

1 **REZ-2017-0018**

2 **BILL NO. Z-17-04-22**

3 **ZONING MAP ORDINANCE NO. Z- 14-17**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. F-03 (Sec. 08 of Wayne Township)**

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

8 SECTION 1. That the area described as follows is hereby designated a C1
9 (Professional Office and Personal Services) District under the terms of Chapter 157 Title XV
10 of the Code of the City of Fort Wayne, Indiana:

11 A PART OF LOT NUMBER 2 IN HIGHWAY ADDITION TO THE CITY OF FORT WAYNE,
12 ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS
13 FOLLOWS:

14 COMMENCING AT THE N.W. CORNER OF SAID LOT NUMBER 2; THENCE EASTERLY ALONG
15 THE NORTH LINE OF SAID LOT 123.20 FEET; THENCE SOUTHERLY 281.2 FEET TO THE
16 SOUTH LINE OF SAID LOT; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT
17 113.56 FEET TO THE S.W. CORNER OF SAID LOT; THENCE NORTH 303.1 FEET TO POINT
18 OF BEGINNING. EXCEPT THE SOUTH 5.00 FEET FOR U.S. HIGHWAY NUMBER 24 RIGHT OF
19 WAY.

20 EXCEPT:

21 A PART OF LOT NUMBER 2 IN HIGHWAY ADDITION TO THE CITY OF FORT WAYNE, AS
22 RECORDED IN PLAT RECORD 15, PAGE 13, IN THE OFFICE OF THE RECORDER OF ALLEN
23 COUNTY, INDIANA, AS COVERED BY LAND DESCRIPTION CONTAINED IN DEED RECORDED
24 AS DEED RECORD 571, PAGE 469 AND BEING THAT PART OF THE GRANTOR'S LAND LYING
25 WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL
26 PLAT, MARKED EXHIBIT "B", MORE FULLY DESCRIBED AS FOLLOWS:

27 BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF NORTH
28 BEND DRIVE AND THE WEST LINE OF LOT 2 IN HIGHWAY ADDITION TO THE CITY OF
29 FORT WAYNE AS PER PLAT THEREOF RECORDED IN PLAT RECORD 15, PAGE 13 OF THE
30 RECORDS ON FILE IN THE OFFICE OF THE ALLEN COUNTY RECORDER; THENCE
31 NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE 24.37 FEET ALONG AN
32 ARC TO THE RIGHT, HAVING A RADIUS OF 510.47 FEET AND SUBTENDED BY A LONG
33 CHORD HAVING A BEARING OF NORTH 67 DEGREES 44 MINUTES 08 SECONDS EAST, AND
34 A LENGTH OF 24.37 FEET TO POINT "109" AS DESIGNATED ON SAID PARCEL PLAT;
35 THENCE SOUTH 19 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 33.76 FEET
36 TO A POINT ON THE AFORESAID WEST LINE OF LOT 2 BEING DESIGNATED AS POINT
37 "110" ON SAID PLAT; THENCE NORTH 26 DEGREES 15 MINUTES 20 SECONDS WEST,
38 ALONG SAID WEST LINE, A DISTANCE OF 25.12 FEET TO THE PLACE OF BEGINNING.
39 CONTAINING 0.007 ACRES (308 SQUARE FEET), MORE OR LESS.

40 ALSO EXCEPT:

1 BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF
2 JEFFERSON BOULEVARD AND THE WEST LINE OF LOT 2 IN HIGHWAY ADDITION TO THE
3 CITY OF FORT WAYNE AS PER PLAT THEREOF RECORDED IN PLAT RECORD 15, PAGE 13
4 OF THE RECORDS ON FILE IN THE OFFICE OF THE ALLEN COUNTY RECORDER; THENCE
5 NORTH 26 DEGREES 15 MINUTES 20 SECONDS WEST, ALONG SAID WEST LINE, A
6 DISTANCE OF 26.76 FEET TO A POINT "111" AS DESIGNATED ON SAID PARCEL PLAT;
7 THENCE SOUTH 51 DEGREES 14 MINUTES 20 SECONDS EAST, A DISTANCE OF 26.09 FEET
8 TO A POINT "112" AS DESIGNATED ON SAID PARCEL PLAT; THENCE NORTH 76 DEGREES
9 29 MINUTES 34 SECONDS EAST, A DISTANCE OF 15.09 FEET TO A POINT ON SAID
10 NORTHERLY RIGHT OF WAY LINE OF JEFFERSON BOULEVARD BEING DESIGNATED AS
11 "113" ON SAID PARCEL PLAT; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT
12 OF WAY LINE 25.73 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 6,155.86
13 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 64 DEGREES 13
14 MINUTES 00 SECONDS WEST AND A LENGTH OF 25.72 FEET TO THE PLACE OF
15 BEGINNING. CONTAINING 0.004 ACRES (189 SQUARE FEET), MORE OR LESS.

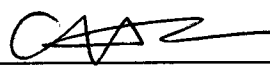
16 and the symbols of the City of Fort Wayne Zoning Map No. F-03 (Sec. 08 of Wayne
17 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
18 Wayne, Indiana is hereby changed accordingly.

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

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

25 
26 _____
27 Council Member

28 APPROVED AS TO FORM AND LEGALITY:

29 
30 _____
Carol T. Helton, City Attorney

**City of Fort Wayne Common Council
DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0018
Bill Number: Z-17-04-22
Council District: 4-Jason Arp

Introduction Date: April 25, 2017

Plan Commission
Public Hearing Date: May 8, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.8 acres of property from RP-Planned Residential to C1-Professional Office and Personal Services

Location: 5150 West Jefferson Boulevard (Former DeHayes Group office building)

Reason for Request: To redevelop the existing office building into apartments, construct a covered parking structure and a 9,500 square foot retail building.

Applicant: Boughter Investments, LLC

Property Owner: 5150 West Jefferson, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C1-Professional Office and Personal Services district to bring the property into the appropriate zoning for office use, as it exists today.

Effect of Non-Passage: The property will remain zoned RP-Planned Residential. The property may be continue to be used as an office under an existing Board of Zoning Appeals approval. Inappropriate zoning can affect property titles, property sale, and refinancing.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Boughter Investments, LLC
 Address 127 W. Berry Street, Suite 1001
 City Fort Wayne State Indiana Zip 46802
 Telephone 260-420-4878 E-mail _____

Contact Person
 Contact Person Joshua C. Neal, Barrett McNagny LLP
 Address 215 East Berry Street
 City Fort Wayne State Indiana Zip 46802
 Telephone (260) 423-8935 E-mail jcn@barrettllaw.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 5150 W. Jefferson Blvd.
 Present Zoning RP Proposed Zoning C-1 Acreage to be rezoned .78
 Proposed density _____ units per acre
 Township name Wayne Township section # _____
 Purpose of rezoning (attach additional page if necessary) To allow the real estate to be used for professional offices, including a law office.
 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 refer to checklist 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 "B"
 (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) _____

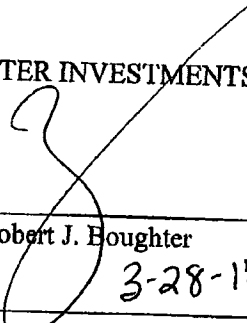
Received <u>4-4-17</u>	Receipt No. <u>123502</u>	Hearing Date _____	Petition No. <u>REZ-2017-0018</u>
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EXHIBIT "A"

Rezoning Petition Application

"APPLICANT"

BOUGHTER INVESTMENTS, LLC

By: 
Robert J. Boughter

Dated: 3-28-17

EXHIBIT "B"

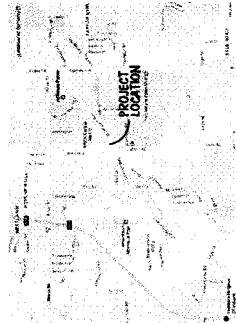
Rezoning Petition Application

"Property Owner"

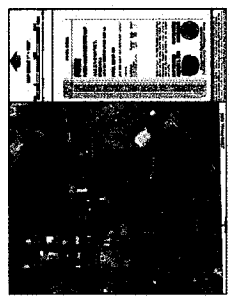
5150 WEST JEFFERSON, LLC

By: Deborah M. Reed

Dated: 3/28/2017



Site Location Map
NOT TO SCALE

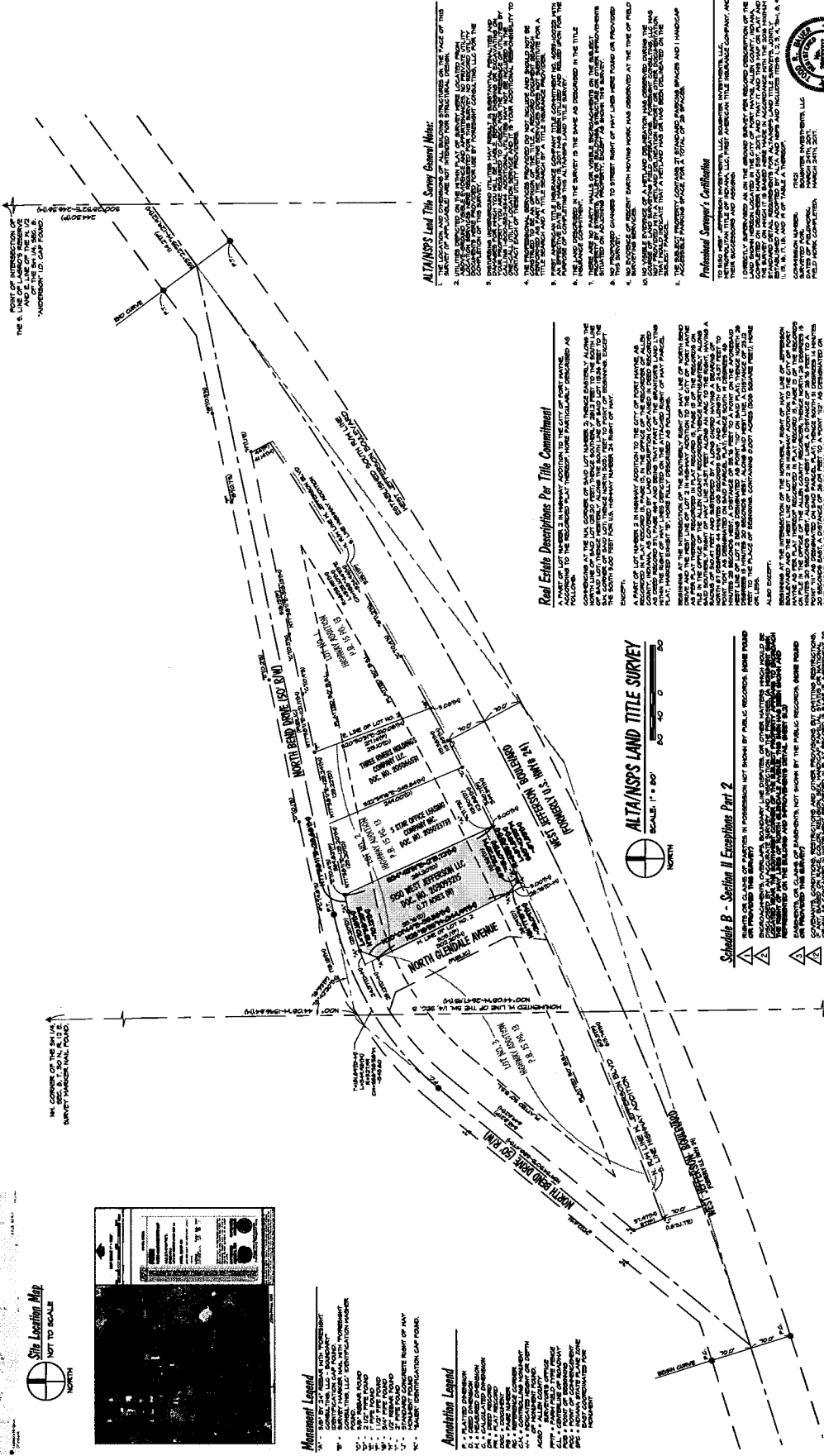


Monument Legend

- 1. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT
- 2. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT
- 3. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT
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- 10. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT

Annotation Legend

- 1. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT
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- 9. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT
- 10. 1/4" x 1/4" x 1/4" ALUMINUM MONUMENT



ALTA/NSPS LAND TITLE SURVEY
SCALE: 1" = 80'

Schedule B - Section II Executives Part 2

- 1. [Symbol] [Description]
- 2. [Symbol] [Description]
- 3. [Symbol] [Description]
- 4. [Symbol] [Description]
- 5. [Symbol] [Description]
- 6. [Symbol] [Description]
- 7. [Symbol] [Description]
- 8. [Symbol] [Description]
- 9. [Symbol] [Description]
- 10. [Symbol] [Description]

Real Estate Descriptions Per Title Commitment

A METE AND BOUNDS DESCRIPTION OF THE REAL ESTATE DESCRIBED IN THIS SURVEY IS HEREBY SET FORTH AS FOLLOWS: [Detailed description of the property, including lot numbers, dimensions, and easements.]

ALTA/NSPS Land Title Survey General Notes

1. THE SURVEY IS BASED ON THE DATA PROVIDED BY THE CLIENT AND THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES.
2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES.
3. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES.
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9. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES.
10. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES.

Professional Surveyor's Certificate

I, the undersigned, being a duly licensed Professional Surveyor in the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client and that the same has been prepared in accordance with the provisions of the laws of the State of Indiana.



Sheet Number
51.1
SHEET 1 OF 2

Commission Number
171921

Date
March 29th, 2017

Title
[Blank]

ALTA/NSPS LAND TITLE SURVEY FOR:
5150 West Jefferson, LLC
5150 West Jefferson Boulevard
Fort Wayne, Indiana 46804

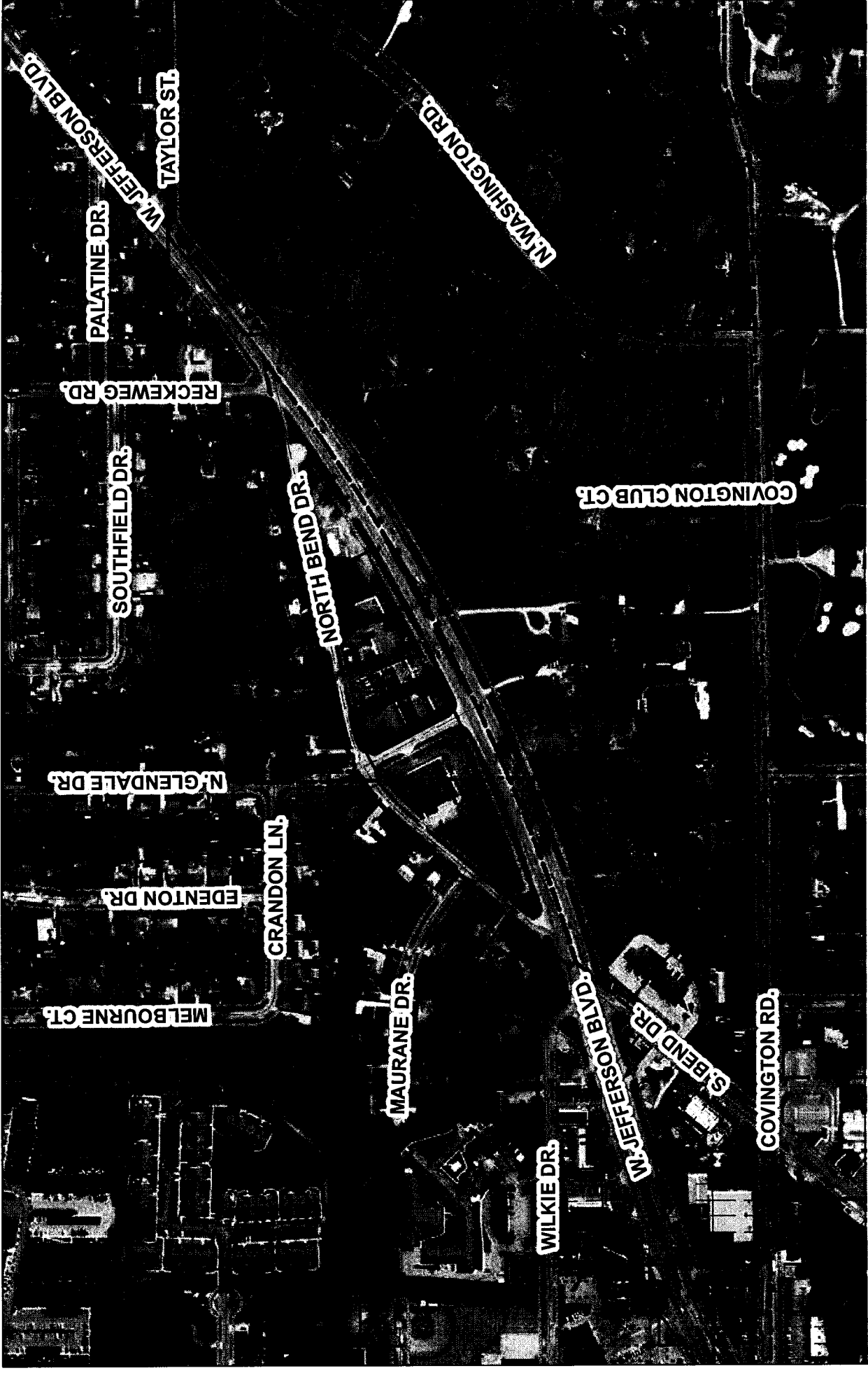
Performed for:
[Blank]

Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #51
Fort Wayne, Indiana 46825
260.484.9900 Phone
260.484.9980 Fax
www.4684e.biz

ForeSight Consulting, LLC

Serving Northeast Indiana with Offices
in Fort Wayne, Auburn and Angola

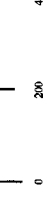
Professional Engineer



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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North American Datum 1983
State Plane Coordinate System, Indiana East
Photo and Contours: Spring 2009
Date: 4/19/2017

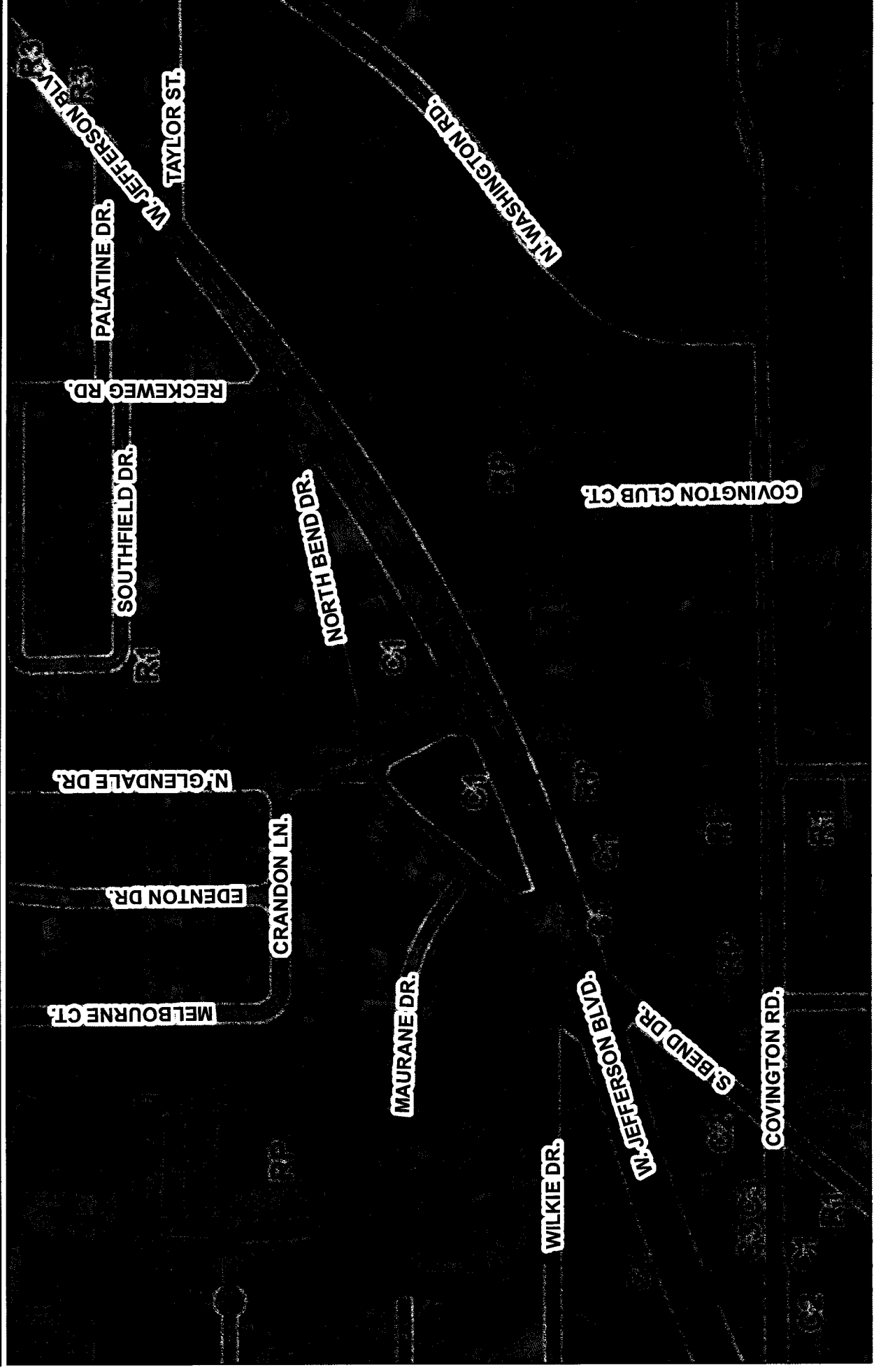


1 inch = 400 feet





Rezoning Petition REZ-2017-0018 (5150 W Jefferson)

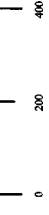


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© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 4/19/2017



1 inch = 400 feet



REPORT OF COMMITTEE ON REGULATIONS

June 13, 2017

John Crawford Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. F-03 (Sec. 08 of Wayne Township)

COMMITTEE ON REGULATIONS 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

John N. Crawford

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**LANA R. KEESLING
CITY CLERK**

Lana R. Keesling

Public Hearing Date: May 8, 2017

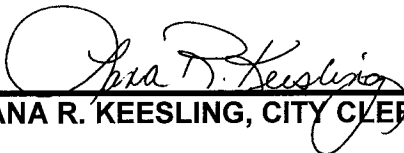
Read the first time in full and on motion by Councilman Crawford.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Crawford, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 13, 2017




 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-17-04-22 on the 13th day of June, 2017

ATTEST:




 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of June 2017, at the hour of 10:00 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 16th day of June 2017, at the hour of 12:30 O'clock Pm . E.S.T.



 THOMAS C. HENRY, MAYOR