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#REZ-2013-0040

BILL NO. Z-13-04-11

ZONING MAP ORDINANCE NO. Z-11-13

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. P-58 (Sec. 6 of St. Joseph Township)**

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

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

Lot Number 12 in Reinig's Suburban Addition, being a Subdivision of the North
435.6 feet of the Northwest Fractional Quarter of Section 6, Township 31 North,
Range 13 East, as recorded in Deed Record 17, page 44.

Except the Following:

A part of Lot Number 12 in Reinig's Suburban Addition, a Subdivision in the
Fractional Northwest Quarter of Section 6, Township 31 North, Range 13 East, Allen
County, Indiana, the plat of which subdivision is recorded in Plat Record 17, page
44, in the Office of the Recorder of Allen County, Indiana, described as follows:

Beginning at the Northwest corner of said Lot; thence North 88 degrees 30 minutes
18 seconds East, 100.00 feet along the North line of said Lot to the Northeast corner
of said Lot; thence South 2 degrees 51 minutes 01 seconds East 28.73 feet along the
East line of said Lot; thence South 88 degrees 31 minutes 16 seconds West 100.00
feet to the West line of said Lot; thence North 2 degrees 51 minutes 01 seconds West
28.70 feet along said West line to the Point of Beginning and containing 2870 square
feet, more or less.

Together with:

Lot Number 13 in Reinig's Suburban Addition, being a subdivision of the North
435.6 feet of the Northwest Fractional Quarter of Section 6, Township 31 North,
Range 13 East, as recorded in Plat Record 17, page 44.

Except the following:

A part of Lot Number 13 in Reinig's Suburban Addition, a Subdivision in the
Fractional Northwest Quarter of Section 6, Township 31 North, Range 13 East, Allen
County, Indiana, described as follows:

Beginning at the Northeast corner of said Lot; thence South 2 degrees 51 minutes 01
seconds East 28.75 feet along the East line of said Lot; thence South 88 degrees 31

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minutes 16 seconds West 100.00 feet to the West line of said Lot; thence North 2 degrees 51 minutes 01 seconds West 28.70 feet along said West line to the Northwest corner of said Lot; thence North 88 degrees 30 minutes 18 seconds East 100.00 feet along the North line of said Lot to the Point of Beginning and containing 2873 square feet, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. P-58 (Sec. 6 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. 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-2013-0040
Bill Number: Z-13-04-11
Council District: 2 – Russell Jehl

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 1.77 acres of property from CM1-Professional Offices and Personal Services to CM2-Limited Retail and Commercial

Location: 2080 and 2110 East Dupont Road

Reason for Request: For the development of an 11,500 square foot retail center adjacent to the Star Bank branch and Starbucks at Auburn and Dupont Roads.

Applicant: Star Financial Bank

Property Owner: Star Financial Bank

Related Petitions: Primary Development Plan, Star Financial Bank Retail Center

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial which will allow a multi-tenant retail center.

Effect of Non-Passage: The property will remain zoned CM1-Professional Offices and Personal Services, which could develop with any of the permitted uses within the CM1 district.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant STAR Financial Bank
 Address 127 W. Berry Street, P.O. Box 10600
 City Fort Wayne State IN Zip 46802
 Telephone 260-428-7090 Fax 260-428-7050 E-mail david.cornwell@starfinancial.com

Property Ownership
 Property Owner STAR Financial Bank
 Address 127 W. Berry Street, P.O. Box 10600
 City Fort Wayne State IN Zip 46802
 Telephone 260-428-7090 Fax 260-428-7050 E-mail david.cornwell@starfinancial.com

Contact Person
 Contact Person Scott M. Federoff, Federoff Kuchmay LLP
 Address 10445 Illinois Road
 City Fort Wayne State IN Zip 46814
 Telephone 260-207-2100 Fax 260-207-2101 E-mail smf@federoff-law.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 2080 E. Dupont Road and 2110 E. Dupont Road
 Present Zoning CM1 Proposed Zoning CM2 Acreage to be rezoned 1.765
 Proposed density N/A units per acre
 Township name St. Joseph Township section # 6
 Purpose of rezoning (attach additional page if necessary) To allow the property to be used for limited retail commercial purposes.

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 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 Rezonings Only

I/we understand and agree, upon execution and submission of this application, that I/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.

By: David D. Cornwell, General Counsel (printed name of applicant) STAR Financial Bank (signature of applicant) 4/3/2013 (date)
 By: David D. Cornwell, General Counsel (printed name of property owner) STAR Financial Bank (signature of property owner) 4/3/2013 (date)

(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

Received 4/3/13 Receipt No 11153 Hearing Date 5/13 Petition No. Rez-2013-0040



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



Rezoning Petition REZ-2013-0040 and Primary Development Plan- Star Bank Retail Center

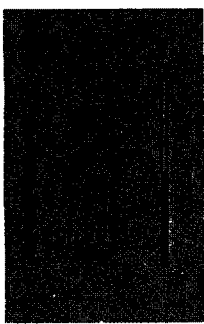


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 North Carolina State Plane
 State Plane Coordinate System, NAD 83
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Rezoning Petition REZ-2013-0040 and Primary Development Plan- Star Bank Retail Center



Printed April 19, 2013
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 North American Datum 1983
 State Plane Coordinate System Indiana East
 Photo: Spring 2004 - Coopers, 1999

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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	7	1		1
BENDER				✓
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL		✓		
PADDOCK	✓			
SHOAFF	✓			
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) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. *7-11-13* on the *25th* day of
June, 2013

ATTEST:
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-13-04-11

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. P-58 (Sec. 6 of St. Joseph Township). This property is located at 2080 and 2110 East Dupont Road.** 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']
Russell Jehl
Glynn Hines
[Other illegible signatures]

[Handwritten initials under 'DO NOT PASS']
S. E.

SANDRA E. KENNEDY
CITY CLERK