

1 #REZ-2013-0133

2 BILL NO. Z-13-10-11

3 ZONING MAP ORDINANCE NO. Z-21-13

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. H-42 (Sec. 16 of Washington Township)

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

8 SECTION 1. That the area described as follows is hereby designated an R1 (Single
9 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 Part of the Northwest Quarter of Section 16, Township 31 North, Range 12 East of the
12 Second Principal Meridian, Washington Township in Allen County, Indiana, more
particularly described as follows:

13 Commencing at a chiseled "X" at the Northeast corner of said Northwest Quarter; thence
14 South 88 degrees 50 minutes 12 seconds West (GPS Grid bearing and basis of bearings to
follow), a distance of 1225.46 feet along the North line of said Northwest Quarter and within
15 the right-of-way of Cook Road to the East line of the Northwest Quarter of said Northwest
Quarter; thence South 01 degrees 14 minutes 42 seconds East, a distance of 50.00 feet along
16 said East line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the
South line of an existing 0.669 acre tract described in Document Number 2008002856 in the
17 Office of the Recorder of Allen County, Indiana, said point also being the POINT OF
BEGINNING of the herein described tract; thence continuing South 01 degrees 14 minutes
18 42 seconds East, a distance of 532.86 feet along East line to a 5/8" steel rebar found on the
centerline of the Brown No. 2 Legal Drain; thence North 70 degrees 19 minutes 50 seconds
19 West, a distance of 115.11 feet along said centerline; thence North 76 degrees 40 minutes 22
seconds West, a distance of 95.60 feet along said centerline; thence North 88 degrees 02
20 minutes 45 seconds West, a distance of 117.85 feet along said centerline; thence North 85
degrees 00 minutes 16 seconds West, a distance of 118.92 feet along said centerline; thence
21 South 89 degrees 07 minutes 08 seconds West, a distance of 161.41 feet along said
centerline; thence South 87 degrees 28 minutes 35 seconds West, a distance of 115.70 feet
22 (deed) along said centerline to a point on the East line of an existing tract described in
Document Number 2011011791 in the Office of the Recorder of Allen County, Indiana, said
23 point being referenced by a 5/8" steel rebar with a "Tazian" identification cap found 0.24
feet South and 0.51 feet West; thence North 00 degrees 44 minutes 48 seconds West, a
24 distance of 280.78 feet (deed) along said East line and parallel with the West line of said
Northwest Quarter to a 6" steel post found at the Southwest corner of an existing tract
25 described in Document Number 990040488 in the Office of the Recorder of Allen County,
Indiana; thence North 88 degrees 50 minutes 12 seconds East, a distance of 150.00 feet
26 (deed) along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification
cap set on the East line of said Document Number 990040488; thence North 00 degrees 44
27 minutes 48 seconds West, a distance of 165.00 feet along said East line to a 5/8" steel rebar
with a "Miller Firm #0095" identification cap set on the South line of said 0.669 acre tract;

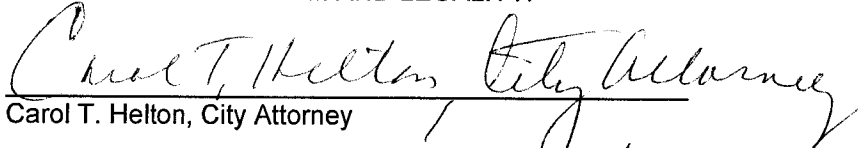

1 thence North 88 degrees 50 minutes 12 seconds East, a distance of 133.62 feet (deed) along
2 said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence
3 South 77 degrees 06 minutes 23 seconds East, a distance of 102.85 feet (deed) along said
4 South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence
5 North 88 degrees 50 minutes 12 seconds East, a distance of 125.78 feet (deed) along said
6 South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence
7 North 01 degrees 14 minutes 42 seconds West, a distance of 30.00 feet along said South line
8 to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence North 88
9 degrees 50 minutes 12 seconds East, a distance of 200.00 feet (deed) along said South line to
10 the Point of Beginning. Containing 6.918 Acres, more or less. Subject to the right-of-way
11 of the Brown No.2 Legal Drain and subject to easements of record.

12 and the symbols of the City of Fort Wayne Zoning Map No. H-42 (Sec. 16 of Washington
13 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
14 Wayne, Indiana is hereby changed accordingly.

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

17 
18 _____
19 Council Member

20 APPROVED AS TO FORM AND LEGALITY:

21 
22 _____
23 Carol T. Helton, City Attorney
24 

25
26
27
28
29
30

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0133
Bill Number: Z-13-10-11
Council District: 3 – Tom Didier

Introduction Date: October 22, 2013

Plan Commission
Public Hearing Date: November 4, 2013

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

Synopsis of Ordinance: To downzone approximately 6.92 acres of property from IN2-General
Industrial to R1-Single Family Residential.

Location: The parcel east of 3621 West Cook Road.

Reason for Request: To allow the use of the property for a single family home.

Applicant: Allen Seely

Property Owners: Wendy M. Kurtz

Related Petitions: none

Effect of Passage: Property will be downzoned to R1-Single Family Residential, which will
allow the applicant to apply for a single family home permit.

Effect of Non-Passage: The property will remain zoned IN2-General Industrial and may with an
industrial use, however, residential uses would not be allowed. This property
was split from the main property which is currently used as a residential
property.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Allen Seely
 Address 5618 Industrial Road
 City Fort Wayne State IN Zip 46825
 Telephone 260-969-4999 Fax 260-969-4998 E-mail aseely@seelyoffice.com

Property Ownership
 Property Owner Wendy M. Kurtz
 Address 4618 W. Till Road
 City Fort Wayne State IN Zip 46818
 Telephone 260-489-4423 Fax _____ E-mail _____

Contact Person
 Contact Person Scott M. Federoff
 Address Carson Boxberger LLP, 201 W. Jefferson Boulevard, Suite 200
 City Fort Wayne State IN Zip 46802
 Telephone 260-423-9411 Fax 260-423-4329 E-mail sfederoff@carsonboxberger.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 3600 West Cook Road
 Present Zoning IN2 Proposed Zoning R1 Acreage to be rezoned 6.67
 Proposed density 1 units per acre
 Township name Washington Township section # 31 North
 Purpose of rezoning (attach additional page if necessary) To allow construction of a single family residence and detached pole barn.
 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 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>Allen Seely</u> (printed name of applicant)	<u>Allen Seely</u> (signature of applicant)	<u>10-1-13</u> (date)
<u>Wendy M. Kurtz</u> (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	Receipt No.	Hearing Date	Petition No.
10/2/13	113239	11/4/13	

202-2013-0133



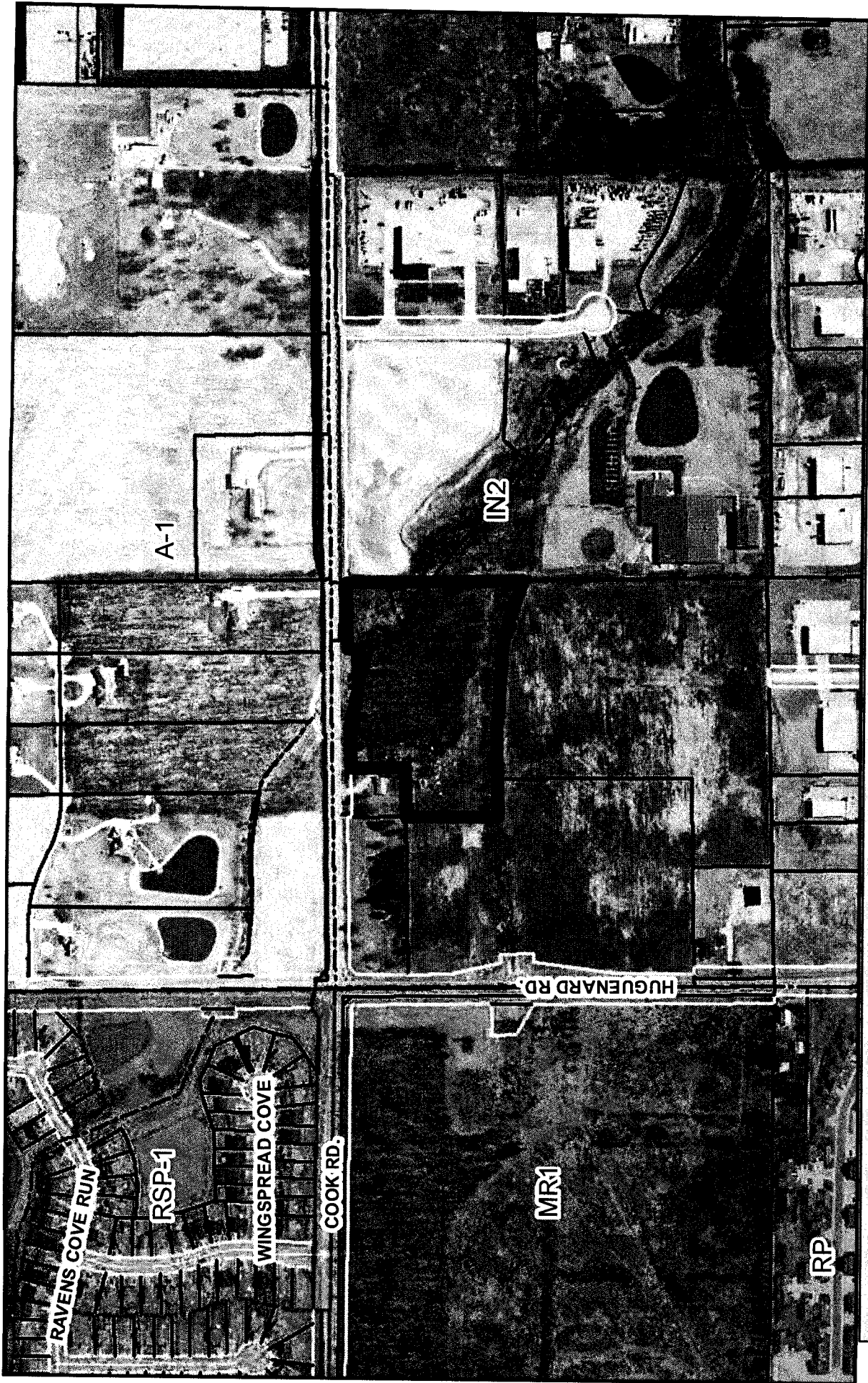
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Rezoning Petition REZ-2013-0133

Printed: October 14, 2013
© 2004 Board of Commissioners of the County of Allen
So. American Dairies 1983
State Pl. Co. 1987
Photos: Spring 2006 / Contour 1999

Although strict accuracy standards have 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 in this map.





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

Rezoning Petition REZ-2013-0133

Printed: October 14, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999

Although strict accuracy standards have 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 in this map.



Public Hearing Date, if applicable 11-4-13

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 12-10-13 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. 2-21-13 on the 10th day of
December, 2013

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

T. Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day
of December, 2013, at the hour of 10:00 o'clock Am. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of December
2013, at the hour of 2:00 o'clock Pm. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-13-10-11

REPORT OF COMMITTEE ON REGULATIONS

DECEMBER 3, 2013

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



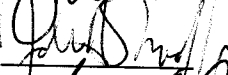

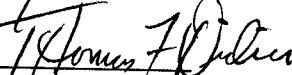
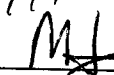

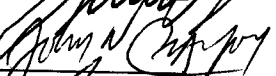

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-42 (Sec. 16 of Washington Township). The location is the parcel east of 3621 West Cook Road.
COMMITTEE ON REGULATION have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

SANDRA E. KENNEDY
CITY CLERK