALONG THE SOUTH LINE
OF THE LANDS OF GENERAL TELEPHONE COMPANY OF INDIANA, INC. A DISTANCE OF 41.81
FEET TO A POINT ON THE WEST RIGHT OF WAY OF AN ALLEY RUNNING NORTH-SOUTH AS
REPRESENTED WITHIN THE PLAT OF McADAMS HIGHLAND GROVE ADDITION, SAID POINT
BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT-CONSULTING, LLC - BOUNDARY"
IDENTIFICATION CAP;
THENCE NORTH 01 DEGREES 46 MINUTES 39 SECONDS WEST ON AND ALONG THE WEST
RIGHT OF WAY LINE OF THE AFOREMENTIONED ALLEY A DISTANCE OF 85.53 FEET TO THE
POINT OF BEGINNING, CONTAINING 3.25 ACRES OF LAND (141,527.1 SQUARE FEET) OF LAND,
MORE OR LESS, AND BEING SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

and the symbols of the City of Fort Wayne Zoning Map No. O-70 (Sec. 27 of Perry
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

1 SECTION 2. That this Ordinance shall be in full force and effect from and after its
2 passage and approval by the Mayor.

3 
4 _____
Council Member

5 APPROVED AS TO FORM AND LEGALITY:

6 
7 _____
8 Carol T. Helton, 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-2013-0120
Bill Number: Z-13-10-01
Council District: 2 – Russ Jehl

Introduction Date: October 8, 2013

Plan Commission
Public Hearing Date: October 14, 2013

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

Synopsis of Ordinance: To rezone approximately 3.25 acres of property from AR-Low Intensity
Residential to CM2-Limited Retail and Commercial

Location: Just south of the southeast corner of the intersection of Coldwater Road and
Union Chapel Road, at 12628 Coldwater Road. The development parcel **does
not** include the cemetery property at the corner.

Reason for Request: To allow the redevelopment of the existing church building for use as a fresh
food market and associated uses.

Applicant: Charles Lynn Properties, LLC

Property Owners: Union Chapel United Brethren in Christ Church

Related Petitions: Primary Development Plan, Ted's Market, VPLAT-2013-0121, VALY-2013-
0124

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial for the
redevelopment of the church property for a fresh food market. A voluntary
Written Commitment will limit more intensive commercial uses.

Effect of Non-Passage: The property will remain zoned AR-Low Intensity Residential and may
redevelop with residential or low intensive agricultural uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Charles Lynn Properties, LLC
 Address 15921 Twin Eagles Cove
 City Huntertown State IN Zip 46748
 Telephone 260-267-2106 Fax _____ E-mail bhench@yahoo.com

Property Ownership
 Property Owner Union Chapel United Brethren In Christ Church
 Address 12628 Coldwater Road
 City Fort Wayne State IN Zip 46845-8792
 Telephone _____ Fax _____ E-mail _____

Contact Person
 Contact Person Thomas M. Niezer / Barrett & McNagny LLP
 Address 215 East Berry Street
 City Fort Wayne State IN Zip 46802
 Telephone 260-423-9551 Fax 260-423-8920 E-mail tmn@barrettlaw.com

All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property _____
 Present Zoning AR Proposed Zoning CM-2 Acreage to be rezoned 3.25
 Proposed density n/a units per acre
 Township name Perry Township section # 27
 Purpose of rezoning (attach additional page if necessary) to provide for redevelopment of the existing church building and additional improvements, to allow for a fresh food grocery and other uses.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.
 Applicable filing fee
 Applicable number of surveys showing area to be rezoned (plans must be folded)
 Legal Description of parcel to be rezoned
 Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

see Exhibit "A"
 (printed name of applicant) _____ (signature of applicant) _____ (date) _____
 see Exhibit "A"
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____

Received 9/3/13	Receipt No. 10/14/13	Hearing Date 10/14/13	Petition No.
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112912



This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Rezoning Petition REZ-2013-0120 and Primary Development Plan - Teds Market



Printed: September 24, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Zone 16N



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.



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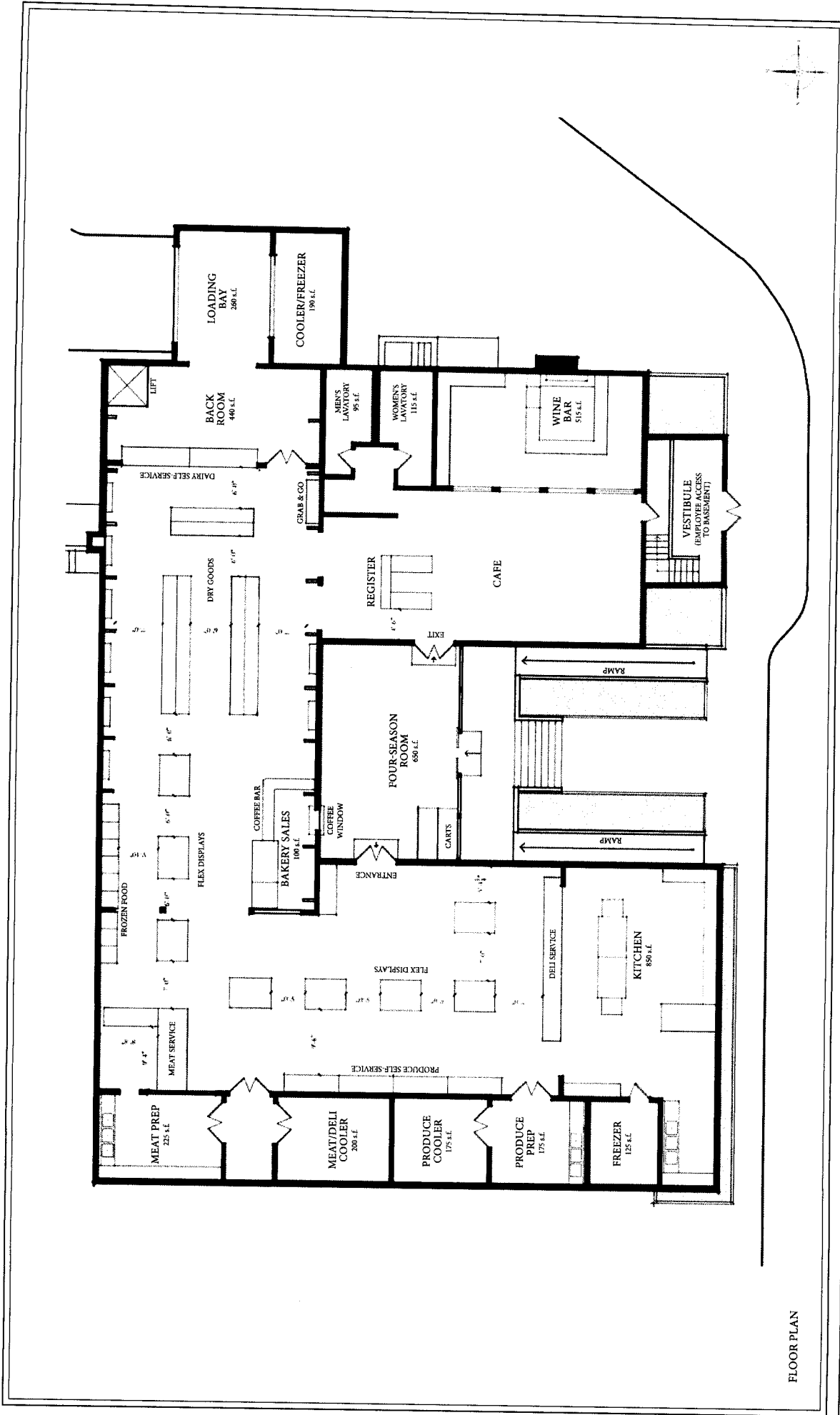
Rezoning Petition REZ-2013-0120 and Primary Development Plan - Teds Market



Printed: September 24, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East



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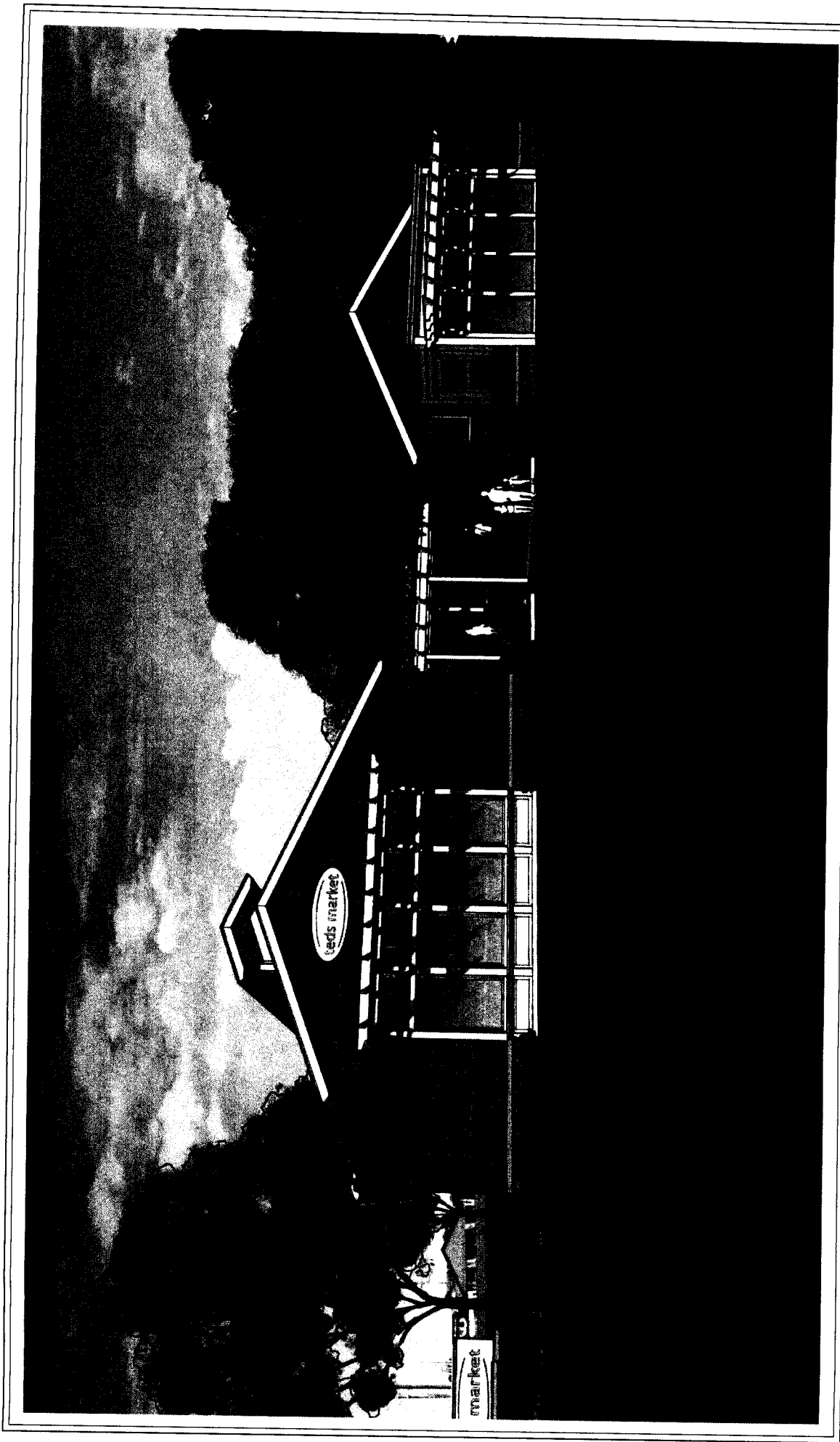
FLOOR PLAN

teds market
Fort Wayne, Indiana

SCHEMATIC DESIGN PROPOSAL
September 13, 2013



OWNERSHIP AND USE OF DOCUMENTS, DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT OR PURPOSE WITHOUT THE WRITTEN SPECIFIC WRITTEN AUTHORIZATION OF MELMA ARCHITECTS, LTD.



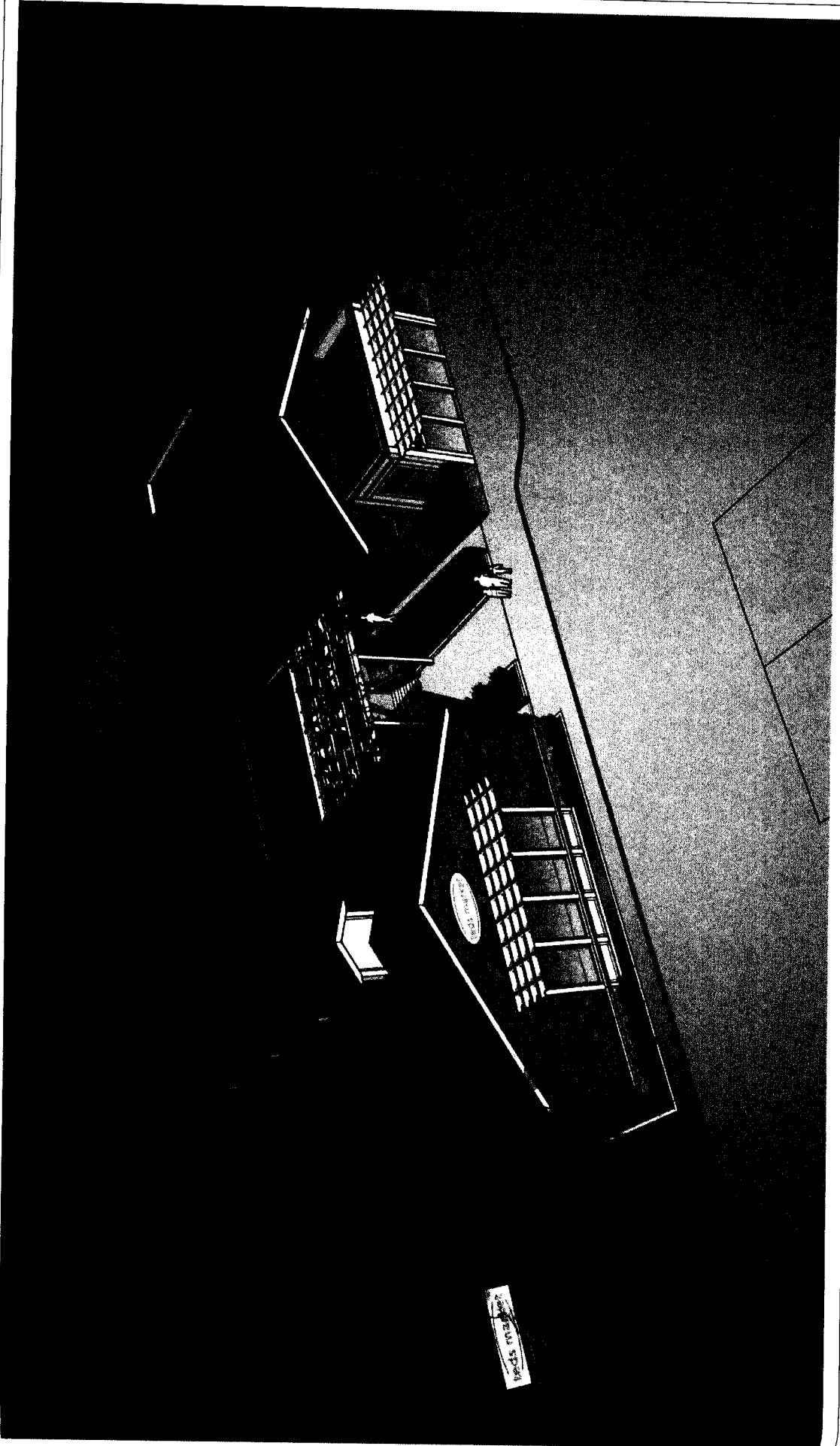
teds market
Fort Wayne, Indiana

SCHEMATIC DESIGN PROPOSAL
September 13, 2013



MGHM ARCHITECTS

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ted's market
Fort Wayne, Indiana

SCHMATIC DESIGN PROPOSAL
September 13, 2013

OWNERSHIP AND USE OF DOCUMENTS, DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT OR PURPOSE WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF MGLA ARCHITECTS, LTD.



September 4, 2013

Via Hand Delivery

Michelle B. Wood, RLA
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802



Re: Charles Lynn Properties, LLC; Teds Market Rezoning/Primary Development Plan/Plat Vacation/Right of Way Vacation

Dear Michelle:

The undersigned is counsel to Charles Lynn Properties, LLC ("Charles Lynn"). Charles Lynn is under agreement with Union Chapel United Brethren In Christ Church ("United Brethren") to purchase United Brethren's property at the southeast corner of Coldwater and Union Chapel Roads. The properties being purchase are Lots 1, 2, 20, 21, 22, 23 and 24 of McAdams Highland Grove Addition ("Real Estate") together with a roughly 1 acre exception parcel which is immediately north of Lot 24 and that is situated at the immediate southeast corner of Coldwater and Union Chapel Roads ("Exception Parcel"). The purchase does not include a small tract of land immediately east of the Exception Parcel that is owned by Frontier for one of its utility service buildings.

Enclosed with this letter please find the following:

1. Rezoning Petition Application seeking to rezone a portion of the Real Estate being purchased to CM-2 from its current AR designation;
2. Development Plan Application for the Real Estate being rezoned;
3. Vacation Petition seeking to vacate lots 1, 2, 21, 22, 23 and 24 of McAdams Highland Grove Addition together with the covenants for said lots;
4. Copy of Vacation Petition being filed this date with the Clerk for Common Council of City of Fort Wayne seeking to vacate the unimproved fourteen foot (14') alley which is immediately west of Lot 1 of McAdams Highland Grove

Addition and situated to the south of Lot 1 and to the north of Lot 21 of McAdams Highland Grove Addition; and

5. File fee check in the amount of \$1,500.00 for the Rezoning Application, Development Plan Application and Vacation Petition.

With respect to each application, I offer the following:

- A. Rezoning Application. Please note that the Rezoning Application does not include all of the Real Estate being purchased by Charles Lynn. Specifically, Lot 20 is not included within the Rezoning Application. The Exception Parcel is not included within the Rezoning Application. There is an existing house situated on Lot 20 which Charles Lynn intends to maintain with its current tenant. With respect to the Exception Parcel, this property currently houses what is commonly known as the "Union Chapel Cemetery". The existing gravesites are remaining in place.

Charles Lynn is seeking to rezone Lot 2 of McAdams Highland Grove Addition but solely for the purpose of allowing reconstruction of a new roadway that services the proposed development and that is in full alignment with the Watersong access onto Union Chapel Road. Our client will be submitting and is willing to furnish a written commitment for all of the land being rezoned to limit certain uses upon the land being rezoned and, specifically, as to Lot 2, limit any building improvement upon said lot other than the proposed driveway.

- B. Development Plan Application. The proposed development contemplates the following:
 - Redevelopment of the existing church structure with an addition of roughly 5,000 additional feet both to the north and west and adjacent to the church structure as shown on the development plan. Total square footage of the building will be 10, 045 square feet.
 - Realignment of the existing alleyway for Union Chapel Road to a point further east and in full alignment with Watersong's access. This internal access will provide access to the proposed fresh food market, Union Chapel Cemetery and the existing Frontier utility service building.
 - The total acreage of the development site is 3.25 acres. The proposed use under the development plan, primarily, is a fresh food market to be known as "Teds Market". Other ancillary uses consistent with the market will be developed initially or over time.
 - The development plan contemplates a internal walking path which runs along the internal access drive from Union Chapel Road to

Laddie Lane. No walkway improvements are planned or contemplated for any portion of the Exception Parcel as those improvements would encroach too closely to the existing Union Chapel Cemetery. As such, no sidewalk is contemplated along the development's western boundary and parallel to Coldwater Road. Please note, in this regard, that the Exception Parcel is not part of our development plan application.

- Monument signage will consist of the existing monument sign utilized by United Brethren along Coldwater Road as well as a new monument sign at the Union Chapel Road access. The development will utilize façade signage as well. Proposed renderings of this signage will be provided to you prior to the public hearing.
 - Consistent with preliminary discussion with the City of Fort Wayne Traffic Engineer, roadway improvements are being shown for a portion of Laddie Lane.
 - The subject site will be served by City of Fort Wayne Utilities for both water and sewer. All other utilities are readily available to the site. Lot 21 is being developed for the stormwater management system for the development. This feature not only serves as an aesthetic improvement for the entrance into the development off of Laddie Lane but also as a buffer for the residential homes to the east.
 - All delivery and truck traffic will be routed off of Union Chapel Road. The projected store hours for Teds Market, at most, will be 8:00 am to 12:00 am (midnight) seven days a week at which the store is open to the public. The store will have roughly 12-20 employees as it ramps up to maximum utilization.
 - The development plan will feature new parking lot lighting being no more than twenty feet (20') in height with sharp cut off fixtures being utilized. We believe this will be an overall improvement to the site as it will necessitate removal of the existing "cobra" style light fixtures currently utilized.
 - Various façade treatments will be undertaken for the existing building. Renderings and elevation drawings will be provided to you prior to the public hearing.
- C. Plat Vacation Petition. In addition to cleaning the title for the proposed development, it has become necessary to vacate both the plat and the covenants encumbering the Plat for McAdams Highland Grove Addition. Please note that

the covenants for McAdams Highland Grove Addition exempt lots 1, 21, 22, 23, and 24 from the requirement that those lots be used solely for residential purposes. It is only Lot 2 which maintains that current restriction. As mentioned above, Lot 2 is being used solely for use and development of a reconfigured access onto Union Chapel which is in full alignment with the Watersong access. Our client intends to restrict any building development upon Lot 2 by way of a written commitment to be furnished to you prior to the public hearing.

However, our client's ability to effectively utilize the Real Estate, undertake the expansion necessary and maintain the viability of the Union Chapel Cemetery has all necessitated that our client avoid utilization of Coldwater Road for direct access and a reconfigured internal roadway access that, for safety reasons, is setback further along Union Chapel Road from its Coldwater Road intersection and in full alignment with the Watersong access cut.

In this sense, our client believes that the conditions of Indiana Code 36-7-4-711(f) are applicable. Conditions in the platted area have changed as to defeat the original purpose of the Plat which was to house the church facility and the corresponding cemetery. With the decision being made by United Brethren to vacate the Real Estate, coupled with the corresponding traffic at both Coldwater Road and Union Chapel Road, a measured and controlled commercial development, such as the one being proposed, is best suited for this property. Further, allowing the reconfigured internal access road to be in full alignment with Watersong's access provides for a greater sense of public safety and traffic movement along Union Chapel Road. Our client's development, and the financing of that development, is conditioned on vacating of the Plat for McAdams Highland Grove Addition in order to allow the proposed development to move forward. Last, the value of the remaining land not being vacated is not going to be diminished either in value or utilization. In point of fact, the improvements contemplated by Charles Lynn will serve as a betterment and new investment for the entire McAdams Highland Grove Addition. The proposed fresh food market is designed to be pedestrian friendly and will provide a needed service for the surrounding area.

With respect to the covenants sought to be vacated, Charles Lynn believes the provisions of Indiana Code 36-7-4-714 are also met. At a minimum, the covenant vacation is needed to lessen or avoid congestion in the public ways by moving and realigning the proposed access cut further east away from Coldwater Road and in full alignment with the Watersong access cut. Vacation of the covenants will allow for recovery of property values in the area in that new and significant investment will be allowed to move forward with the Real Estate and the covenant vacation is needed in order to secure for the public adequate access and access which is safe. As mentioned previously, the Union Chapel Cemetery, given its location, prevents meaningful access along Union Chapel Road for this development as well as any pedestrian sidewalk or trail system. All access must be provided over, upon and across Lot 2 in alignment with the Watersong access

cut and the existing access cut onto Laddie Lane. The general public will be well served by these improvements. Charles Lynn intends to grant an easement for this pedestrian traffic along the trail system as shown on the development plan.

In addition to the enclosed, and by way of background, Teds Market will represent a small, neighborhood fresh foods market which will feature produce, fresh baked breads and quality meats. It will also offer a wide assortment of groceries, spices, dairy, juices, and frozen foods in order to fulfill a good portion of many customer shopping needs. The development plan contemplates a café, where patrons will find a selection of highly rated wines and craft beers.

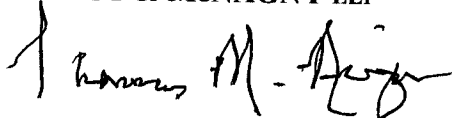
The principal of Teds Market is Brian Hench. Brian and his family are part of the Chief Supermarket chain of grocery stores in northwest Ohio and that is headquartered in Defiance, Ohio. Mr. Hench currently lives in Allen County with his spouse and children and grew up within the Chief Supermarket business overseeing many of the fresh food departments for Chief grocery stores. Our client is well positioned to bring an alternative to the larger grocery stores and the products they offer for Perry Township and the surrounding area. Our client's ability to redevelop the existing church structure, and add to it, demonstrates an approach that is reliant on creativity and the importance of a neighborhood concept which will be reflected in the day to day operations of the fresh food market itself. In all respects, we believe that this proposal is not only consistent with the area, but also sensitive to the surrounding property owner.

In addition, and last, our client will be conducting a neighborhood meeting with respect to the proposed development for September 17th at 6:00 pm at the United Brethren Church itself. I would appreciate your directing any inquiries from surrounding property owners to that meeting should you receive any telephone calls.

Thank you for your attention to this matter. If the applications are in order, I would request that they be placed on the agenda for public hearing by the City of Fort Wayne Planning Commission for its October 14th meeting and corresponding business meeting of October 21st. I look forward to working with you on this matter and please call should you have any questions. I am,

Very truly yours,

BARRETT & McNAGNY LLP



Thomas M. Niezer

TMN:ahc:1098726

enclosures

cc: Brian Hench (via email)
Todd R. Bauer, PE, PLS (via email)
Russ Jehl, City Council Member (with enclosures)

Public Hearing Date, if applicable 10-14-13

Read the first time in full and on motion by Councilman Russ Jehl
Read the second time by title and referred to the Regulations
Committee. Read the third time in full and on motion by Councilman
Jehl, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 11-12-13 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. 2-18-13 on the 12th day of
November, 2013

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of November, 2013, at the hour of 10:30 o'clock AM E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of November
2013, at the hour of 11:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

by KB

BILL NO. Z-13-10-01

REPORT OF COMMITTEE ON REGULATIONS

NOVEMBER 12, 2013

**RUSSELL JEHL - CHAIR
GLYNN HINES - CO-CHAIR
ALL COUNCIL MEMBERS**


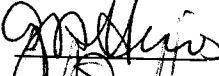

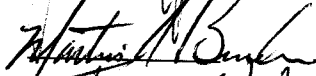
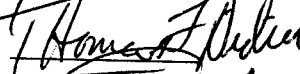



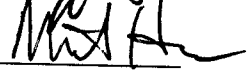
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-70 (Sec. 27 of Perry Township). The location is just south of the southeast corner of the intersection of Coldwater Road and Union Chapel Road, at 12628 Coldwater Road. The development parcel does not include the cemetery property at the corner. **COMMITTEE ON REGULATION** have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY
CITY CLERK