

1 #1299

2 BILL NO. Z-12-11-16

3
4
5 ZONING MAP ORDINANCE NO. Z- 1-13

6 AN ORDINANCE amending the City of Fort Wayne
7 Zoning Map No. D-03 (Sec. 7 of Wayne Township)

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

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

13 Part of the fractional Southwest Quarter of Section 7; Township 30 North, Range 12 East, Allen
14 County, Indiana, described as follows:


15 Commencing at the South ¼ corner of said Section 7; thence Northerly, along the East line of the
16 Southwest ¼ of said Section 7, a distance of 1447.06 feet to the point of beginning; thence deflecting
17 89 degrees 37 minutes 50 seconds left from the prolongation of the preceding course, 270.8 feet to an
18 Easterly boundary of land conveyed to Paul and Ethel Lavergne and recorded in Document #76-28244
19 in the Office of the Recorder; thence deflecting 96 degrees 35 minutes 05 seconds right from the
20 prolongation of the preceding course, and along said Easterly boundary of Lavergne property, 149.2
21 feet; thence deflecting 82 degrees 39 minutes 40 seconds right from the prolongation of the preceding
22 course, 252.7 feet to a point on the East line of the Southwest ¼ of said Section 7; thence deflecting 90
23 degrees 23 minutes 05 seconds right from the prolongation of the preceding course, along the East
24 line of said Southwest ¼, a distance of 151.5 feet to the point of beginning, containing 0.90 acres,
25 more or less.

26 and the symbols of the City of Fort Wayne Zoning Map No. D-03 (Sec. 7 of Wayne
27 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
28 Wayne, Indiana is hereby changed accordingly.

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


Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

Read the first time in full and on motion by Bender, and duly adopted, read the second time by title and referred to the Committee on Resolutions (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on _____ the _____ day of _____, 2012, at _____ o'clock _____ M., E.S.T.

DATED: 11-27-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bender placed on its passage. PASSED LOST by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------|-------------|------------------|---------------|
| <u>TOTAL VOTES</u> | <u>8</u> | _____ | _____ | <u>1</u> |
| <u>BENDER</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>CRAWFORD</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>DIDIER</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>HARPER</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>HINES</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>JEHL</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>PADDOCK</u> | <u>✓</u> | _____ | _____ | _____ |
| <u>SHOAF</u> | _____ | _____ | _____ | <u>✓</u> |
| <u>SMITH</u> | <u>✓</u> | _____ | _____ | _____ |

DATED: 1-8-13

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. 2-1-13 on the Eight day of January, 2013

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

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the Eleventh day of January, 2013 at the hour of One o'clock P M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of January, 2013, at the hour of 2:00 o'clock P M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: 1299/12
Bill Number: Z-12-11-16
Council District: 4 – Mitch Harper

Introduction Date: November 27, 2012

Plan Commission
Public Hearing Date: December 10, 2012

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

Synopsis of Ordinance: To rezone approximately 1.53 acres of vacant property from R1-Single
Family Residential to CM2-Limited Retail and Commercial

Location: The area is located north of Canopy Corners, on the west side of the
street, at 2316 and 2328 Getz Road.

Reason for Request: The applicant seeks to construct a 4,000 square foot Wings, Etc.
restaurant.

Applicant: Neil H. Kobi

Property Owners: Summit City Investments III, LLP

Related Petitions: Primary Development Plan, Wings, Etc.

Effect of Passage: Property will be rezoned to the CM2-Limited Retail and Commercial
district, which will allow for a new restaurant, as well as other CM2
permitted uses.

Effect of Non-Passage: The property will remain zoned for single family residential uses.

Department of Planning Services
Rezoning Petition Application

Applicant
 Applicant NEIL H KOB1
 Address 1210 KORTE LANE
 City FORT WAYNE State IN Zip 46807
 Telephone 260 341 7153 Fax _____ E-mail nhkobi@gmail.com

Property Ownership
 Property Owner SUMMIT CITY INVESTMENTS III LLP
 Address 1210 KORTE LANE
 City FORT WAYNE State IN Zip 46807
 Telephone 260 341 7153 Fax _____ E-mail nhkobi@gmail.com

Contact Person
 Contact Person NEIL KOB1
 Address 1210 KORTE LANE
 City FORT WAYNE State IN Zip 46807
 Telephone 260 341 7153 Fax _____ E-mail nhkobi@gmail.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 2316 + 2328 GETZ ROAD
 Present Zoning R-1 Proposed Zoning CM-2 Acreage to be rezoned 1.534
 Proposed density (1) units per acre
 Township name WAYNE Township section # 7
 Purpose of rezoning (attach additional page if necessary)
COMMERCIAL DEVELOPMENT OF RESIDENTIAL PROPERTY
FOR CONSTRUCTION OF A RESTAURANT
 Sewer provider CITY FORT WAYNE Water provider CITY FORT WAYNE

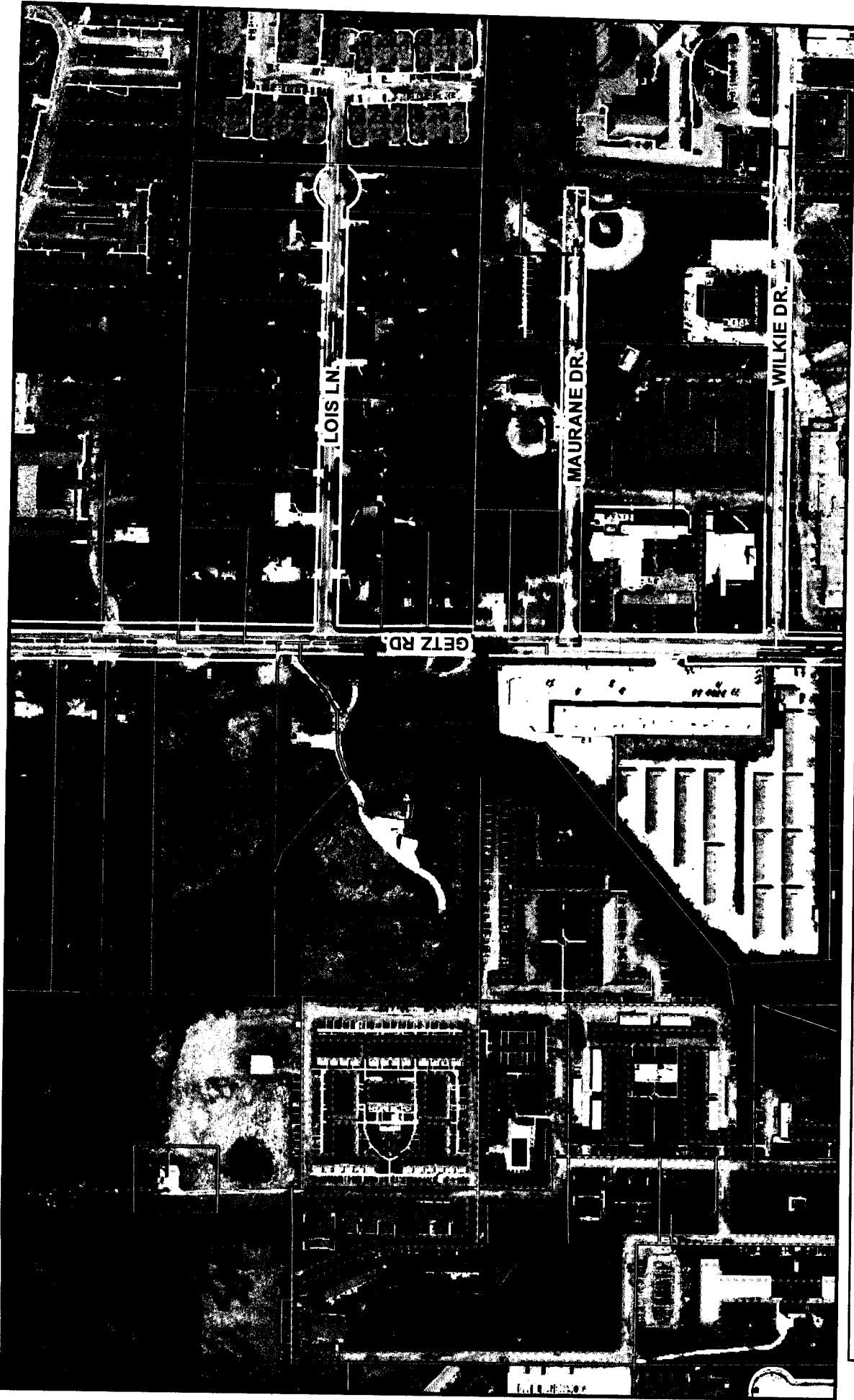
Filing Requirements
 Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.
 Applicable filing fee
 Applicable number of surveys showing area to be rezoned (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.

NEIL H. KOB1 - PARTNER Neil H Kobi 11-6-12
 (printed name of applicant) (signature of applicant) (date)
SUMMIT CITY INVESTMENTS III LLC Neil H Kobi 11-6-12
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

| Received | Receipt No. | Hearing Date | Petition No. |
|----------|-------------|--------------|--------------|
| 11/7/12 | 110163 | 12/10/12 | |

Rez-2012-0116



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

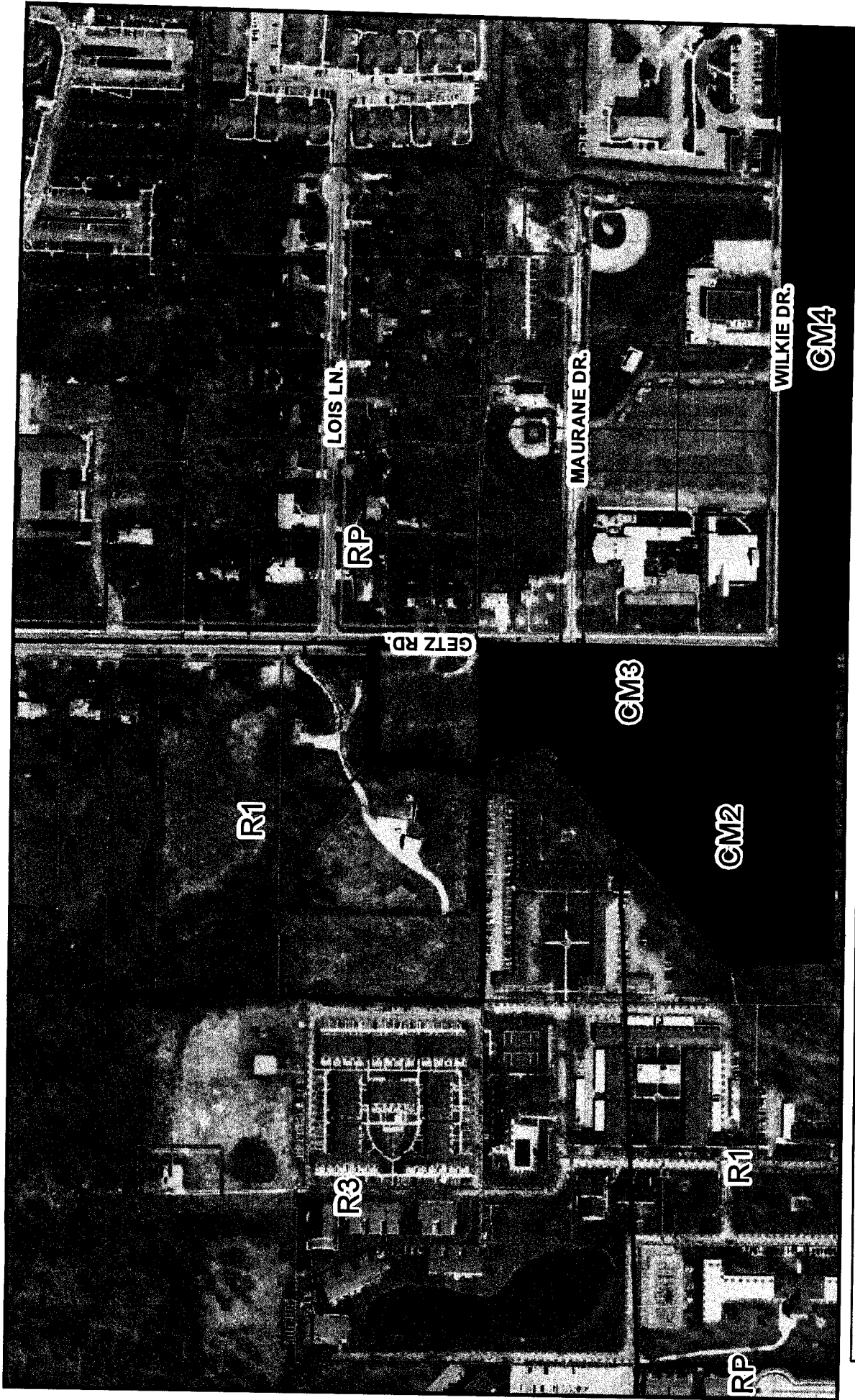
Rezoning Petition 1299/12 and Primary Development Plan - 2316 & 2328 Getz Road

Printed November 14, 2012
© 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 completion 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 commission in this map.





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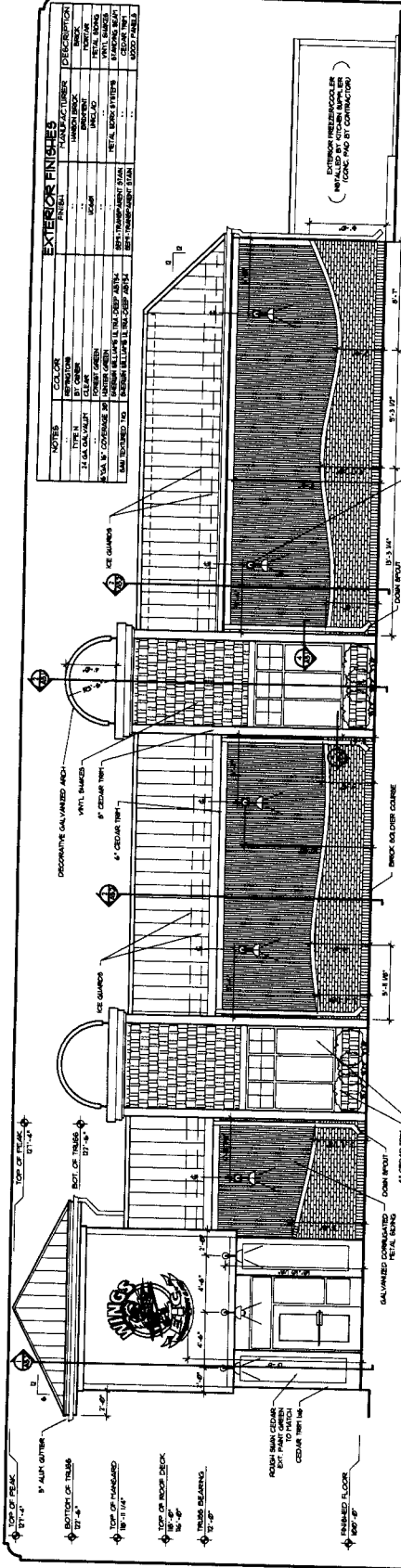
Rezoning Petition 1299/12 and Primary Development Plan - 2316 & 2328 Getz Road

Printed November 14, 2012
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Projection

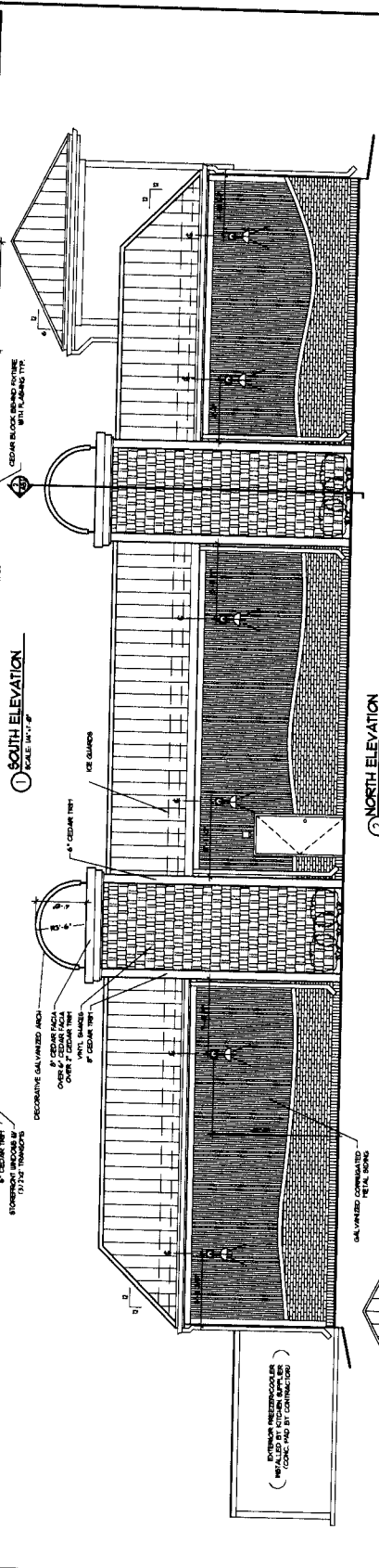
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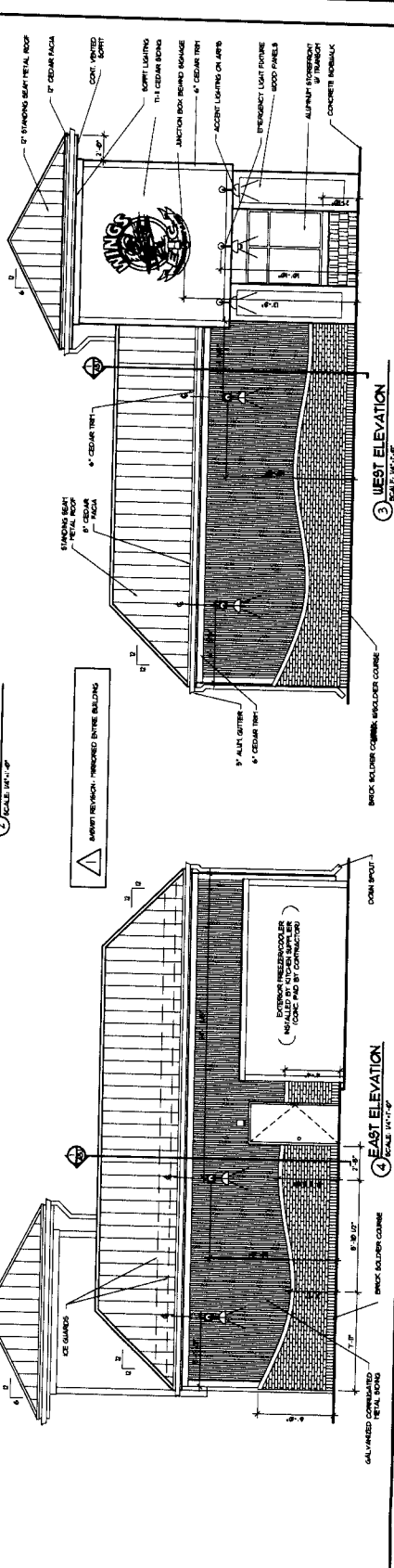
| EXTERIOR FINISHES | |
|-------------------------|--------------|
| NOTES | DESCRIPTION |
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1 SOUTH ELEVATION
SCALE 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE 1/4" = 1'-0"



3 WEST ELEVATION
SCALE 1/4" = 1'-0"

4 EAST ELEVATION
SCALE 1/4" = 1'-0"

ARCHITECTURAL GROUP III
201 S. Morgan St., Elkhart Indiana 46514-1953 • 571/293-0008



JOB TITLE
WINGS ETC.
RESTAURANT & PUB
S.R. 33 SOUTH
GOSHEN, IN
GATEWAY PROPERTIES

JOB NO.
6 104-6
DATE
03/08/07
REVISIONS
B/01/07

SHEET NO.
A-3
ELEVATION

BILL NO. Z-12-11-16

REPORT OF COMMITTEE ON REGULATIONS

JANUARY 8, 2013

- CHAIR

- CO-CHAIR

ALL COUNCIL MEMBERS



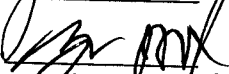
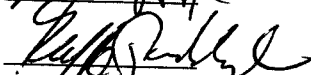

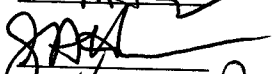

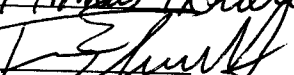
WE, YOUR COMMITTEE ON _____ REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE AMENDING THE CITY OF FORT WAYNE ZONING MAP NO. D-03 (SEC. 7 OF WAYNE TOWNSHIP). The area is located north of Canopy Corners, on the west side of the street, at 2316 and 2328 Getz Road. COMMITTEE ON REGULATIONS HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY
CITY CLERK