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1 #REZ-2014-0014

2 BILL NO. Z-14-02-10

3 ZONING MAP ORDINANCE NO. Z-116-14

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. M-22 (Sec. 26 of Washington 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 Block #1, Block #2, except the East 285 feet thereof and that part of Brudi Avenue, vacated
12 by proceedings in Allen Circuit Court, No 25655, all in Riverview Park Extended Addition
13 to the City of Fort Wayne, as recorded in Plat Record 16, page 45 and found in the Office of
the Recorder of Allen County, Indiana,

14 Together With:

15 Block #3 lying East of the right-of-way of Clinton Street, Blocks #4 - #12 and the East 190
16 feet of Block #13, together with the alleys vacated in Dec. Res. #947-1956 and Dec. Res.
17 #948-1956, and 25 feet of vacated Riverview Drive, as vacated in Dec. Res. #946-1956,
lying adjacent to Blocks #4 - #12 and the East 190 feet of Block #13, all of Kreigh Avenue
18 and all of Livingston Avenue, in Riverview Park Extended Addition to the City of Fort
Wayne, as recorded in Plat Record 16, page 45 and found in the Office of the Recorder of
Allen County, Indiana,

19 **EXCEPT:**

20 Part of Block #4 and part of the vacated street in Riverview Park Extended Addition to the
City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

21 Beginning at the Southwest corner of Block #4 in Riverview Park Extended Addition, said
22 point being on the East right-of-way line of Clinton Street and the North right-of-way line of
vacated Riverview Drive; thence Northeasterly along the West line of Block #4, a distance
23 of 196.6 feet to the Southwest corner of Block #3; thence East along the South line of Block
#3, a distance of 120.25 feet, said point being 117 feet South of the North line of Block #4;
24 thence North 117 feet along the East line of Block #3 to a point on the North line of Block
#4; thence East along the North line of Block #4, a distance of 48.4 feet; thence South a
25 distance of 327.75 feet to a point on the centerline of vacated Riverview Drive, said point
being 208 feet East of the East right-of-way line of Clinton Street; thence West along the
26 centerline of vacated Riverview Drive, a distance of 208 feet to a point on the East right-of-
way line of Clinton Street; thence Northeasterly along the East right-of-way line of Clinton
27 Street, a distance of 25 feet to the point of beginning.

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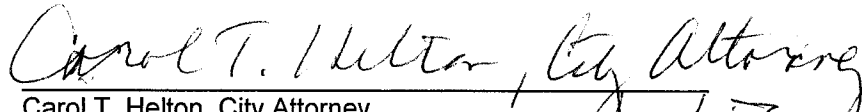
and the symbols of the City of Fort Wayne Zoning Map No. M-22 (Sec. 26 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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-2014-0014
Bill Number: Z-14-02-10
Council District: 3 – Tom Didier

Introduction Date: February 25, 2014

Plan Commission
Public Hearing Date: March 10, 2014

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

Synopsis of Ordinance: To rezone approximately 19.33 acres of property from R1-Single Family
Residential and CM3-General Commercial to CM2-Limited Retail and
Commercial

Location: 3320 North Clinton, the greater Turnstone property.

Reason for Request: To bring the current uses into compliance with the zoning ordinance and to
allow expansion of the Turnstone center.

Applicant: Turnstone Properties, LLC

Property Owner: Turnstone Properties, LLC, and Turnstone Center for Children and Adults
with Disabilities, Inc.

Related Petitions: Primary Development Plan, Turnstone Big Dream Project, VROW-2014-0021

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial which will
bring a part of Turnstone's campus into compliance with the zoning ordinance
without the need for variances. It will also allow the campus to expand.
Existing CM3 parcels will be downzoned to a less intensive commercial
district as a part of this request.

Effect of Non-Passage: The property will remain zoned CM3 and R1. To expand, Turnstone needs to
rezone the R1 parcels or seek a variance. The CM3 parcels will remain,
allowing more intensive commercial uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Turnstone Center for Children and Adults with Disabilities, Inc.
 Address 3320 North Clinton Street
 City Fort Wayne State Indiana Zip 46805
 Telephone 260.483.2100 Fax 260.484.5059 E-mail bernard.niezer@neurology.com

Property Ownership
 Property Owner Turnstone Properties LLC and Turnstone Center for Children and Adults with Disabilities, Inc.
 Address 3320 North Clinton Street
 City Fort Wayne State Indiana Zip 46805
 Telephone 260.483.2100 Fax 260.484.5059 E-mail bernard.niezer@neurology.com

Contact Person
 Contact Person Thomas M. Niezer, Esq., Attorney for Applicant and Owner
 Address Barrett & McNagny LLP, 215 East Berry Street
 City Fort Wayne State Indiana Zip 46802
 Telephone 260.423.9551 Fax 260.423.8920 E-mail tmn@barrettllaw.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 3320 North Clinton Street, Fort Wayne, Indiana 46805
 Present Zoning R1&CM3 Proposed Zoning CM2 Acreage to be rezoned 19.33
 Proposed density N/A units per acre
 Township name Washington Township section # 73/Tax District
 Purpose of rezoning (attach additional page if necessary) To conform all of the property operated by Applicant to a consistent rezoning of CM2 and to allow for additional expansion of Applicant's existing facilities.
 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.

See Exhibit "A"
 (printed name of applicant) (signature of applicant) (date)

See Exhibit "A"
 (printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

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|--------------------|-----------------------|-------------------------|-------------------------------|
| Received 2/5/14 | Receipt No. 114037 | Hearing Date 6/10/14 | Petition No. RGZ 2014-0014 |
|--------------------|-----------------------|-------------------------|-------------------------------|

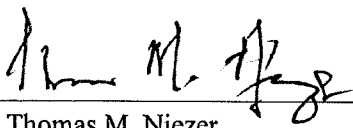
EXHIBIT "A"

SIGNATURE PAGE FOR DEPARTMENT OF PLANNING SERVICES
REZONING PETITION APPLICATION

I/We understand and agree, upon execution and submission of this application, that I/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.

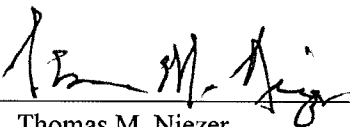
"APPLICANT"

TURNSTONE CENTER FOR CHILDREN AND
ADULTS WITH DISABILITIES, INC.

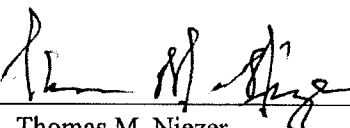
By: 
Thomas M. Niezer
Its: Attorney

"OWNER"

TURNSTONE CENTER FOR CHILDREN AND
ADULTS WITH DISABILITIES, INC.

By: 
Thomas M. Niezer
Its: Attorney

TURNSTONE PROPERTIES, LLC

By: 
Thomas M. Niezer
Its: Attorney



Rezoning Petition REZ-2014-0014 and Primary Development Plan - Turnstone Big Dream Project



Project boundaries represented by bold colored lines are for representational purposes only.

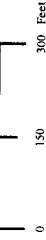
© 2004 Board of Commissioners of the County of Allen
North American Datum, 1983
State Plane Coordinate System, Indiana East
Photos and Contours, Spring 2009

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.

Date: 2/19/2014



1 inch = 300 feet





Rezoning Petition REZ-2014-0014 and Primary Development Plan - Turnstone Big Dream Project



Project boundaries represented by bold colored lines are for representational purposes only.

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Date: 2/19/2014



1 inch = 300 feet



Public Hearing Date, if applicable 3-10-14

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> | _____ | _____ | _____ |
| SHOAFF | <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. 2-16-14 on the 8th day of
April, 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 9th 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 9TH day of April
2014, at the hour of 5:00 o'clock PM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-14-02-10

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 No. M-22 (Sec. 26 of Washington Township). The property is located at 3320 North Clinton, the Greater Turnstone property. **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> |
|----------------------|--------------------|----------------|---------------|
| <i>Tom Didier</i> | | | |
| <i>Mitch Harper</i> | | | |
| <i>Richard ...</i> | | | |
| <i>John ...</i> | | | |
| <i>Stephanie ...</i> | | | |
| <i>John N. ...</i> | | | |
| <i>T. ...</i> | | | |
| <i>M.H.</i> | | | |

**SANDRA E. KENNEDY
CITY CLERK**