

1 #REZ-2016-0045

2 BILL NO. Z-17-01-04

3 ZONING MAP ORDINANCE NO. Z-3-17

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map No. I-30 (Sec. 21 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 an I3  
9 (Intensive Industrial) District under the terms of Chapter 157 Title XV of the Code of the City  
10 of Fort Wayne, Indiana:

11 2808 W. Coliseum Blvd, Fort Wayne, IN 46808

12 **Note:** The legal description from Seller's ALTA Survey required herein shall be used in the  
13 limited warranty deed to be given by Seller to Buyer at Closing, provided the Survey is also  
14 certified to Buyer.

15 **Parcel One:** Remaining lands of Carl W. Ritchie in the Southwest Quarter of the Southeast  
16 Quarter of Section 21, Washington Township, Allen County, Indiana, and recorded in Document  
17 #87-039698.

18 A part of the South 66 rods (1089 feet) of the East 12 rods, 2 feet (200 feet) of the Southwest  
19 Quarter of the Southeast Quarter of Section 21, Township 31 North, Range 12 East,  
20 Washington Civil Township, Allen County, Indiana; lying South of land conveyed by John  
21 H. Savage to Margaret Ludwick in Deed Record 63, page 278; and more particularly  
22 described as follows:

23 Commencing at an Indiana State right-of-way monument located at the intersection of the  
24 East line of the West Half of the Southeast Quarter of said Section 21 and the North right-of-  
25 way of Coliseum Boulevard (now State Road 930, formerly U.S. Highway 30 and  
26 previously California Road); said right-of-way monument being located 125 feet left of  
27 Station 44+30 as shown on Sheet #13 of the highway plans for the 1973-1974 U.S. 30  
28 Highway project U-724 (20); thence North 79 deg. 22 min. 49 sec. West along the northerly  
29 right-of-way of Coliseum Boulevard (Indiana Highway #930), a distance of 50.95 feet;  
30 thence North 00 deg. 28 min. 25 sec. West, a distance of 25.00 feet; then North 80 deg. 23  
min. 16 sec. West, a distance of 18.00 feet to a 5/8 inch Iron Pin (rebar) marking the Point of  
Beginning; Thence North 00 deg. 28 min. 25 sec. West and parallel with the East line of the  
West Half of said Southeast Quarter; and the basis of bearings herein described, a distance  
of 202.65 feet; thence North 89 deg. 18 min. 00 sec. East, a distance of 56.56 feet to a  
sanitary sewer manhole; thence North 00 deg. 28 min. 25 sec. West, a distance of 2.23 feet;

1 thence North 89 deg. 18 min. 00 sec. East, a distance of 11.16 feet to a point on the East line  
2 of said Southeast Quarter; thence North 00 deg. 28 min. 25 sec. West, along the East line of  
3 the West Half of said Southeast Quarter distance of 739 feet more or less ('about 66 rods'  
4 from section line as recorded) thence westerly along the South line of land conveyed by  
5 John H. Savage to Margaret Ludwick in Deed Record 63, page 278, a distance of 200 feet  
6 more or less (12 rods 2 feet, recorded); thence South 00 deg. 28 min. 25 sec. East, and  
7 parallel with the East line of the West Half of said Southeast Quarter, a distance of 930 feet  
8 more or less to the North line frontage Road #1 (now known as Hatfield Road), said  
9 Frontage Road being a part of the 1973-1974 U.S. 30 Highway project U-724(20) noted  
10 above; thence North 87 deg. 19 min. 18 sec. East, a distance of 36.22 feet; thence South 81  
11 deg. 56 min. 36 sec. East, a distance of 97.17 feet to the POINT OF BEGINNING.

12 The above land has now been described by a modernized legal description as contained with  
13 a survey prepared by Russell Engineering Associates, Inc. dated November 13, 2007 as Job  
14 No. 0710-002, and more particularly described as follows:

15 Commencing at an Indiana State Highway right-of-way monument, located at the  
16 intersection of the West line of the East half of the Southeast Quarter of Section 21,  
17 Township 31 North, range 12 East and the north right-of-way of Coliseum Boulevard (now  
18 State Road 930, formerly U.S. Highway 30 and California Road), said right-of-way,  
19 monument being located at 125 feet left of Station 44+30 as shown on Sheet #13 of the  
20 highway plans for the 1973-1974, U.S. 30 Highway Project U-724 (20); thence North 79  
21 degrees 22 minutes 49 seconds West along the Northerly right-of-way of Coliseum  
22 Boulevard (Indiana Highway #930), a distance of 50.95 feet; thence North 00 degrees 28  
23 minutes 25 seconds West, a distance of 25.00 feet; thence North 80 degrees 23 minutes 16  
24 seconds West, a distance of 18.00 feet to an Iron Pin (rebar) with Surveyor's Cap "Russell  
25 Associates" marking the Point of Beginning; thence North 81 degrees 56 minutes 36  
26 seconds West a distance of 97.17 feet; thence South 87 degrees 19 minutes 18 seconds West  
27 a distance of 36.22 feet to a point; thence North 00 degrees 31 minutes 52 seconds West a  
28 distance of 926.52 feet to an "I-beam" fence post (3 1/2" x 7"); thence North 89 degrees 00  
29 minutes 25 seconds East, a distance of 200.00 feet to a point on the East line of the West  
30 half of Southeast Quarter of said Section 21; thence South 00 degrees 32 minutes 48 seconds  
East a distance of 736.21 feet; thence South 89 degrees 17 minutes 48 seconds West a  
distance of 11.16 feet; thence South 00 degrees 27 minutes 49 seconds East a distance of  
2.26 feet to a manhole; then South 89 degrees 18 minutes 00 seconds West, a distance of  
56.56 feet; thence South 00 degrees 28 minutes 25seconds East a distance of 202.65 feet to  
the Point of Beginning.

**Parcel Two:**

As described by modern survey by Richard K. Karst, Land Surveying Services, Inc. dated  
January 13, 2004, as follows:

Part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12  
East of the Second Principal Meridian, Washington Township in Allen County, Indiana,

1 more particularly described as follows:

2  
3 Commencing at an iron pipe found at the Northwest corner of Lot Number 151 in  
4 Lincolndale Addition to the City of Fort Wayne; thence South 00 degrees 54 minutes 17  
5 seconds West, (assumed bearing and basis of bearings to follow), a distance of 214.25 feet  
6 along the West line of said Lot 151 to the South line of said Lincolndale Addition; thence  
7 North 89 degrees 47 minutes 00 Seconds East, a distance of 426.13 feet to a 5/8" steel rebar  
8 found on the East line of an existing 2.749 acre tract described in Document Number  
9 970064152 in the Office of the Recorder of Allen County, Indiana, said point also being the  
10 POINT OF BEGINNING of the herein described tract; thence continuing North 89 degrees  
11 47 minutes 00 seconds East, a distance of 274.30 feet along said South line to a point, said  
12 point being referenced by an I-beam found 0.30 feet North; thence South 00 degrees 13  
13 minutes 11 seconds West, a distance of 926.94 feet to a 1/2" steel rebar found on the North  
14 right-of-way line of Frontage Road; thence South 87 degrees 56 minutes 16 seconds West, a  
15 distance of 262.36 feet along said North right-of-way line to a 5/8" steel rebar set on the East  
16 line of said existing tract described in Document Number 970064152 in the Office of the  
17 Recorder of Allen County, Indiana; thence North 00 degrees 32 minutes 48 seconds West, a  
18 distance of 935.27 feet along said East line to the Point of Beginning. Containing 5.730  
19 Acres, more or less. Subject to easements of record.

20 EXCEPT, the following described real estate pursuant to a survey by Richard K. Karst, Land  
21 Surveyor, Karst Surveying Services, Inc., dated August 11, 2009:

22 Part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12  
23 East of the Second Principal Meridian, Washington Township in Allen County, Indiana,  
24 more particularly described as follows:

25 Commencing at an iron pipe found at the Northwest corner of Lot Number 151 in  
26 Lincolndale Addition to the City of Fort Wayne; thence South 00 degrees 54 minutes 17  
27 seconds East, (assumed bearing and basis of bearings to follow), a distance of 214.25 feet  
28 along the West line of said Lot 151 to the South line of said Lincolndale Addition; thence  
29 North 89 degrees 47 minutes 00 seconds East, a distance of 426.13 feet along said South line  
30 to a 5/8" steel rebar found on the West line of an existing 5.730 acre tract described in  
Document Number 204009600 in the Office of the Recorder of Allen County, Indiana;  
thence South 00 degrees 32 minutes 48 seconds East, a distance of 549.96 feet along said  
West line to the POINT OF BEGINNING of the herein described tract; thence South 89  
degrees 16 minutes 06 seconds East, a distance of 13.01 feet along an existing fence line;  
thence South 02 degrees 16 minutes 10 seconds West, a distance of 220.30 feet along an  
existing fence line; thence South 89 degrees 18 minutes 01 seconds West, a distance of 2.18  
feet to the West line of said existing 5.730 acre tract; thence North 00 degrees 32 minutes 48  
seconds West, a distance of 220.33 feet along said West line to the Point of Beginning.  
Containing 0.038 acres (1,672.591 square feet), more or less. Subject to easements of  
record.

1                   **Together with:**

2                   2922 W. Coliseum Blvd, Fort Wayne, IN 46808

3                   Description of Parent Tract (copied from Document 2011023063 in the Office of the  
4                   Recorder of Allen County, Indiana)

5                   A part of the properties conveyed to Paul Martin by Deeds recorded as Document  
6                   Number 87-020314 and Document Number 93-052457 in the Office of the Recorder  
7                   of Allen County, Indiana. The said properties being of Lots Numbered 151 through  
8                   158 in Lincolndale Subdivision, along with a part of the West Half of the Southeast  
                    Quarter of Section 21, Township 31 North, Range 12 East, in Allen County, Indiana.  
                    The herein described parcel is more particularly described as follows:

9                   Beginning at the Northwest corner of Lot Number 151 in Lincolndale Subdivision,  
10                  said point being on the South right-of-way line of Arthur Street, thence North 89  
11                  degrees 47 minutes East (deed) along the said South right-of-way line, a distance of  
12                  907.50 feet to the Northeast corner of Lot Number 158 in Lincolndale Addition;  
13                  thence South 00 degrees 33 minutes East, a distance of 21425 feet along the East line  
14                  of said Lot number 158 to the Southeast corner of that Lot; thence South 89 degrees  
15                  47 minutes West along the South line of Lots numbered 158, 157, 156, and 155, a  
16                  distance of 480.05 feet; thence South 00 degrees 32 minutes 48 seconds East, a  
17                  distance of 935.27 feet (South 00 degrees 09 minutes East, 933.5 feet – deed) to a  
18                  point on the North right-of way line of State Highway Frontage Road Number 1;  
19                  thence Westerly and Northerly along the said North right-of-way line by the  
20                  following Three courses: South 87 degrees 59 minutes 46 seconds West (North 90  
21                  degrees West-deed), a distance of 109.67 feet; thence Northwesterly, a distance of  
22                  359.03 feet (358.87 feet-deed), along a curve concave to the Northeast having a  
23                  radius of 415 feet and subtended by a chord having a length of 348.00 feet and a  
24                  bearing of North 67 degrees 07 minutes 23 seconds West; thence North 42 degrees  
25                  33 minutes 38 seconds West, a distance of 286.02 feet; thence leaving the aforesaid  
26                  road right-of-way North 14 degrees 58 minutes 34 seconds East, a distance of 22.11  
27                  feet to a point on the South line of property conveyed to Carl W. Ritchie by Deed  
28                  recorded as Document Number 89-513 in the Office of the Recorder; thence South  
29                  89 degrees 52 minutes 23 seconds East, a distance of 177.0 feet along the said South  
30                  line of the Ritchie property, thence South 89 degrees 52 minutes 23 seconds East, a  
                    distance of 15.0 feet; thence North 00 degrees 54 minutes 07 seconds West, a  
                    distance of 259.85 feet to a point on the East line of the aforesaid Ritchie property;  
                    thence North 00 degrees 05 minutes 59 seconds West, a distance of 144.86 feet along  
                    the said East line to the Northeast corner of the aforesaid Ritchie property; thence  
                    South 89 degrees 19 minutes 45 seconds West, a distance of 2.03 feet along the  
                    North line of said Ritchie property; thence North 00 degrees 54 minutes 07 seconds  
                    West, a distance of 380.23 feet to the Point of Beginning, containing 13.76 acres,  
                    more or less.

EXCEPT the following:

1 A part of the West Half of the Southeast Quarter of Section 21, Township 31 North,  
2 Range 12 East, Washington Township, Allen County, Indiana; ALSO being a part of  
3 the lands now or formally owned by Paul Martin, as recorded in Documents  
4 Numbered 87-020314 and 93-052457 in the Office of the Recorder of Allen County,  
5 Indiana, more particularly described as follows:

6 Commencing at an iron pipe found at the Northwest corner of Lot 151 in  
7 Lincolndale Addition to the City of Fort Wayne, Indiana, also being the Northwest  
8 corner of the property conveyed to Paul Martin as recorded in Document Number  
9 93-052457, in the Office of the Recorder of Allen County, Indiana; thence South 00  
10 degrees 54 minutes 07 seconds East (assumed), along the West line of said Lot  
11 Number 151 and West line of said Document Number 93-052457, a distance of  
12 214.25 feet to the Southwest corner of said Lot Number 151; thence North 89  
13 degrees 47 minutes 00 seconds East, along the South line of Lots Numbered 151-155  
14 in Lincolndale Addition, a distance of 342.45 feet to an iron pin set at the Point of  
15 Beginning; thence continuing North 89 degrees 47 minutes 00 seconds East, along  
16 the South line of said Lots, a distance of 85.00 feet to an iron pin found; thence  
17 South 00 degrees 32 minutes 48 seconds East, a distance of 935.27 feet to an iron pin  
18 found, said pin also being on the Northerly right-of-way line of State Highway  
19 Frontage Road Number 1; thence South 87 degrees 59 minutes 46 seconds West,  
20 along the Northerly right-of-way line of said Road, a distance of 109.67 feet to an  
21 iron pin found at the point of curvature of a curve concave to the Northeast with a  
22 radius of 415.00 feet; thence Northwesterly, an arc distance of 103.83 feet with a  
23 chord distance of 103.56 feet and chord bearing of North 84 degrees 50 minutes 39  
24 seconds West; thence leaving said curve non-tangent to a bearing of North 00  
25 degrees 32 minutes 48 seconds West, a distance of 267.40 feet to a point on the  
26 South line of Document Number 93-052457; thence North 89 degrees 23 minutes 21  
27 seconds East along said South line of said Document Number 93-052457, a distance  
28 of 112.64 feet to the Southeast corner of said Document; thence North 00 degrees 45  
29 minutes 14 seconds East, a distance of 660.72 feet to the Point of Beginning,  
30 containing 2.749 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. I-30 (Sec. 21 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. If a written commitment is a condition of the Plan Commission's  
recommendation for the adoption of the rezoning, or if a written commitment is modified and  
approved by the Common Council as part of the zone map amendment, that written  
commitment is hereby approved and is hereby incorporated by reference.

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SECTION 3. 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 *PA 11*

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Tarbert Properties (MacAllister Rental Store)  
 City Indianapolis State IN Zip 46219  
 Telephone (317) 803-2456 E-mail johndeckard@macallister.com

**Contact Person**  
 Contact Person Rich Potosnak  
 Address 7515 E. 30<sup>th</sup> Street  
 City Indianapolis State IN Zip 46219  
 Telephone (317) 860-3370 E-mail richpotosnak@macallister.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 2808 and 2922 W. Coliseum Blvd., Ft. Wayne, IN 46808  
 Present Zoning I-2 & C-4 Proposed Zoning I-3 Acreage to be rezoned 21.2  
 Proposed density n/a units per acre  
 Township name Washington Township section # 21  
 Purpose of rezoning (attach additional page if necessary) To allow for the development of a MacAllister Rental Store ("CAT The Rental Store"), a business operation in the rental, sales and service of small construction equipment and associated supplies.  
 Sewer provider City of Ft. Wayne Water provider City of Ft. 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.

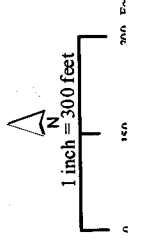
John Deckard (printed name of applicant) [Signature] (signature of applicant) 12/01/16 (date)

Jay Geiger (2808 W. Coliseum) (printed name of property owner) [Signature] (signature of property owner) [Date] (date)

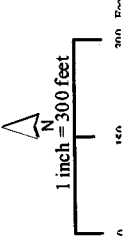
Carry Zeigler (2922 W. Coliseum) (printed name of property owner) [Signature] (signature of property owner) 12/2/16 (date)

Carry L. Zeigler (printed name of property owner) [Signature] (signature of property owner) 12/2/16 (date)

Received	Receipt No.	Hearing Date	Petition No.
12/6/16	127741	1/9/16	Re2-2016-0045



Although every attempt has been made to ensure the accuracy of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and does not accept any liability for errors or omissions. © 2004 Board of Commissioners of the County of Allen, North American Datum 1983. Site Plan Coordinator: Steven, Indiana East Floor and Concrete: Spring 2009



Although this survey was prepared by a Professional Engineer, the Alameda County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from the use of this information. The County of Alameda, North American Datum 1983. State Plane Coordinate System, California East Zone and Contour: Spot/50'



**MSKTD & Associates**  
 Architects | Engineers | Interior Design

1716 Magnolia Ave.  
 Indianapolis, IN 46204  
 317.442.8237  
 www.msktd.com



**MacAllister Rental Store**

A Project for:  
**MacAllister Machinery Company, Inc.**  
 Developer:  
 MacAllister Machinery Company, Inc.  
 7515 E 30th Street, Indianapolis, IN 46219  
 Office: (317) 860-3370  
 Fort Wayne, Indiana

PROJECT NO. 8994  
 DATE 12-05-16  
 SHEETS 87

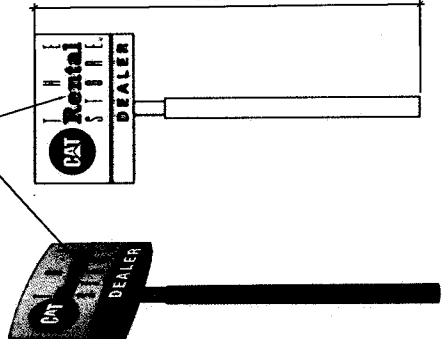
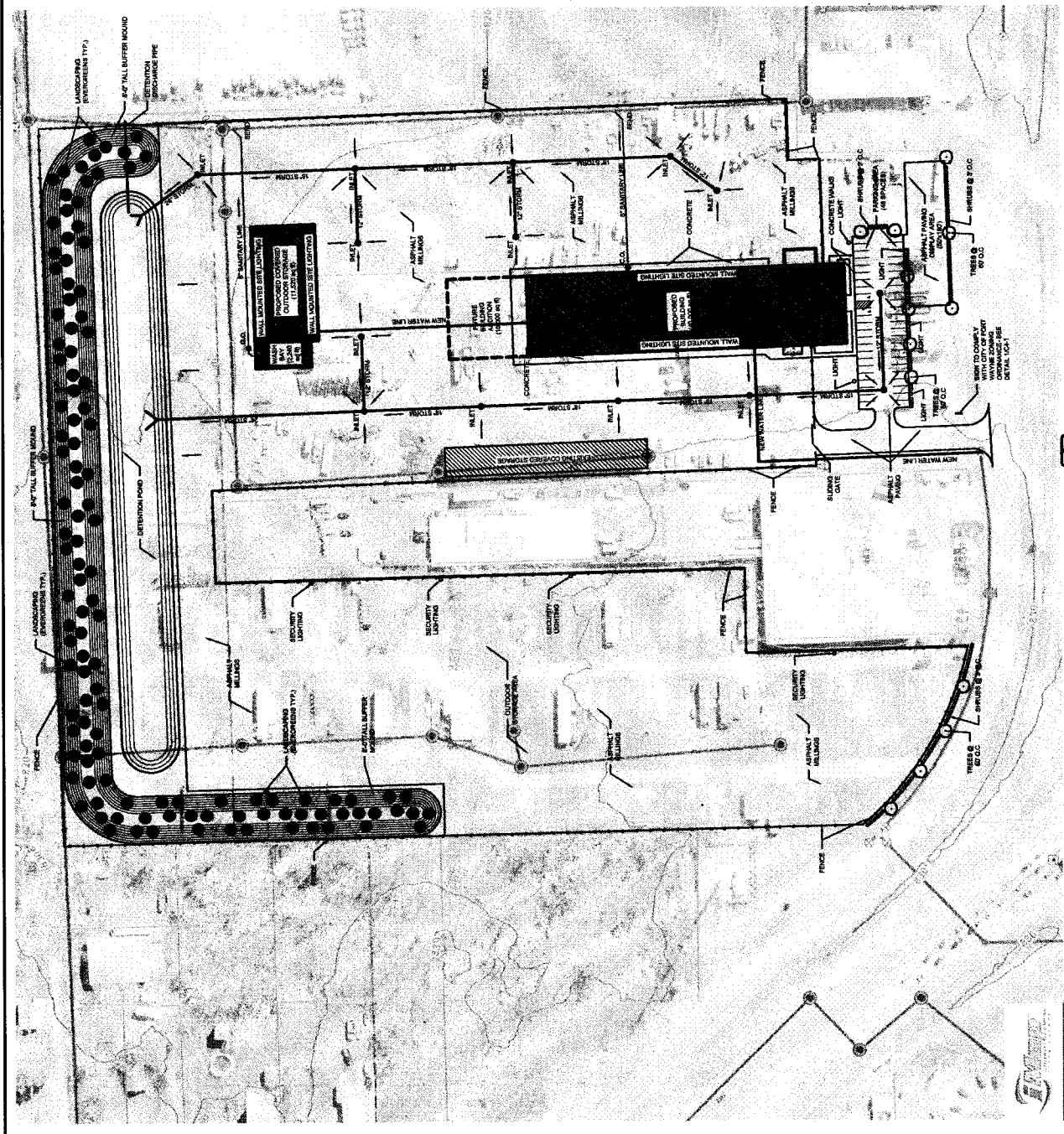
SET DESCRIPTION

SHEET TITLE  
 Primary Development Plan

SHEET NUMBER

**C4-1**

For technical questions concerning the drawings or project, contact:  
 Kerry Schesch  
 MSKTD, & Assoc.  
 (280) 432-8937



**1 Proposed Sign**  
 NO SCALE

**Primary Development Plan**  
 12-05-16



## FACT SHEET

Case #REZ-2016-0045      Bill # Z-17-01-04      Project Start: 10 January 2017

APPLICANT:	Tarbert Properties (MacAllister Rental Store)
REQUEST:	To rezone property from I2/General Industrial and C4/Intensive Commercial to I3/Intensive Industrial; and approve a primary development plan for a new facility for MacAllister Rental Store.
LOCATION:	The site is located on the north side of the 2800 to 2900 blocks of West Coliseum Boulevard, and also lies along the north side of Hatfield Road (Section 21 of Washington Township).
LAND AREA:	Approximately 21.2 acres
PRESENT ZONING:	I2/General Industrial and C4/Intensive Commercial
PROPOSED ZONING:	I3/Intensive Industrial
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Northwest Area Partnership
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECTS:	Primary Development Plan, MacAllister Rental Store
SPONSOR:	City of Fort Wayne Plan Commission

### 9 January 2017 Public Hearing

- No one spoke at the hearing in favor.
- One neighbor spoke at the hearing in opposition.
- All members were present.

### 23 January 2017 – Business Meeting

#### Plan Commission Recommendation: Do Pass with a Written Commitment

A motion was made by Don Schmidt and seconded by Tom Freistroffer to return the ordinance to Common Council for their final decision. **6-0 MOTION PASSED**

- Paul Sauerteig, Mike Bynum, and Judi Wire were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
2 February 2017

Reviewed By:



Kim Bowman, Executive Land Use Director

## PROJECT SUMMARY

The petitioner requests a rezoning from I2/General Industrial and C4/Intensive Commercial to IN3/Heavy Industrial to locate heavy equipment rental and sales for MacAllister. The existing outdoor use at 2808 West Coliseum is for Geiger Excavating, which is relocating to West Cook Road. The new site for MacAllister also includes the Pleasant Village Manufactured Home Park, which is nearly vacated. The development plan does not include 2828 West Coliseum, where McMahon Tire will remain.

The purpose of this request is to bring the entire site into one zoning district that will allow the use as a heavy equipment rental and sales display yard. The I3/Heavy Industrial district will allow all of the proposed uses. The existing zoning and land uses in the area are varied, but in general are commercial or industrial. This area has been intensively zoned since at least 1955. There is a residential neighborhood to north. The Pleasant Village mobile home park, which is predominately vacant and is zoned CM4/Intensive Commercial, will be completely demolished and the land will be incorporated into the development plan. Properties east and west have outdoor uses and storage.

The Comprehensive Plan encourages development that will not adversely affect the current conditions of an area or the character of the current structures in the area. The activities taking place on site will not be any more intensive than the current uses. The proposed uses are all permitted within the IN3 zoning district, which is adjacent to this property. This proposal will also rezone existing C4/Intensive Commercial property, which allows the most intensive commercial uses. Staff has discussed the use of a voluntary Written Commitment to restrict any undesirable uses available in the I3 district.

One 40,000 square foot structure to replace three of the Geiger buildings, with potential for a 10,000 square foot expansion, and one 11,250 square foot covered outdoor storage building with a 2,240 square foot wash bay attached. The existing covered storage building along the west side will remain. The remainder of the property will be used for employee/visitor parking and equipment display. The existing material stockpiles will be removed. On the north side and a portion of the west side an eight foot high mound will be constructed and planted with evergreen trees. This will effectively screen the residential neighborhood from the display area. The mound will extend south along the west side to buffer all of the developed residential properties. The berm will be located over the area that was the manufactured home park. Stormwater detention is planned on the south side of the berm. No freestanding light poles are shown on the north portion of the site, only on the south portion near the employee/visitor parking.

Paving of the site and the addition of shrubs and trees along West Coliseum Boulevard will be an improvement to the existing conditions. The applicant is also requesting a waiver to allow display of rental equipment in front of the front building setback. The display is integral to the business and the applicant would like to mix the display of rental and sales equipment. The ordinance would allow the equipment for sale (but not for rent) to be in this location, so the effect is negligible.

## PUBLIC HEARING SUMMARY:

### Presenter:

John Deckard, legal counsel for Mac Allister, presented the proposal to the Plan Commission as outlined above. Mr. Deckard stated that the applicant would be willing to submit a Written Commitment to prohibit some of the more intensive industrial uses on the site. The commitment would also guarantee the construction of the landscaped mound along the north and west property lines.

### Comments in Favor:

none

**Comments in Opposition:**

**Anthony Everly, 4805 Hatfield - Concerns about the existing truck traffic on the frontage road (east of the site)**

**Rebuttal:**

**Mr. Deckard stated that traffic should not increase for this area. The new site will be taking some existing traffic from the current operations at the east end of the frontage road.**

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2016-0045

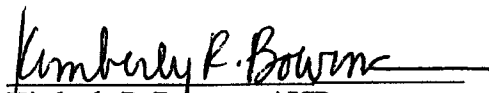
APPLICANT: Tarbert Properties (MacAllister Rental Store)  
REQUEST: To rezone property from I2/General Industrial and C4/Intensive Commercial to I3/Intensive Industrial for a primary development plan for a new facility for MacAllister Rental Store.  
LOCATION: The site is located on the north side of the 2800 to 2900 blocks of West Coliseum Boulevard, and also lies along the north side of Hatfield Road (Section 21 of Washington Township).  
LAND AREA: Approximately 21.2 acres  
PRESENT ZONING: I2/General Industrial and C4/Intensive Commercial  
PROPOSED ZONING: I3/Intensive Industrial

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**The Plan Commission returns Rezoning Petition REZ-2016-0045 with an approved Written Commitment to Common Council with a recommendation of "Do Pass" for the reasons stated below:**

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is a mixture of residential, auto service and commercial/industrial uses. Adjacent properties allow equally or more intensive commercial and industrial uses.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. There are currently outdoor uses on this property.
3. Approval is consistent with the preservation of property values in the area. This proposal is consistent with surrounding zoning classifications and the commercial/industrial character of the West Coliseum corridor.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is to allow an expansion of similar uses not add any uses that require new infrastructure or change traffic patterns.

These findings approved by the Fort Wayne Plan Commission on January 23, 2017.

  
\_\_\_\_\_  
Kimberly R. Bowman, AICP  
Executive Director  
Secretary to the Commission

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Tarbert Properties (MacAllister Rental Store)  
 City Indianapolis State IN Zip 46219  
 Telephone (317) 803-2456 E-mail johndeckard@macallister.com

**Contact Person**  
 Contact Person Rich Potosnak  
 Address 7515 E. 30<sup>th</sup> Street  
 City Indianapolis State IN Zip 46219  
 Telephone (317) 860-3370 E-mail richpotosnak@macallister.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 2808 and 2922 W. Coliseum Blvd., Ft. Wayne, IN 46808  
 Present Zoning I-2 & C-4 Proposed Zoning I-3 Acreage to be rezoned 21.2  
 Proposed density n/a units per acre  
 Township name Washington Township section # 21  
 Purpose of rezoning (attach additional page if necessary) To allow for the development of a MacAllister Rental Store ("CAT The Rental Store"), a business operation in the rental, sales and service of small construction equipment and associated supplies.  
 Sewer provider City of Ft. Wayne Water provider City of Ft. 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.

John Deckard 12/01/16  
 (printed name of applicant) (signature of applicant) (date)  
Jay Geiger (2808 W. Coliseum)  
 (printed name of property owner) (signature of property owner) (date)  
Cary Zeigler (2922 W. Coliseum) Cary Zeigler 12/2/16  
 (printed name of property owner) (signature of property owner) (date)  
Cary L. Zeigler Cary L. Zeigler 12/2/16  
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
12/6/16	127741	1/9/16	Rez-2016-0045

**Department of Planning Services  
Development Plan and Plat Application**

Project Name MacAllister Rental Store

**Applicant**  
 Applicant Tarbert Properties (MacAllister Rental Store)  
 Address 7515 E. 30th Street  
 City Indianapolis State IN Zip 46219  
 Telephone (317) 803-2456 E-mail johndeckard@macallister.com

**Contact Person**  
 Contact Person Rich Potosnak  
 Address 7515 E. 30th Street  
 City Indianapolis State IN Zip 46219  
 Telephone (317) 860-3370 E-mail richpotosnak@macallister.com

*All staff correspondence will be sent only to the designated contact person.*

**Arch./Eng. Or Surveyor**  
 Arch./Eng./Surveyor MSKTD & Associates  
 Address 1715 Magnavox Way  
 City Fort Wayne State IN Zip 46804  
 Telephone (260) 432-9337 E-mail kcs@msktd.com

**Request**  
 Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
 Requesting approval of a:  primary  amended primary  secondary  amended secondary  
 residential development plan  commercial development plan  industrial development plan  
 plat  minor plat  
 Development Address 2808 & 2922 W. Coliseum Blvd. Fort Wayne, IN 46808  
 Size of development (lots) \_\_\_\_\_ (units) \_\_\_\_\_ (acreage) 21.2  
 Building height (primary structures) 35 feet (accessory structures) 20 feet  
 Building Sq. Ft. (primary structures) 40,000 (accessory structures) 13,760  
 Present Zoning C-4 & I-2 Total acreage of site 21.2  
 Township name Washington Township section # 21  
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne  
 Proposed Streets:  Public and county/city maintained  Private and privately maintained

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. For applicable filing fees and site plan/plat number of copies please refer to checklists.*  
 Applicable filing fees (check payable to the Allen County Treasurer)  
 Applicable number of copies of site plan or plat (plans must be folded, and no larger than 24 x 36)  
 Applicable number of landscaping plans  
 Applicable required civil engineering sets  
 One copy of plan in electronic form (11 x 17 in PDF)  
 Applicable number of copies of the Certified Legal Description and Boundary Survey  
 Application signed by property owner(s)  
 Waiver request application (if applicable)  
 Proposed restrictive covenants (if applicable) NA

I/We understand and agree, upon execution and submission of 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 Plat 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 \$30.00 per Indiana code.

John Deckard 12/05/2016  
 (printed name of applicant) (signature of applicant) (date)  
Cary Zeigler 12/05/2016  
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
<u>12/6/16</u>	<u>127740</u>		<u>POP-2016-0047</u>

**Department of Planning Services  
Development Plan and Plat Application**

Project Name MacAllister Rental Store

**Applicant:**  
Applicant Tarbert Properties (MacAllister Rental Store)  
Address 7516 E. 30th Street  
City Indianapolis State IN Zip 46219  
Telephone (317) 803-2458 E-mail Johndeckard@macallister.com

**Contact Person:**  
Contact Person Rich Potosnak  
Address 7516 E. 30th Street  
City Indianapolis State IN Zip 46219  
Telephone (317) 860-3370 E-mail richpotosnak@macallister.com

*All staff correspondence will be sent only to the designated contact person.*

**Arch./Eng. Or Surveyor:**  
Arch./Eng./Surveyor MSKTD.& Associates  
Address 1715 Magnavox Way  
City Fort Wayne State IN Zip 46804  
Telephone (260) 432-8337 E-mail kts@mektd.com

**Request:**  
 Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
Requesting approval of a:  primary  amended primary  secondary  amended secondary  
 residential development plan  commercial development plan  industrial development plan  
 plat  minor plat  
Development Address 2808 & 2922 W. Coliseum Blvd. Fort Wayne, IN 46808  
Site of development (lots) \_\_\_\_\_ (units) \_\_\_\_\_ (acreage) 21.2  
Building height (primary structures) 30 feet (accessory structures) 20 feet  
Building Sq. Ft. (primary structures) 40,000 (accessory structures) 13,760  
Present Zoning C-4 & E-2 Total acreage of site 21.2  
Township name Washington Township section # 21  
Sewer provider City of Fort Wayne Water provider City of Fort Wayne  
Proposed Streets:  Public and county/city maintained  Private and privately maintained

**Filing Requirements:**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. For applicable filing fees and site plan/plat number of copies please refer to checklists.*  
 Applicable filing fees (check payable to the Allen County Treasurer)  
 Applicable number of copies of site plan or plat (plans must be folded, and no larger than 24 x 36)  
 Applicable number of landscaping plans  
 Applicable required civil engineering sets  
 One copy of plan in electronic form (11 x 17 in PDF)  
 Applicable number of copies of the Certified Legal Description and Boundary Survey  
 Application signed by property owner(s)  
 Waiver request application (if applicable)  
 Proposed restrictive covenants (if applicable) - N/A

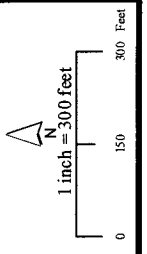
*I/We understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies 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 \$0.17 per notice and a public notice fee of \$30.00 per notice only.*

John Deckard 12/05/2018  
(printed name of applicant) (signature of applicant) (date)  
Jay Geiger 12/08/2018  
(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.



Although accuracy is stated here, we cannot be held responsible for any errors or omissions in this map. The information is provided for general information only and is not intended to be used for any other purpose. © 2016 BNA, Inc. All rights reserved. BNA is a registered trademark of Allen Shaw Planning System, Indiana East. Photo and Content: Spring 2016. Date: 12/29/2016



Rezoning Petition REZ-2016-0045 and Primary Development Plan PDP-2016-0042 - MacAllister Rental Store

LINCOLNDALE AVE.

HATFIELD RD.

ARTHUR ST.

SR 930 GOSHEN RD.

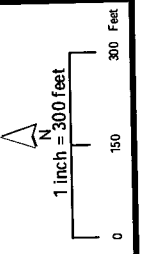
SR 930 GOSHEN RD.

CALIFORNIA RD.

GOSHEN RD.

SR 930 W. COLISEUM BLVD.

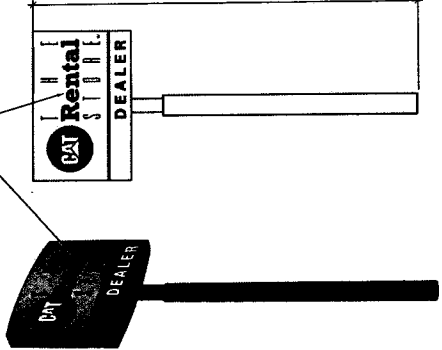
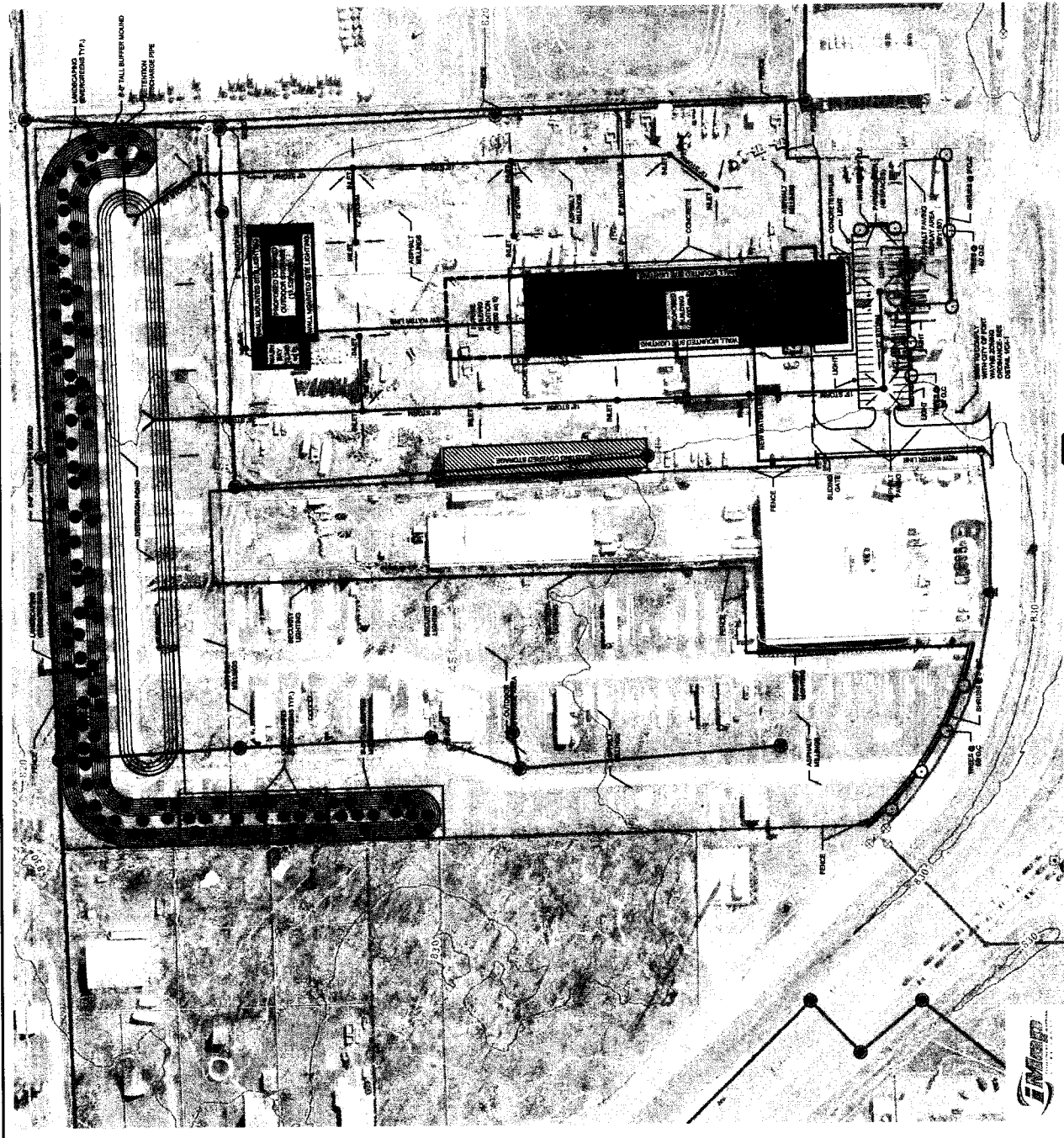
Although this accuracy is not guaranteed, the information has been prepared in accordance with the standards of the profession and the accuracy of the information contained herein and the accuracy and reliability of the information is not guaranteed. © 2006, by the American Surveying and Mapping Society, Inc. All rights reserved. See Plan Coordinate System, Indiana East State Plane and Contour: Spring 2006. Dkt. 12/26/06





Primary Development Plan

1 Proposed Sign



For technical questions concerning the drawings or project, contact Kerry Schoepch MSKTD & Assoc. (260) 432-9337



**MSKTD & Associates**  
Architecture | Engineering | Interior Design  
174 Madison Way  
Fort Wayne, IN 46804  
303 Mack Avenue  
Indianapolis, IN 46219  
www.msktd.com



**MacAllister Rental Store**  
A Project for:  
Developer: MacAllister Machinery Company, Inc.  
7515 E 30th Street Indianapolis, IN 46219  
Office: (317) 860-3370  
Fort Wayne, Indiana

PROJECT NO. 6984  
DATE 12-05-16  
REVISIONS DATE BY

SET DESCRIPTION  
SHEET TITLE Primary Development Plan  
SHEET NUMBER C4-1

PARCEL ID. \_\_\_\_\_

**WRITTEN COMMITMENT**

This Written Commitment (“Written Commitment”) is made this \_\_\_ day of \_\_\_\_\_, 2017, by **TARBERT PROPERTIES, LLC**, an Indiana limited liability company (“Owner”) and is effective as set forth in paragraph 7 herein and as approved by the Fort Wayne Plan Commission (the “Commission”).

**RECITALS**

A. Owner is the owner of certain real estate located in Washington Township, Allen County, Indiana, the legal description of which is attached hereto as **Exhibit “A”**, more commonly referred to as \_\_\_\_\_, Fort Wayne, Indiana 46808 (the “Real Estate”).

B. Owner submitted Rezoning Petition REZ-2016-0045 to the Commission to rezone the Real Estate to an I3/Intensive Industrial zoning district (“Rezoning Petition”).

C. The Commission certified the Rezoning Petition with a favorable recommendation to the Fort Wayne Common Council; however, as part of the Commission’s favorable recommendation to the Rezoning Petition, the Commission required that the Owner make this Written Commitment concerning the use and development of the Real Estate; and, further, the Owner consents and agrees to the terms and restrictions contained in this Written Commitment.

D. Pursuant to I.C. § 36-7-4-1015 and the City of Fort Wayne Zoning Ordinance, the Commission may require an owner of real property to make a written commitment concerning the use or development of the real property as part of an application for a rezoning.

**COMMITMENT**

Owner agrees and consents to the following written commitments which shall govern the Real Estate:

1. **STATEMENT OF COMMITMENTS.** The following commitments shall govern the use and development of the Real Estate:

- a. There shall not be any concrete crushing on the Real Estate at any time.
- b. There shall be a buffer area along the northern and northwestern boundary of the Real Estate that borders residential properties, as shown on attached **Exhibit "B"**. The buffer area shall include an eight (8) foot tall continuous earth mound, a double row of evergreen trees (a minimum six feet high at maturity) and a minimum six (6) foot tall fence. All landscaping planted and fencing installed upon the Real Estate shall be maintained, watered and fertilized pursuant to a commercially reasonable standard for similar landscaping and fencing in Allen County, Indiana and shall be replaced within a commercially reasonable time in the event of decay, disease or death of the landscaping or vandalism, casualty or other non-repairable condition to said fencing.
- c. The following uses shall be prohibited on the Real Estate: an asphalt plant, a concrete plant, a junk yard, a processing facility for animals, animal products or timber, a recycling processing facility and a salvage yard.

2. **BINDING EFFECT, MODIFICATION, TERMINATION.** This Written Commitment shall run with the Real Estate and shall be binding upon Owner, each subsequent owner of the Real Estate and each other person acquiring any interest in the Real Estate (including any lessees), unless this Written Commitment is modified or terminated by the Commission. The Recitals are incorporated herein by reference and are expressly made a part of this Written Commitment. This Written Commitment shall be modified or terminated only in accordance with I.C. § 36-7-4-1015 and the Fort Wayne Zoning Ordinance and only by a decision of the Commission following a public hearing wherein public notice has been given, as provided by the Commission's rules of procedure.

3. **RECORDING.** Owner shall, at its own expense record this Written Commitment with the Allen County Recorder and shall provide two (2) copies of the recorded Written Commitment to the City of Fort Wayne Zoning Administrator. No Improvement Location Permits shall be issued until a recorded copy of this Written Commitment is provided to the City of Fort Wayne Zoning Administrator.

4. **ENFORCEMENT.** The Commission shall have the option (but not the obligation) to enforce this Written Commitment, at law or in equity, in the event of a breach of an obligation in this Written Commitment; and in the event such an enforcement action is commenced, the Commission shall

have the remedies allowed by the Fort Wayne Zoning Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Written Commitment shall be deemed a violation of the Fort Wayne Zoning Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Written Commitment shall be construed as giving any person the right to compel enforcement of it by the Commission, or any successor agency having zoning jurisdiction over the Real Estate.

5. **GOVERNING LAW.** This Written Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

6. **SEVERABILITY.** Each covenant or restriction contained in any paragraph of this Written Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Written Commitment, and such other restriction shall be enforced.

7. **EFFECTIVE DATE.** This Written Commitment shall be effective after the approval of the Rezoning Petition by the Fort Wayne Common Council and upon the date on which this Written Commitment is recorded in the Office of the Recorder of Allen County, Indiana.

8. **STATUTORY AUTHORITY.** This Commitment is made pursuant to IC 36-7-4-1015.

**[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]**

**[SIGNATURE PAGE FOLLOWS]**

**IN WITNESS WHEREOF**, the undersigned has caused this Written Commitment to be executed the date and year first written above.

**OWNER**

**TARBERT PROPERTIES, LLC**

\_\_\_\_\_  
Rich Potosnak  
Director of Facilities & Real Estate

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF ALLEN         )

Before me a Notary Public in and for said County and State, personally appeared Rich Potosnak, the Director of Facilities & Real Estate of Tarbert Properties, LLC, who acknowledged the execution of the foregoing and who, having been duly sworn, stated that the representations therein contained are true to the best of his knowledge this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_, Notary Public

A resident of \_\_\_\_\_, IN

This instrument prepared by **ROBERT W. EHERENMAN**, Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802, Telephone: (260) 426-0444. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by Law. /s/ Robert W. Eherenman.

**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-2016-0045  
Bill Number: Z-17-01-04  
Council District: 3-Tom Didier

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Introduction Date: January 10, 2017

Plan Commission  
Public Hearing Date: January 9, 2017 (not heard by Council)

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

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Synopsis of Ordinance: To rezone approximately 21.2 acres of property from I2-General Industrial  
and C4-Intensive Commercial to I3-Intensive Industrial.

Location: 2808 and 2922 West Coliseum Boulevard

Reason for Request: To allow the relocation of MacAllister Rental Store.

Applicant: Tarbert Properties (MacAllister Rental Store)

Property Owner: Summit City Real Estate

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Related Petitions: Primary Development Plan, MacAllister Rental Store

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Effect of Passage: Property will be rezoned to the I3-Intensive Industrial district, which is the  
appropriate district for heavy equipment rental and storage.

Effect of Non-Passage: The property will remain zoned I2-General Industrial and C4-Intensive  
Commercial and may be used for those permitted uses. The current user  
(Geiger Excavating) is relocating and the site is for sale.

**BILL NO. Z-17-01-04**

**REPORT OF COMMITTEE ON REGULATIONS**

**February 7, 2017**

**John Crawford Chair**

**Michael Barranda Co-Chair**

**All Council Members**

An Ordinance amending the City of Fort Wayne Zoning Map No. I-30 (Sec. 21 of Washington Township)

*Designating an I3 (Intensive Industrial) District at 2808 W. Coliseum Blvd, Fort Wayne, IN 46808*


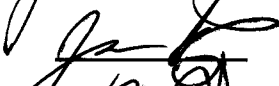
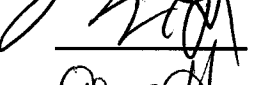

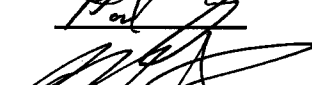


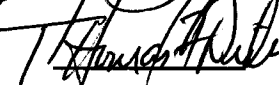
**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

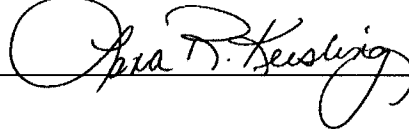
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: January 9, 2017  
 Read the first time in full and on motion by Councilman Crawford.  
 Read the second time by title and referred to the Regulations Committee.  
 Read the third time in full and on motion by Councilman Crawford, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: February 14, 2017

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 Zoning Ordinance No. Z-17-01-04 on the 14th day of February, 2017

ATTEST:

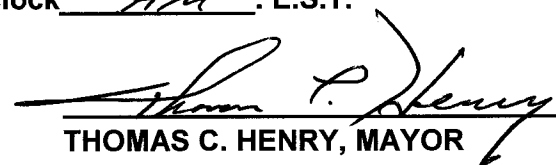
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th  
 of February 2017, at the hour of 9:45 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15<sup>TH</sup> day of FEBRUARY  
 2017, at the hour of 10:00 O'clock AM . E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR