

1 #REZ-2019-0063

2 BILL NO. Z-19-09-12

3
4 ZONING MAP ORDINANCE NO. Z- 39-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. U-46 (Sec. 9 of St. Joseph 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 C2 (Limited
10 Retail) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 Part of the lands of Show-Me-Properties, LLC, as described in Recorder's Document
13 #205056654 being situated in the Southeast Quarter of Section 9, Township 31 North,
14 Range 13 East, Second Principal Meridian, Saint Joseph Township, Allen County, Indiana,
15 this new description was prepared by Micheal C. Vodde, Indiana Professional Surveyor
16 #20100011, as part of Anderson Surveying, Inc. Survey #19-08-120, dated September 18,
17 2019, more particularly described as follows:

18 **Beginning** at a 5/8-inch rebar monumenting the southeast corner of Concord Place, Section
19 3, as recorded in Plat Cabinet "B", page 146 (Recorder's Document #93-32199); thence
20 North 12 degrees 34 minutes 41 seconds East (all bearings in this description are based on
21 the Indiana East State Plane Coordinate System) on the easterly line of said Concord Place,
22 Section 3, as defined by found monuments, a distance of 179.47 feet to a 5/8" rebar with a
23 Firm #0027 identification cap monumenting a southerly corner of said Concord Place,
24 Section 3; thence North 86 degrees 37 minutes 16 seconds East on a southerly line of said
25 Concord Place, Section 3, as defined by found monuments, a distance of 179.88 feet to a 1/2-
26 inch rebar on the west right-of-way line of Maplecrest Road as recorded in Document
27 #990061690; thence South 03 degrees 05 minutes 23 seconds East on said west right-of-
28 way line, a distance of 209.68 feet to a 5/8" rebar with a Firm #0027 identification cap
29 monumenting the northeast corner of Topsfield Lane as described in a Street Dedication
30 Deed as recorded in Document #990081464; thence South 86 degrees 41 minutes 36
seconds West on the north line of said Document #990081464, a distance of 117.05 feet to
a 5/8" rebar with a Firm #0027 identification cap monumenting the Point of Curvature of a
curve to the right having a radius of 175.00 feet; thence northwesterly continuing on the
north line of said Document #990081464 on said curve, with an arc length of 90.21 feet, and
being subtended by a chord bearing North 78 degrees 32 minutes 22 seconds West, a chord
length of 89.21 feet to a 5/8" rebar with a Firm #0027 identification cap monumenting the
Point of Tangency of said curve; thence North 63 degrees 46 minutes 40 seconds West
continuing on said north line, a distance of 28.61 feet to the Point of Beginning, **containing
0.971 acres of land, more or less**, subject to all legal rights-of-way, subject to all Regulated
Drain Easements for any Regulated Drains or Tiles being on or within 75 feet of the above
described parcel, subject to all other easements, restrictions and rights affecting the above-
described parcel.

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and the symbols of the City of Fort Wayne Zoning Map No. U-46 (Sec. 9 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

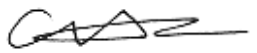
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated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

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



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Matthew Heiman
 Address 9165 N Santovini Dr.
 City Warsaw State IN Zip 46580
 Telephone (574) 316-0160 E-mail mattheiman7270@gmail.com

Contact Person
 Contact Person Phillip A Troyer Inc - Architect
 Address 1510 W Ludwig Rd
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-2810 E-mail phll@patroyer.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 R3 Proposed Zoning C2 Acreage to be rezoned 1.0
 Proposed density One building - 6500 sf units per acre
 Township name _____ Township section # _____
 Purpose of rezoning (attach additional page if necessary) See development plan
 Sewer provider Fort Wayne Water provider 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.

<u>Matthew Heiman</u> (printed name of applicant)	<u>Matthew Heiman</u> (signature of applicant)	<u>8/27/19</u> (date)
<u>Donald E. Cole, Jr.</u> <small>State of Properties, LLC, Managing Member</small> (printed name of property owner)	<u>[Signature]</u> (signature of property owner)	<u>08/27/19</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>9-3-19</u>	Receipt No. <u>131 8226</u>	Hearing Date <u>10-7-19</u>	Petition No. <u>0063</u> <u>REZ-2019-0051</u>
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 South Avenue Center, 15th Floor
 Gettysburg, Pennsylvania 15116
 724.325.3000

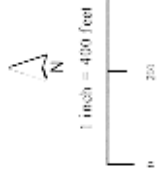


Rezoning Petition REZ-2019-0063 and Primary Development Plan PDP-2019-0048 - Shops on Topsfield



All information is for informational purposes only. It is not intended to be used as a legal document. The information is provided for informational purposes only. It is not intended to be used as a legal document. The information is provided for informational purposes only. It is not intended to be used as a legal document.

©2019 City of Sacramento, California
 State Plane Coordinate System, NAD83
 Prepared by: [Name], [Date]



FACT SHEET

Case #	REZ-2019-0063	Bill #	Z-19-09-12	Project Start:	September 2019
APPLICANT:	Matthew Heiman				
REQUEST:	To rezone property from R3/Multiple Family Residential to C2/Limited Commercial; and approve a primary development plan for a single building commercial development.				
LOCATION:	The site is located at the northwest corner of the intersection of Topsfield Lane and Maplecrest Road. The property is south and east of Concord Place Sections 2 and 3 (St. Joseph Township Section 9).				
LAND AREA:	Approximately 1 acre				
PRESENT ZONING:	R3/Multiple Family Residential				
PROPOSED ZONING:	C2/Limited Commercial				
COUNCIL DISTRICT:	2-Russ Jehl				
ASSOCIATED PROJECTS:	Shoppes on Topsfield				
SPONSOR:	City of Fort Wayne Plan Commission				

7 October 2019 Public Hearing

- Three residents made comments at the hearing.
- Rachel Tobin-Smith was absent.

14 October 2019 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

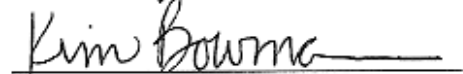
A motion was made by Patrick Zaharako and seconded by Justin Shurley to return the ordinance with a Do Pass recommendation and Written Commitment to Common Council for their final decision.

8-0 MOTION PASSED

- Tom Freistroffer was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
November 5, 2019

Reviewed by:



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

PROJECT SUMMARY

The petitioner is requesting a rezoning to C2/Limited Commercial to allow for a new neighborhood multi-tenant retail development. The site has remained undeveloped since the inception of the commercial development approximately 20 years ago. Today, the site is zoned R3/Multiple Family Residential. Residential uses exist to the north and west (Concord Place). Topsfield Lane was constructed to connect with Maplecrest Road nearly 20 years ago, as well. A variety of uses have developed within Maplecrest Corners at the northwest corner of Maplecrest Road and Rothman Road. The most recent proposal was heard by the Plan Commission in July of this year for Schwartz Self-Storage (C3). Other commercial uses are Hillside Pools (NC), Travis Auto (C3), Pak Mail (NC), Lassus gas station/convenience store (C3) and two financial institutions (NC).

The development parcel has remained undeveloped for nearly 20 years. A multi-tenant retail building is permitted in the proposed C2 zoning district. Multi-tenant retail buildings of this size are usually considered neighborhood retail and can be considered a low-impact use, depending on the site plan, lighting, landscaping, etc.

The development plan consists of a single story building approximately 6,600 square feet with room for about 4 to 5 neighborhood retail tenants. A single access is proposed to Topsfield Lane with a drive that provides parking and access to all four sides of the building. The required number of parking spaces is provided, and will be screened with the P1 standard where applicable. The building is proposed to meet the C2 setback standards, but at the time of notebook printing, no building elevations are available.

The plan proposes to screen the project in accordance with the Ordinance. The Ordinance requires a combination of large shrubs and evergreen trees along the west and north property lines where the site plan is adjacent to the attached single family development. The submitted landscaping plan appears to meet the intent of the requirement.

A public sidewalk is required along the site's public street frontage, unless the transportation agency agrees that a sidewalk cannot be constructed due to engineering constraints.

PUBLIC HEARING SUMMARY:

Presenter: Phil Troyer, architect, represented the applicant and presented the proposal to the Plan Commission, as outlined above.

Public Comments:

Karen Bixler - Questions about types of businesses, location of dumpsters.

Georgina Thompson - A strip mall would depreciate their home values.

Arlo Marsh - Increase in traffic, not appropriate.

Rebuttal:

Property is too small to develop with residential. The corridor and entrance to the subdivision have developed with commercial uses.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

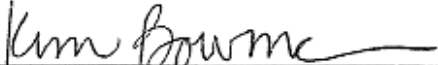
Rezoning Petition REZ-2019-0063

APPLICANT: Matthew Heiman
REQUEST: To rezone property from R3/Multiple Family Residential to C2/Limited Commercial for a single building commercial development.
LOCATION: The site is located at the northwest corner of the intersection of Topsfield Lane and Maplecrest Road. The property is south and east of Concord Place Sections 2 and 3(St. Joseph Township Section 9).
LAND AREA: Approximately 1 acre
PRESENT ZONING: R3/Multiple Family Residential
PROPOSED ZONING: C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2019-0063, with a written commitment, be returned to Council with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The R3/ Multiple Family Residential zoning will provide the opportunity to redevelop the existing country club while providing additional living opportunities in the Northeast quadrant of the City. This proposal will provide redevelopment using existing infrastructure. The Comprehensive Plan supports this rezoning through the following objectives:
 - LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
 - LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;
 - LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.
 - LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.
 - LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.
 - LU6.D Support carefully planned, coordinated, compatible mixed-use development.
 - LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Site plan and architectural review from the Plan Commission and staff will ensure a compatible development that complements the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the property.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on October 14, 2019.



Kimberly R. Bowinan, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant: Matthew Heiman
 Address: 9165 N Santorini Dr.
 City: Indianapolis State: IN Zip: 46280
 Telephone: (514) 316-0100 E-mail: MatthewHeiman720@gmail.com

Contact Person
 Contact Person: Phillip A Troyer Inc - Architect
 Address: 1610 W Ludwig Rd
 City: Fort Wayne State: IN Zip: 46825
 Telephone: 260-489-2810 E-mail: phil@patroyer.com

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

Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property:
 Present Zoning: R3 Proposed Zoning: C2 Acreage to be rezoned: 1.0
 Proposed density: One building - 6500 sf units per acre
 Township name: _____ Township section #: _____
 Purpose of rezoning (attach additional page if necessary): See development plan

Sewer provider: Fort Wayne Water provider: Fort Wayne

Applications will not be accepted unless the following items/requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/permit submission requirements.

- Filing Requirements**
- Applicable filing fee
 - Applicable number of surveys showing area to be rezoned (plans must be filed)
 - Legal Description of parcel to be rezoned
 - Rezoning Questionnaire (original and 10 copies) *County Resubmissions Only*

I/we understand and agree, upon execution and submission of this application, that I/we agree and 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 Planning 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 copying the rezoned parcels at the rate of \$0.33 per page and a public notice fee of \$30.00 per rezoned parcel.

Matthew Heiman (Applicant Signature)
 Matthew Heiman (Applicant Name)
 9165 N Santorini Dr (Address)
 Indianapolis, IN (City/State)
 (514) 316-0100 (Phone)
 Matthew Heiman (Signature)
 Matthew Heiman (Signature)
 8/27/19 (Date)
 08/27/19 (Date)

Version	Revised No.	Issuing Date	Position No.
1	01/07/19	10-7-19	0063



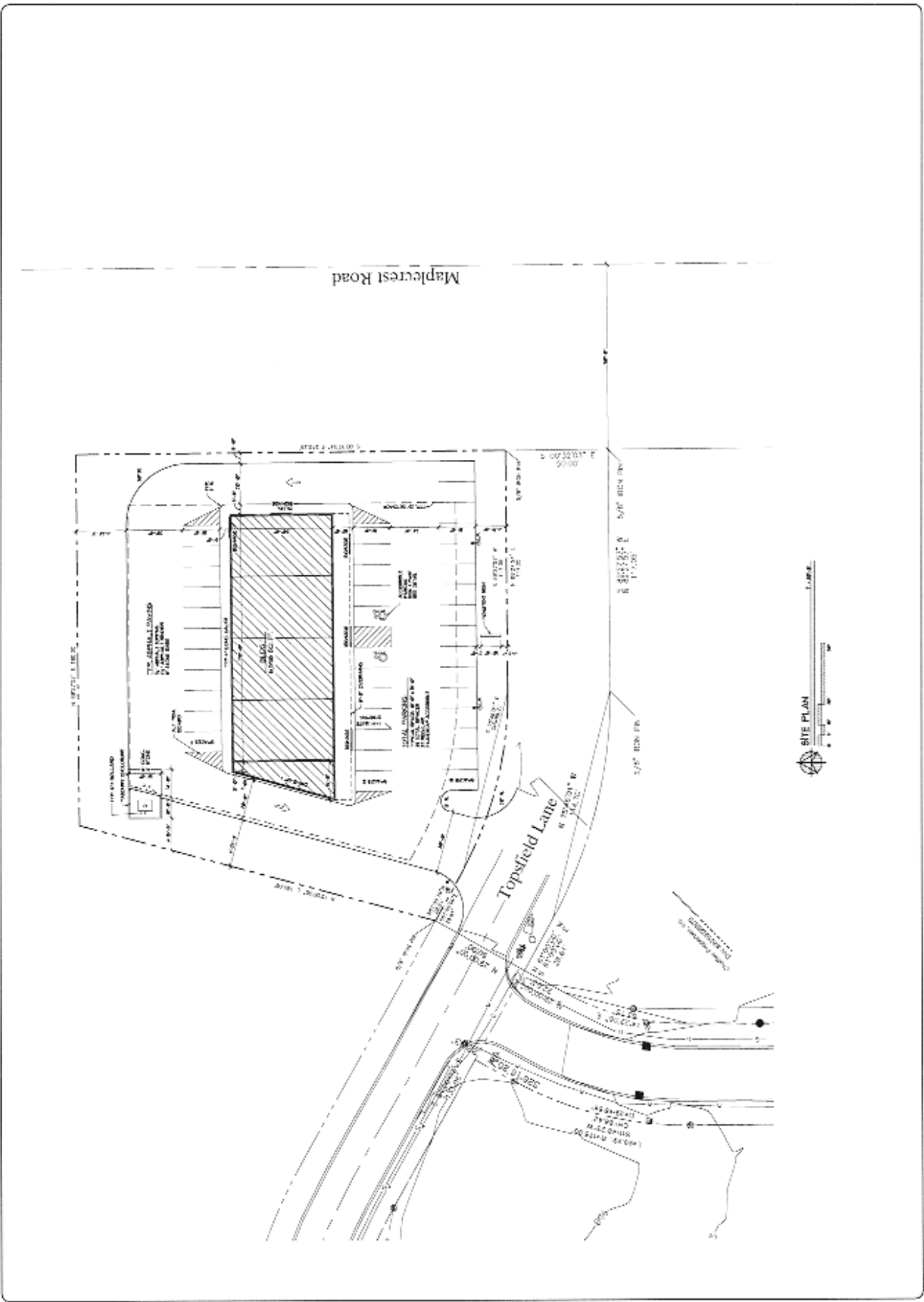
Rezoning Petition REZ-2019-0063 and Primary Development Plan PDP-2019-0048 - Shops on Topsfield



1 inch = 400 Feet



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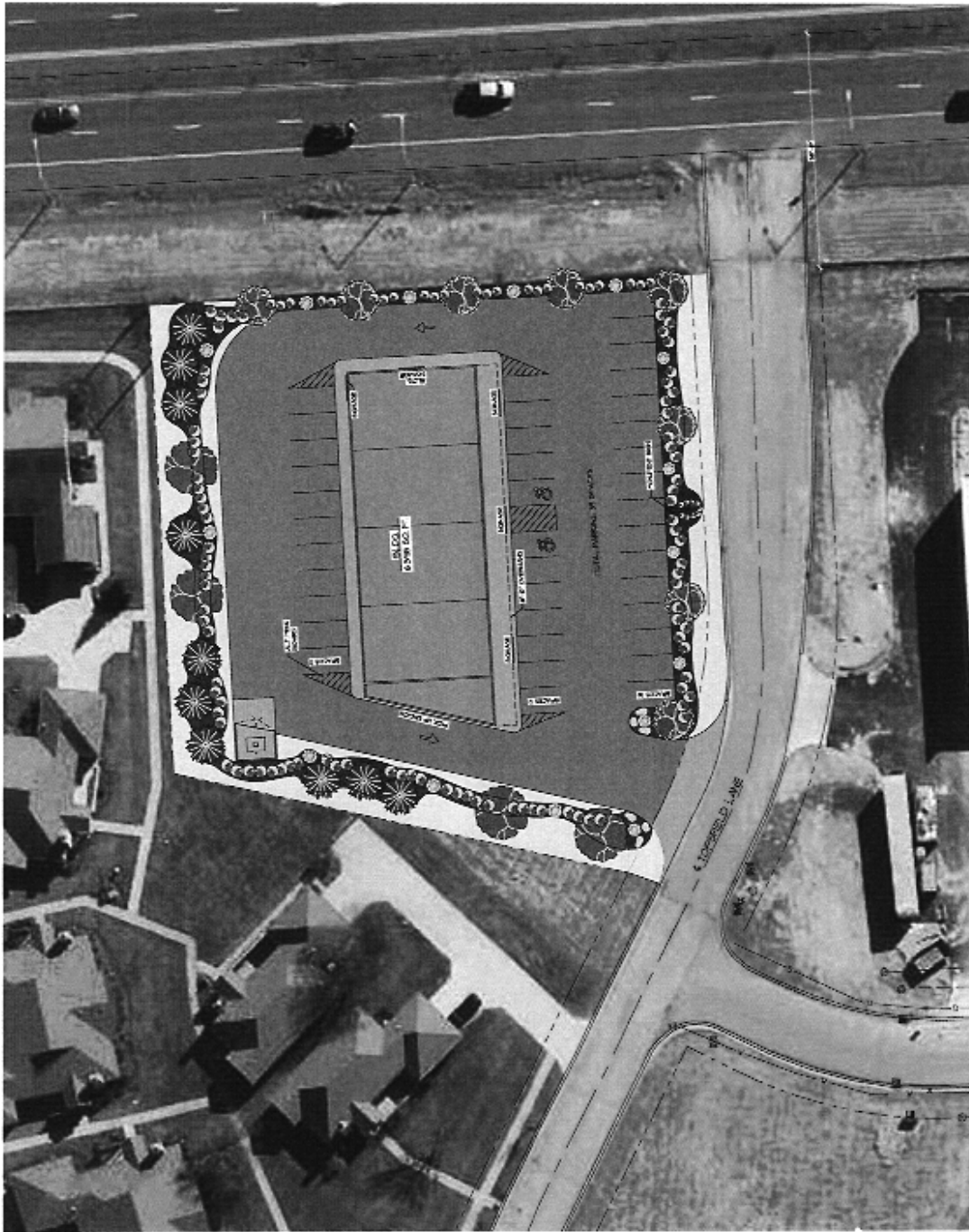


P. A. TROYER INC
 ARCHITECTURE DEVELOPMENT CONSTRUCTION
 1510 W. LUDWIG BL. FORT WORTH, TX 76104
 P. 817-335-2812 PH. 817-335-2812



HEIMAN MULTI TENANT
 MANUSSETT @ TORPESD LANE
 FORT WORTH, TX

15



STEP PLAN
 P. 15

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made as of this ____ day of _____, 2019, by **SHOW-ME PROPERTIES, LLC**, an Indiana limited liability company (herein the, "Declarant"), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 1.0 acre of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit "A" (herein, the "Real Estate "); and

WHEREAS, Declarant's Zoning Map Amendment Application, filed with the City of Fort Wayne Plan Commission, bearing number REZ-2019-0063 (the "Application"), respecting the Real Estate, has been approved by the City of Fort Wayne, Indiana Common Council and the Mayor of the City of Fort Wayne; and

WHEREAS, pursuant to the Application, the Real Estate has been rezoned to C2 pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance") which permits development upon the Real Estate of certain professional office and personal service uses and limited and retail commercial uses; and

WHEREAS, Declarant has submitted this Commitment, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015 for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate; and

WHEREAS, in conjunction with said Application, the Plan Commission has required the execution of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office prior to the commencement of any building improvements for uses permitted pursuant to the Application.

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 a portion of the Real Estate.

1. Prohibited Uses. The following uses shall be prohibited upon the Real Estate as permitted in the C2/Limited Retail zoning district §157.213 (C) of the City of Fort Wayne Zoning Ordinance ("Ordinance") or as Special Uses in the C2/Limited Retail zoning district §157.213 (D):

- | | |
|-----|------------------------|
| [1] | Adult care center |
| [2] | Adult care home |
| [3] | Air conditioning sales |
| [4] | Animal grooming |
| [5] | Animal hospital |

- [6] Animal kennel
- [7] Animal obedience school
- [8] Answering service
- [9] Arcade
- [10] Assisted living facility
- [11] Automobile rental (indoor)
- [12] Automobile sales (indoor)
- [13] Bait sales
- [14] Bankruptcy service
- [15] Bar or tavern
- [16] Billiard or pool hall
- [17] Bingo establishment
- [18] Blood bank
- [19] Blood or plasma donor facility
- [20] Boarding/lodging house
- [21] Bowling alley
- [22] Catalog showroom
- [23] Child care center
- [24] Child care home (class I or II)
- [25] Cigarette/tobacco/cigar store
- [26] Club, private
- [27] Collection agency
- [28] Community center
- [29] Community garden (incl. outdoor)
- [30] Convenience store
- [31] Copy or duplicating service
- [32] Correctional services facility
- [33] Costume and clothing rental
- [34] Credit service
- [35] Data processing facility
- [36] Data storage facility
- [37] Dating service
- [38] Day care
- [39] Department store
- [40] Diaper service facility
- [41] Dinner theater

[42]	Dormitory
[43]	Driving instruction
[44]	Drug store
[45]	Entertainment facility
[46]	Farmer's market (incl. outdoor)
[47]	Fireworks sales
[48]	Flea market
[49]	Floor covering store
[50]	Fraternity house
[51]	Funeral home
[52]	Furniture store
[53]	Furrier
[54]	Glass cutting/glazing shop
[55]	Group residential facility (large)(2)
[56]	Group residential facility (small)
[57]	Hardware store
[58]	Haunted house
[59]	Heating sales
[60]	Homeless/emergency shelter(2)
[61]	Hospital
[62]	Hotel
[63]	Laundromat/coin operated laundry
[64]	Library
[65]	Model unit
[66]	Motel
[67]	Multiple family complex
[68]	Multiple family dwelling
[69]	Museum
[70]	Nursing home
[71]	Package liquor store
[72]	Paint store
[73]	Park or recreation area
[74]	Parking area
[75]	Parking area (off-site)
[76]	Parking structure
[77]	Pet store

[78]	Planetarium
[79]	Public transportation or similar public facility
[80]	Radio station
[81]	Reception/banquet hall
[82]	Recreation facility
[83]	Religious institution/school field
[84]	Rental and/or leasing store
[85]	Rescue mission
[86]	Residential dwelling unit
[87]	Residential facility for homeless individuals
[88]	Retirement facility
[89]	School
[90]	Skating rink
[91]	Social service agency
[92]	Sorority house
[93]	Sporting goods sales and rentals
[94]	Supermarket
[95]	Swim club
[96]	Swimming pool/hot tub sales
[97]	Tattoo establishment
[98]	Taxi service
[99]	Telephone sales and service
[100]	Television station
[101]	Tennis club
[102]	Theater
[103]	Tire sales
[104]	Townhouse complex
[105]	Treatment center
[106]	Window sales
[107]	Wind energy conversion system (micro)
[108]	Zoo

2. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

3. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate 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 Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

4. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.

5. Remedies. Following written notice to Declarant by the Zoning Administrator and/or the Plan Commission and Declarant's failure to cure such default within forty five (45) days following receipt of such notice, in addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

6. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator 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.

7. 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.

8. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

9. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

10. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

“DECLARANT”

SHOW-ME PROPERTIES, LLC,
an Indiana limited liability company

By: _____

Its: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this _ day of _____ 2019, personally appeared _____, the _____ of Show-Me Properties, LLC and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

EXHIBIT "A"

NEW ORIGINAL DESCRIPTION OF REAL ESTATE:

Part of the lands of Show-Me-Properties, LLC, as described in Recorder's Document #205056654 being situated in the Southeast Quarter of Section 9, Township 31 North, Range 13 East, Second Principal Meridian, Saint Joseph Township, Allen County, Indiana, this new description was prepared by Micheal C. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #19-08-120, dated September 18, 2019, more particularly described as follows:

Beginning at a 5/8-inch rebar monumenting the southeast corner of Concord Place, Section 3, as recorded in Plat Cabinet "B", page 146 (Recorder's Document #93-32199); thence North 12 degrees 34 minutes 41 seconds East (all bearings in this description are based on the Indiana East State Plane Coordinate System) on the easterly line of said Concord Place, Section 3, as defined by found monuments, a distance of 179.47 feet to a 5/8" rebar with a Firm #0027 identification cap monumenting a southerly corner of said Concord Place, Section 3; thence North 86 degrees 37 minutes 16 seconds East on a southerly line of said Concord Place, Section 3, as defined by found monuments, a distance of 179.88 feet to a 1/2-inch rebar on the west right-of-way line of Maplecrest Road as recorded in Document #990061690; thence South 03 degrees 05 minutes 23 seconds East on said west right-of-way line, a distance of 209.68 feet to a 5/8" rebar with a Firm #0027 identification cap monumenting the northeast corner of Topsfield Lane as described in a Street Dedication Deed as recorded in Document #990081464; thence South 86 degrees 41 minutes 36 seconds West on the north line of said Document #990081464, a distance of 117.05 feet to a 5/8" rebar with a Firm #0027 identification cap monumenting the Point of Curvature of a curve to the right having a radius of 175.00 feet; thence northwesterly continuing on the north line of said Document #990081464 on said curve, with an arc length of 90.21 feet, and being subtended by a chord bearing North 78 degrees 32 minutes 22 seconds West, a chord length of 89.21 feet to a 5/8" rebar with a Firm #0027 identification cap monumenting the Point of Tangency of said curve; thence North 63 degrees 46 minutes 40 seconds West continuing on said north line, a distance of 28.61 feet to the Point of Beginning, **containing 0.971 acres of land, more or less**, subject to all legal rights-of-way, subject to all Regulated Drain Easements for any Regulated Drains or Tiles being on or within 75 feet of the above described parcel, subject to all other easements, restrictions and rights affecting the above-described parcel.

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0063
Bill Number: Z-19-09-12
Council District: 2-Russ Jehl

Introduction Date: September 24, 2019
Plan Commission
Public Hearing Date: October 7, 2019 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 1.0 acre from R3/Multiple Family Residential to C2/Limited Retail
Location: 6255 Topsfield Lane
Reason for Request: To allow for a multi-tenant retail development
Applicant: Matthew Heiman
Property Owner: Donald E. Cole, Jr.

Related Petitions: Primary Development Plan, Heiman Multi-tenant Development

Effect of Passage: Property will be rezoned to the C2/Limited Retail district to allow for the construction of a multi-tenant retail building.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family Residential and my develop with residential uses.

BILL NO. Z-19-09-12

REPORT OF COMMITTEE ON REGULATIONS

November 12, 2019

Tom Freistroffer Chair

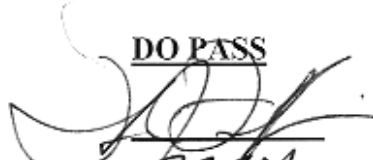



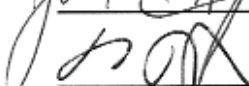

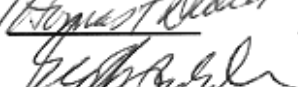
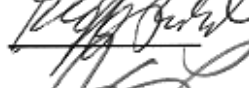


Michael Barranda Co-Chair

All Council Members

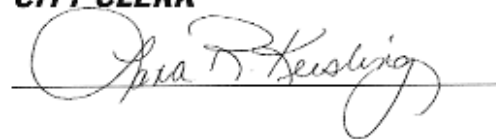
An Ordinance amending the City of Fort Wayne Zoning Map No. U-46 (Sec. 9 of St. Joseph Township)

*To rezone approximately 1.0 acres from R3 to C2
Matthew Heiman – 6255 Topsfield Lane*

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: October 7, 2019

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

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

Read the third time in full and on motion by Councilman Freistroffer, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: November 12, 2019



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-19-09-12 on the 12th day of November, 2019



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of November 2019, at the hour of 2:45 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 19th day of November 2019, at the hour of 5:30 o'clock PM E.S.T.



THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
NOV 20 2019
LANA R. KEESLING
CITY CLERK