

1 #REZ-2016-0005

2 BILL NO. Z-16-03-01

3 ZONING MAP ORDINANCE NO. Z- 3-16

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. K-54 (Sec. 3 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 C3 (General
9 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11 **NEW ORIGINAL REMAINDER DESCRIPTION:** (part of a tract described in
12 Document Number 205027722)

13 Part of Lot Number 21 in Aldale Acres Amended, as recorded in Plat Record 10, page 94, in
14 the Office of the Recorder of Allen County, Indiana, being more particularly described as
15 follows, to-wit:



16 Beginning at a #5 rebar at the Southwest corner of said Lot Number 21; thence North 87
17 degrees 26 minutes 54 seconds East (GPS grid bearings used for the basis of all bearings in
18 this description), on and along the South line of said Lot Number 21, a distance of 150.00
19 feet to a #5 rebar at the Southeast corner thereof; thence North 01 degrees 25 minutes 25
20 seconds West, on and along the East line of said Lot Number 21, a distance of 299.87 feet to
21 the point of intersection of said East line with the centerline of Huguenard No. 2 Drain;
22 thence North 87 degrees 01 minutes 59 seconds West, on and along the centerline of said
23 Huguenard No. 2 Drain, a distance of 150.42 feet to the point of intersection of said
24 centerline with the West line of said Lot Number 21; thence South 01 degrees 25 minutes 27
25 seconds East, on and along the West line of said Lot Number 21, a distance of 314.33 feet to
26 the point of beginning, containing 1.057 acres of land, subject to all easements of record.
27 This description is based on an original survey by Sauer Land Surveying, Inc., Survey No.
28 116-119 "A", dated February 8, 2016.

29 and the symbols of the City of Fort Wayne Zoning Map No. K-54 (Sec. 3 of Washington
30 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

1 SECTION 2. That this Ordinance shall be in full force and effect from and after its
2 passage and approval by the Mayor.

3 
4 Council Member

5 APPROVED AS TO FORM AND LEGALITY:

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7 Carol T. Helton, City Attorney
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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Zowie, LLC; Roger E. Heitger, Trustee of Roger E. Heitger Trust
 Address 1502 W. Till Road
 City Fort Wayne State IN Zip 46825
 Telephone 260-710-5728 E-mail _____

Contact Person
 Contact Person Robert C. Kruger, Esq.
 Address 200 E. Main St., Ste. 1000
 City Fort Wayne State IN Zip 46802
 Telephone 260-426-1300 E-mail RKruger@burtblee.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 9230 Lima Road, Ft. Wayne, IN
 Present Zoning R-1 Proposed Zoning C-3 Acreage to be rezoned 1.05
 Proposed density N/A units per acre
 Township name Washington Township section # 7
 Purpose of rezoning (attach additional page if necessary) Rezoning to C-3 to allow parking of vehicles and equipment on the site to serve the businesses operating on the adjacent site to the west
 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 refer to checklist 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.

Roger E. Heitger, Trustee Roger E. Heitger 2-3-16
 (printed name of applicant) (signature of applicant) (date)
Zowie, LLC By: Roger E. Heitger 2-3-16
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received <u>2-3-16</u>	Receipt No. <u>119995</u>	Hearing Date <u>4/9/16</u>	Petition No. <u>REZ-2016-0005</u>
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3/14/16



Rezoning Petition REZ-2016-0005 and Primary Development Plan - 9320 Lima Road

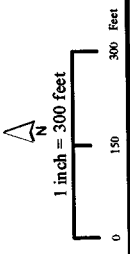


Project boundaries represented by bold colored lines are for representational purposes only.

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 arising from any error or omission in this map.

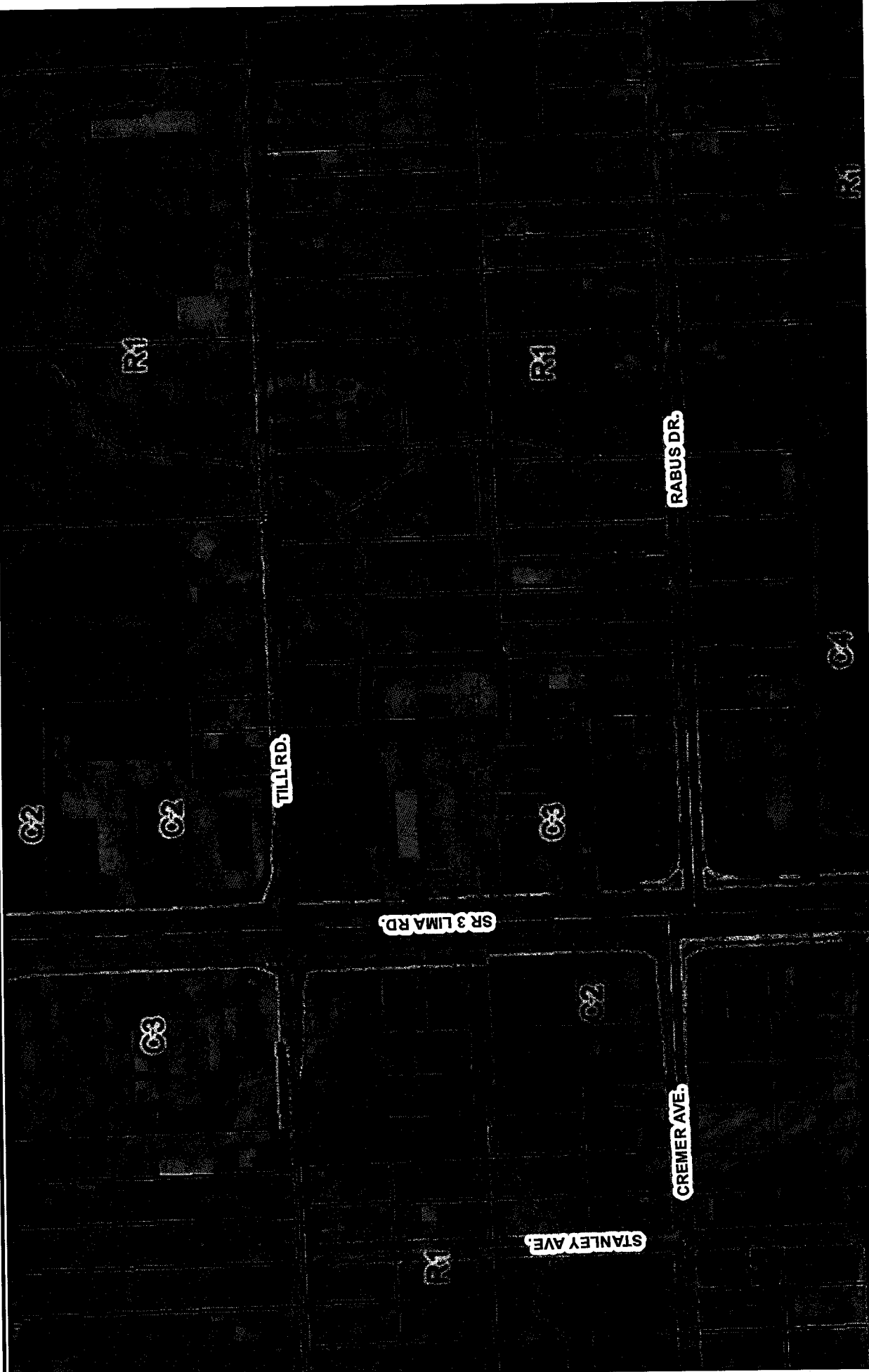
© 2004 Board of Commissioners of the County of Allen
Map of Allen County, Indiana, 1983
State Plane Coordinate System, Indiana East
Photo and Contours: Spring, 2009

Date: 3/2/2016





Rezoning Petition REZ-2016-0005 and Primary Development Plan - 9320 Lima Road

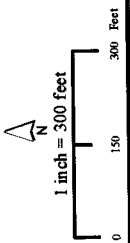


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© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
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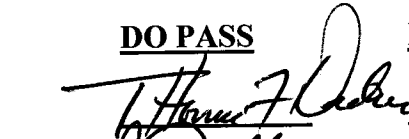

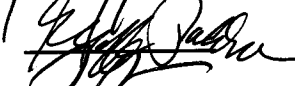

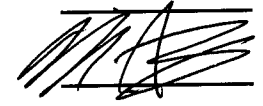
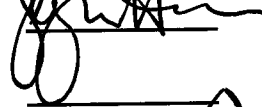
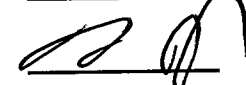
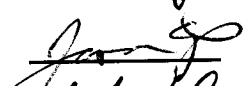
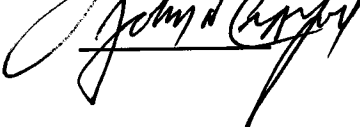
REPORT OF COMMITTEE ON REGULATIONS

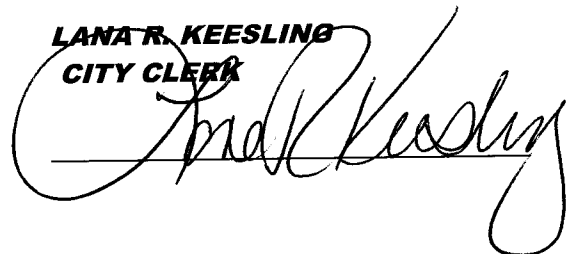
April 12, 2016

*Tom Didier, Chair
Tom Freistroffer, Co-Chair
All Council Members*

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-54 (Sec. 3 of Washington Township) Part of Lot Number 21 in Aldale Acres Amended, as recorded in Plat Record 10, page 94, in the Office of the Recorder of Allen County, Indiana Requesting designation as a C 3 (General Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne.

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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____		_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**


Public Hearing Date, if applicable 3-14-16

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
Tom 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>8</u>	<u>0</u>	<u>1</u>	<u>0</u>
ARP	<u>X</u>	_____	_____	_____
BARRANDA	_____	_____	<u>X</u>	_____
CRAWFORD	<u>X</u>	_____	_____	_____
DIDIER	<u>X</u>	_____	_____	_____
ENSLEY	<u>X</u>	_____	_____	_____
FREISTOFFER	<u>X</u>	_____	_____	_____
HINES	<u>X</u>	_____	_____	_____
JEHL	<u>X</u>	_____	_____	_____
PADDOCK	<u>X</u>	_____	_____	_____

DATED: 4-12-16 Lana R. Keesling
LANA R. KEESLING, 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. 2-16-0301 on the 12th day of
April, 2016

ATTEST: Lana R. Keesling
LANA R. KEESLING,
CITY CLERK
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of April, 2016, at the hour of 10:30 O'clock AM. E.S.T.

Lana R. Keesling
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13th day of April
2016, at the hour of 2:30 O'clock Pm. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

**City of Fort Wayne Common Council
DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0005
Bill Number: Z-16-03-01
Council District: 3-Tom Didier

Introduction Date: March 8, 2016

Plan Commission
Public Hearing Date: March 14, 2016

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

Synopsis of Ordinance: To rezone approximately 1.05 acres of property from R1-Single Family
Residential to C3-General Commercial

Location: 9230 Lima Road

Reason for Request: To expand the vehicular and equipment storage for the three adjacent
businesses: James Automotive, Code Black Asphalt and Barry's Welding.

Applicant: Zowie, LLC; Roger E. Heitger, Trustee of the Roger E. Heitger Trust

Property Owner: Zowie, LLC; Roger E. Heitger, Trustee of the Roger E. Heitger Trust

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3- General Commercial which will allow
the property owner to expand the vehicle parking and storage area.

Effect of Non-Passage: The property will remain zoned for R1-Single Family Residential and will
be allowed to develop with single family residential uses. The site is
located behind commercial businesses and does not have direct access to
Lima Road.