

1 #REZ-2017-0002

2 BILL NO. Z-17-01-25

3 ZONING MAP ORDINANCE NO. Z-6-17

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. ZZ-30 (Sec. 24 of St. Joseph 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 PART OF THE LANDS OF MAYSVILLE POINT DEVELOPMENT COMPANY AS RECORDED IN DOCUMENT
12 NUMBER 206044139 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING
13 WITHIN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN
14 COUNTY, INDIANA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

15 COMMENCING AT RAILROAD SPIKE MARKING THE NORTHEAST CORNER OF THE SOUTHEAST
16 QUARTER OF SAID SECTION 24; THENCE SOUTH 85 DEGREES 09 MINUTES 28 SECONDS WEST ON
17 AND ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF
18 1940.37 FEET TO ITS POINT OF INTERSECTION WITH THE SOUTHERN RIGHT OF WAY LINE OF
19 MAYSVILLE ROAD; THENCE NORTH 39 DEGREES 57 MINUTES 49 SECONDS EAST ON AND ALONG
20 THE SOUTHERN RIGHT OF WAY LINE OF MAYSVILLE ROAD, A DISTANCE OF 5.93 FEET; THENCE
21 SOUTH 49 DEGREES 54 MINUTES 25 SECONDS EAST, A DISTANCE OF 329.94 FEET TO A POINT ON
22 THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERN LINE OF THE LANDS OF H & H
23 RESTAURANT DEVELOPMENT, LLC AS RECORDED IN DOCUMENT NUMBER 2010066650; THENCE
24 SOUTH 39 DEGREES 59 MINUTES 00 SECONDS WEST ON AND ALONG SAID NORTHWESTERN LINE, A
25 DISTANCE OF 179.87 FEET TO THE POINT OF DEFLECTION OF THE NORTHWESTERN BOUNDARY OF
26 THE LANDS OF SAID H & H RESTAURANT DEVELOPMENT, LLC; THENCE SOUTH 49 DEGREES 42
27 MINUTES 58 SECONDS WEST ON AND ALONG THE NORTHWESTER LINE OF THE LANDS OF SAID H &
28 H RESTAURANT DEVELOPMENT, LLC, A DISTANCE OF 76.90 FEET TO THE POINT OF DEFLECTION OF
29 THE NORTHWESTERN BOUNDARY OF THE LANDS OF SAID H & H RESTAURANT DEVELOPMENT, LLC;
30 THENCE SOUTH 39 DEGREES 59 MINUTES 00 SECONDS WEST ON AND ALONG THE NORTHWESTERN
LINES OF THE LANDS OF SAID H & H RESTAURANT DEVELOPMENT, LLC AND SAID MAYSVILLE
POINT DEVELOPMENT COMPANY, A DISTANCE OF 643.58 FEET TO **POINT OF BEGINNING** OF THE
HEREIN DESCRIBED REAL ESTATE, SAID POINT OF BEGINNING BEING MARKED BY A 5/8" X 24"
REBAR WITH "FORESIGHT CONSULTING – BOUNDARY" IDENTIFICATION CAP; THENCE SOUTH 49
DEGREES 59 MINUTES 52 SECONDS EAST, A DISTANCE OF 217.53 FEET TO A POINT BEING MARKED
BY A MAG NAIL WITH A "FORESIGHT – BOUNDARY" IDENTIFICATION CAP; THENCE SOUTH 39
DEGREES 58 MINUTES 54 SECONDS WEST, A DISTANCE OF 286.00 FEET TO A CORNER OF THE
NORTHWESTERN BOUNDARIES OF THE LANDS OF SAID MAYSVILLE POINT DEVELOPMENT
COMPANY, SAID CORNER BEING MARKED BY A MAG NAIL WITH "BONAR" IDENTIFICATION WASHER;
THENCE NORTH 49 DEGREES 59 MINUTES 52 SECONDS WEST ON AND ALONG THE NORTHWESTERN
BOUNDARIES OF THE LANDS OF SAID MAYSVILLE POINT DEVELOPMENT COMPANY, A DISTANCE OF
217.53 FEET TO A CORNER ON THE NORTHWESTERN BOUNDARIES OF THE LANDS OF SAID
MAYSVILLE POINT DEVELOPMENT COMPANY, SAID CORNER BEING MARKED BY A "BONAR"
IDENTIFICATION CAP; THENCE NORTH 39 DEGREES 59 MINUTES 00 SECONDS EAST ON AND
ALONG THE NORTHWESTERN BOUNDARIES OF THE LANDS OF SAID MAYSVILLE POINT
DEVELOPMENT COMPANY, A DISTANCE OF 286.00 FEET TO THE **POINT OF BEGINNING**.

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CONTAINING 1.43 ACRES (62,214 SQUARE FEET) OF LAND, MORE OR LESS.
SUBJECT TO EASMENTS, RIGHT OF WAYS, AND CONVENANTS OF RECORD.

and the symbols of the City of Fort Wayne Zoning Map No. ZZ-30 (Sec. 24 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.


SECTION 2. 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.

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



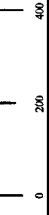
Rezoning Petition REZ-2017-0002 and Primary Development Plan PDP-2017-0002 - Belle Tire Maysville Road



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 11/09/2017



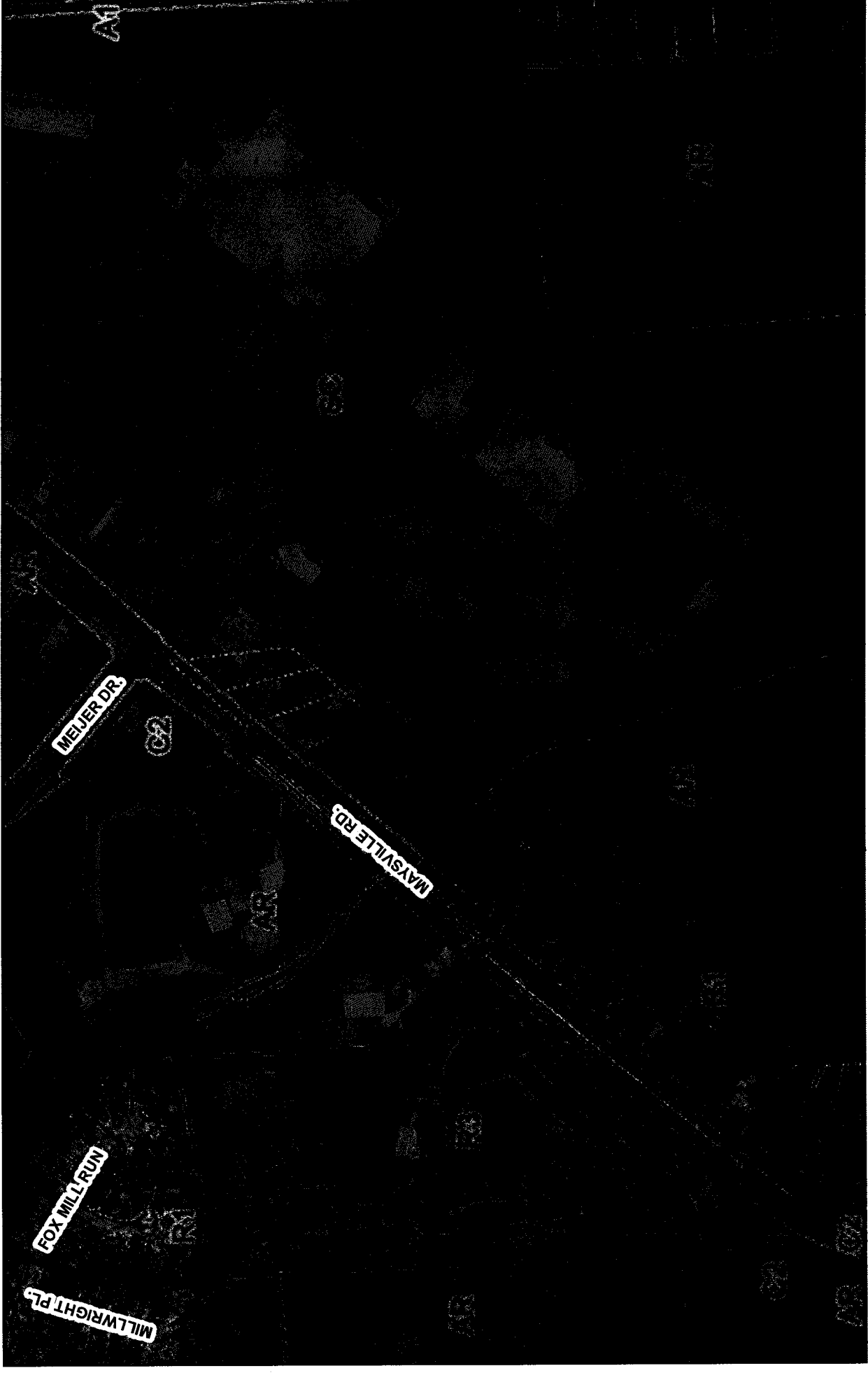
1 inch = 400 feet



400 Feet



Rezoning Petition REZ-2017-0002 and Primary Development Plan PDP-2017-0002 - Belle Tire Maysville Road



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 1/29/2017



1 inch = 400 feet
0 200 400 Feet

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Christopher Enright Architect
 Address 628 E. Parent Avenue, Suite 106
 City Royal Oak State MI Zip 48067
 Telephone 248 330 9395 E-mail cenright@enrightarchitects.com

Contact Person
 Contact Person Same as "Applicant" - Christopher Enright
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ E-mail _____

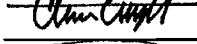
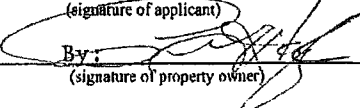
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 10314 Maysville Road
 Present Zoning SC Proposed Zoning C3 Acreage to be rezoned 1.43 Acres
 Proposed density _____ units per acre
 Township name St. Joseph Township section # 24
 Purpose of rezoning (attach additional page if necessary) Belle Tire offers tire sales along with automobile repair services which require a C3 Land Use Zoning designation. The current SC district does not accommodate these services.
 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 plans/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.

Christopher Enright  12/20/16
(printed name of applicant) (signature of applicant) (date)
Maysville Pointe
Development Co., LLC By:  12/20/16
(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)

Received	Receipt No.	Hearing Date	Petition No.
1-3-17	122844	2-13-17	RZ-2017-0002

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

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0002
Bill Number: Z-17-01-25
Council District: 1-Paul Ensley

Introduction Date: January 24, 2017

Plan Commission
Public Hearing Date: February 13, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 1.43 acres of property from SC-Shopping Center to
C3-General Commercial

Location: 10120 Maysville Road

Reason for Request: To allow for a Belle Tire Service Center within the Maysville Pointe
Shopping Center.

Applicant: Christopher Enright Architect

Property Owner: Maysville Pointe Development Co., LLC

Related Petitions: Primary Development Plan, Belle Tire-Maysville Pointe

Effect of Passage: Property will be rezoned to the C3-General Commercial district, which
will allow Belle Tire to also offer car repair services.

Effect of Non-Passage: The property will remain zoned SC-Shopping Center. Certain car repairs
are not permitted within the SC district. Tire Sales is permitted.

REPORT OF COMMITTEE ON REGULATIONS

February 28, 2017

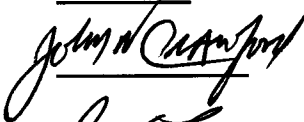
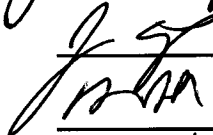

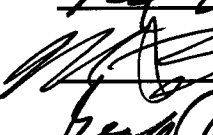


John Crawford Chair

Michael Barranda Co-Chair

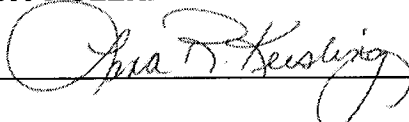
All Council Members

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. ZZ-30 (Sec. 24 of St. Joseph Township)

COMMITTEE ON FINANCE 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: February 13, 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 28, 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-17-01-25 on the 28th day of February, 2017

ATTEST:

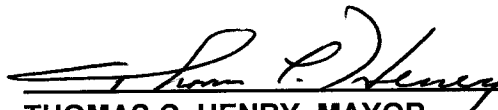

LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st of March 2017, at the hour of 10:15 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 6TH day of MARCH 2017, at the hour of 10:00 O'clock Am E.S.T.


THOMAS C. HENRY, MAYOR