

1 #1302

2 BILL NO. Z-13-01-01

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

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. M-11 (Sec. 14 of Wayne 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:

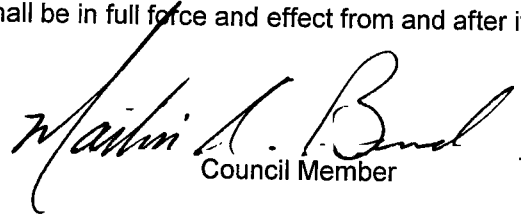
12 Part of Block Number 12, together with the West 3.0 feet of Block Number 11, both
13 in Koehler Estates, subdivision by Commissioners, according to the Plat thereof
14 recorded in Deed Record 107, pages 605-607 in the Office of the Recorder of Allen
15 County, Indiana, except that portion of both said blocks appropriated for the
16 widening of Rudisill Boulevard; Lot Number 4 in Shannon's Subdivision to Fort
17 Wayne, Indiana, according to the Plat thereof recorded in Plat Record 11, page 6 in
18 the Office of the Recorder; Lots Numbered 2, 3, 4 and 5 except the West 34.34 feet
19 of said Number 5, all in Calhoun Place Addition as recorded in Plat Book 7A, page
20 13 in the Office of said Recorder; together with that part of the vacated alley lying
21 North of said Lots in Calhoun Place Addition, all being in the City of Fort Wayne,
22 Allen County, Indiana and all being more particularly described as follows, to wit:

23 Beginning at the Southeast corner of Lot Number 2 in said Calhoun Place addition;
24 thence N 87 degrees 29 minutes West (adjoining deed bearing and is used as the
25 basis for the bearings in this description), on and along the South line of Lots
26 Numbered 2, 3, 4 and 5, a distance of 125.66 feet to a point situated 34.34 feet, South
27 87 degrees 29 minutes East from the Southwest corner of said Lot Number 5; thence
28 North 00 degrees 00 minutes East and parallel to the West line of said Lot Number 5,
29 a distance of 332.1 feet to a point on the South right-of-way line of Rudisill
30 Boulevard as established by Boulevard Improvement Resolution No. 7-1914; thence
South 88 degrees 06 minutes 30 seconds East, on and along said South right-of-way
line, a distance of 132.25 feet to the Northeast corner of Lot Number 4 in said
Shannon's Subdivision; thence South 00 degrees 20 minutes 40 seconds West on and
along the East line of said Lot Number 4, a distance of 173.5 feet (recorded 173.6
feet) to the Southeast corner of said Lot Number 4; thence North 87 degrees 29
minutes West, on and along the South line of said Lot Numbered 4, a distance of 5.6
feet to the point of intersection of said South line with the Northerly projection of the
East line of Lot Number 2 in said Calhoun Place Addition; thence South 00 degrees
00 minutes West, on and along said Northerly projection and said East line, a

1 distance of 160.00 feet to the point of beginning, containing 0.983 acres of land
2 (42,839 feet), subject to all easements of record.

3 and the symbols of the City of Fort Wayne Zoning Map No. M-11 (Sec. 14 of Wayne
4 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
5 Wayne, Indiana is hereby changed accordingly.
6

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

9 
10 Council Member

11 APPROVED AS TO FORM AND LEGALITY:

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13 Carol T. Helton, City Attorney
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Public Hearing Date, if applicable 1-7-13

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

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED:

2-12-13

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. 7-3-13 on the 12th day of
February, 2013

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 February, 2013, at the hour of 3 o'clock PM . E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of FEBRUARY

2013, at the hour of 2:00 o'clock PM . E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Circle City Rentals, LLC
 Address 8900 Keystone Crossing, Suite 670
 City Indianapolis State Indiana Zip 46240
 Telephone 317-466-1425 Fax E-mail furlinjl@aol.com

Property Ownership
 Property Owner Rudisill Plaza Associates, LLC
 Address 9009 Coldwater Road
 City Fort Wayne State Indiana Zip 46825
 Telephone 260-490-3000 Fax 260-490-1390 E-mail jlippmannsr@lippmannsgroup.com

Contact Person
 Contact Person Joshua C. Neal
 Address Barrett & McNagny LLP, 215 E. Berry Street
 City Fort Wayne State Indiana Zip 46802
 Telephone 260-423-9551 Fax 260-423-8920 E-mail jcn@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 222 East Rudisill Boulevard
 Present Zoning CM3/R1 Proposed Zoning **CM2** Acreage to be rezoned ~~0.983~~ **0.983**
 Proposed density _____ units per acre
 Township name Wayne Township section # 074
 Purpose of rezoning (attach additional page if necessary) To permit the construction of an approximately 8,000 s.f. building to be used in connection with the sale of home appliances, furniture, computers and electronics.
 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 plans/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)
John V. Lippmann, Sr.	<i>John V. Lippmann, Sr.</i>	12/3/12
(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 12/4/12 Receipt No. 110350 Hearing Date 1/7/12 Petition No. 1302

Rez-2012-0121

EXHIBIT "A"

"APPLICANT"

CIRCLE CITY RENTALS, LLC

By: *Jeffrey L Furlin*
Printed Name: *Jeffrey L Furlin*
Its: *Member*

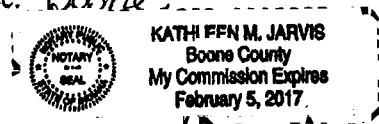
STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared *Jeffrey Furlin, the Member* of CIRCLE CITY RENTALS, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this *15th* date of *December*, 2012.
Kathleen M. Jarvis
, Notary Public

My commission expires: *Feb. 5, 2017*

County of residence: *Boone*



"OWNER"

RUDISILL PLAZA ASSOCIATES, LLC

By:
Printed Name:
Its:

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared _____, the _____ of RUDISILL PLAZA ASSOCIATES, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this _____ date of _____, 2012.
_____, Notary Public
My commission expires: _____ County of residence: _____



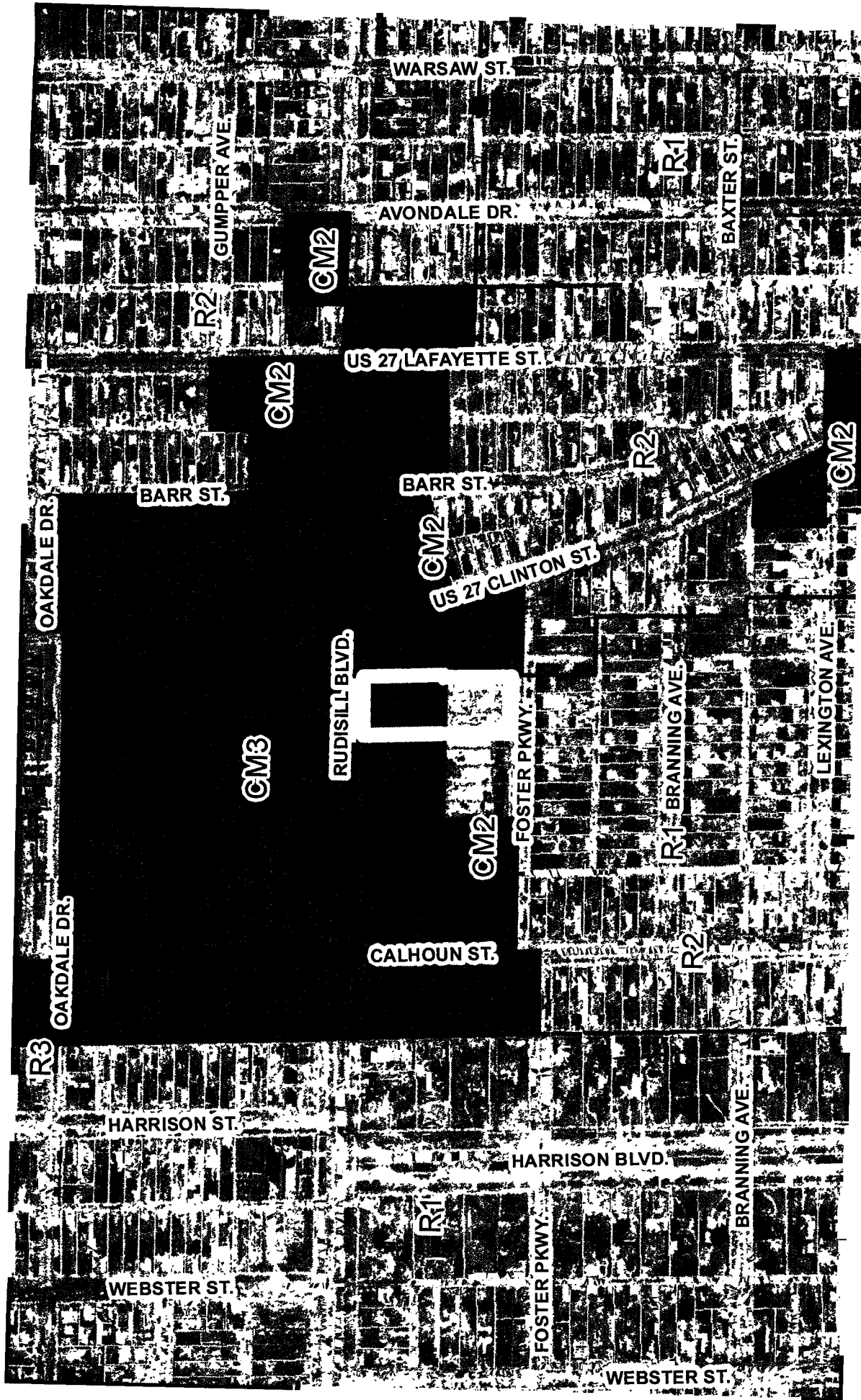
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Rezoning Petition 1302/13 and Primary Development Plan - Aarons Rental

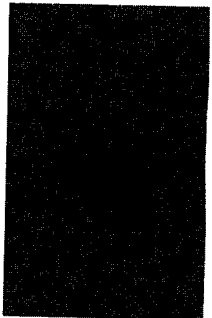
Printed December 17, 2012
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 Multi-Media Data Systems, Inc.
 San Jose, CA 95128
 Photo: Spring 2008, Contours, 1:2500

Although significant accuracy standards have been employed in the compilation of this map, Powell & Associates does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission on this map.





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Rezoning Petition 1302/13 and Primary Development Plan - Aarons Rental

Printed December 1st 2012
 © 2004 Powell, LLC, Commissioner of the County of Allen
 North American Datum 1983
 State Plane Coordinate System Indiana East
 Northings: 5700000.00
 Eastings: 1000000.00



Although every precaution has 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 on this map.

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

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: 1302/13
Bill Number: Z-13-01-01
Council District: 5 – Glynn Hines

Introduction Date: January 8, 2013

Plan Commission
Public Hearing Date: January 7, 2013

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

Synopsis of Ordinance: To rezone approximately one acre of property from CM3-General
Commercial and R1-Single Family Residential to CM2-Limited Retail and
Commercial

Location: 222 East Rudisill Boulevard, the former parking area for Rudisill Plaza, east
of McDonald's and west of Well Fargo.

Reason for Request: To allow for development of the site with a stand-alone Aaron's Rental
Facility.

Applicant: Circle City Rentals, LLC

Property Owner: Rudisill Plaza Associates, LLC/John V. Tippmann, Sr.

Related Petitions: Primary Development Plan, Aaron's Rental Facility

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial and may
develop with a furniture rental company, as well as all other permitted CM2
uses. The CM3 zoning classification will be reduced in intensity, which will
prohibit more intensive uses along this corridor.

Effect of Non-Passage: The property will remain zoned CM3-General Commercial and R1-Single
Family Residential, so the north part of the property may develop with more
intensive commercial uses, while the south part will remain a parking lot
(with the current BZA approval) or may be used for residential purposes.

BILL NO. Z-13-01-01

REPORT OF COMMITTEE ON REGULATIONS

FEBRUARY 12, 2013

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

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne, Indiana Zoning Map No. M-11 (Sec. 14 of Wayne Township) . The location is 222 East Rudisill Boulevard, the former parking area for Rudisill Plaza, east of McDonald's and west of Wells Fargo. 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

[Handwritten signatures and initials under 'DO PASS']
Sandra E. Kennedy
Glynn Hines
Russell Jehl
...
...
...

SANDRA E. KENNEDY
CITY CLERK