

#REZ-2013-0162

BILL NO. Z-13-11-11

ZONING MAP ORDINANCE NO. Z-2-14

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. M-07 (Sec. 14 of Wayne 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:

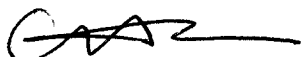
Beginning at the Southwest corner of Lot 15 of McLachlin Addition to Mechanicsburg, as  
recorded in Deed Book 45, Page 195 in the Office of the Recorder of Allen County; thence  
Easterly a distance of 148 feet to the East line of said Lot 15, also being the West right-of-  
way line of South Clinton Street; thence Southerly a distance of 82.5 feet to the Northeast  
corner of the East-West alley running along the North line of Fleming and Esmond's  
Addition to the City of Fort Wayne, as recorded in Deed Book 104, page 617; thence  
Westerly a distance of 150 feet to the Southeast corner of the North-South alley running  
along the East line of Lots 1, 2, and 3 in Lehman's Addition, as recorded in Plat Book 8, page  
95 of the Office of the Recorder of Allen County, Indiana; thence Northerly along the East  
line of said alley a distance of 82.5 feet to the Southwest corner of said Lot 15 of McLachlin  
Addition to Mechanicsburg, also being the point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. M-07 (Sec. 14 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**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2013-0162  
Bill Number: Z-13-11-11  
Council District: 5-Geoff Paddock

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Introduction Date: November 26, 2013

Plan Commission  
Public Hearing Date: December 9, 2013

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

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Synopsis of Ordinance: To rezone approximately 0.28 acres of property from R2-Attached Single  
Family and Two Family Residential to CM2-Limited Retail and Commercial

Location: The existing asphalt parking lot east of 2836 South Clinton.

Reason for Request: To allow the existing parking lot to be used for a new retail use in an existing  
building at 2836 South Clinton.

Applicant: Cornelius Key

Property Owner: Cornelius Key

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Related Petitions: Vacation Petition VALY-2013-0166

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Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial to allow the  
existing asphalt parking lot to be used in conjunction with the existing  
commercial building for a new retail venture.

Effect of Non-Passage: The property will remain zoned R2- Attached Single Family and Two Family  
Residential and the existing lot will not be permitted to be used as a legal  
parking lot for the planned redevelopment of the existing building at 2836  
South Calhoun.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Cornelius Key  
 Address 9310 Wallen Court  
 City Fort Wayne State IN Zip 46825  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Property Ownership**  
 Property Owner Cornelius Key  
 Address 9310 Wallen Court  
 City Fort Wayne State IN Zip 46825  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Contact Person**  
 Contact Person Kelty Tappy Design, Inc. / Matthew G. Kelty  
 Address 116 East Berry Street, Suite 700  
 City Fort Wayne State IN Zip 46802  
 Telephone 260/426-7770 Fax 260/426-7772 E-mail matt@keltytappy.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 2834 and 2836 South Clinton Street (contiguous lots)  
 Present Zoning R2 Proposed Zoning CM2 Acreage to be rezoned 0.14 + 0.14 (TOTAL 0.282)  
 Proposed density 0 (off street parking) units per acre  
 Township name Wayne  Township section # 0143012  
 Purpose of rezoning (attach additional page if necessary) These lots are already paved and have previously been used for parking. The request for re-zoning is to bring the anticipated activity into compliance with the requirements of the Dept. of Planning Services.  
 Sewer provider City Water provider City

**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 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.*

Cornelius Key *Cornelius Key* 11/6/2013  
 (printed name of applicant) (signature of applicant) (date)  
Cornelius Key *Cornelius Key* 11/6/2013  
 (printed name of property owner) (signature of property owner) (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>11/6/13</u>	<u>113562</u>	<u>12/9/13</u>	

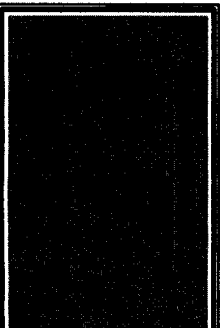
REZ-2013-0162

**Legal Description for 2834 and 2836 South Clinton Street**

SP 82.5 feet X 150 feet south of Lot 15, McLachlin's Addition to Mech except the east 2 feet for street.



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

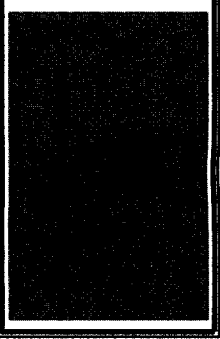


Rezoning Petition REZ-2013-0162

Printed: November 1, 2013  
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State of Texas  
Revised: Spring 2008 (Census year: 2000)



Although strict accuracy standards have been employed in the completion 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.





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Rezoning Petition REZ-2013-0162

Printed November 1, 2013  
 © 2013 Board of Commissioners of the County of Allen  
 North Carolina  
 State Planning Division  
 Raleigh, NC



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BILL NO. Z-13-11-11

**REPORT OF COMMITTEE ON REGULATIONS**

**JANUARY 14, 2014**

*ALL COUNCIL MEMBERS*

**AN ORDINANCE** amending the City of Fort Wayne Zoning Map No. M-07 (Sec. 14 of Wayne Township). The property is located in the existing asphalt parking lot east of 2836 South Clinton. **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

*Martin A. Bunch*  
*Mark*  
*Steve*  
*Gregory*  
*Mark Palko*  
*John*  
*John*  
*John*

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**SANDRA E. KENNEDY  
CITY CLERK**

Public Hearing Date, if applicable 12-9-13

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  
 Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>      </u>	<u>      </u>	<u>1</u>
BENDER	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
CRAWFORD	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
DIDIER	<u>      </u>	<u>      </u>	<u>      </u>	<u>✓</u>
HARPER	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
HINES	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
JEHL	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
PADDOCK	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
SHOAFF	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
SMITH	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>

DATED: 1-14-14 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. Z-2-14 on the 14<sup>th</sup> day of  
January, 2014

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

Michael A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 17<sup>th</sup> day  
of January, 2014, at the hour of 3:00 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17<sup>th</sup> day of JANUARY  
2014, at the hour of 4:00 o'clock PM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR