

1 #REZ-2013-0167

2 BILL NO. Z-13-11-16

3
4 ZONING MAP ORDINANCE NO. Z-6-14

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. C-11 (Sec. 13 of Aboite 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 CM3
10 (General Commercial) District under the terms of Chapter 157 Title XV of the Code of the
11 City of Fort Wayne, Indiana:

12 **PARCEL 1**

13 Part of Lot Number 1 in Sleepy Hollow Professional Offices, according to the plat thereof,
14 recorded in Plat Book 44, pages 17-21 in the Office of the Recorder of Allen County, Indiana,
15 more particularly described as follows:

16 BEGINNING at the most Northerly corner of Lot Number 1 in said Sleepy Hollow
17 Professional Offices; thence South 51 degrees 49 minutes 39 seconds East (bearings in this
18 description are based on a plat bearing of North 37 degrees 33 minutes East for a portion of
19 the Westerly line of said Sleepy Hollow Professional Offices), along the Northerly line of said
20 Sleepy Hollow Professional Offices, a distance of 190.00 feet to the Northeast corner of said
21 Lot Number 1; thence South 29 degrees 43 minutes 16 seconds West, along the Easterly
22 line of said Lot Number 1, a distance of 70.89 feet to a point on the centerline of an open
23 drain; thence North 59 degrees 51 minutes 05 seconds West, along said centerline, a
24 distance of 19.60 feet; thence South 69 degrees 46 minutes 43 seconds West, along said
25 centerline, a distance of 49.89 feet; thence North 80 degrees 38 minutes 26 seconds West,
26 along said centerline, a distance of 48.07 feet; thence North 34 degrees 17 minutes 57
27 seconds West, along said centerline, a distance of 32.40 feet; thence North 24 degrees 32
28 minutes 36 seconds West, along said centerline, a distance of 55.13 feet; thence North 62
29 degrees 25 minutes 52 seconds West, along said centerline, a distance of 28.11 feet to a
30 point on the Westerly line of the aforesaid Lot Number 1; thence North 35 degrees 24
minutes 39 seconds East (North 35 degrees 24 minutes East per plat), along the Westerly
line of said Lot Number 1 and the Easterly right-of-way line of West Jefferson Boulevard, a
distance of 108.38 feet; thence North 37 degrees 33 minutes 00 seconds East, continuing
along said Westerly lot line and along said Easterly right-of-way line, a distance of 0.40 feet
to the Point of Beginning, containing, 0.50 acres of land, more or less.

PARCEL 2

Part of Sleepy Hollow Professional Offices, according to the plat thereof, recorded in Plat
Book 44, pages 17-21 in the Office of the Recorder of Allen County, Indiana, more
particularly described as follows:

COMMENCING at the most Northerly corner of Lot Number 1 in said Sleepy Hollow
Professional Offices; thence South 51 degrees 49 minutes 39 seconds East (bearings in this
description are based on a plat bearing of North 37 degrees 33 minutes East for a portion of

1 the Westerly line of said Sleepy Hollow Professional Offices), along the Northerly line of said
2 Sleepy Hollow Professional Offices, a distance of 190.00 feet to the Northeast corner of Lot
3 Number 1 and the Point of Beginning; thence continuing South 51 degrees 49 minutes 39
4 seconds East, along the Northerly line of said Sleepy Hollow Professional Offices, a distance
5 of 110.00 feet to a Northerly corner of said Sleepy Hollow Professional Offices; thence South
6 30 degrees 08 minutes 55 seconds West, a distance of 55.54 feet to a point on the
7 centerline of an open drain; thence North 59 degrees 51 minutes 05 seconds West, along
8 said centerline, a distance of 108.40 feet to a point on the Easterly lot line of the aforesaid
9 Lot Number 1; thence North 29 degrees 43 minutes 16 seconds East, along said Easterly lot
10 line, a distance of 70.89 feet to the Point of Beginning, containing, 0.16 acres of land, more
11 or less.

12 and the symbols of the City of Fort Wayne Zoning Map No. C-11 (Sec. 13 of Aboite
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

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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0167
Bill Number: Z-13-11-16
Council District: 4-Mitch Harper

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

Synopsis of Ordinance: To rezone approximately 0.66 acres of property from CM1-Professional
Offices and Personal Services to CM3-General Commercial

Location: The vacant parcel southwest of the Mercedes Benz dealership at 7227 West
Jefferson.

Reason for Request: To allow the expansion of the dealership.

Applicant: Felderman Design Build

Property Owner: Felderman Design Build

Related Petitions: Site Plan Routing

Effect of Passage: Property will be rezoned to CM3-General Commercial to allow for expansion
of the Mercedes Benz dealership.

Effect of Non-Passage: The property will remain zoned CM1-Professional Offices and Personal
Services and may not be used as part of the dealership. Office uses may
develop, but separate access is unlikely, so the parcel is best used as part of
the dealership.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Felderman Design Build, Inc. - Greg DeWeese
 Address 5644 Coventry Lane
 City Fort Wayne State Indiana Zip 46804
 Telephone 260-434-4000 Fax 260-434-4001 E-mail greg.deweese@felderman.com

Property Ownership
 Property Owner Paul Webb
 Address 7227 W Jefferson Blvd
 City Fort Wayne State Indiana Zip 46804
 Telephone 260-432-7200 Fax _____ E-mail _____


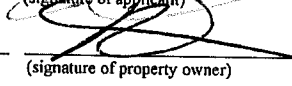
Contact Person
 Contact Person Greg DeWeese
 Address 5644 Coventry Lane
 City Fort Wayne State Indiana Zip 46804
 Telephone 260-434-4000 Fax 260-434-4001 E-mail greg.deweese@felderman.com

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 7227 West Jefferson Boulevard, Fort Wayne, Indiana 46804
 Present Zoning CM1 Proposed Zoning CM3 Acreage to be rezoned 0.46 Acre
 Proposed density _____ units per acre
 Township name Aboite Township section # 13
 Purpose of rezoning (attach additional page if necessary) The requested Rezoning Petition is necessary to permit the expansion of the existing vehicle display lot associated with the Mercedes Benz of Fort Wayne facility.
 Sewer provider Aqua Indiana, LLC 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>Greg DeWeese</u> (printed name of applicant)	 (signature of applicant)	<u>11/20/2013</u> (date)
<u>Paul Webb</u> (printed name of property owner)	 (signature of property owner)	<u>11/20/2013</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

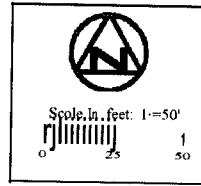
Received	Receipt No.	Hearing Date	Petition No.
11/20/13	113671	12/9/13	

Rez-2013-0167

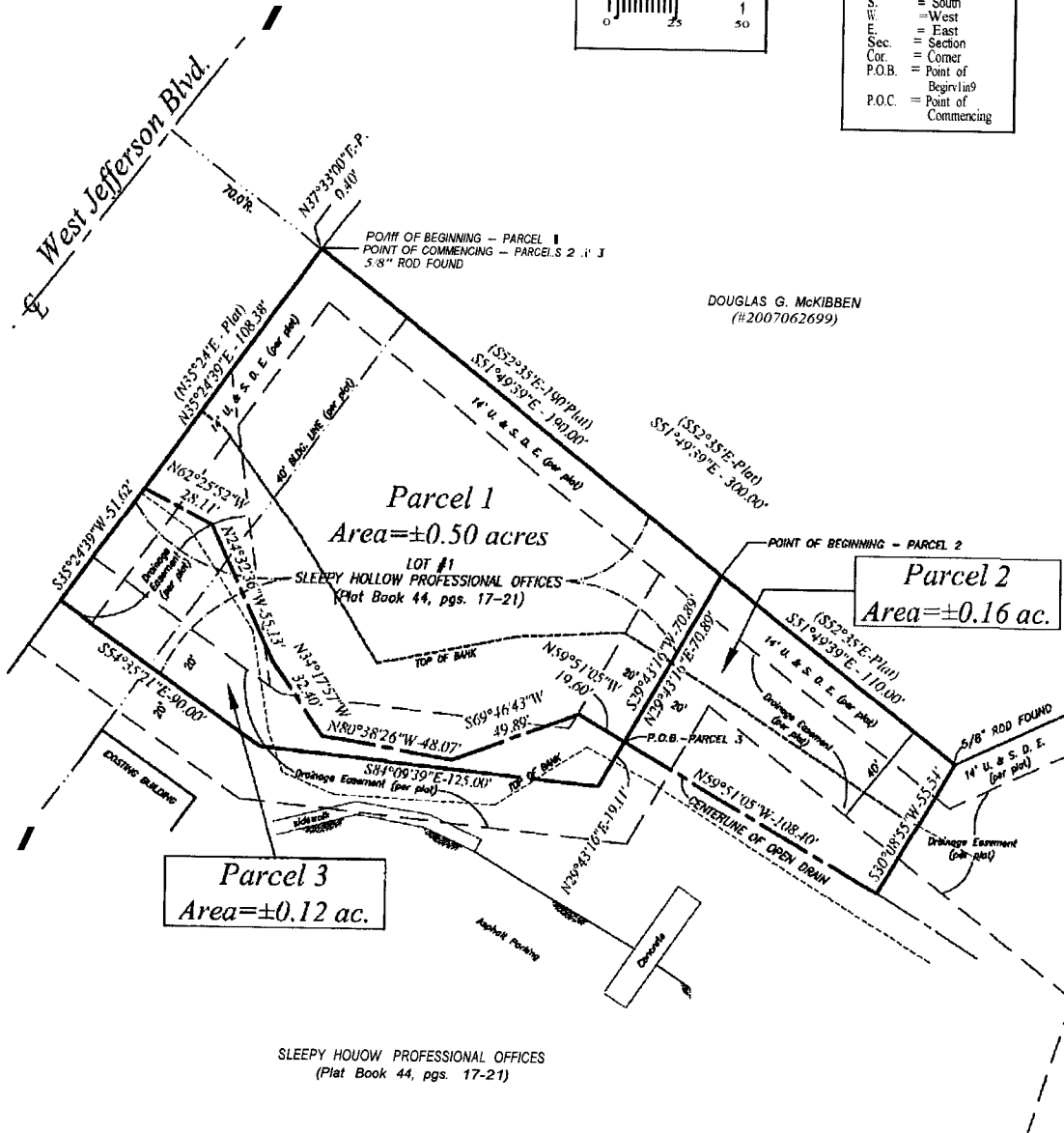
CERTIFICATE OF SURVEY

This document is a record of a retracement SUIvey of land and real estate prepared in conformity with established rules of su!veying and made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet & decimals of a foot. Corners were perpetuated as Indicated.

SEE PAGE 2 OF 2 FOR DESCRIPTION OF PROPERTY



Moss M.	= Measured
Rec./R.	= Recorded
Calc./C.	= Calculated
fd.	= Found
dn.	= Down
N.	= North
S.	= South
W.	= West
E.	= East
Sec.	= Section
Cor.	= Corner
P.O.B.	= Point of Beginning
P.O.C.	= Point of Commencing



NEW PARCEL DESCRIPTIONS

PARCEL 1

Part of Lot Number 1 in Sleepy Hollow Professional Offices, according to the plat thereof, recorded in Plat Book 44, pages 17-21 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

BEGINNING at the most Northerly corner of Lot Number 1 in said Sleepy Hollow Professional Offices; thence South 51 degrees 49 minutes 39 seconds East (bearings in this description are based on a plat bearing of North 37 degrees 33 minutes East for a portion of the Westerly line of said Sleepy Hollow Professional Offices), along the Northerly line of said Sleepy Hollow Professional Offices, a distance of 190.00 feet to the Northeast corner of said Lot Number 1; thence South 29 degrees 43 minutes 16 seconds West, along the Easterly line of said Lot Number 1, a distance of 70.89 feet to a point on the centerline of an open drain; thence North 59 degrees 51 minutes 08 seconds West, along said centerline, a distance of 19.60 feet; thence South 69 degrees 46 minutes 43 seconds West, along said centerline, a distance of 49.89 feet; thence North 80 degrees 38 minutes 26 seconds West, along said centerline, a distance of 48.07 feet; thence North 34 degrees 17 minutes 57 seconds West, along said centerline, a distance of 32.40 feet; thence North 24 degrees 32 minutes 36 seconds West, along said centerline, a distance of 55.13 feet; thence North 62 degrees 25 minutes 52 seconds West, along said centerline, a distance of 28.11 feet to a point on the Westerly line of the aforesaid Lot Number 1; thence North 35 degrees 24 minutes 39 seconds East (North 35 degrees 24 minutes East per plat), along the Westerly line of said Lot Number 1 and the Easterly right-of-way line of West Jefferson Boulevard, a distance of 108.38 feet; thence North 37 degrees 33 minutes 00 seconds East, continuing along said Westerly lot line and along said Easterly right-of-way line, a distance of 0.40 feet to the Point of Beginning, containing 0.50 acres of land, more or less.

PARCEL 2

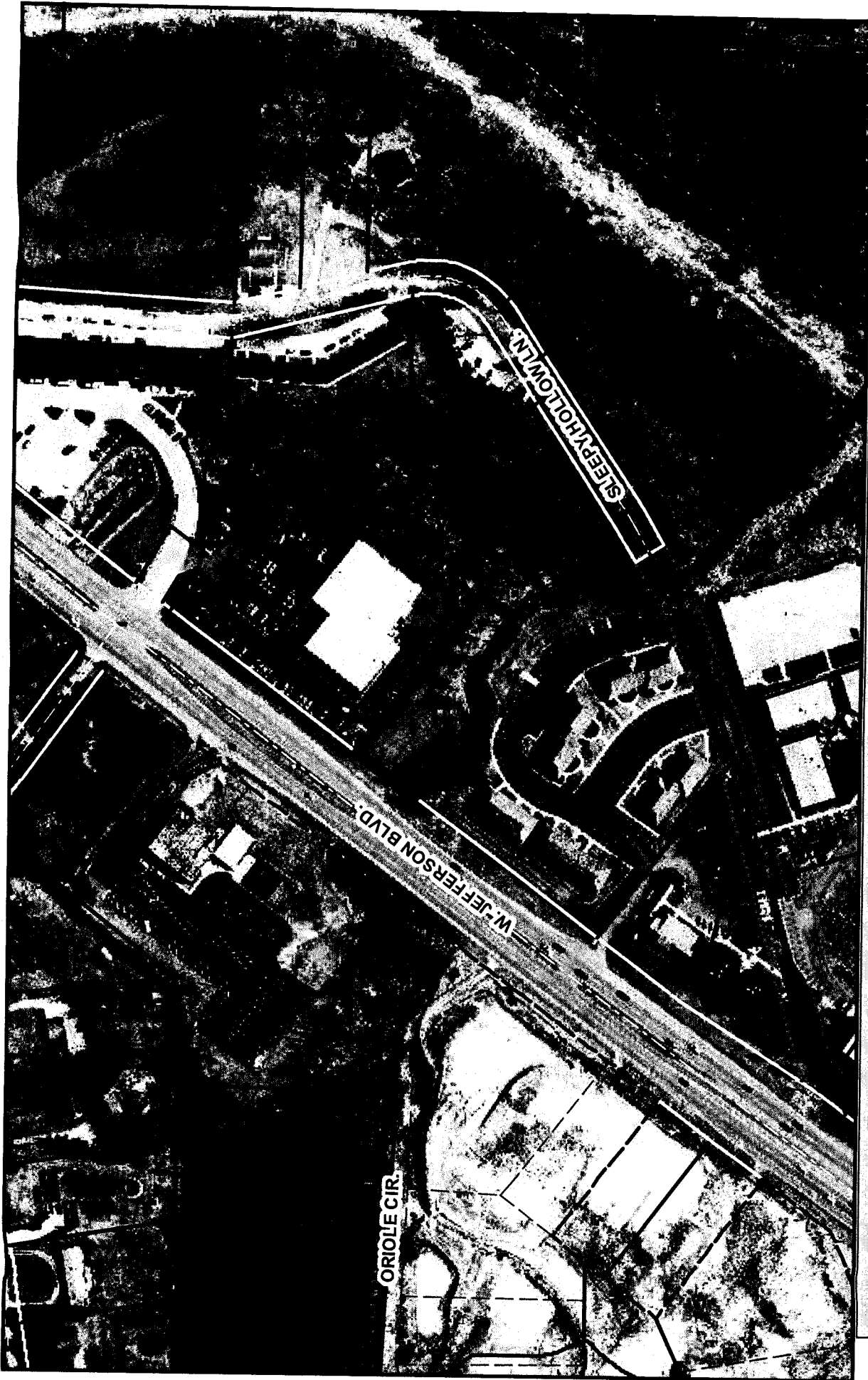
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PARCEL 3

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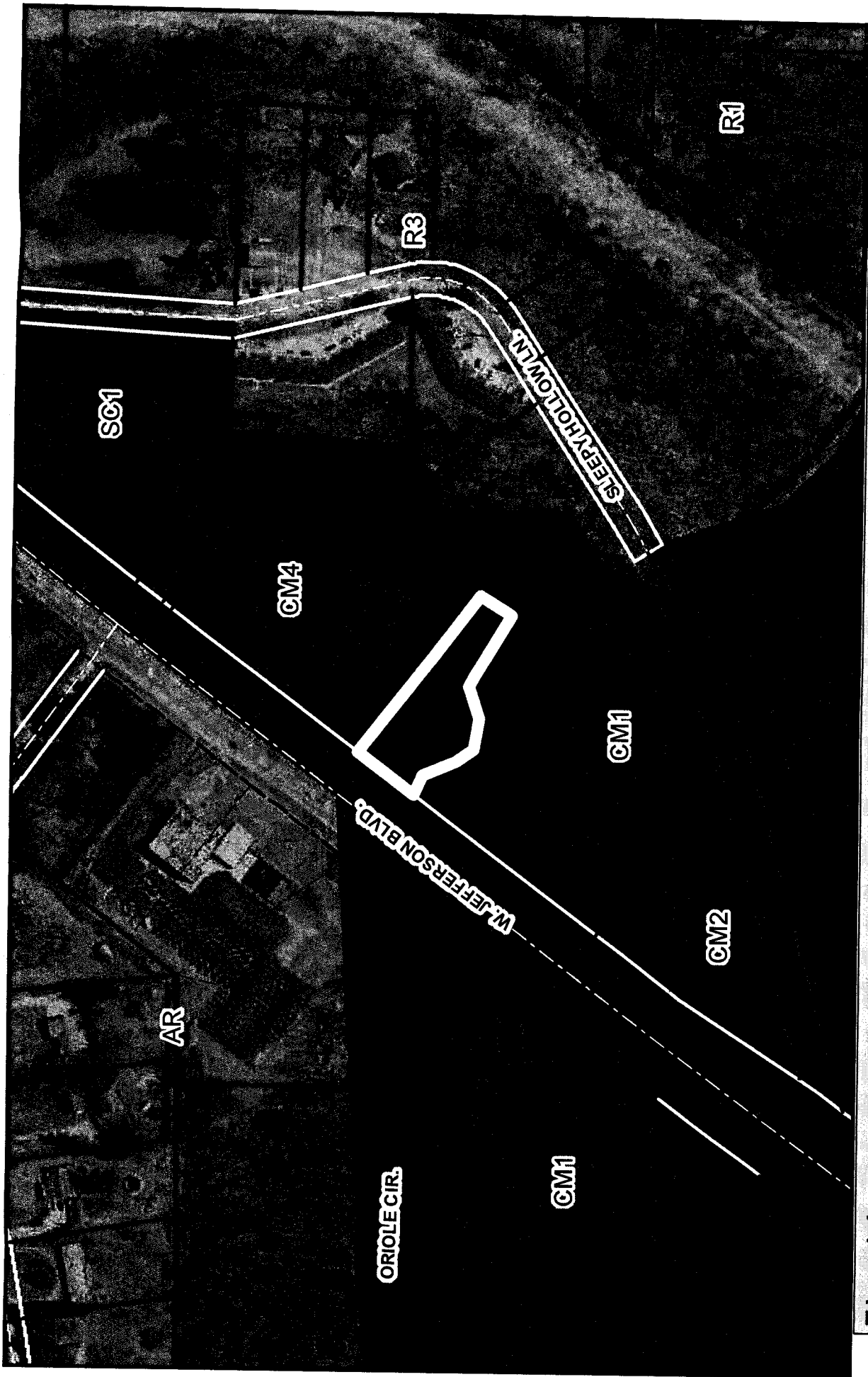
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Rezoning Petition REZ-2013-0167

Printed: November 17, 2013
 © 2004 Board of Commissioners of the County of Allen
 State Plane, American Datum 1983
 Insole Spring 2006/Cross Timbers, East

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-2013-0167

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 State Plane Coordinate System 1983
 North American Datum 1983
 Project: Spring 2006, 2007, 2008, 2009
 Project: Spring 2006, 2007, 2008, 2009

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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
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>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 2-11-14 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-6-14 on the 11th day of
February, 2014

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK
Martin A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day
of February, 2014, at the hour of 3:45 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17th day of February
2014, at the hour of 11:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

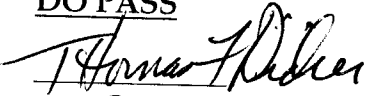
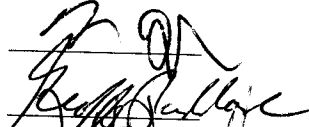
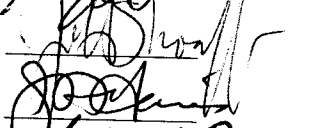
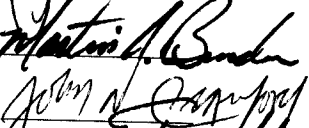
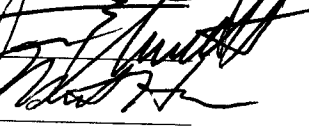




BILL NO. Z-13-11-16

REPORT OF COMMITTEE ON REGULATIONS

FEBRUARY 11, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. C-11 (Sec. 13 of Aboite Township). The location of the property is the vacant parcel southwest of the Mercedes Benz dealership at 7227 West Jefferson. **COMMITTEE ON REGULATIONS HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**SANDRA E. KENNEDY
CITY CLERK**