

1 #REZ-2013-0034

2 BILL NO. Z-13-04-10

3
4 ZONING MAP ORDINANCE NO. Z- 14-13

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. E-03 (Sec. 7 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 LOTS NUMBERED 237,238,239,240,241,242,243 AND 244 IN COUNTRY CLUB
13 TERRACE, SECTION "A", AN ADDITION TO THE CITY OF FORT WAYNE, AS
14 RECORDED IN PLAT RECORD 12, PAGE 42 , IN THE OFFICE OF THE RECORDER
15 OF ALLEN COUNTY, INDIANA, TOGETHER WITH THE PORTION OF WINTHROP
16 DRIVE VACATED BY CIRCUIT COURT IN BOOK 179, PAGE 145, IN THE OFFICE
17 OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING MORE
18 PARTICULARLY DESCRIBED AS FOLLOWS:

19 BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF
20 COVINGTON ROAD (60 FOOT PUBLIC RIGHT OF WAY) AND THE
21 NORTHWESTERLY RIGHT OF WAY LINE OF SOUTH BEND DRIVE (60 FOOT
22 PUBLIC RIGHT OF WAY), SAID POINT BEING THE SOUTHEAST CORNER OF LOT
23 239 IN SAID COUNTRY CLUB TERRACE, SECTION "A"; THENCE LEAVING SAID
24 NORTHWESTERLY RIGHT OF WAY LINE OF SOUTH BEND DRIVE, NORTH
25 89°38'12" WEST, ALONG THE NORTH LINE OF COVINGTON ROAD AND THE
26 SOUTH LINES OF LOTS 239,238 AND 237, A DISTANCE OF 169.50 FEET TO THE
27 SOUTHEAST CORNER OF LOT 237; THENCE, LEAVING SAID NORTH LINE,
28 NORTH 00°13'20" WEST, ALONG THE WEST LINE OF LOT 237, A DISTANCE OF
29 145.51 FEET TO THE NORTHWEST CORNER OF SAID LOT 237; THENCE,
30 LEAVING SAID WEST LINE, SOUTH 89°37'07" EAST, ALONG THE NORTH LINE OF
SAID LOT 237, A DISTANCE OF 49.72 FEET TO THE SOUTHWEST CORNER OF
LOT 244; THENCE NORTH 00°01'33" EAST, ALONG THE WEST LINE OF SAID LOT
244, A DISTANCE OF 157.98 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S.
HIGHWAY #24 (AKA WEST JEFFERSON BOULEVARD-VARIABLE WIDTH PUBLIC
RIGHT OF WAY); THENCE, NORTH 74°12'47" EAST, ALONG THE SOUTHERLY
RIGHT OF WAY LINE OF SAID U.S. HIGHWAY #24, A DISTANCE OF 174.69 FEET;
THENCE, LEAVING THE SOUTH RIGHT OF WAY LINE, SOUTH 15°34'33" EAST, A
DISTANCE OF 43.81 FEET TO A POINT OF CURVATURE OF A NON-TANGENT
CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 237.20 FEET, A
CENTRAL ANGLE OF 26°01'51" AND A CHORD DISTANCE OF 106.84 FEET WHICH
BEARS SOUTH 61°54'30" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF
SAID CURVE A DISTANCE OF 107.77 FEET; THENCE SOUTH 48°53'33" EAST, A

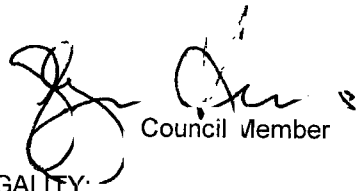
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DISTANCE OF 53.08 FEET TO THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY LINE OF SOUTH BEND DRIVE; THENCE, SOUTH 40°49'37" WEST, ALONG THE NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 296.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 81.358 SQUARE FEET (1.87 ACRES), MORE OR LESS

and the symbols of the City of Fort Wayne Zoning Map No. E-03 (Sec. 7 of Wayne 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. 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

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0034
Bill Number: Z-13-04-10
Council District: 4 – Mitch Harper

Introduction Date: April 23, 2013

Plan Commission
Public Hearing Date: May 13, 2013

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

Synopsis of Ordinance: To rezone approximately 1.87 acres of property from RP-Planned Residential and CM4-Intensive Commercial to CM2-Limited Retail and Commercial

Location: 5703 West Jefferson Boulevard

Reason for Request: To rezone a portion of the existing parking lot to the correct zoning district and to downzone the CM4 district to a less intensive and more appropriate district for the existing restaurant.

Applicant: Micah Brewer

Property Owner: McDonald's

Related Petitions: Amended Primary Development Plan, McDonald's

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial, which is the appropriate district for the existing fast-food restaurant. The applicant is replacing the existing structure with the updated McDonald's model.

Effect of Non-Passage: The property will remain zoned CM4-Intensive Commercial and RP-Planned Residential. The CM4 zoned area could develop with a use that is much more intensive than surrounding uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Micah Brewer
 Address 236 W Warrick St.
 City Knightstown State IN Zip 46148
 Telephone 7654454455 Fax 7654454456 E-mail micah.brewer@cfhcompanies.com

Property Ownership
 Property Owner McDonald's Corporation
 Address 2111 McDonald's Drive
 City Oak Brook State IL Zip 60523
 Telephone 317-708-5700 Fax 317-708-5808 E-mail hank.helms@us.mcd.com

Contact Person
 Contact Person Micah Brewer
 Address 236 W Warrick St.
 City Knightstown State IN Zip 46148
 Telephone 7654454455 Fax 7654454456 E-mail micah.brewer@cfhcompanies.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 5703 W. Jefferson Blvd.

Present Zoning RP,CM-4 Proposed Zoning CM-2 Acreage to be rezoned 1.87

Proposed density _____ units per acre

Township name Wayne Township section # 7

Purpose of rezoning (attach additional page if necessary) standardize / consolidate property

to one zoning classification: CM-4 not necessary, CM-2 meets regulations

(see attached legal description) require signage allowances for plans ^{515m=209ft²-Big} _{515m=793ft²-site}

Sewer provider Fort Wayne City Utilities Water provider Fort Wayne City Utilities

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 \$500
 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 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.

Micah Brewer
 (printed name of applicant)

[Signature]
 (signature of applicant)

3/4/13
 (date)

Frank Brewster, Reg Develpment Director
 (printed name of property owner)

[Signature]
 (signature of property owner)

3/4/13
 (date)

(printed name of property owner)

(signature of property owner)

(date)

(printed name of property owner)

(signature of property owner)

(date)

Received Receipt No Hearing Date Petition No.
 3/14/13 110976 5/13/13

Rez-2013-0034



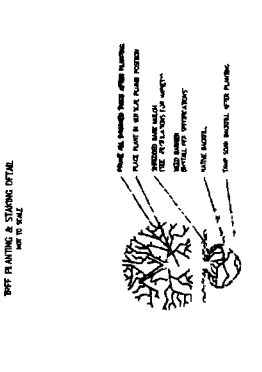
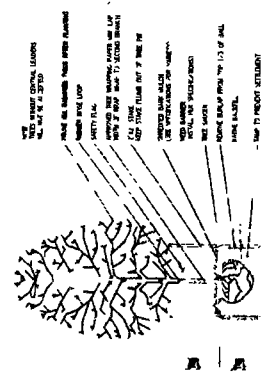
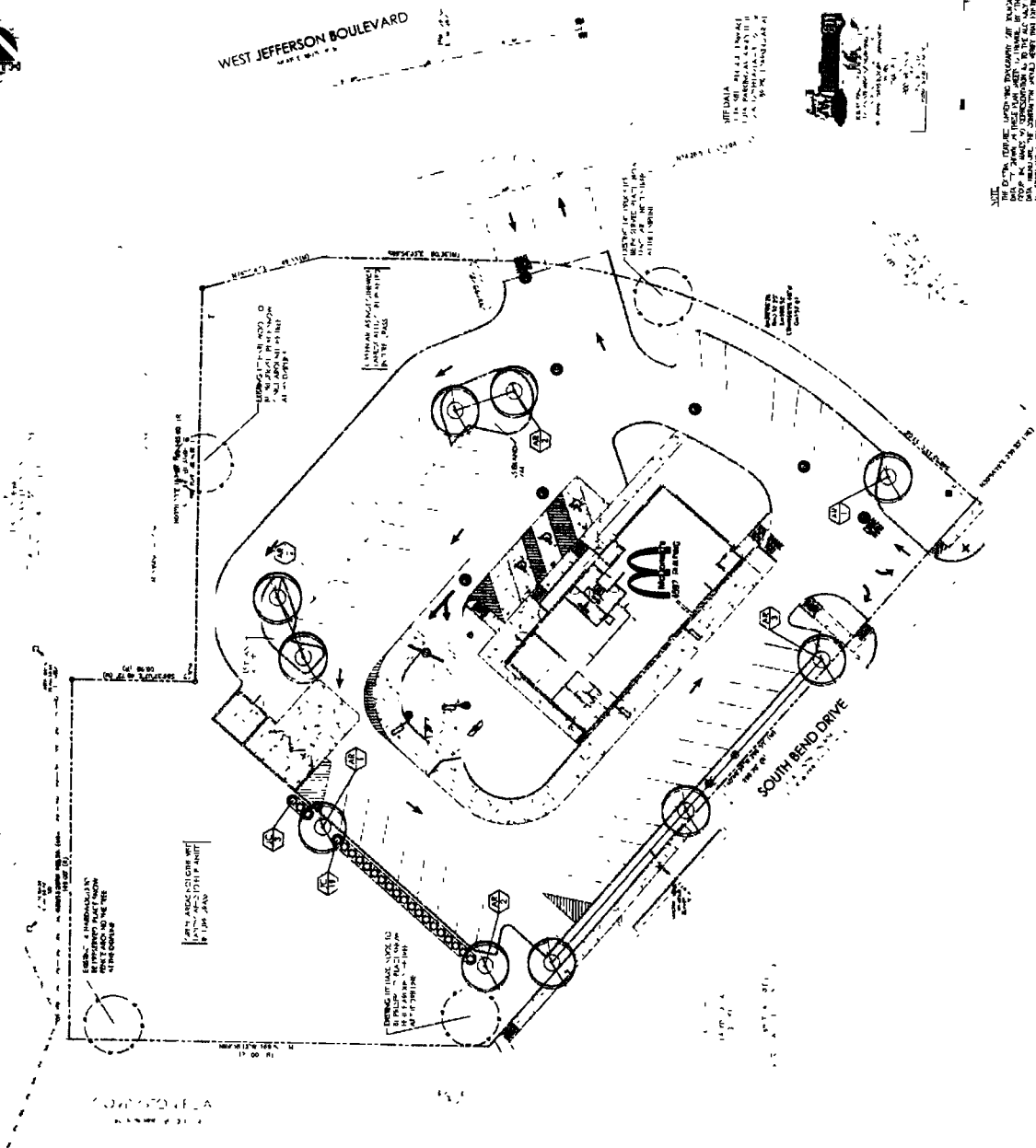
McDonald's
 1000 WEST WASHINGTON
 INDIANAPOLIS, IN 46204
 317.440.1000
 317.440.1000

LANDWATER
 1000 WEST WASHINGTON
 INDIANAPOLIS, IN 46204
 317.440.1000
 317.440.1000

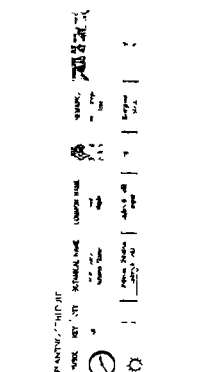


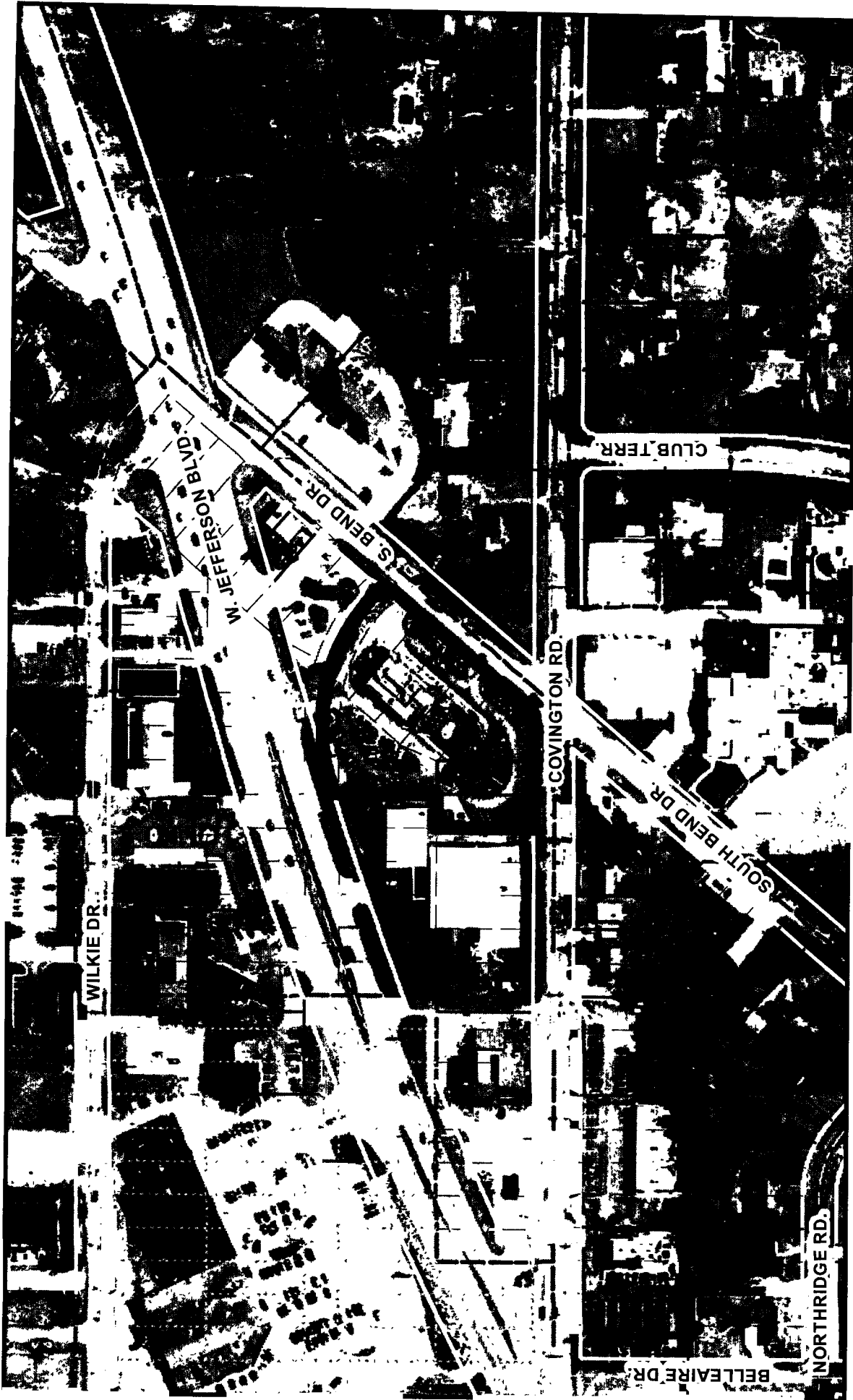
LANDSCAPE PLAN

C6.0
 MARCH 16, 2013

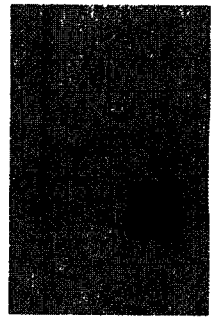


- GENERAL PLANTING NOTES:**
1. PLANTING MATERIALS SHALL BE QUANTITIES SHOWN ON LAYOUT. MATERIALS SHALL BE QUANTITIES SHOWN ON LAYOUT.
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 3. GENERAL CONTRACTOR SHALL PLACE PLANTING MATERIALS IN PLACE AS SHOWN ON LAYOUT. MATERIALS SHALL BE QUANTITIES SHOWN ON LAYOUT.
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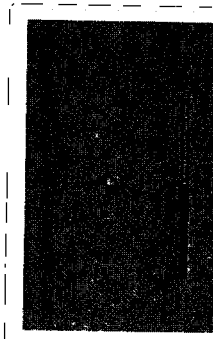


This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

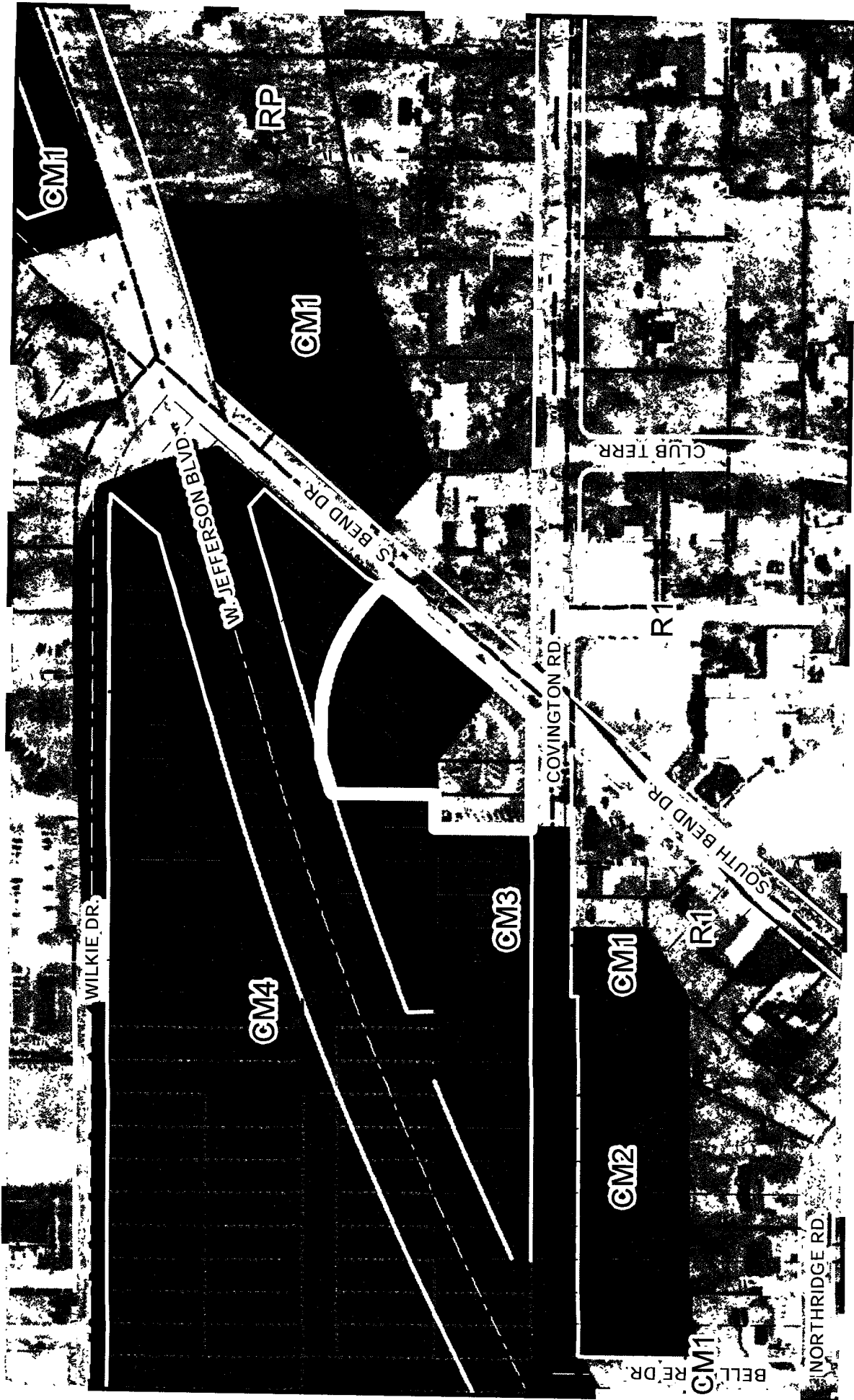


Rezoning Petition REZ-2013-0034 and Primary Development Plan- McDonalds

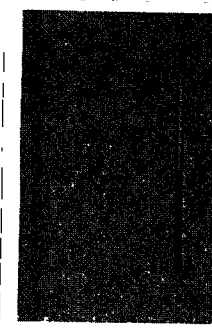
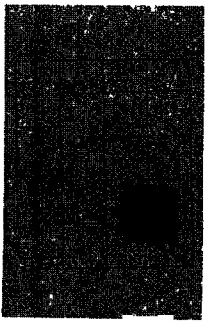
Printed April 1, 2013
 5204 Ford for Commission of the County of St. Louis
 North American Publishing
 State Lane 1, Columbus, Indiana 47301
 Phone: 317-336-2000 Fax: 317-336-2001



This map is for representational purposes only. It is not a legal document and should not be used to determine the boundaries of any property. The boundaries shown on this map are for informational purposes only and do not constitute a legal description of any property. The boundaries shown on this map are for informational purposes only and do not constitute a legal description of any property.



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



Rezoning Petition REZ-2013-0034 and Primary Development Plan- McDonalds

Printed April 09, 2014
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 All rights reserved. No part of this map may be reproduced without the written permission of the County of Allen.
 Scale: Plan Coordinate System: UTM
 Photo: Spring 2006. Contours: 1999



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or clear any of the accuracy of the information contained herein, and disclaims any and all liability resulting from any error or omission in this map.



Public Hearing Date, if applicable

Read the first time in full and on motion by Councilman *Glynn Hines*
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	8			1
BENDER				✓
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAF	✓			
SMITH	✓			

DATED: *6-25-13* *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) (GENFRA) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. *2-14-13* on the *25th* day of
June, 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 *26th* day
of *June*, 2013, at the hour of *4:00* o'clock *P.M.*, .E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this *27th* day of *June*
2013, at the hour of *10:30* o'clock

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-13-04-10

REPORT OF COMMITTEE ON REGULATIONS

JUNE 25, 2013

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

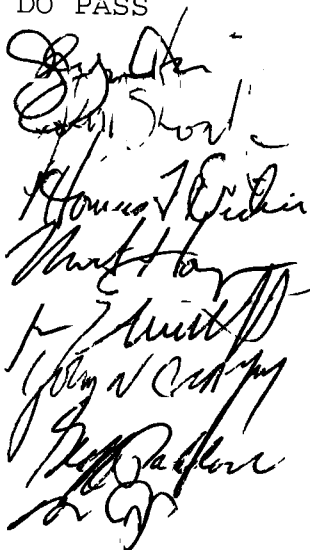
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE AMENDING THE CITY OF Fort Wayne Zoning Map No. E-03
(Sec. 7 of Wayne Township). The property location is 5703 West
Jefferson Boulevard. HAVE HAD SAID ORDINANCE UNDER
CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL
THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

A vertical column of seven handwritten signatures in black ink, corresponding to the 'DO PASS' column. The signatures are written in a cursive style and are somewhat overlapping.

SANDRA E. KENNEDY
CITY CLERK