

1 #REZ-2013-0142

2 BILL NO. Z-13-10-13

3 ZONING MAP ORDINANCE NO. Z- 22-13

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. K-62 (Sec. 32 of Perry 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 a CM2
9 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
10 of the City of Fort Wayne, Indiana:

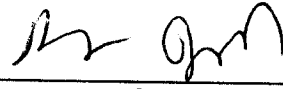
11 A part of Lots 11, 12 and 13 in Kehr's Addition, Section "A", a subdivision in the East Half
12 of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen County,
13 Indiana, the plat of which is recorded in Plat Book 22, page 73 in the Office of the Recorder
14 of Allen County, Indiana, more particularly described as follows:

15 COMMENCING at the Southeast corner of Lot Number 11 in said Kehr's Addition, Section
16 "A"; thence North 01 degrees 07 minutes 19 seconds West (deed bearing and is used as the
17 basis for the bearings in this description), along the East line of said Lot Number 11, a
18 distance of 25.96 feet to the Northeast corner of a 5321 square foot tract of land conveyed to
19 the State of Indiana for right-of-way purposes as recorded in Document Number
20 2009028961 in the Office of the Recorder of Allen County, Indiana, this being the Point of
21 Beginning; thence continuing North 01 degrees 07 minutes 19 seconds West, along the East
22 line of said Lot Number 11, a distance of 154.04 feet to the Northeast corner thereof; thence
23 South 89 degrees 18 minutes 50 seconds West, along the North line of said Lot Number 11
24 and the North line of Lot Number 13, a distance of 208.41 feet to the East line of State Road
25 3 (Lima Road); thence South 01 degrees 08 minutes 01 seconds East, a distance of 92.48 feet
26 to the Northwest corner of the aforesaid 5321 square foot tract of land; thence South 52
27 degrees 45 minutes 15 seconds East, along the North line of said 5321 square foot tract of
28 land, a distance of 83.60 feet; thence South 86 degrees 36 minutes 58 seconds East,
29 continuing along the North line of said 5321 square foot tract of land, a distance of 143.28
30 feet to the Point of Beginning, containing 0.67 acres of land, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. K-62 (Sec. 32 of Perry
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

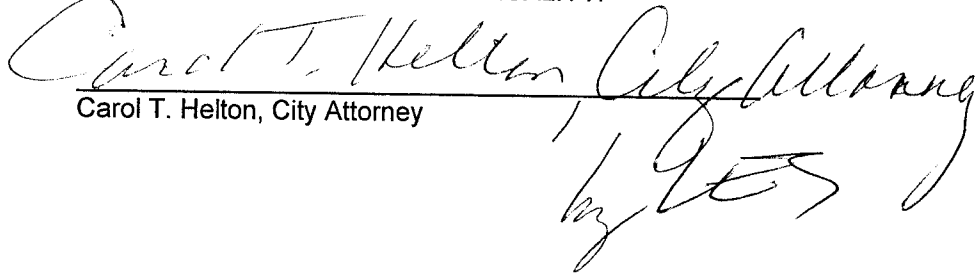
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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



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-2013-0142
Bill Number: Z-13-10-13
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 rezone approximately 0.67 acres of property from CM1-Professional
Office and Personal Services to CM2-Limited Retail and Commercial

Location: The northeast corner of Lima and Dupont Roads, Lots 11, 12 and 13 in Kehr's
Addition, Section A.

Reason for Request: To allow the development of a Sleep Mattress store on the vacant lots.

Applicant: Zohrab K. Tazian

Property Owners: Zohrab K. and Naomi Tazian

Related Petitions: Primary Development Plan, Sleep Mattress, VEAS-2013-0149

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial for the
development of the vacant property for a retail mattress store.

Effect of Non-Passage: The property will remain zoned CM1-Professional Office and Personal
Services and may develop with offices uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Zohrab K. and Naomi Tazian
 Address 10104 Woodland Plaza Cove
 City Fort Wayne State Indiana Zip 48625
 Telephone (260) 497-7875 Fax (260) 497-9114 E-mail zohrabt@tazian.com

Property Ownership
 Property Owner Zohrab K. and Naomi Tazian
 Address 9609 Hera Court
 City Fort Wayne State Indiana Zip 46825
 Telephone (260) 489-9143 Fax (260) 497-9114 E-mail zohrabt@tazian.com

Contact Person
 Contact Person Zohrab K. Tazian
 Address 10104 Woodland Plaza Cove
 City Fort Wayne State Indiana Zip 46825
 Telephone (260) 497-9682 Fax (260) 497-9114 E-mail zohrabt@tazian.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 NE Corner of Lima and Dupont Roads
 Present Zoning CM1 Proposed Zoning CM2 Acreage to be rezoned 0.67 Acres
 Proposed density does not apply units per acre
 Township name Perry Township section # 32
 Purpose of rezoning (attach additional page if necessary) to meet the proposed use for a mattress retail store; some of the uses in CM2 will be restricted
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

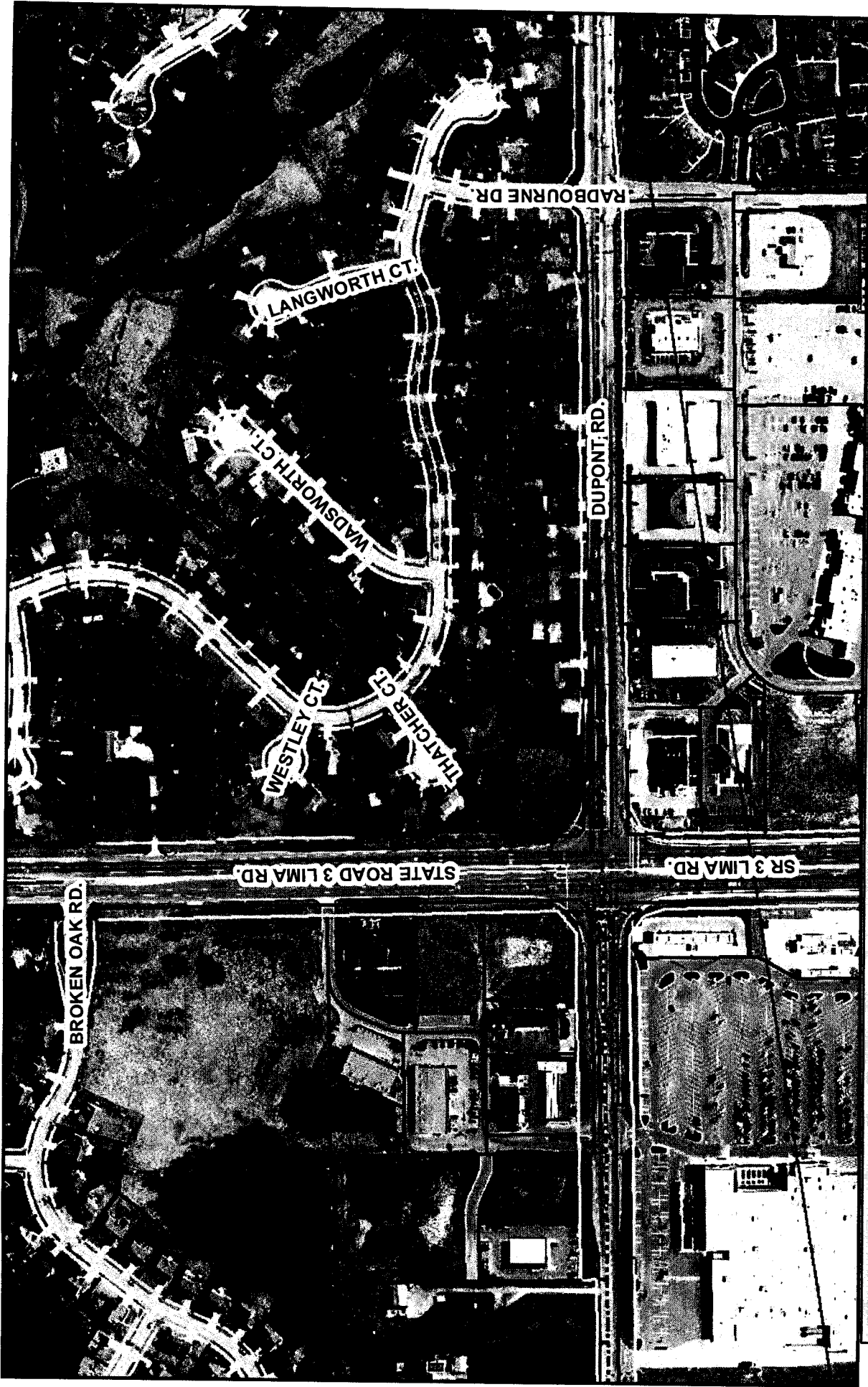
Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.
 Applicable filing fee
 Applicable number of surveys showing area to be rezoned (plans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

Zohrab K. Tazian Zohrab K. Tazian 10/2/2013
 (printed name of applicant) (signature of applicant) (date)
Zohrab K. Tazian Zohrab K. Tazian 10/2/2013
 (printed name of property owner) (signature of property owner) (date)
Naomi Tazian Naomi Tazian 10/2/2013
 (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. |
|----------|-------------|--------------|--------------|
| 10/3/13 | 113256 | 11/4/13 | |

RCZ-2013-d42



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

Rezoning Petition REZ-2013-0142 and Primary Development Plan - Sleep Mattress

Printed: October 14, 2013
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State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Comoros 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 commission 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-2013-0142 and Primary Development Plan - Sleep Mattress

Printed: October 14, 2013
 © 2004 Board of Commissioners of the County of Allen
 Planning Department
 State Place, Columbus, Indiana 47318
 Phone: 317.382.1000 / Fax: 317.382.1001
 Photo: Spring 2006 / Contours 1999

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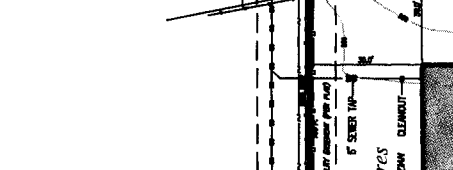


DESCRIPTION OF REAL ESTATE

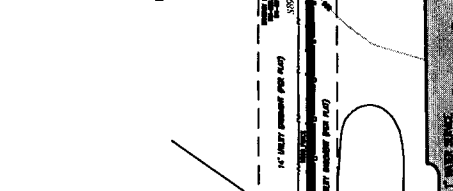
A part of Lots 11, 12 and 13 in Keh's Addition, Section 14, a subdivision in the East 1/4 of the Southwest Quarter of Section 14, Township 33 North, Range 12 East, Allen County, Indiana, the site of which is located in File Book 22, page 22 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

COMMENCE at the southeast corner of Lot Number 11 in said Keh's Addition, Section 14, Township 33 North, Range 12 East, Allen County, Indiana, a distance of 25.56 feet to the Northwest corner of a 2312 square foot tract of land known as Lot 11 in said Keh's Addition, Section 14, Township 33 North, Range 12 East, Allen County, Indiana, 2312 square feet of which is the same as the East 1/4 of said Lot Number 11, a distance of 164.94 feet to the Northwest corner thereof; thence South 89 degrees 02' 48" West to the East line of Lot Number 12, a distance of 164.94 feet to the Northwest corner thereof; thence South 89 degrees 02' 48" West to the East line of Lot Number 13, a distance of 164.94 feet to the Northwest corner of the aforesaid 2312 square foot tract of land; thence South 86 degrees 36' 48" West, along the north line of said 2312 square foot tract of land, a distance of 83.05 feet; thence South 86 degrees 36' 48" West, along the north line of said 2312 square foot tract of land, a distance of 142.32 feet to the place of beginning, containing 0.67 acres of land, more or less.

- Legend**
- Proposed utility sewer
 - Proposed utility power
 - Proposed utility gas
 - Existing utility sewer
 - Existing utility power
 - Existing utility gas



MASSOR WOODS, SECTION 1
 (P.B. 42, pp. 138-139)
 Area = 1.67 acres
 ZONING R. 2. MEDIUM DENSITY
 (PP-221779)



LEGEND
 Proposed utility sewer
 Proposed utility power
 Proposed utility gas
 Existing utility sewer
 Existing utility power
 Existing utility gas

Dupont Road
 State Road 3 (Lima Road)

Scale: 1"=10'
 Survey Station: 208.41
 0 2.5 5 10 15 20 30
 Feet
 Survey Station: 208.41

K&L ASSOCIATES
 ARCHITECTS & ENGINEERS
 10104 Woodland Plaza Cove
 Fort Wayne, IN 46825
 PH: (260) 497-7975
 FAX: (260) 497-9114
 zktassociates@k&l.com

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. 2-22-13 on the 10th day of
December, 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 11th 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-13-10-13

REPORT OF COMMITTEE ON REGULATIONS

DECEMBER 3, 2013

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

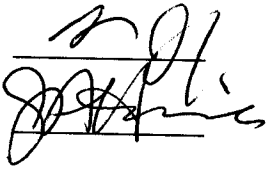
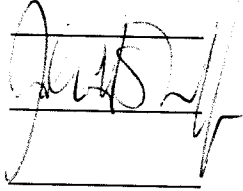
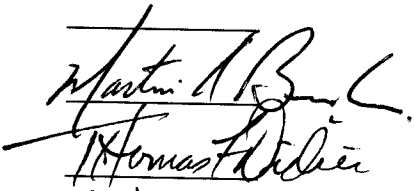

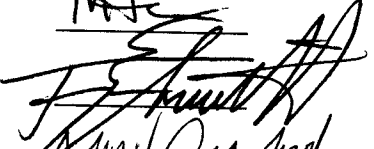
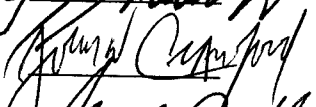

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. The location of the property is on the northeast corner of Lima and Dupont Roads, Lots 11, 12 and 13 in Kehr's Addition, Section A. **COMMITTEE ON REGULATION** have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY
CITY CLERK