

1 #REZ-2013-0182

2 BILL NO. Z-13-12-25

3 ZONING MAP ORDINANCE NO. Z- 13-14

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map Nos. Q-58 and P-58 (Sec. 6 of St. Joseph 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 the fractional Northwest Quarter of Fractional Section 6, Township 31  
12 North, Range 13 East of the Second Principle Meridian in Allen County, Indiana,  
more particularly described as follows:

13 Commencing at the Northwest corner of the Northeast Quarter of said Section 6;  
14 thence North 89 degrees 58 minutes 21 seconds East (adjoining deed bearing and  
15 basis to follow), a distance of 134.00 feet along the North line of said Northeast  
16 Quarter to the a bronze plug at the centerline of Auburn Road; thence South 00  
17 degrees 34 minutes 00 seconds West, a distance of 927.36 feet along said centerline  
18 to the South line of an existing 0.61 acre tract; thence South 89 degrees 10 minutes  
19 12 seconds West, a distance of 40.00 feet along said South line to a 5/8 inch rebar set  
20 at the Point of Beginning of the herein described tract; thence continuing South 89  
21 degrees 10 minutes 12 seconds West, a distance of 154.77 feet along said South line  
22 to a 5/8 inch rebar with "Karst" identification cap found on the East line of an  
23 existing tract described in Document Number 95-17179 in the Office of the Recorder  
24 of Allen County, Indiana; thence North 01 degrees 08 minutes 08 seconds West, a  
25 distance of 134.95 feet (135 feet Deed) along said East line to a 5/8 inch rebar with  
26 #0027" identification cap found on the South line of an existing tract described in  
27 Document Number 2008017768 in the Office of the Recorder of Allen County,  
28 Indiana; thence North 89 degrees 04 minutes 49 seconds East, a distance of 158.78  
29 feet along said South line to a 5/8 inch rebar with #0027 identification cap found on  
30 the West right-of-way line of said Auburn Road as established by Document Number  
94-022382 in the Office of the Recorder of Allen County, Indiana; thence South 00  
degrees 34 minutes 00 seconds West, a distance of 135.24 feet along said West right-  
of-way line to the Point of Beginning. Containing 0.49 areas, more or less. Subject to  
easements of record.

and the symbols of the City of Fort Wayne Zoning Map Nos. Q-58 and P-58 (Sec. 6 of St.  
Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of


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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-2013-0182  
Bill Number:             Z-13-12-25  
Council District:         2-Russ Jehl

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Introduction Date:        December 17, 2013

Plan Commission  
Public Hearing Date:      January 6, 2014

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

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Synopsis of Ordinance:    To rezone approximately 0.49 acres from AR-Low Intensity Residential to CM2-Limited Retail and Commercial for a 5,000 square foot retail building.

Location:                 10149 Auburn Road, on the west side of the street.

Reason for Request:      The applicant wishes to construct a new building for a retail business.

Applicant:                J. Benjamin and Athina P. Jacquay

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Related Petitions:        Primary Development Plan, 10149 Auburn Road Retail Building

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Effect of Passage:        The existing residential lot will be rezoned to CM2 to allow the construction of a retail business building. There will be one remaining residential lot on this stretch of the Auburn Road corridor, which currently has a Use Variance for music instruction.

Effect of Non-Passage:    Property will remain AR and the property may remain as a residential use.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant J. Benjamin & Athina P. Jacquay  
 Address 8106 Auburn Road  
 City Fort Wayne State Indiana Zip 46825  
 Telephone 260/760-8172 Fax 260/482-6710 E-mail ben2gage@aol.com

**Property Ownership**  
 Property Owner James E. & Gloria M. Stelle Georgia  
 Address 1901 Kelley's Landing  
 City Fort Wayne State Indiana Zip 46825  
 Telephone 260/489-3428 Fax ----- E-mail -----

**Contact Person**  
 Contact Person Kenneth W. Nord C E & M Architects  
 Address 116 W. Rudisill Blvd.  
 City Fort Wayne State Indiana Zip 46807  
 Telephone 260/744-2781 Fax 260/456-8579 E-mail knord@cemincorp.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 10149 Auburn Road  
 Present Zoning AR Proposed Zoning CMZ Acreage to be rezoned 0.55 0.49  
 Proposed density N/A units per acre  
 Township name St. Joseph Township section # 6  
 Purpose of rezoning (attach additional page if necessary) To allow for the construction of a retail business  
 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.

J. Benjamin Jacquay J. Benjamin Jacquay 11-26-13  
 (printed name of applicant) (signature of applicant) (date)  
James E. Stelle James E Stelle 11/27/13  
 (printed name of property owner) (signature of property owner) (date)  
Georgia M. Stelle Georgia M. Stelle 11/27/13  
 (printed name of property owner) (signature of property owner) (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

Received	Receipt No.	Hearing Date	Petition No.
Dec 4 '13	113786	Jan 6 '14	

2013-082



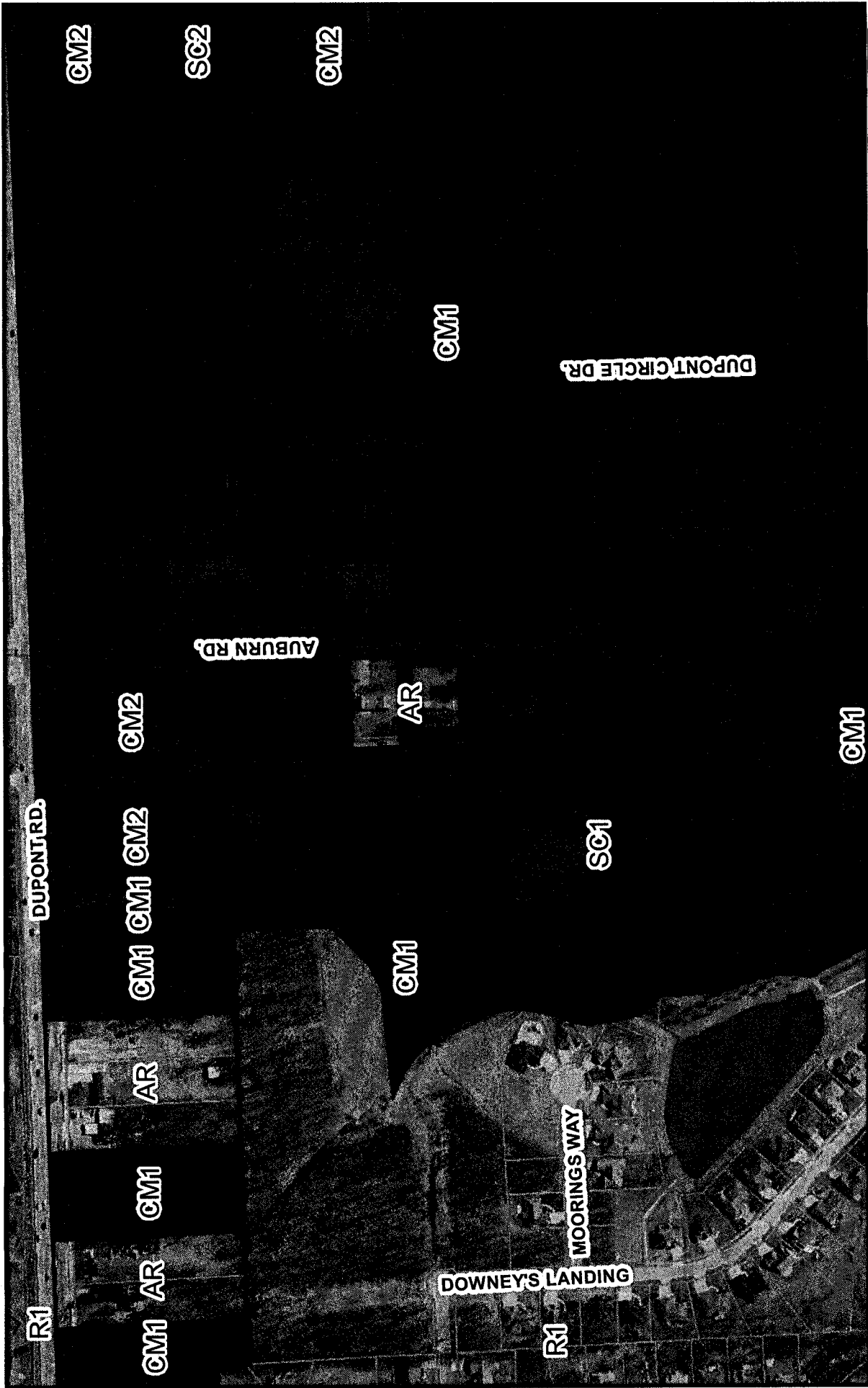
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

Rezoning Petition REZ-2013-0182 and Primary Development Plan - 10149 Auburn Road Retail Building


Printed: December 9, 2013  
 ©2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East

Photos: Spring 2006 / Courtesy: 2009  
 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.






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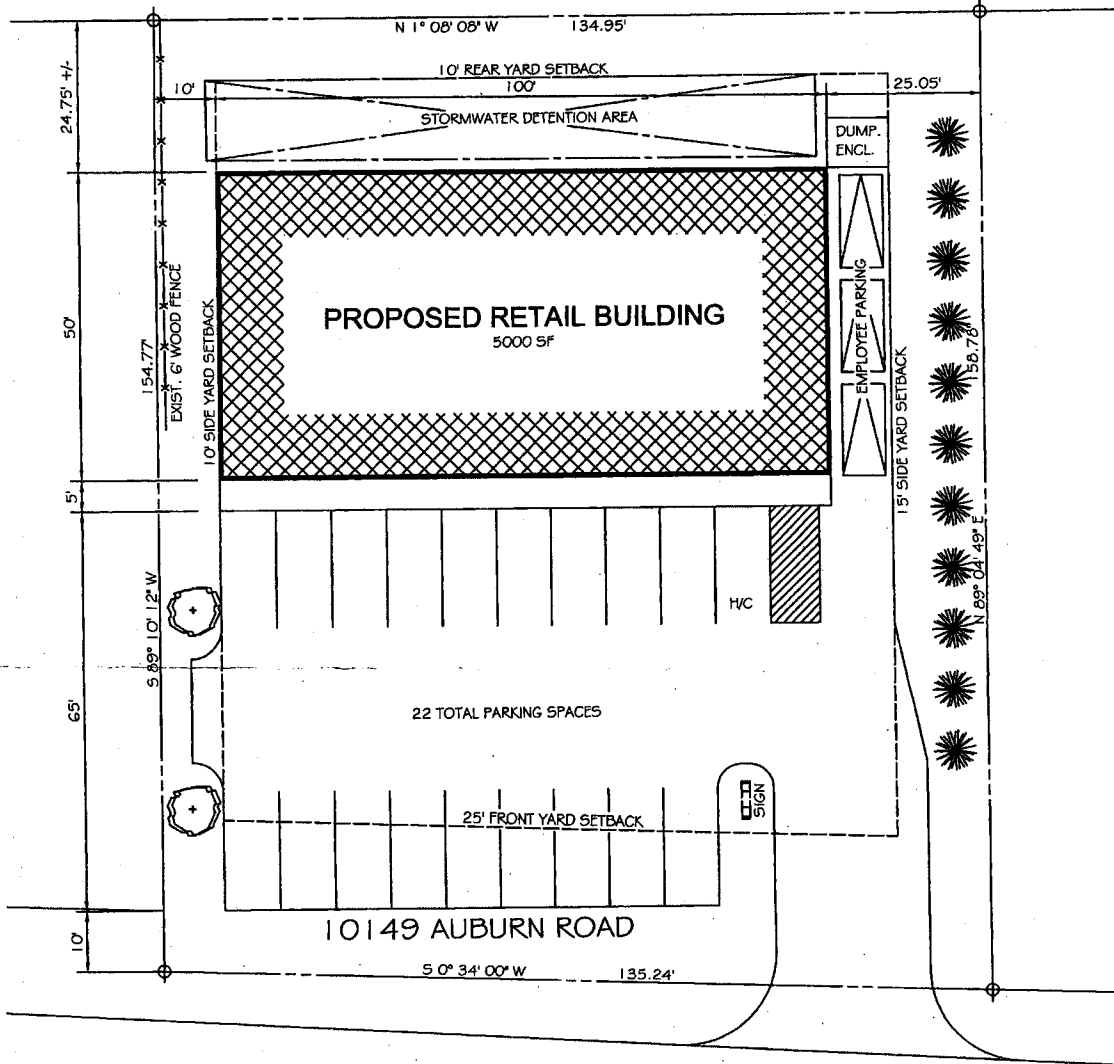
**Rezoning Petition REZ-2013-0182 and Primary Development Plan - 10149 Auburn Road Retail Building**

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# AUBURN PARK DRIVE

(PRIVATE)

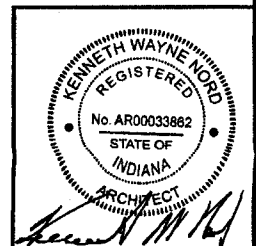


**AUBURN ROAD**  
RW WIDTH VARIES



## PROPOSED SITE PLAN

SCALE: 1" = 20'-0"



Public Hearing Date, if applicable 1-6-14

Read the first time in full and on motion by Councilman Tom Didier  
Read the second time by title and referred to the Regulations Committee  
Committee. Read the third time in full and on motion by Councilman  
Didier, 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: 4-8-14 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. 2-13-14 on the 8<sup>th</sup> day of  
April, 2014

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

Stephen A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9<sup>th</sup> day  
of April, 2014, 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 9<sup>th</sup> day of April

2014, at the hour of 5:00 o'clock P.M. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. Z-13-12-25**

**REPORT OF COMMITTEE ON REGULATIONS**

**APRIL 8, 2014**

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

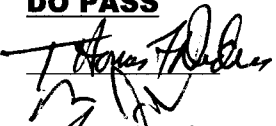
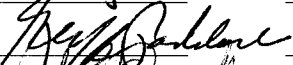

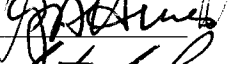
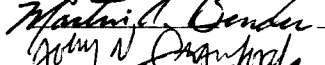

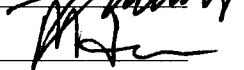
**AN ORDINANCE** amending the City of Fort Wayne Zoning Map Nos. Q-58 (Sec. 6 of St. Joseph Township). The location of the property is 10149 Auburn Road, on the west side of the street. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

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**SANDRA E. KENNEDY  
CITY CLERK**