

1 #REZ-2014-0061

2 BILL NO. Z-14-05-20

3
4 ZONING MAP ORDINANCE NO. Z-24-14

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. H-07 (Sec. 16 of Wayne 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 an AR (Low
10 Intensity Residential) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 Part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 30
13 North, Range 12 East, Allen County, Indiana, more particularly described as follows:
14 Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter
15 of Section 16, Township 30 North, Range 12 East, Allen County, Indiana, thence
16 South along the East line of the Northwest Quarter of the Southwest Quarter of
17 Section 16-30-12 a distance of 1320.5 feet to a point on the South line of the
18 Northwest Quarter of the Southwest Quarter of Section 16-30-12; thence West along
19 said line a distance of 459.03 feet; thence North a distance of 1318.0 feet to a point
20 on the North line of the Northwest Quarter of the Southwest Quarter of Section 16-
21 30-12; thence East along said line a distance of 453.68 feet to the point of
22 beginning, containing 13.82 acres of land, more or less, subject to road rights-of-way
23 and easements.

24 Together with:

25 Part of the Northwest Quarter of Section 16, Township 30 North, Range 12 East of
26 the Second Principal Meridian, Wayne Township in Allen County, Indiana, more
27 particularly described as follows:

28 Beginning at the Southeast corner of the West Half of said Northwest Quarter;
29 thence Westerly, a distance of 453 feet along the South line of said Northwest
30 Quarter; thence Northerly, a distance of 1500 feet parallel with the East line of the
West Half of said Northwest Quarter; thence Easterly, a distance of 453 feet parallel
with the South line of said Northwest quarter to the East line of the West Half of said
Northwest Quarter; thence Southerly, a distance of 1500 feet along said East line to
the Point of Beginning. Containing 15.60 acres, more or less, subject to the right-of-
way of Nuttman Avenue and subject to easements of record.

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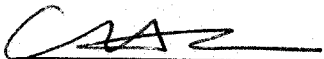
and the symbols of the City of Fort Wayne Zoning Map No. H-07 (Sec. 16 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2014-0061
Bill Number: Z-14-05-20
Council District: 5 – Geoff Paddock

Introduction Date: May 27, 2014
Plan Commission
Public Hearing Date: June 9, 2014
Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone approximately 29.4 acres of property from IN2-General Industrial
to AR-Low Intensity Residential
Location: 3522 and 3527 Nuttman Avenue
Reason for Request: To bring the current uses into compliance with the zoning ordinance.
Applicant: Darrel W. Hyde
Property Owner: Darrel W. Hyde and Betty Hyde 1993 Revocable Trust

Related Petitions: none

Effect of Passage: Properties will be rezoned to AR-Low Intensity Residential to allow the
current uses of single family home and agriculture.
Effect of Non-Passage: The property will remain zoned IN2-General Industrial. The current uses will
remain non-conforming.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Darrel W. Hyde
 Address 3522 Nuttman Avenue
 City Fort Wayne State IN Zip 46802
 Telephone 260.416.1304 Fax _____ E-mail _____

Property Ownership
 Property Owner Darrel W. Hyde/Nelson & Betty Hyde 1993 Revocable Trust
 Address 3522 Nuttman Avenue and 3527 Nuttman Avenue
 City Fort Wayne State IN Zip 46802
 Telephone 260.416.1304 Fax _____ E-mail _____

Contact Person
 Contact Person Scott M. Federoff, Carson Boxberger LL:P
 Address 301 West Jefferson Boulevard, Suite 200
 City Fort Wayne State IN Zip 46802
 Telephone 260-423-9411 Fax 260-423-4329 E-mail sfederoff@carsonboxberger.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 3522 Nuttman Avenue and 3527 Nuttman Avenue
 Present Zoning I2 Proposed Zoning AR Acreage to be rezoned 29.4
 Proposed density N/A units per acre
 Township name Wayne Township section # 16
 Purpose of rezoning (attach additional page if necessary) It is unclear how the property was rezoned industrial many years ago; however, the property has been continually used agriculturally for decades and will continue to be used in the same manner.
 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.

Darrel W. Hyde x Darrel Hyde April 24, 2014
 (printed name of applicant) (signature of applicant) (date)
Darrel W. Hyde x Darrel Hyde April 24, 2014
 (printed name of property owner) (signature of property owner) (date)
Betty Hyde, Co-Trustee x Betty Hyde April 24, 2014
 (printed name of property owner) (signature of property owner) (date)
BETTY HYDE x Betty Hyde 4-24-2014
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
5/7/14	114811		

rez-2014-006d

CERTIFICATE OF SURVEY

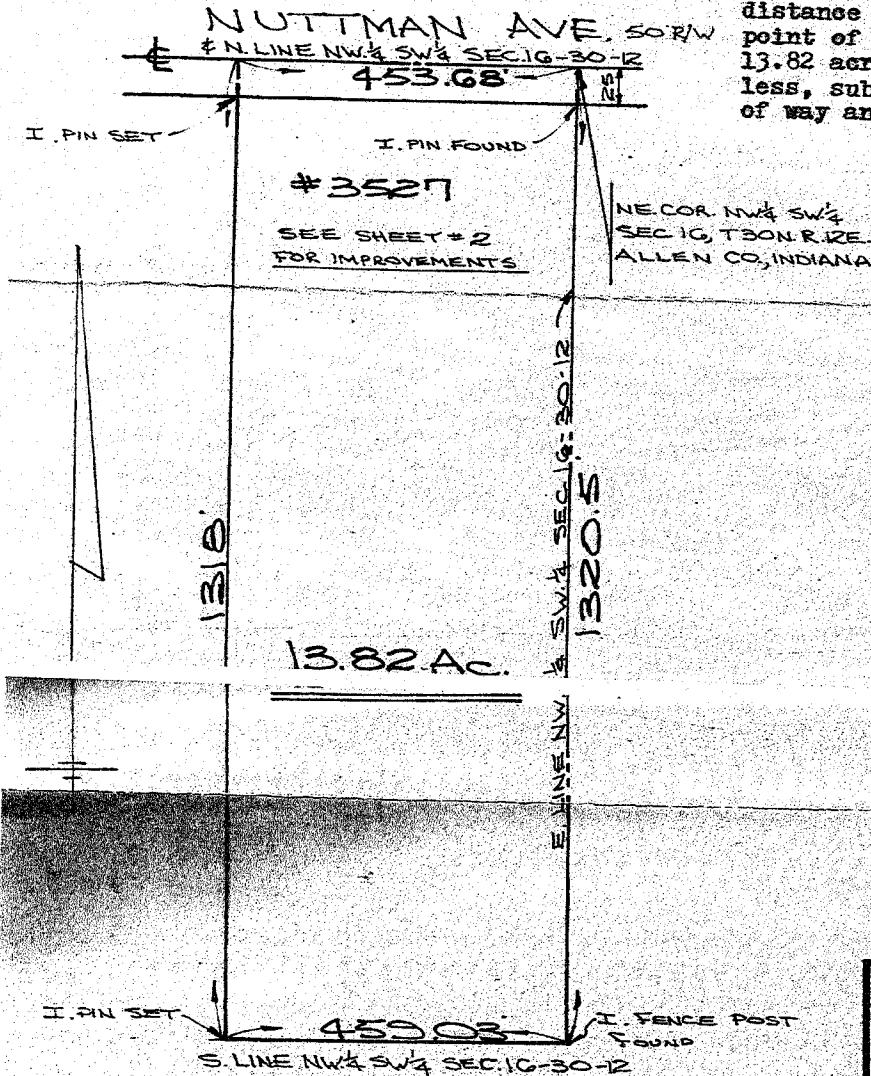
OFFICE OF:

JOHN R. DONOVAN
 REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
 REGISTERED LAND SURVEYOR No. 9921 INDIANA
 FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

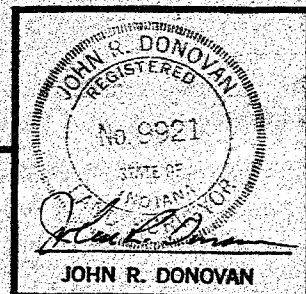
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:
 Beginning at the northeast corner of the northwest Quarter of the southwest quarter of Section 16, Township 30 North, Range 12 East, Allen County, Indiana; thence south along the east line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16-30-12 a distance of 1320.5 feet to a point on the south line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16-30-12; thence west along said line a distance of 459.03 feet; thence north a distance of 1318.0 feet to a point on the north line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16-30-12; thence east along said line a distance of 453.68 feet to the point of beginning, containing 13.82 acres of land, more or less, subject to road rights of way and easements.



JOB FOR: MCAFEE

1"=200
4-2-71



Miller Land Surveying, Inc.

Corporate Office: 221 Tower Drive, P.O. Box 34, Monroe, IN 46772, Phone: 260-692-6166, Fax: 260-692-6242
Fort Wayne Office: 217 Airport North Office Park, Fort Wayne, IN 46825, Phone: 260-489-8571, Fax: 260-489-8570

Page 2 of 2

Legal Description 15.60 Acres

Part of the Northwest Quarter of Section 16, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of the West Half of said Northwest Quarter; thence Westerly, a distance of 453 feet along the South line of said Northwest Quarter; thence Northerly, a distance of 1500 feet parallel with the East line of the West Half of said Northwest Quarter; thence Easterly, a distance of 453 feet parallel with the South line of said Northwest Quarter to the East line of the West Half of said Northwest Quarter; thence Southerly, a distance of 1500 feet along said East line to the Point of Beginning. Containing 15.60 Acres, more or less. Subject to the right-of-way of Nuttman Avenue and subject to easements of record.

Survey Job #14042684
Date: April 22, 2014
Miller Land Surveying, Inc.

MLS
Miller Land Surveying

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166
Fax: (260) 692-6242

Miller Land Surveying, Inc.

SURVEY SKETCH

Fort Wayne Office
217 Airport North Office Park
Fort Wayne, IN 46825
Phone: (260) 489-8571
Fax: (260) 489-8570

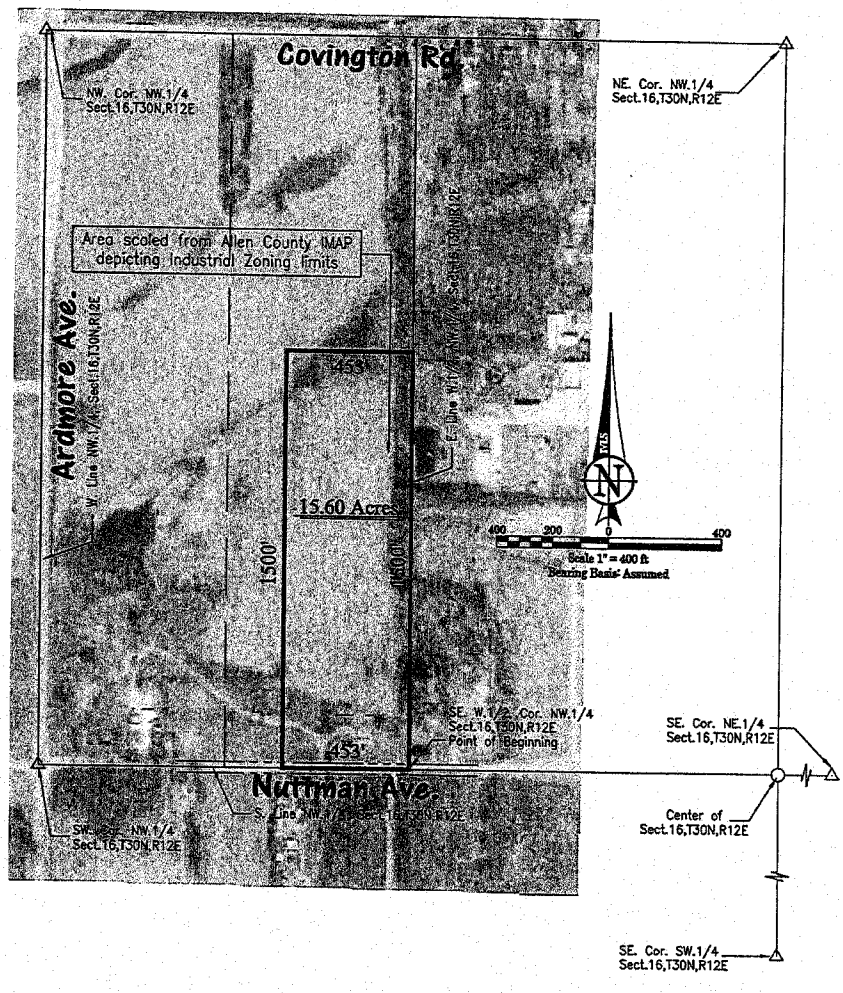
Brett R. Miller, PLS No.LS20300059 Angela D. Wallace, PLS No.LS21200016
Robert J. Marucci, PLS No.LS20400028

www.mlswebsite.us

Precision and Professionalism is where we draw the line.



LEGAL DESCRIPTION
SEE ATTACHED



Survey No. 14042684
 County: Allen Township: Wayne Sect/Twp/Rng: 16,T N, R E
 For: Hyde
 Fieldwork Completed: N/A
 IN WITNESS WHEREOF, I hereunto place my hand and seal this 22nd day of April, 2014.
 Revised:

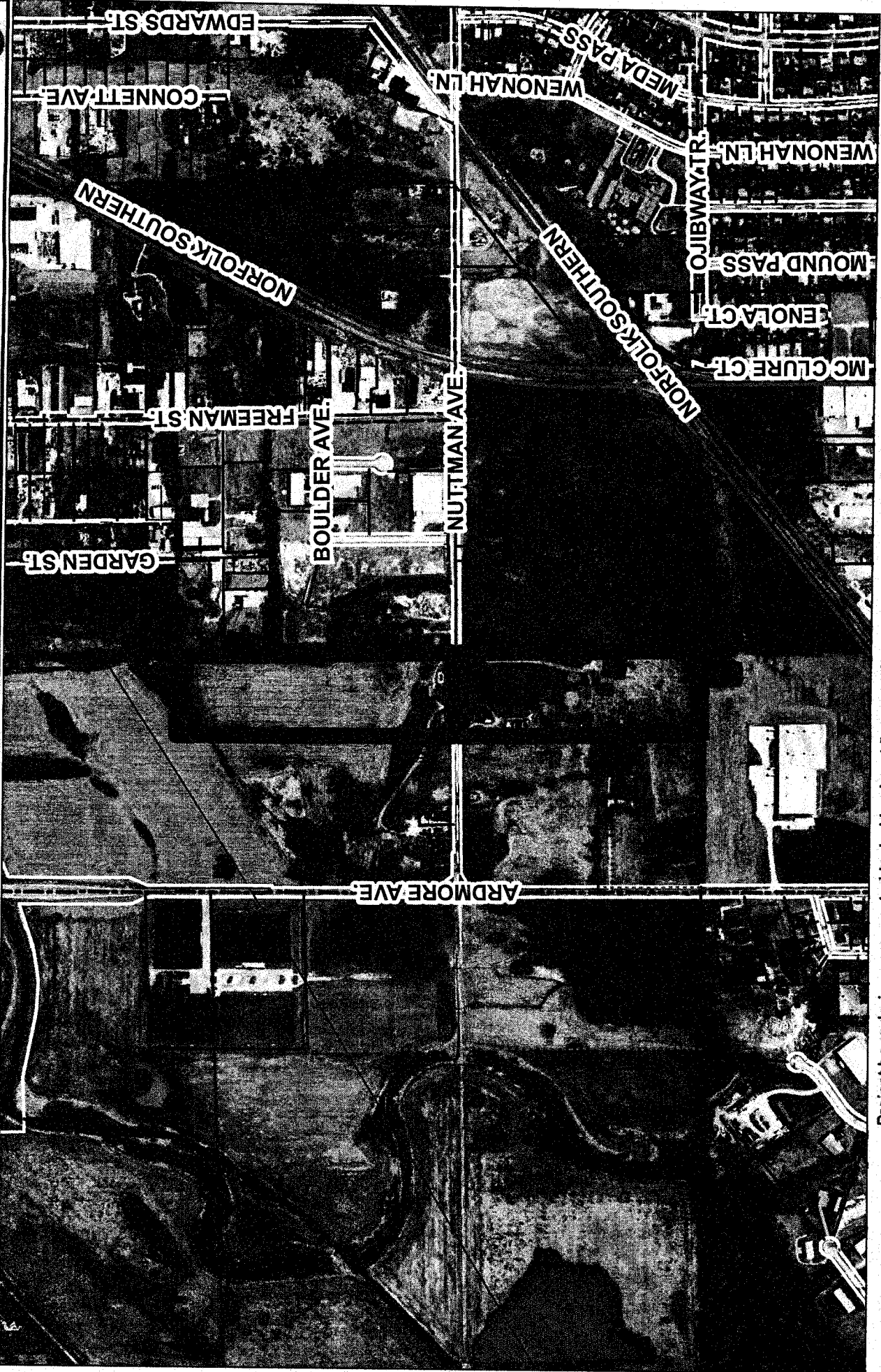
Brett R. Miller
 Brett R. Miller, PLS NO. 20300059



MS

(Drawing Name: 14042684.dwg) MS

Rezoning Petition REZ-2014-0061

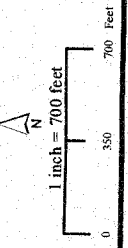


Project boundaries represented by bold colored lines are for representational purposes only.

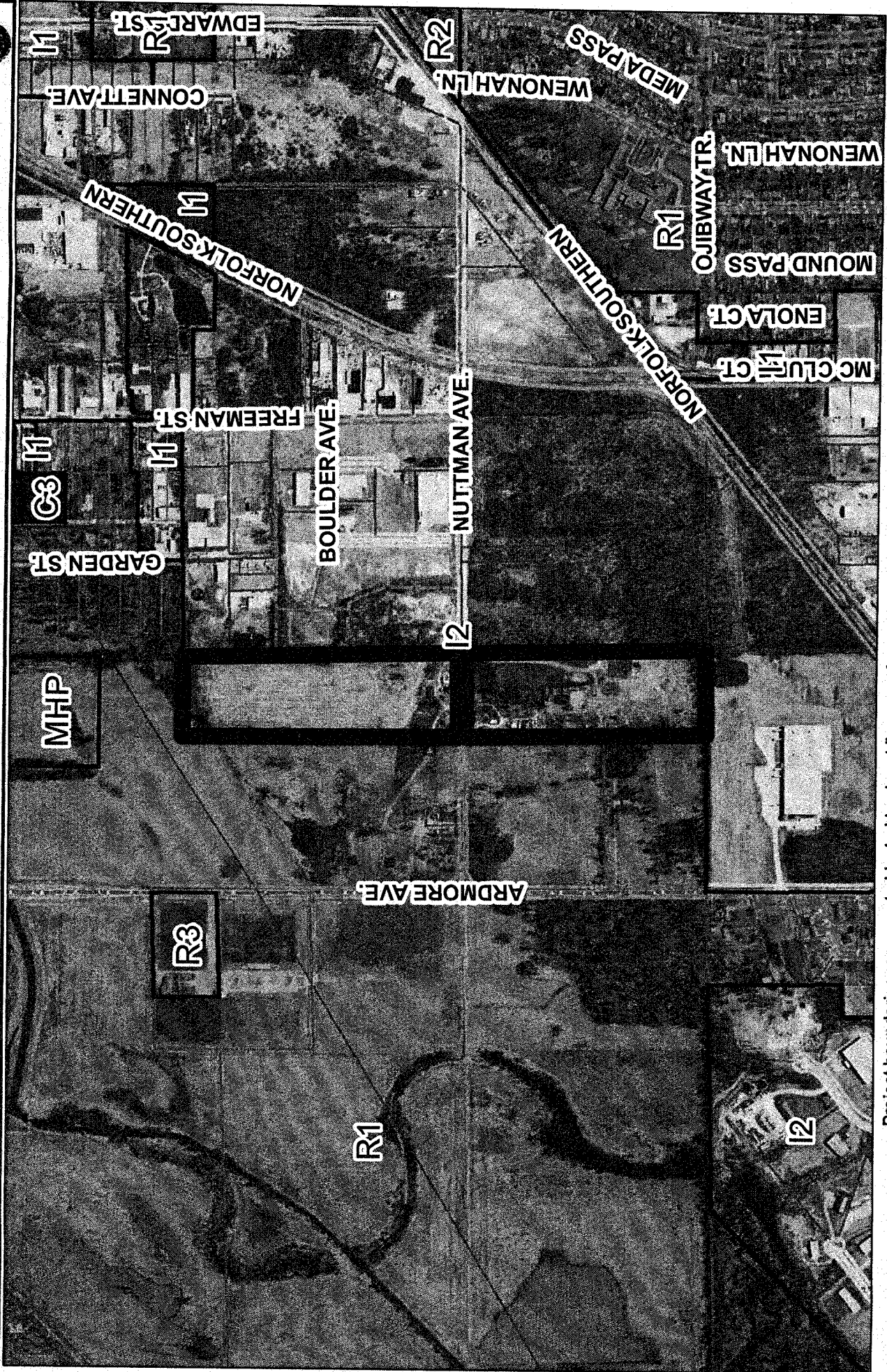
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 5/13/2014

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.



Rezoning Petition REZ-2014-0061

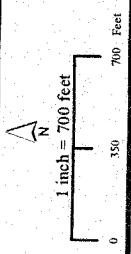


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© 2004 Board of Commissioners of the County of Allen
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Date: 5/13/2014



Sarah A. Rogers

From: Michelle Wood
Sent: Friday, July 11, 2014 8:15 AM
To: Sarah A. Rogers; Sandra Kennedy
Cc: Angie Davis
Subject: items for discussion

Good morning,
Please place two items on the July 15th agenda for discussion:

VALY-2014-0022

Bill Number: G-14-02-07

REZ-2014-0061

Bill Number: Z-14-05-20

I am finishing the documents and will bring them to you this morning.
Please hold all other petitions from my Department.
Thank you!



MICHELLE BYRD WOOD, RLA
SENIOR LAND USE PLANNER
DEPARTMENT OF PLANNING SERVICES

200 EAST BERRY, SUITE 150
CITIZENS SQUARE
FORT WAYNE, IN 46802
260.449.7607 P
260.449.7682 F

[HTTP://WWW.ALLENCOUNTY.US](http://www.allencounty.us)

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Mitch Harper,
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>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: 7-22-14 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. 2-24-14 on the 22nd day of
July, 2014

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

Thomas A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day
of July, 2014, at the hour of 3:00 o'clock Pm. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of JULY
2014, at the hour of 4:00 o'clock Pm. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-14-05-20

REPORT OF COMMITTEE ON REGULATIONS

JULY 15, 2014

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

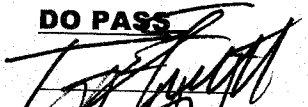


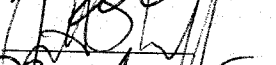
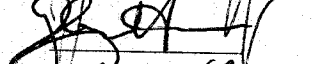
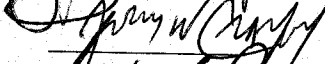

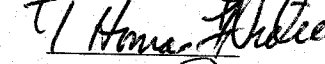
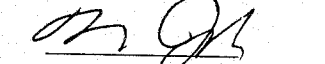
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-07 (Sec. 16 of Wayne Township). The location is at 3522 and 3527 Nuttman Avenue. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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**SANDRA E. KENNEDY
CITY CLERK**