

1 **#REZ-2013-0192**

2 **BILL NO. Z-13-12-29**

3
4 **ZONING MAP ORDINANCE NO. Z-11-14**

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. Z-30 (Sec. 24 of St. Joseph 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 CM2
10 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
11 of the City of Fort Wayne, Indiana:

12 Part of the Southwest Quarter of Section 24, Township 31 North, Range 13 East,
13 Allen County, Indiana, being more particularly described as follows, to-wit:

14 Commencing at the Northwest corner of the Southwest Quarter of Section 24,
15 Township 31 North, Range 13 East, being reference by a Harrison Marker; thence
16 South 00 degrees 00 minutes 00 seconds West (assumed bearing and basis of all
17 bearing in this description), along the West line of said Southwest Quarter, being
18 within the right-of-way of Wheelock Road, a distance of 1676.81 feet to a South line
19 of an existing tract as described in Document Number 2011057831 in the Office of
20 the Recorder of Allen County, Indiana; thence North 88 degrees 01 minutes 25
21 seconds East, a distance of 370.00 feet along said South line to a East line of said
22 Document Number 2011057831; thence North 00 degrees 00 minutes 00 seconds
23 East along said East line and being parallel with the West line of said Southwest
24 Quarter, a distance of 250.00 feet to a North line of an existing tract as described in
25 Document Number 2011059462 in said Office; thence North 88 degrees 01 minutes
26 25 seconds East, a distance of 537.54 feet along said North line to the POINT OF
27 BEGINNING; thence continuing North 88 degrees 01 minutes 25 seconds East, a
28 distance of 406.43 feet along said North line to the East line of said Document
29 Number 2011059462; thence South 00 degrees 05 minutes 21 seconds West, a
30 distance of 229.00 feet to the North line of an existing tract as described in
Document Number 2011059460; thence North 89 degrees 47 minutes 21 seconds
East, a distance of 246.78 feet along said North line to the West right of way line for
Indiana State Road 37; thence South 43 degrees 24 minutes 44 seconds West, a
distance of 101.03 feet along said right of way line to a tangent curve concave to the
South with a radius of 1196.92 feet; thence Southwesterly along said curve, a
distance of 302.03 feet with a central angle of 14 degrees 27 minutes 28 seconds and
a chord of 301.23 feet bearing South 36 degrees 10 minutes 59 seconds West to a
Southwesterly line of said Document Number 2011059462; thence South 28 degrees
46 minutes 08 seconds West, a distance of 58.98 feet along Southwesterly line to a
Northwesterly line of said Document Number 2011059462; thence North 56 degrees

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16 minutes 39 seconds West, a distance of 86.80 feet along said Southwesterly line to a South line of said Document Number 2011059462; thence South 89 degrees 13 minutes 24 seconds West, a distance of 200.00 feet; thence North 48 degrees 34 minutes 10 seconds West, a distance of 61.00 feet; thence North 51 degrees 15 minutes 00 seconds West, a distance of 106.38; thence North 38 degrees 45 minutes 00 seconds East, a distance of 38.20 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 400.08 feet the point of beginning, containing 5.819 acres of land, subject to legal right-of-way for Indiana State Road 37, and subject to all easements of record.


and the symbols of the City of Fort Wayne Zoning Map No. Z-30 (Sec. 24 of St. Joseph 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

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0192
Bill Number: Z-13-12-29
Council District: 1-Tom Smith

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

Synopsis of Ordinance: To rezone approximately 5.82 acres from AR-Low Intensity Residential to CM2-Limited Retail and Commercial.

Location: Northeast corner of Wheelock and Maysville Roads.

Reason for Request: The applicant wishes to develop 3 commercial outlots, tentatively with a sit-down restaurant, drive-through restaurant and 66-room, two-story hotel.

Applicant: JR Parent

Related Petitions: Primary Development Plan, Yellow Retirement of Wheelock, and Maysville Corners, REZ-2013-0187

Effect of Passage: The current farmed ground will be rezoned to allow for commercial and retail development, including a hotel and restaurants.

Effect of Non-Passage: Property will remain AR and may continue to be used for agriculture or may be developed with low intensity single family homes.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant JR Parent
 Address P.O. Box 11311
 City Fort Wayne State IN Zip 46865
 Telephone 260-493-3000 Fax _____ E-mail jrparent@yellowretirement.com

Property Ownership
 Property Owner J-J Parent Corp. PARENT INVESTMENT ASSOCIATES, LLC
 Address P.O. Box 11311
 City Fort Wayne State IN Zip 46865
 Telephone 260-493-3000 Fax _____ E-mail jrparent@yellowretirement.com

Contact Person
 Contact Person Cliff Patterson / MLS Engineering, LLC
 Address 217 Airport North Office Park
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-8571 Fax 260-489-8570 E-mail cliff@mlswebsite.us

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 - Wheelock & Maysville Roads R3- 18.166 Ac.
 Present Zoning AR Proposed Zoning R3 & CM2 Acreage to be rezoned CM2-5.819 Ac.
 Proposed density 7.54 D.U. Acre units per acre
 Township name St. Joseph Township section # 24
 Purpose of rezoning (attach additional page if necessary) R3-Allows a 137 Unit multi-family project. CM2-Allows a Drive-thru & Dine-in Restaurants and a 66 room two-story hotel.
 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 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.

JR Parent _____ 12/3/13
 (printed name of applicant) (signature of applicant) (date)
 JR Parent _____ 12/3/13
 (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.
12/4	103798	1/6/14	

RCZ-2013-0187



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

Rezoning Petitions REZ-2013-0187 and REZ-2013-0192 and Primary Development Plan
Yellow Retirement of Wheelock and Maysville Corners

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 / Coauthors: 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.





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BILL NO. Z-13-12-29

Hold for
week
2-18

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. Z-30 (Sec. 24 of St. Joseph Township). The location is the northeast corner of Wheelock and Maysville Roads. **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

**SANDRA E. KENNEDY
CITY CLERK**

Public Hearing Date, if applicable 12-17-13

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. 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>7</u>	<u> </u>	<u> </u>	<u>2</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>
SHOAF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 2-25-14 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-11-14 on the 25th 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 26th day
of February, 2014, at the hour of 2:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3RD day of MARCH

2014, at the hour of 8:00 o'clock A.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

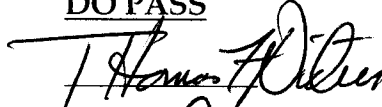
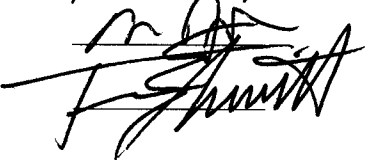

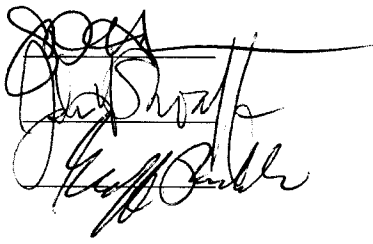
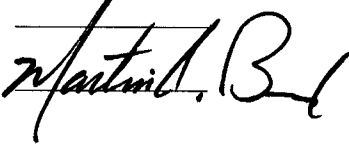
BILL NO. Z-13-12-29

REPORT OF COMMITTEE ON REGULATIONS

FEBRUARY 18, 2014

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

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

**SANDRA E. KENNEDY
CITY CLERK**