

1 #REZ-2018-0013

2 BILL NO. Z-18-05-07

3
4 ZONING MAP ORDINANCE NO. Z-2118

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. D-34 and E-34 (Sec. 19 of Washington 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 11
10 (Limited Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of
11 Fort Wayne, Indiana:

12 PART OF THE NORTH HALF OF FRACTIONAL SECTION 19, TOWNSHIP 31
13 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE
14 PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
15 COMMENCING AT A STONE FOUND AT THE NORTHWEST CORNER OF
16 FRACTIONAL SECTION 19; THENCE SOUTH 00 DEGREES 34 MINUTES 2
17 SECONDS EAST (BEARINGS BASED ON HOFER AND DAVIS SURVEY
18 DATED APRIL 14, 2015) ON AND ALONG THE WEST LINE OF SAID
19 FRACTIONAL SECTION 19 721.77 FEET TO THE POINT OF BEGINNING OF
20 THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 25 MINUTES 58
21 SECONDS EAST 218.80 FEET TO A POINT; THENCE SOUTH 75 DEGREES 34
22 MINUTES 22 SECONDS EAST 455.83 FEET TO A POINT; THENCE SOUTH 56
23 DEGREES 43 MINUTES 28 SECONDS EAST 180.08 FEET TO A POINT;
24 THENCE NORTH 12 DEGREES 38 MINUTES 59 SECONDS EAST 139.03 FEET
25 TO A POINT; THENCE NORTH 55 DEGREES 2 MINUTES 54 SECONDS EAST
26 397.32 FEET TO A POINT OF CURVATURE; THENCE 147.31 FEET ALONG A
27 CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 77.00 FEET AND
28 A CHORD BEARING SOUTH 89 DEGREES 45 MINUTES 31 SECONDS EAST
29 125.85 FEET TO A POINT; THENCE NORTH 89 DEGREES 40 MINUTES 22
30 SECONDS EAST 264.09 FEET TO A POINT; THENCE SOUTH 0 DEGREES 19
MINUTES 38 SECONDS EAST 442.29 FEET TO A POINT; THENCE SOUTH 71
DEGREES 29 MINUTES 0 SECONDS WEST 138.55 FEET TO A POINT;
THENCE SOUTH 2 DEGREES 32 MINUTES 58 SECONDS EAST 381.45 FEET
TO A POINT; THENCE NORTH 73 DEGREES 2 MINUTES 0 SECONDS EAST
283.72 FEET TO A POINT; THENCE SOUTH 63 DEGREES 52 MINUTES 46
SECONDS EAST 207.76 FEET TO A POINT OF CURVATURE; THENCE 157.28
FEET ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A
RADIUS OF 457.00 FEET AND A CHORD BEARING SOUTH 35 DEGREES 58
MINUTES 49 SECONDS WEST 156.51 FEET TO A POINT; THENCE SOUTH 45

1 DEGREES 50 MINUTES 23 SECONDS WEST 176.22 FEET TO A POINT OF
2 CURVATURE; THENCE 358.93 FEET ALONG A CURVE CONCAVE TO THE
3 NORTHWEST HAVING A RADIUS OF 457.00 FEET AND A CHORD
4 BEARING SOUTH 68 DEGREES 20 MINUTES 23 SECONDS WEST 349.77
5 FEET TO A POINT; NORTH 89 DEGREES 9 MINUTES 37 SECONDS WEST
6 322.25 FEET TO A POINT OF CURVATURE; THENCE 358.93 FEET ALONG A
7 CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 457.00
8 FEET AND A CHORD BEARING NORTH 66 DEGREES 39 MINUTES 37
9 SECONDS WEST 349.77 FEET TO A POINT; THENCE NORTH 44 DEGREES 9
10 MINUTES 37 SECONDS WEST 391.65 FEET TO A POINT OF CURVATURE;
11 THENCE 370.71 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST
12 HAVING A RADIUS OF 472.00 FEET AND A CHORD BEARING NORTH 66
13 DEGREES 39 MINUTES 37 SECONDS WEST 361.25 FEET TO A POINT;
14 THENCE NORTH 89 DEGREES 9 MINUTES 37 SECONDS WEST 116.83 FEET
15 TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 19;
16 THENCE NORTH 0 DEGREES 34 MINUTES 2 SECONDS EAST ALONG SAID
17 WEST LINE 535.77 FEET TO THE POINT OF BEGINNING, CONTAINING
18 33.080 ACRES MORE OR LESS.


19 and the symbols of the City of Fort Wayne Zoning Map No. D-34 and E-34 (Sec. 19 of
20 Washington Township), as established by Section 157.082 of Title XV of the Code of the
21 City of Fort Wayne, Indiana is hereby changed accordingly.

22 SECTION 2. If a written commitment is a condition of the Plan Commission's
23 recommendation for the adoption of the rezoning, or if a written commitment is modified and
24 approved by the Common Council as part of the zone map amendment, that written
25 commitment is hereby approved and is hereby incorporated by reference.

26 SECTION 3. That this Ordinance shall be in full force and effect from and after its
27 passage and approval by the Mayor.

28 
29 _____
30 Council Member

APPROVED AS TO FORM AND LEGALITY:

31 
32 _____
33 Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant City of Fort Wayne Dept. of Redevelopment - Nancy Townsend
 Address 200 E. Berry Street, Suite 320
 City Fort Wayne State IN Zip 46802
 Telephone (260) 451-2323 E-mail Nancy.townsend@cityoffortwayne.org

Contact Person
 Contact Person Engineering Resources, Inc. - Mark Reinhard
 Address 11020 Diebold Road
 City Fort Wayne State IN Zip 46845
 Telephone (260) 451-9740 E-mail mark@eri.consulting

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 Washington Ctr. Rd. at Flaugh Rd. and U.S. 30
 Present Zoning R1 Proposed Zoning I1 Acreage to be rezoned 33.1
 Proposed density N/A Total: 149.63 ac units per acre
 Township name Washington Township section # T31N
 Purpose of rezoning (attach additional page if necessary) To develop and improve the land, providing land opportunities to prospective technical, business, and light industry along the U.S. 30 corridor.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

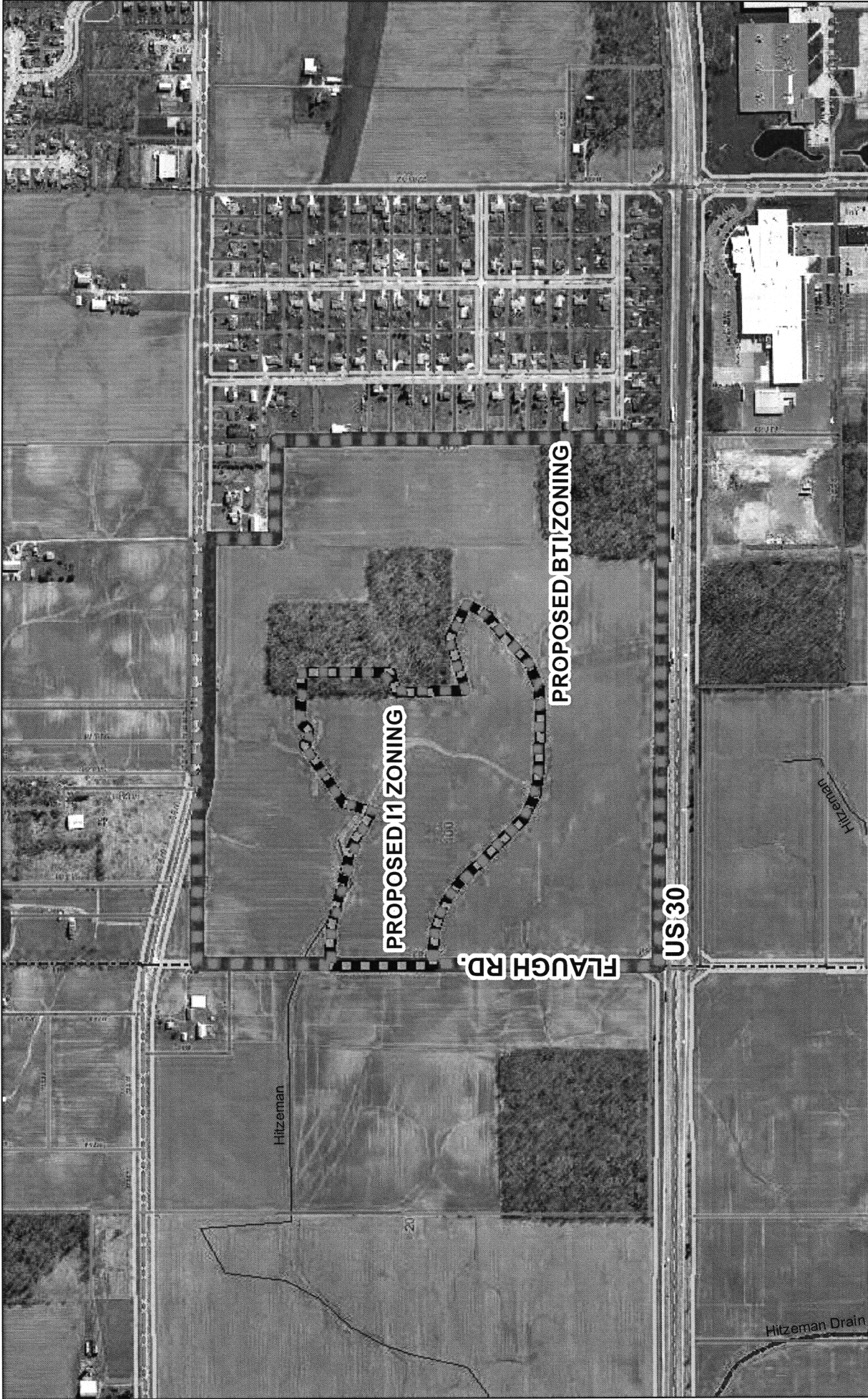
2/5
5/2/18

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.

Nancy Townsend *Nancy Townsend* 3/2/18
 (printed name of applicant) (signature of applicant) (date)
Nancy Townsend *Nancy Townsend* 3/2/18
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

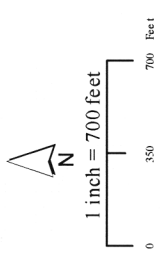
Received	Receipt No.	Hearing Date	Petition No.
3-5-18	-	4-9-18	REZ-2018-0013
		5-14-18	Revised 5/2/18



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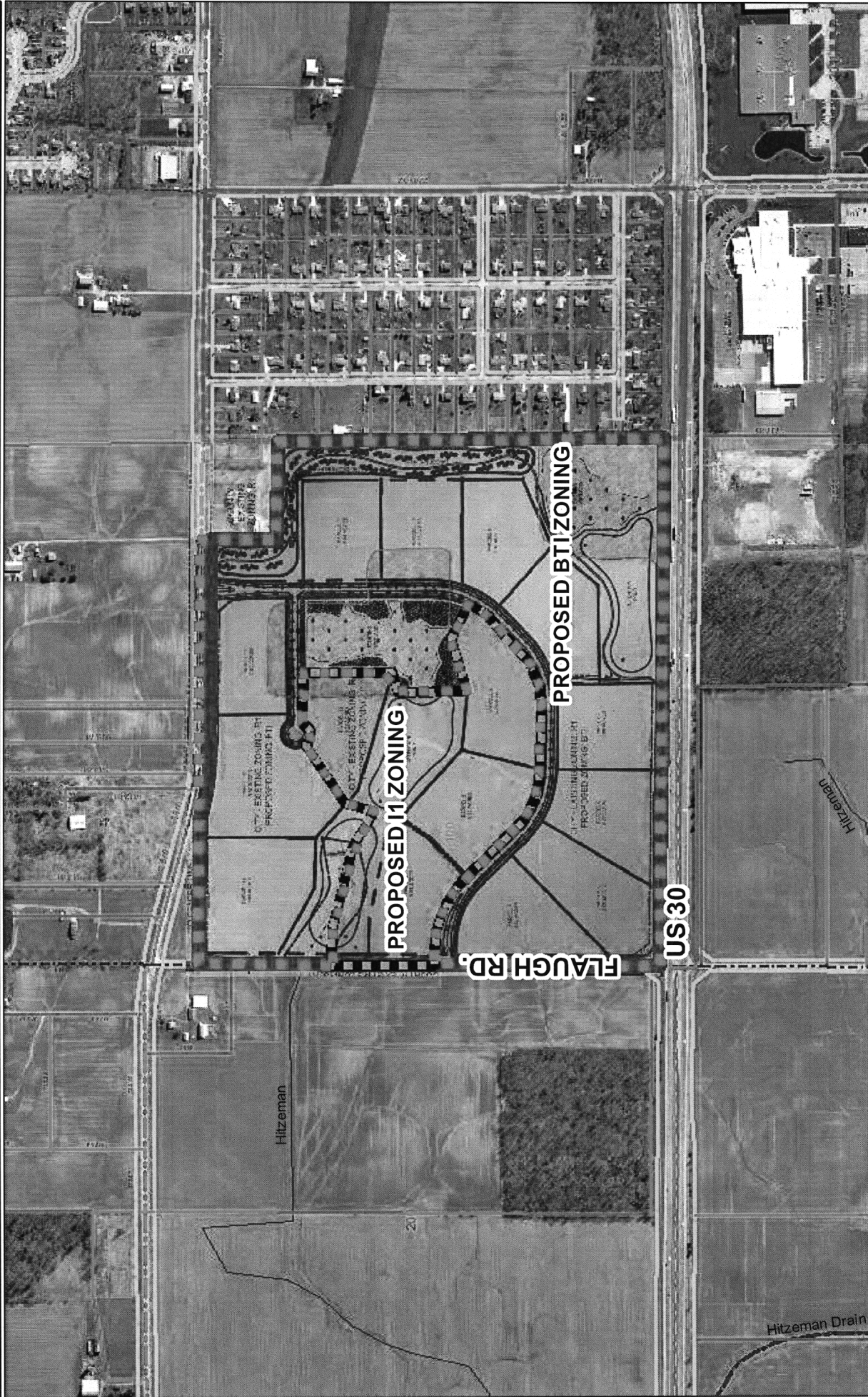
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 5/2/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only





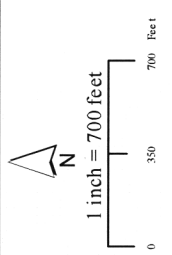
Rezoning Petitions REZ-2018-0012 and REZ-2018-0013 and PDP 2018-0010, U.S. 30 Corporate Park



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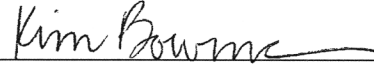
FACT SHEET

Cases #REZ-2018-0012 and 0013 Bills # Z-18-05-06 and 07 Project Start: 8 May 2018	
APPLICANT: REQUEST: LOCATION: LAND AREA: PRESENT ZONING: PROPOSED ZONING: COUNCIL DISTRICT: ASSOCIATED PROJECTS: SPONSOR:	City of Fort Wayne Department of Redevelopment To rezone property from R1/Single Family Residential to I1/Limited Industrial and BTI/Business, Technology, and Industrial Park; and approve a primary development plan for a 15 parcel industrial and business park. The site is generally located on the north side of U.S. 30, on the east side of Flaugh Road, and on the south side of West Washington Center Road. Kruse Homestead Addition lies to the east of the property (Section 19 of Washington Township). Approximately 149.7 acres for overall development Approximately 33.1 acres for I1/Limited Industrial Approximately 116.6 acres for BTI/Business, Technology, and Industrial Park R1/Single Family Residential I1/Limited Industrial and BTI/Business, Technology, and Industrial Park 3-Tom Didier Primary Development Plan, US 30 Corporate Park City of Fort Wayne Plan Commission

9 April 2018 Public Hearing	<ul style="list-style-type: none"> ▪ Four individuals spoke at the hearing in favor, three with comments. ▪ Five neighbors spoke with concern over the development plan. ▪ Seven neighbors spoke at the hearing in opposition. ▪ All members were present
14 May 2018 Public Hearing <i>(continued from April 9 for change in zoning boundaries)</i>	<ul style="list-style-type: none"> ▪ No one spoke at the hearing in favor. ▪ Five neighbors spoke with concern over the development plan. ▪ All members were present
21 May 2018 – Business Meeting	<ul style="list-style-type: none"> • <u>REZ-2018-0012 (BTI Zoning)</u> Plan Commission Recommendation: DO PASS w/Written Commitment A motion was made by Justin Shurley and seconded by Rachel Tobin Smith to return the ordinance with a Do Pass recommendation to Common Council for their final decision. 6-0 MOTION PASSED
21 May 2018 – Business Meeting	<ul style="list-style-type: none"> • <u>REZ-2018-0013 (I1 Zoning)</u> Plan Commission Recommendation: DO PASS w/Written Commitment A motion was made by Billy Davenport and seconded by Rachel Tobin Smith to return the ordinance with a Do Pass recommendation to Common Council for their final decision. 6-0 MOTION PASSED <ul style="list-style-type: none"> ▪ Connie Haas Zuber, Shan Gunawardena, and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
1 June 2018

Reviewed by:

A handwritten signature in cursive script that reads "Kim Bowman". The signature is written in black ink and is positioned above a horizontal line.

Kim Bowman
Executive Land Use Director

PROJECT SUMMARY

PUBLIC HEARING SUMMARY:

Presenter: Stacy Haviland, representing Fort Wayne Redevelopment, presented the proposal to the Plan Commission, as outlined above. Following the first public hearing on April 9, 2018, Redevelopment staff redesigned the zoning boundaries of the BTI and I1 districts, based on concerns of the neighbors.

Public Comments in support:

None

Public Comments in opposition or with concerns:

- Alan Bell – submitted letter representing 85 signatures of neighbors. They are pleased with the change in the zoning boundaries. There is still concern over the access to West Washington Center Road.
- Herb Berg – Also appreciative of the zoning change. He prepared a plan to share with Redevelopment staff showing how two access points could be placed on Flaugh Road, instead of using Washington Center.
- Adrian Perry, Kroemer Road – Would like to see Kroemer Road either closed, or closed to truck traffic due to Sweetwater Sound traffic.
- John Parks – More traffic from Sweetwater and AALCO distributing, now this development.
- Terry O'Connor, Northbrook – Concerned about traffic coming through the Northbrook neighborhood.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

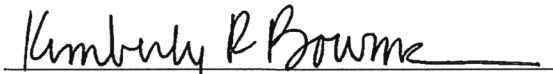
Rezoning Petition REZ-2018-0012

APPLICANT: City of Fort Wayne Department of Redevelopment
REQUEST: To rezone property from R1/Single Family Residential BTI/Business, Technology, and Industrial Park for a 15-parcel industrial and business park.
LOCATION: The site is generally located on the north side of U.S. 30, on the east side of Flaugh Road, and on the south side of West Washington Center Road. Kruse Homestead Addition lies to the east of the property (Section 19 of Washington Township).
LAND AREA: Approximately 116.6 acres for BTI/Business, Technology, and Industrial Park
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: I1/Limited Industrial and BTI/Business, Technology, and Industrial Park

The Plan Commission recommends that Rezoning Petition REZ-2018-0012 be returned to Council with a "Do Pass" recommendation with a written commitment after considering the following:

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 industrial, commercial, and residential 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. The US 30 and West Washington Center Road corridors have seen a variety of uses. The primary development plan proposed to leave a substantial buffer of existing vegetation and new landscape screening to buffer the proposal from adjacent residential uses.
3. Approval is consistent with the preservation of property values in the area. This proposal is consistent with surrounding zoning classifications and the mixed use character of the West Washington Center Road and US 30 Corridors.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is to allow development on an underused site, which is in close proximity to similar zoning and land uses.

These findings approved by the Fort Wayne Plan Commission on May 21, 2018.



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

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

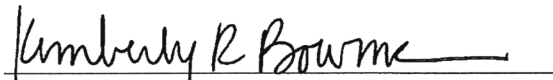
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LAND AREA: Approximately 37.2 acres for I1/Limited Industrial
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: I1/Limited Industrial

The Plan Commission recommends that Rezoning Petition REZ-2018-0013 be returned to Council with a “Do Pass” recommendation with a written commitment after considering the following:

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These findings approved by the Fort Wayne Plan Commission on May 21, 2018.



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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant City of Fort Wayne Dept. of Redevelopment - Nancy Townsend
 Address 200 E. Berry Street, Suite 320
 City Fort Wayne State IN Zip 46802
 Telephone (260) 451-2323 E-mail Nancy.townsend@cityoffortwayne.org

Contact Person
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 Township name Washington Township section # T31N
 Purpose of rezoning (attach additional page if necessary) To develop and improve the land, providing land opportunities to prospective technical, business, and light industry along the U.S. 30 corridor.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

NS 5/2/18

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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.

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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.

Nancy Townsend *Nancy Townsend* 3/2/18
 (printed name of applicant) (signature of applicant) (date)
 Nancy Townsend *Nancy Townsend* 3/2/18
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
3-5-18	-	4-9-18	REZ-2018-0012

5-14-18 revised 5/2/18

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Rezoning Petition Application**

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*2/5
5/2/18*

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5-14-18 *Revised 5/2/18*



Rezoning Petitions REZ-2018-0012 and REZ-2018-0013 and PDP 2018-0010, U.S. 30 Corporate Park



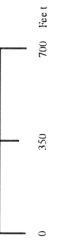
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2019
 Date: 5/2/2018

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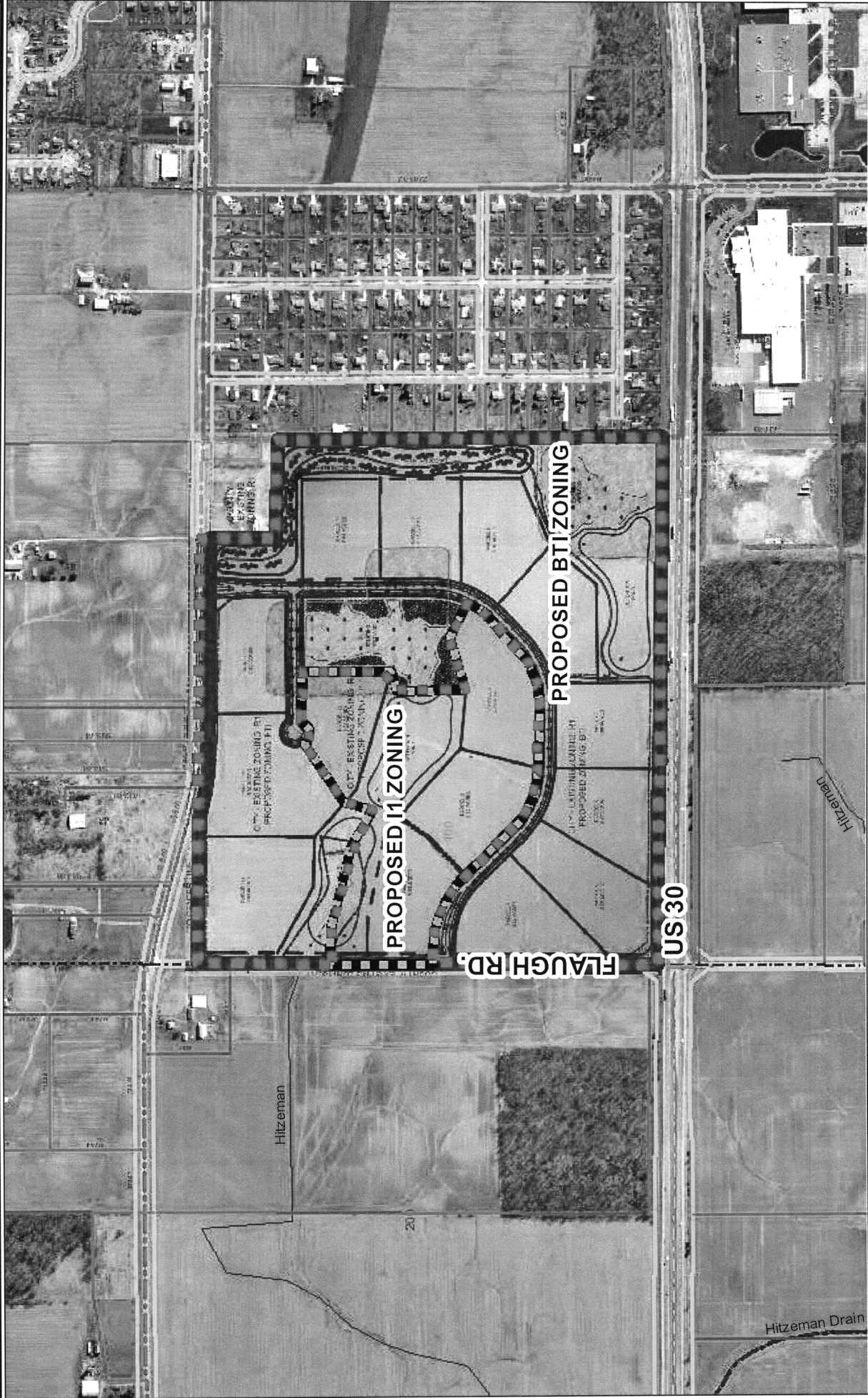


1 inch = 700 feet





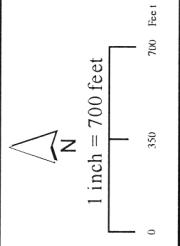
Rezoning Petitions REZ-2018-0012 and REZ-2018-0013 and PDP 2018-0010, U.S. 30 Corporate Park



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 Date: 5/2/2018

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US 30 CORPORATE PARK
FORT WAYNE, IN

REDEVELOPMENT COMMISSION

DATE: 03/29/2018
TIME: 10:38 AM
PROJECT: US 30 CORPORATE PARK
SCALE: AS SHOWN
DRAWN BY: J. [Name]
CHECKED BY: [Name]
DATE: 03/29/2018

US 30 CORPORATE PARK
FORT WAYNE, IN



ENGINEERING
RESOURCES, INC.
11020 Dixie Road, Fort Wayne, IN 46825
PH: (260) 332-1100 FAX: (260) 332-1028
WWW.ERCON.COM

OWNER
CITY OF FORT WAYNE
10000 FORT WAYNE AVENUE
FORT WAYNE, IN 46825
CONTACT: [Name]
PHONE: [Number]

ENGINEER
ENGINEERING RESOURCES, INC.
11020 DIXIE ROAD
FORT WAYNE, IN 46825
CONTACT: [Name]
PHONE: [Number]

SURVEYOR
HOFFER AND JAMES, INC.
10000 FORT WAYNE AVENUE
FORT WAYNE, IN 46825
CONTACT: [Name]
PHONE: [Number]

PARCEL INFORMATION

CLIENT ZONING	R1
PERMITTED ZONING	U-MB RT
CLIENT USE	AGRICULTURAL, RECREATION, BUSINESS, RESIDENTIAL, COMMERCIAL
PROPOSED USE	AGRICULTURAL, RECREATION, BUSINESS, RESIDENTIAL, COMMERCIAL

FLOOD INSURANCE RATE MAP (FIRM):
FLOOD HAZARD ZONING MAP
DATED: AUGUST 3, 2006
FLOODWAY AREAS IN ZONE X OTHER AREAS

PROPOSED LEGEND:

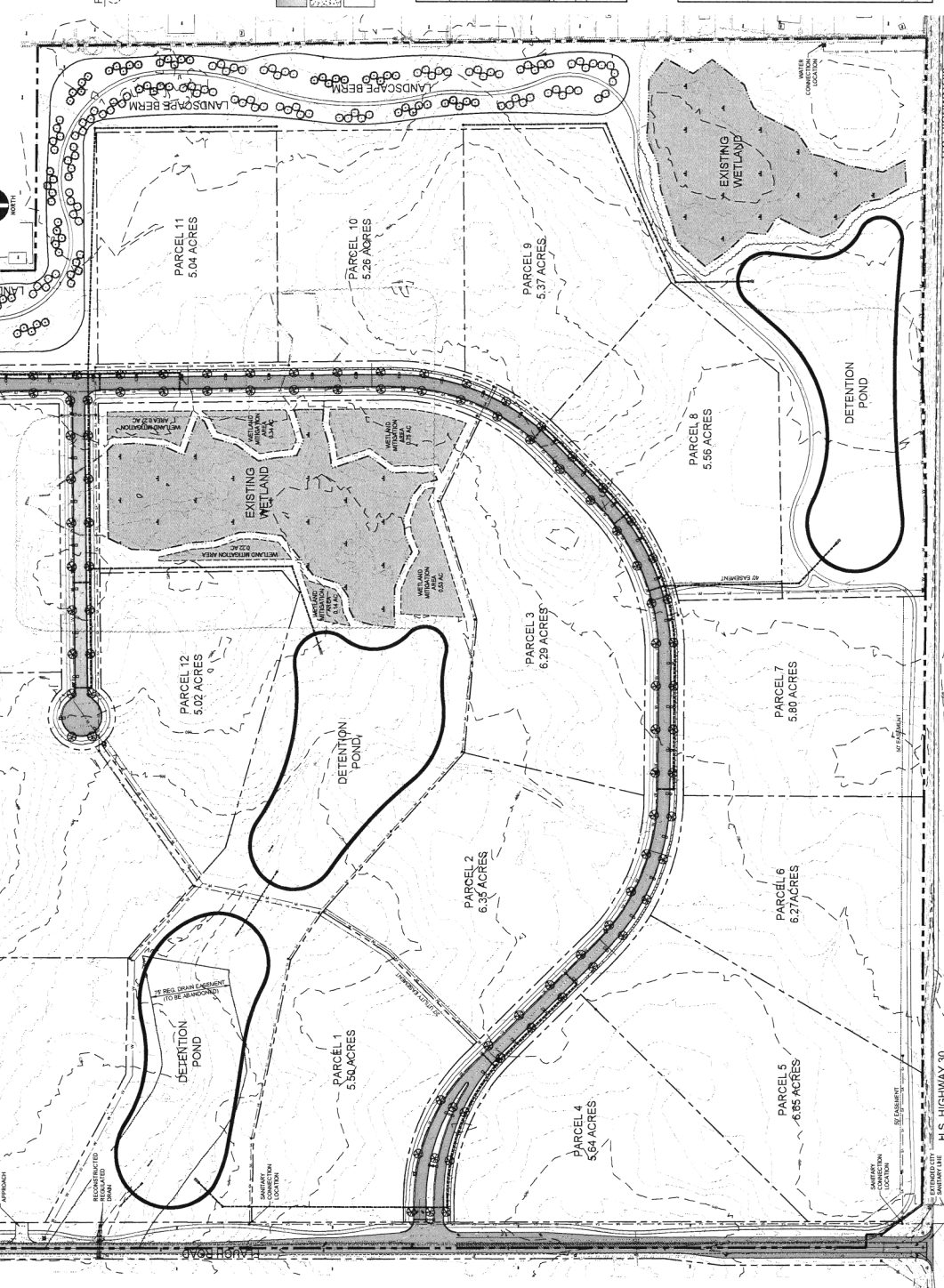
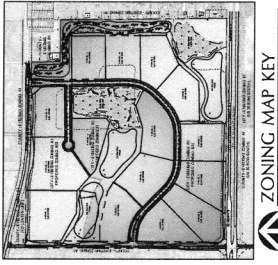
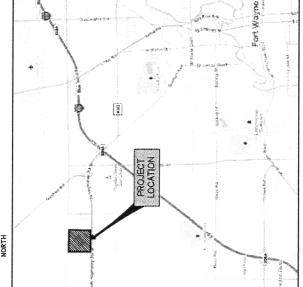
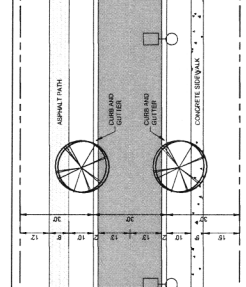
- STORM DRAINAGE
- STORM PUMP STATION
- STORM PUMP BACK
- SAWTOOTH MANHOLE
- PRE-PYRIMANT
- SKIN
- LIGHT POLE

LANDSCAPE LEGEND:

- EXHIBITION TREE FOR PLANTING SCHEDULEMENT
- SHADE TREE

LAYOUT LEGEND:

- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE WALK AND BIKEWAY
- PROPOSED ASPHALT PARK



PRIMARY DEVELOPMENT PLAN
SCALE: 1" = 100'

LOCATION MAP
SCALE: NOT TO SCALE

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made as of this 21st day of May, 2018, By the City of Fort Wayne Department of Redevelopment, the property owner ("Declarant"), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 149.63 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit A (the "Real Estate"); and

WHEREAS, Declarant's Zoning Map Amendment and Development Plan Applications, filed with the City of Fort Wayne Plan Commission (the "Plan Commission"), bearing numbers REZ-2018-0012, REZ-2018-0012 and PDP-2018-0010 (the "Applications"), respecting the Real Estate, has been approved by the City of Fort Wayne, Indiana Common Council and the Mayor of the City of Fort Wayne; and

WHEREAS, pursuant to the Applications, the Real Estate has been rezoned to BTI and I1 and a Primary Development Plan has been approved pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance") which permits development upon the Real Estate of certain business and technology and industrial park and other industrial uses permitted in the I1 district not otherwise limited by this commitment; and

WHEREAS, the Declarant has submitted this Commitment, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015 for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate; and

WHEREAS, in conjunction with said Application, the Plan Commission has required the execution of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office prior to the commencement of any building improvements for uses permitted pursuant to the Application.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. BTI Permitted Uses. Gas Stations shall not be permitted in the BTI district. The following specific uses shall be the only permitted uses in the BTI district:

1. Accessory building, structure, or use as defined and set forth in the City of Fort Wayne Zoning Ordinance
2. Apparel fabrication and processing
3. Assembly of finished products
4. Bioscience development, research, or testing
5. Business incubation office or laboratory
6. Computer/other software
7. Corporate Campus
8. Cosmetic product compounding
9. Information technology
10. Internet applications or products
11. Laboratory (testing)
12. Limited assembly and fabrication of:
 - a. Bio-medical/orthopedic products
 - b. Communication and computation equipment
 - c. Computers and Electronics
 - d. Computer hardware products
 - e. Industrial controls
 - f. Medical devices
 - g. Orthopedic devices
 - h. Optical instruments
 - i. Scientific and precision instruments
 - j. Service industry machines
 - k. Specialty equipment
13. Machine design facility
14. Machine tool shop
15. Medical device technology
16. Pharmaceutical product compounding
17. Professional office and research facility
18. Technology use or service
19. Vehicle technology (advanced)
20. Warehouse/storage facility
21. Wholesale facility
22. Woodworking/carpentry

2. I1 Permitted Uses. Gas Stations shall not be permitted in the I1 district. The following specific uses shall be the only permitted uses in the I1 district:

1. Accessory building, structure, or use as defined and set forth in the City of Fort Wayne zoning ordinance
2. Air freight service
3. Apparel fabrication and processing
4. Aquaculture
5. Aquaponics
6. Bakery
7. Bioscience development, research, or testing
8. Brewery (micro)
9. Business incubation office or laboratory
10. Computer/other software
11. Contractor (construction, excavation, landscape)
12. Cosmetic product compounding
13. Dairy/creamery

14. Distillery (micro)
15. Distribution facility for:
 - a. Batteries
 - b. Beer
 - c. Building materials
 - d. Electrical parts
 - e. Food
 - f. Janitorial supplies
 - g. Lubrication
 - h. Machines
 - i. Medical supplies
 - j. Oil
 - k. Paint
 - l. Petroleum products
 - m. Pipe
 - n. Plumbing fixtures
 - o. Soft drinks
 - p. Steel
 - q. Tires (new)
 - r. Truck bodies
 - s. Vending machines
 - t. Windows
16. Equipment rental (limited and general)
17. Equipment supply facility for:
 - a. Air purification
 - b. Electrical
 - c. Electric wire and cable
 - d. Fire protection
 - e. Food service
 - f. Heating, ventilation, or air conditioning
 - g. Industrial
 - h. Maintenance
 - i. Mechanical
 - j. Medical
 - k. Power transmission
 - l. Radio/communication
 - m. Restaurant
 - n. Telecommunication
 - o. Trade show/exhibit
 - p. Truck
 - q. Water softening/purification
 - r. Welding
18. Freight service
19. Furniture production
20. Hydroponics
21. Information technology
22. Internet application/products
23. Laboratory (testing)
24. Lathe/screw machine products
25. Limited assembly and fabrication of:
 - a. Bio-medical/orthopedic
 - b. Communication and computation equipment
 - c. Computers and electronics

- d. Computer hardware products
 - e. Industrial controls
 - f. Medical services
 - g. Orthopedic devices
 - h. Optical instruments
 - i. Scientific and precision instruments
 - j. Service industry machines
 - k. Specialty equipment
- 26. Machine design facility
 - 27. Machine tool shop
 - 28. Maintenance/repair facility (not otherwise permitted)
 - 29. Medical device technology
 - 30. Pharmaceutical product compounding
 - 31. Printing facility
 - 32. Printing press
 - 33. Products research and development
 - 34. Refurbishing facility (household items)
 - 35. Research and development facility
 - 36. Technology use or service
 - 37. Tool and die facility
 - 38. Vehicle technology (advanced)
 - 39. Warehouse/storage facility
 - 40. Wholesale facility
 - 41. Winery (micro)
 - 42. Woodworking/carpentry

- 3. Lighting. The Declarant agrees that all new or replaced lighting be installed with low intensity, fully cut-off fixtures and shall not negatively impact the adjacent residential properties.
- 4. Landscaping and Screening. The Declarant agrees to install the landscaping mound along the east property boundary and associated landscaping as shown on Exhibit B prior to the issuance of the first Certificate of Compliance. The mound shall be a minimum of five (5) feet tall and a maximum of twelve (12) feet tall. The mound shall be vegetated with a mix of deciduous and evergreen trees and shrubs. The minimum size of the trees and shrubs at time of installation shall adhere to the following:
 - a. Ornamental trees = 1.5 inch caliper
 - b. Shade trees = 2 inch caliper
 - c. Evergreen trees = 6 feet in height
 - d. Shrubs = 18 inches in height
- 5. Signage. The Declarant agrees to comply with the Fort Wayne Zoning Ordinance for sign standards; however signage around the exterior of the corporate park will be limited to building face only. No free standing signs or LED signs will be permitted on the exterior parcels within the frontage along US Highway 30, Flaugh Road, and Washington Center Road with the exception of parcel number 14 as shown on Exhibit B. Parcel number 14 shall be allowed one free standing sign located within fifty (50) feet of the entrance drive to the parcel along Flaugh Road. Corporate Park signage shall be allowed within the common space of the park within the frontage along US Highway 30, Flaugh Road, and Washington Center Road.

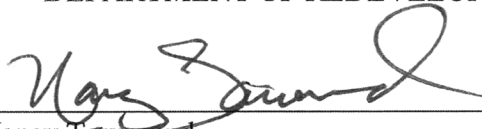
6. Drainage. The Declarant agrees to comply with all of the City of Fort Wayne Stormwater Ordinances for future improvements on the Real Estate.
7. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.
8. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the 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 Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.
9. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.
10. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.
11. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
12. Severability. Each covenant or restriction contained in any paragraph of this 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 Commitment, and such other restriction or covenant shall be enforced.

13. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
14. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.
15. Last Deed of Record. The last deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number 2015051677.
16. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[SIGNATURE AND EXHIBIT PAGES FOLLOW]

"DECLARANT"

CITY OF FORT WAYNE
DEPARTMENT OF REDEVELOPMENT

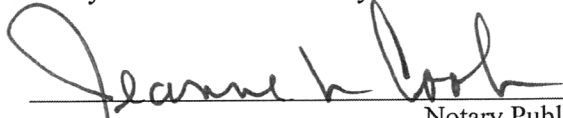
By: 
Nancy Townsend

Its: Director

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this 21 day of May, 2018, personally appeared Nancy Townsend, Director of the City of Fort Wayne Department of Redevelopment as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

, Notary Public

My Commission Expires:
My County of Residence:



EXHIBIT A

“LEGAL DESCRIPTIONS”

Future BTI Zoning Parcel

PART OF THE NORTH HALF OF FRACTIONAL SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT A STONE FOUND AT THE NORTHWEST CORNER OF FRACTIONAL SECTION 19; THENCE SOUTH 89 DEGREES 19 MINUTES 16 SECONDS EAST (BEARINGS BASED ON HOFER AND DAVIS SURVEY DATED APRIL 14, 2015) 776.39 FEET TO THE SOUTH 50 FOOT RIGHT-OF-WAY OF WASHINGTON CENTER ROAD; THENCE 498.38 FEET ALONG SAID RIGHT OF WAY AND A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2341.83 FEET AND A CHORD BEARING SOUTH 83 DEGREES 18 MINUTES 25 SECONDS EAST 497.43 FEET TO A POINT; THENCE SOUTH 89 DEGREES 24 MINUTES 12 SECONDS EAST CONTINUING ALONG SAID RIGHT OF WAY 655.36 FEET TO A POINT; THENCE SOUTH 89 DEGREES 24 MINUTES 12 SECONDS EAST CONTINUING ALONG SAID RIGHT OF WAY 315.04 FEET TO THE WEST LINE OF A 4.00 ACRE TRACT PER DOCUMENT NO. 990000445; THENCE SOUTH 0 DEGREES 19 MINUTES 32 SECONDS EAST ALONG THE WEST LINE OF SAID 4.00 ACRE TRACT 348.32 FEET TO THE SOUTHWEST CORNER OF SAID 4.00 ACRE TRACT; THENCE SOUTH 89 DEGREES 21 MINUTES 50 SECONDS EAST ALONG THE SOUTH LINE OF SAID 4.00 ACRE TRACT 514.41 FEET TO THE WEST LINE OF THE KRUSE HOMESTEAD ADDITION PER PLAT BOOK 25, PAGE 144, AND THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SAID FRACTIONAL SECTION 19; THENCE SOUTH 0 DEGREES 19 MINUTES 32 SECONDS EAST ALONG AFORESAID LINE 2047.16 FEET TO THE NORTHERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 30; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES; NORTH 89 DEGREES 9 MINUTES 37 SECONDS WEST 784.55 FEET TO A POINT; SOUTH 88 DEGREES 21 MINUTES 30 SECONDS WEST 300.28 FEET TO A POINT; NORTH 89 DEGREES 9 MINUTES 37 SECONDS WEST 1609.00 FEET TO A POINT; NORTH 36 DEGREES 4 MINUTES 47 SECONDS WEST 116.50 FEET TO A POINT; NORTH 00 DEGREES 34 MINUTES 2 SECONDS EAST 35.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 58 SECONDS WEST 30.00 FEET TO THE WEST LINE OF SAID FRACTIONAL SECTION 19; THENCE NORTH 0 DEGREES 34 MINUTES 2 SECONDS EAST ALONG SAID WEST LINE 1065.08 FEET TO A POINT; THENCE SOUTH 89 DEGREES 9 MINUTES 37 SECONDS 116.83 FEET TO A POINT OF CURVATURE; THENCE 370.71 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 472.00 FEET AND A CHORD BEARING SOUTH 66 DEGREES 39 MINUTES 37 SECONDS EAST 361.25 FEET TO A POINT; THENCE SOUTH 44 DEGREES 9 MINUTES 37 SECONDS EAST 391.65 FEET TO A POINT OF CURVATURE; THENCE 358.93 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 457.00 FEET AND A CHORD BEARING SOUTH 66 DEGREES 39 MINUTES 37 SECONDS EAST 349.77 FEET TO A POINT; THENCE SOUTH 89 DEGREES 9 MINUTES 37 SECONDS EAST 322.25 FEET TO A POINT OF CURVATURE; THENCE 358.93 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 457.00 FEET AND A CHORD BEARING NORTH 68 DEGREES 20 MINUTES 23 SECONDS EAST 349.77 FEET TO A POINT; THENCE NORTH 45 DEGREES 50 MINUTES 23 SECONDS EAST 176.22 FEET TO A POINT OF CURVATURE; THENCE 157.28 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 457.00 FEET AND A CHORD BEARING NORTH 35 DEGREES 58 MINUTES 49 SECONDS EAST 156.51 FEET TO A POINT; THENCE NORTH 63 DEGREES 52 MINUTES 46 MINUTES WEST 207.76 FEET TO A POINT; THENCE SOUTH 73 DEGREES 2 MINUTES 0 SECONDS WEST 283.72 FEET TO A POINT; THENCE NORTH 2 DEGREES 32 MINUTES 58 SECONDS WEST 381.45 FEET TO A POINT; THENCE NORTH 71 DEGREES 29 MINUTES 0 SECONDS EAST 138.55 FEET; THENCE NORTH 0 DEGREES 19 MINUTES 38 SECONDS WEST 442.29 FEET TO A POINT; THENCE SOUTH 89 DEGREES 40 MINUTES 22 SECONDS WEST

264.09 FEET TO A POINT OF CURVATURE; THENCE 147.31 FEET ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 77.00 FEET AND A CHORD BEARING NORTH 89 DEGREES 45 MINUTES 31 SECONDS WEST 125.85 FEET TO A POINT; THENCE SOUTH 55 DEGREES 2 MINUTES 54 SECONDS WEST 397.32 FEET TO A POINT; THENCE SOUTH 12 DEGREES 38 MINUTES 59 MINUTES 59 SECONDS WEST 139.03 FEET TO A POINT; THENCE NORTH 56 DEGREES 43 MINUTES 28 SECONDS WEST 180.08 FEET TO A POINT; THENCE NORTH 75 DEGREES 34 MINUTES 22 SECONDS WEST 455.83 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 58 SECONDS WEST 218.80 FEET TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 19, TOWNSHIP 31 NORTH RANGE 12 EAST; THENCE ALONG SAID WEST LINE NORTH 0 DEGREES 34 MINUTES 2 SECONDS EAST 721.77 FEET TO THE POINT OF BEGINNING, CONTAINING 116.546 ACRES MORE OR LESS.

Future I1 Zoning Parcel

PART OF THE NORTH HALF OF FRACTIONAL SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING AT A STONE FOUND AT THE NORTHWEST CORNER OF FRACTIONAL SECTION 19; THENCE SOUTH 00 DEGREES 34 MINUTES 2 SECONDS EAST (BEARINGS BASED ON HOFER AND DAVIS SURVEY DATED APRIL 14, 2015) ON AND ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 19 721.77 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 25 MINUTES 58 SECONDS EAST 218.80 FEET TO A POINT; THENCE SOUTH 75 DEGREES 34 MINUTES 22 SECONDS EAST 455.83 FEET TO A POINT; THENCE SOUTH 56 DEGREES 43 MINUTES 28 SECONDS EAST 180.08 FEET TO A POINT; THENCE NORTH 12 DEGREES 38 MINUTES 59 SECONDS EAST 139.03 FEET TO A POINT; THENCE NORTH 55 DEGREES 2 MINUTES 54 SECONDS EAST 397.32 FEET TO A POINT OF CURVATURE; THENCE 147.31 FEET ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 77.00 FEET AND A CHORD BEARING SOUTH 89 DEGREES 45 MINUTES 31 SECONDS EAST 125.85 FEET TO A POINT; THENCE NORTH 89 DEGREES 40 MINUTES 22 SECONDS EAST 264.09 FEET TO A POINT; THENCE SOUTH 0 DEGREES 19 MINUTES 38 SECONDS EAST 442.29 FEET TO A POINT; THENCE SOUTH 71 DEGREES 29 MINUTES 0 SECONDS WEST 138.55 FEET TO A POINT; THENCE SOUTH 2 DEGREES 32 MINUTES 58 SECONDS EAST 381.45 FEET TO A POINT; THENCE NORTH 73 DEGREES 2 MINUTES 0 SECONDS EAST 283.72 FEET TO A POINT; THENCE SOUTH 63 DEGREES 52 MINUTES 46 SECONDS EAST 207.76 FEET TO A POINT OF CURVATURE; THENCE 157.28 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 457.00 FEET AND A CHORD BEARING SOUTH 35 DEGREES 58 MINUTES 49 SECONDS WEST 156.51 FEET TO A POINT; THENCE SOUTH 45 DEGREES 50 MINUTES 23 SECONDS WEST 176.22 FEET TO A POINT OF CURVATURE; THENCE 358.93 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 457.00 FEET AND A CHORD BEARING SOUTH 68 DEGREES 20 MINUTES 23 SECONDS WEST 349.77 FEET TO A POINT; NORTH 89 DEGREES 9 MINUTES 37 SECONDS WEST 322.25 FEET TO A POINT OF CURVATURE; THENCE 358.93 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 457.00 FEET AND A CHORD BEARING NORTH 66 DEGREES 39 MINUTES 37 SECONDS WEST 349.77 FEET TO A POINT; THENCE NORTH 44 DEGREES 9 MINUTES 37 SECONDS WEST 391.65 FEET TO A POINT OF CURVATURE; THENCE 370.71 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 472.00 FEET AND A CHORD BEARING NORTH 66 DEGREES 39 MINUTES 37 SECONDS WEST 361.25 FEET TO A POINT; THENCE NORTH 89 DEGREES 9 MINUTES 37 SECONDS WEST 116.83 FEET TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 19; THENCE NORTH 0 DEGREES 34 MINUTES 2 SECONDS EAST ALONG SAID WEST LINE 535.77 FEET TO THE POINT OF BEGINNING, CONTAINING 33.080 ACRES MORE OR LESS.

EXHIBIT B
“DEVELOPMENT PLAN”

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0013 (amended)
Bill Number: Z-18-05-07
Council District: 3-Tom Didier

Introduction Date: May 8, 2018
Plan Commission
Public Hearing Date: May 14, 2018 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 33.1 acres of property from R1-Single Family Residential to I1-Limited Industrial.
Location: 5800 through 6300 blocks of Washington Center Road and the 5700 through 5800 blocks of Flaugh Road.
Reason for Request: To develop the land with up to 4 lots for prospective technical, business, and light industry along the US 30 Corridor.
Applicant: City of Fort Wayne Department of Redevelopment
Property Owner: City of Fort Wayne Department of Redevelopment

Related Petitions: Primary Development Plan, US 30 Corporate Park

Effect of Passage: Property will be rezoned to the I1limited Industrial zoning district, which will allow the development of the property into a multi-lot, planned industrial park.
Effect of Non-Passage: The property will remain zoned R1-Single Family Residential and may develop with single family uses, or continue to be farmed.

BILL NO. Z-18-05-07

REPORT OF COMMITTEE ON REGULATIONS

June 12, 2018

Thomas Didier Chair

Paul Ensley Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. D-34 and E-34
(Sec. 19 of Washington Township)

*5800 through 6300 blocks of Washington Center Road and the 5700 through
5800 blocks of Flaugh Road from R1-Single Family Residential to I1-Limited
Industrial*

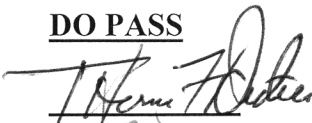
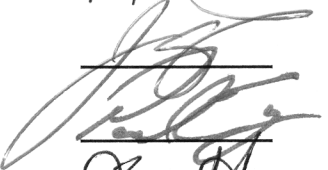
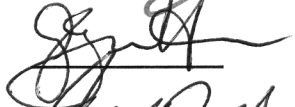

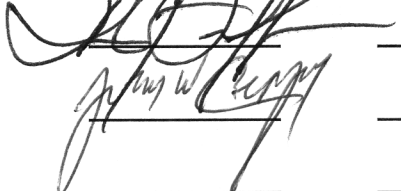
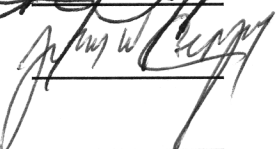
**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under
consideration and beg leave to report back to the Common Council that
said Ordinance**

DO PASS

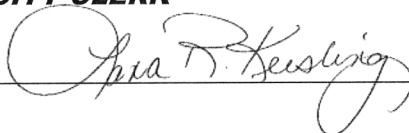
DO NOT PASS

ABSTAIN

NO REC

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

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: ~~APRIL 9, 2018~~ APRIL 14, 2018


Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Didier, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 12, 2018



 LANA R. KEESLING, CITY CLERK

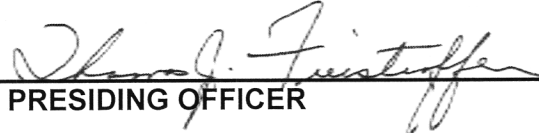
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-18-05-07 on the 12th day of June, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK



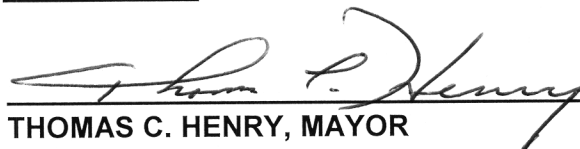
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of June 2018, at the hour of 10:15 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13TH day of June 2017, at the hour of 1:00 O'clock PM . E.S.T.



 THOMAS C. HENRY, MAYOR