

#1302

BILL NO. Z-13-01-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-11 (Sec. 14 of Wayne Township)**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated a CM2
(Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
of the City of Fort Wayne, Indiana:

Part of Block Number 12, together with the West 3.0 feet of Block Number 11, both
in Koehler Estates, subdivision by Commissioners, according to the Plat thereof
recorded in Deed Record 107, pages 605-607 in the Office of the Recorder of Allen
County, Indiana, except that portion of both said blocks appropriated for the
widening of Rudisill Boulevard; Lot Number 4 in Shannon's Subdivision to Fort
Wayne, Indiana, according to the Plat thereof recorded in Plat Record 11, page 6 in
the Office of the Recorder; Lots Numbered 2, 3, 4 and 5 except the West 34.34 feet
of said Number 5, all in Calhoun Place Addition as recorded in Plat Book 7A, page
13 in the Office of said Recorder; together with that part of the vacated alley lying
North of said Lots in Calhoun Place Addition, all being in the City of Fort Wayne,
Allen County, Indiana and all being more particularly described as follows, to wit:

Beginning at the Southeast corner of Lot Number 2 in said Calhoun Place addition;
thence N 87 degrees 29 minutes West (adjoining deed bearing and is used as the
basis for the bearings in this description), on and along the South line of Lots
Numbered 2, 3, 4 and 5, a distance of 125.66 feet to a point situated 34.34 feet, South
87 degrees 29 minutes East from the Southwest corner of said Lot Number 5; thence
North 00 degrees 00 minutes East and parallel to the West line of said Lot Number 5,
a distance of 332.1 feet to a point on the South right-of-way line of Rudisill
Boulevard as established by Boulevard Improvement Resolution No. 7-1914; thence
South 88 degrees 06 minutes 30 seconds East, on and along said South right-of-way
line, a distance of 132.25 feet to the Northeast corner of Lot Number 4 in said
Shannon's Subdivision; thence South 00 degrees 20 minutes 40 seconds West on and
along the East line of said Lot Number 4, a distance of 173.5 feet (recorded 173.6
feet) to the Southeast corner of said Lot Number 4; thence North 87 degrees 29
minutes West, on and along the South line of said Lot Numbered 4, a distance of 5.6
feet to the point of intersection of said South line with the Northerly projection of the
East line of Lot Number 2 in said Calhoun Place Addition; thence South 00 degrees
00 minutes West, on and along said Northerly projection and said East line, a

1 distance of 160.00 feet to the point of beginning, containing 0.983 acres of land
2 (42,839 feet), subject to all easements of record.

3 and the symbols of the City of Fort Wayne Zoning Map No. M-11 (Sec. 14 of Wayne
4 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
5 Wayne, Indiana is hereby changed accordingly.

6
7 SECTION 2. That this Ordinance shall be in full force and effect from and after its
8 passage and approval by the Mayor.

9 _____
10 Council Member

11 APPROVED AS TO FORM AND LEGALITY:

12 _____
13 Carol T. Helton, City Attorney
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: 1302/13
Bill Number: Z-13-01-01
Council District: 5 – Glynn Hines

Introduction Date: January 8, 2013

Plan Commission
Public Hearing Date: January 7, 2013

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

Synopsis of Ordinance: To rezone approximately one acre of property from CM3-General Commercial and R1-Single Family Residential to CM2-Limited Retail and Commercial

Location: 222 East Rudisill Boulevard, the former parking area for Rudisill Plaza, east of McDonald's and west of Well Fargo.

Reason for Request: To allow for development of the site with a stand-alone Aaron's Rental Facility.

Applicant: Circle City Rentals, LLC

Property Owner: Rudisill Plaza Associates, LLC/John V. Tippmann, Sr.

Related Petitions: Primary Development Plan, Aaron's Rental Facility

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial and may develop with a furniture rental company, as well as all other permitted CM2 uses. The CM3 zoning classification will be reduced in intensity, which will prohibit more intensive uses along this corridor.

Effect of Non-Passage: The property will remain zoned CM3-General Commercial and R1-Single Family Residential, so the north part of the property may develop with more intensive commercial uses, while the south part will remain a parking lot (with the current BZA approval) or may be used for residential purposes.

Department of Planning Services
Rezoning Petition Application

Applicant	Applicant	<u>Circle City Rentals, LLC</u>		
	Address	<u>8900 Keystone Crossing, Suite 670</u>		
	City	<u>Indianapolis</u>	State	<u>Indiana</u> Zip <u>46240</u>
	Telephone	<u>317-466-1425</u>	Fax	<u></u> E-mail <u>furlinjl@aol.com</u>
Property Ownership	Property Owner	<u>Rudisill Plaza Associates, LLC</u>		
	Address	<u>9009 Coldwater Road</u>		
	City	<u>Fort Wayne</u>	State	<u>Indiana</u> Zip <u>46825</u>
	Telephone	<u>260-490-3000</u>	Fax	<u>260-490-1390</u> E-mail <u>jtippmannsr@tlppmannsgroup.com</u>
Contact Person	Contact Person	<u>Joshua C. Neal</u>		
	Address	<u>Barrett & McNagney LLP, 215 E. Berry Street</u>		
	City	<u>Fort Wayne</u>	State	<u>Indiana</u> Zip <u>46802</u>
	Telephone	<u>260-423-9551</u>	Fax	<u>260-423-8920</u> E-mail <u>jcn@barrettlaw.com</u>

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 <u>222 East Rudisill Boulevard</u>	
	Present Zoning <u>CM3/R1</u>	Proposed Zoning <u>CM2</u> Acreage to be rezoned <u>0.983</u>
	Proposed density _____ units per acre	
	Township name <u>Wayne</u> Township section # <u>074</u>	
	Purpose of rezoning (attach additional page if necessary) <u>To permit the construction of an approximately 8,000 s.f. building to be used in connection with the sale of home appliances, furniture, computers and electronics.</u>	
	Sewer provider <u>City of Fort Wayne</u>	Water provider <u>City of Fort Wayne</u>

Filing Requirements	<i>Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.</i>	
	☒ 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.

see Exhibit A

(printed name of applicant)	(signature of applicant)	(date)
<u>John V. Tippmann, Sr.</u>	<u>[Signature]</u>	<u>12/3/12</u>
(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.
<u>12/4/12</u>	<u>110350</u>	<u>1/7/13</u>	<u>1302</u>

Rez-2012-0121

EXHIBIT "A"

"APPLICANT"

CIRCLE CITY RENTALS, LLC

By: _____
Printed Name: _____
Its: _____

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared _____, the _____ of CIRCLE CITY RENTALS, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this _____ date of _____, 2012.

_____, Notary Public

My commission expires: _____

County of residence: _____

"OWNER"

RUDISILL PLAZA ASSOCIATES, LLC

By: John V. Tippmann, Sr.
Printed Name: John V. Tippmann, Sr.
Its: Manager

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared John V. Tippmann, Sr., the Manager of RUDISILL PLAZA ASSOCIATES, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this 3rd date of December, 2012.

Marina R. Garcia
MARINA R. GARCIA Notary Public

My commission expires: 10/29/2013

County of residence: Allen



EXHIBIT "A"

"APPLICANT"

CIRCLE CITY RENTALS, LLC

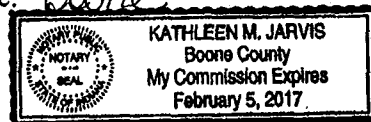
By: [Signature]
Printed Name: Jeffrey L Furlin
Its: Member

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared Jeffrey Furlin, the Member of CIRCLE CITY RENTALS, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this 1st date of December, 2012.
[Signature], Notary Public
My commission expires: Feb. 5, 2017

County of residence: Boone



"OWNER"

RUDISILL PLAZA ASSOCIATES, LLC

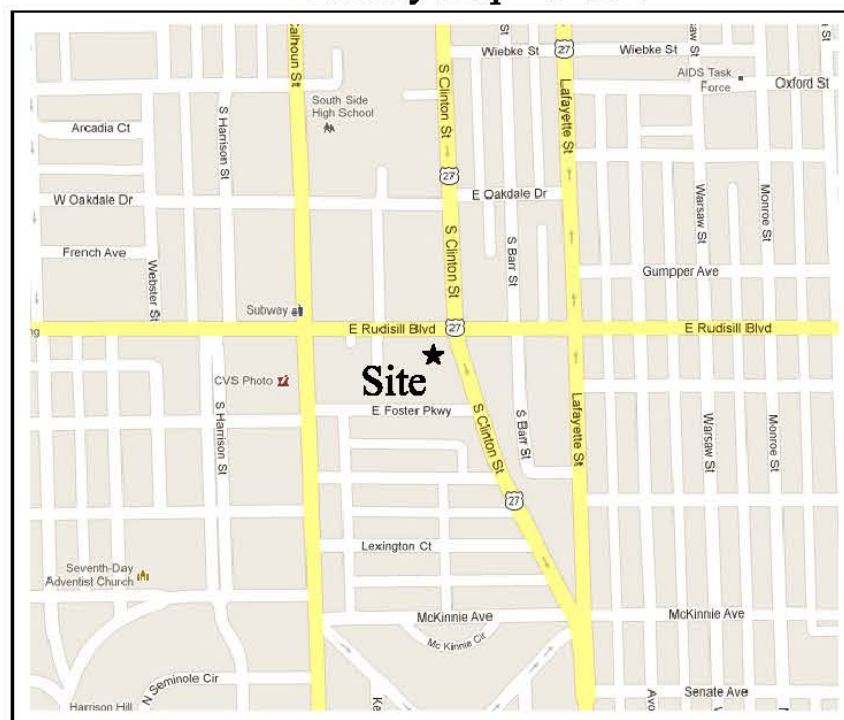
By: _____
Printed Name: _____
Its: _____

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, a notary public, in and for said County and State, personally appeared _____, the _____ of RUDISILL PLAZA ASSOCIATES, LLC, who acknowledged the execution of the foregoing Rezoning Petition Application, and who, having been duly sworn, under the penalties of perjury, stated that the facts and the matters therein set forth are true and correct.

Witness my hand and notarial seal this _____ date of _____, 2012.
_____, Notary Public
My commission expires: _____ County of residence: _____

Vicinity Map Not to Scale



Structure Table

Str.No.	Rim Elev.	Invert	Invert
Str.#1	794.28'	Traffic	
Str.#2	794.56'	788.3'W.	788.1'E.
Str.#3	794.45'	788.3'W.	
Str.#4	794.16'	791.1'E.	791.1'W.
Str.#5	795.52'	790.0'W.	790.1'S.
Str.#6	797.04'	791.9'S.	
Str.#7	797.04'	795.4'NE.	
Str.#8	797.12'	795.2'NW.	
Str.#9	797.02'	795.3'W.	
Str.#10	798.82'	793.6'NW.	
Str.#11	798.59'	786.3'W.	793.7'SW.
Str.#12	798.82'	785.5'	

Control Information:

Number	North	East	Elevation	Description
CP#501	1000.00	1000.00	794.58'	5/8"x24"Steel Rebar w/ "Miller" Control Cap Id.
CP#502	539.16	971.70	799.27	5/8"x24"Steel Rebar w/ "Miller" Control Cap Id.
TBM#7777	913.94	1156.24	795.41	Chiseled Square @ NE Corner of 3'x3' Concrete Signal Base
TBM#7778	566.78	1088.34	803.02'	Top Nut of Fire Hydrant

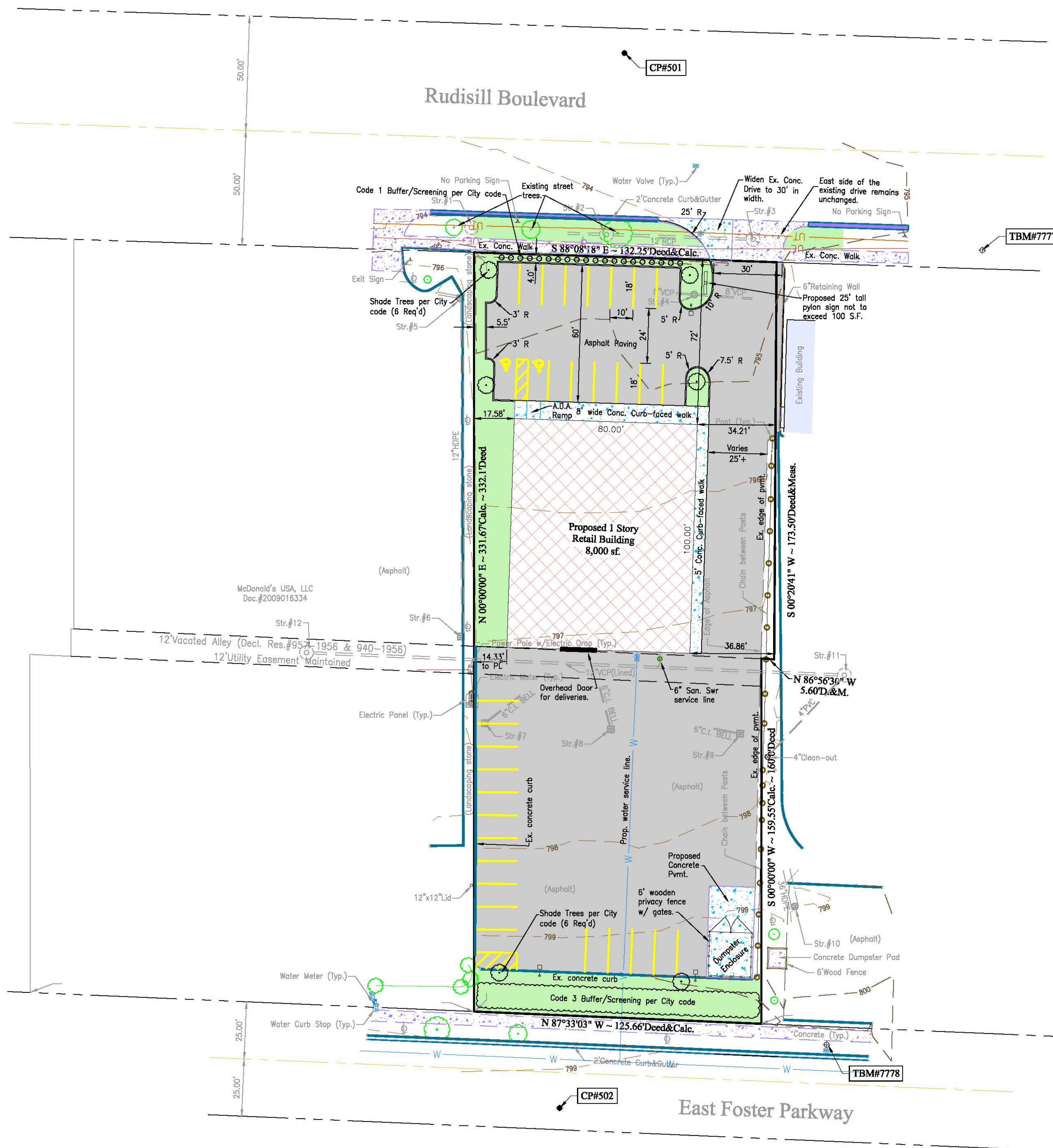
Elevations are based on City of Fort Wayne: C.E.1-003, Chiseled Square @ NE Corner of 3'x3' Concrete Signal Base @ SW Corner of Clinton Street and Rudisill Blvd. Elevation: 795.40' (NGVD29)

Notes:

— Indiana Underground Plant Protection Services (IUPPS) Locate Number: 1211053198

Symbol and Line Legend

	Underground Electric
	Fence
	Gas Line
	Underground Telephone
	Right-of-Way Line
	Center Line
	Major Contour
	Minor Contour
	Asphalt
	Concrete



Record Description Doc.#88-31861

Part of Block Number 12, together with the West 3.0 feet of Block Number 11, both in Koehier Estates, subdivision by commissioners, according to the Plat thereof recorded in Deed Record 107, pages 605-607 in the Office of the Recorder of Allen County, Indiana, except that portion of both said blocks appropriated for the widening of Rudisill Boulevard; Lot Number 4 in Shannon's Subdivision to Fort Wayne, Indiana, according to the Plat thereof recorded in Plat Record 11, page 6 in the Office of the Recorder; Lots Numbered 2, 3, 4 and 5 except the West 34.34 feet of said Number 5, all in Calhoun Place Addition as recorded in Plat Book 7A, page 13 in the Office of said Recorder; together with that part of the vacated alley lying North of said Lots in Calhoun Place Addition, all being in the City of Fort Wayne, Allen County, Indiana and all being more particularly described as follows, to wit:

Beginning at the Southeast corner of Lot Number 2 in said Calhoun Place Addition; thence N 87°-29' W (adjoining deed bearing and is used as the basis for the bearings in this description), on and along the South line of Lots Numbered 2, 3, 4 and 5, a distance of 125.66 feet to a point situated 34.34 feet, S 87°-29' E from the Southwest corner of said Lot Number 5; thence N 00°-00' E and parallel to the West line of said Lot Number 5, a distance of 332.1 feet to a point on the South right-of-way line of Rudisill Boulevard as established by Boulevard Improvement Resolution No. 7-1914; thence S 88°-08'30" E, on and along said South right-of-way line, a distance of 132.25 feet to the Northeast corner of Lot Number 4 in said Shannon's Subdivision; thence S 00°-20'-40" W, on and along the East line of said Lot Number 4, a distance of 173.5 feet (recorded 173.6 feet) to the Southeast corner of said Lot Number 4; thence N 87°-29' W, on and along the South line of said Lot Number 4, a distance of 5.6 feet to the point of intersection of said South line with the Northernly projection of the East line of Lot Number 2 in said Calhoun Place Addition; thence S 00°-40' W, on and along said Northernly projection and said East line, a distance of 160.8 feet to the point of beginning, containing 0.983 acres of land (42,839 square feet), subject to all easements of record.

Legend

	Proposed One Story Retail Building
	Proposed Concrete Walks/Pavement
	Proposed Open/Grass/Landscaped Areas
	Proposed/Existing Asphalt Pavement
	Proposed Shade Tree
	Proposed Sanitary Sewer Line
	Proposed Storm Sewer Line
	Proposed Water Line
	Proposed Site Lighting

Site Data

Site Acreage - 0.983 Acres
Structure - 8000 S.F. - One story Retail Building
Present Zoning - R1 & CM3 Proposed Zoning - CM3
Proposed Parking - 32 spaces (includes 2 Handicap spaces)

Notes

1. Water and Sanitary Sewer service provided by the City of Fort Wayne.
2. The eastern, southern & a portion of the west sides of the existing asphalt pavement will remain unchanged. Portions of the existing asphalt will be rebuilt while other portions will be sealed and/or overlaid.
3. Storm sewer drainage will be utilizing existing drainage structures wherever practical.
4. All street/parking lot lights shall be sharp-cutoff light fixtures. The proposed building will have wall pack lighting fixtures on all four sides of the building. See the proposed building elevations for locations.
5. The existing storm sewer systems serving the existing asphalt pavement areas will continue in service.

Primary Development Plan
for

Aaron's Rental Facility

Owner:

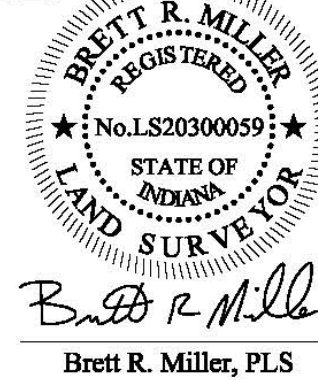
Mr. Jeff Furlin
Circle City Rentals, LLC
8900 Keystone Crossing, Suite 670
Indianapolis, IN 46240
Phone: 317-466-1425

Surveyor/Engineer:

Miller Land Surveying, Inc.
221 Tower Drive, P.O. Box 34
Monroe, IN 46772
Phone: 260-692-6166
Fax: 260-692-6242

MLS

SEAL:



MLS

Miller Land Surveying, Inc.
www.millerweb.com
Precision and Professionalism is where we draw the line.

Fort Wayne Office
231 Airport North Office Park
Fort Wayne, IN 46825
Phone: (260) 489-4571
Fax: (260) 489-4570

Brett R. Miller, PLS No. LS20300059
Robert J. Marucci, PLS No. LS20400028
Larry W. Owen, PLS No. S-0034

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

OWNER:

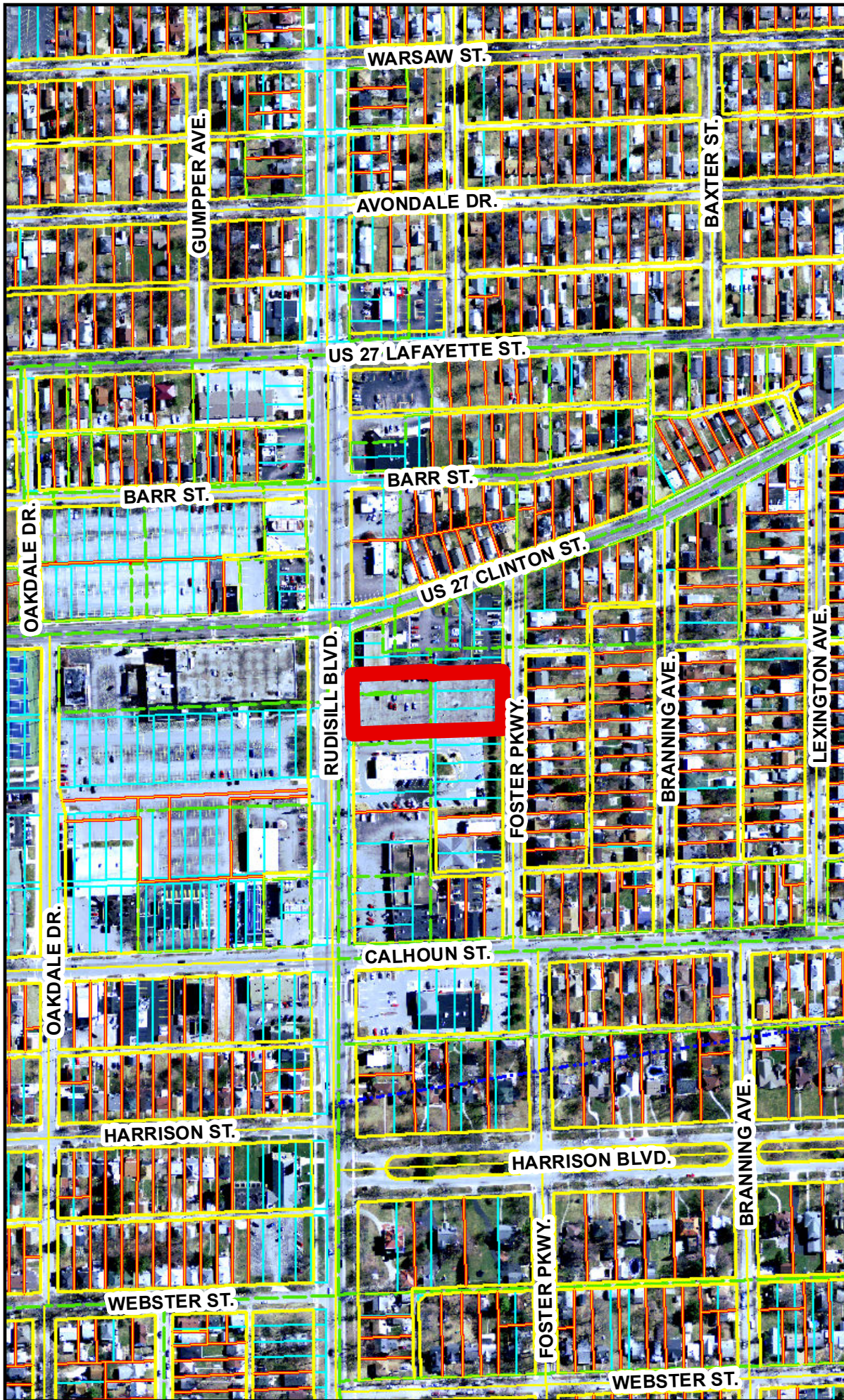
Mr. Jeff Furlin
Circle City Rentals, LLC
8900 Keystone Crossing, Suite 670
Indianapolis, IN 46240
Phone: 317-466-1425

REVISIONS:

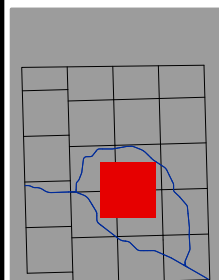
Aaron's Rental Facility
222 East Rudisill Blvd.
Fort Wayne, Allen County, Indiana
Primary Development Plan

Date: December 4, 2012
Scale: 1"=30'
Drawn By: BRM/ADW
Chk'd By: BRM
Project No.: 12112153

Sheet
C1.1



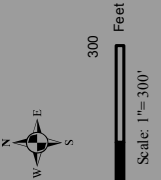
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

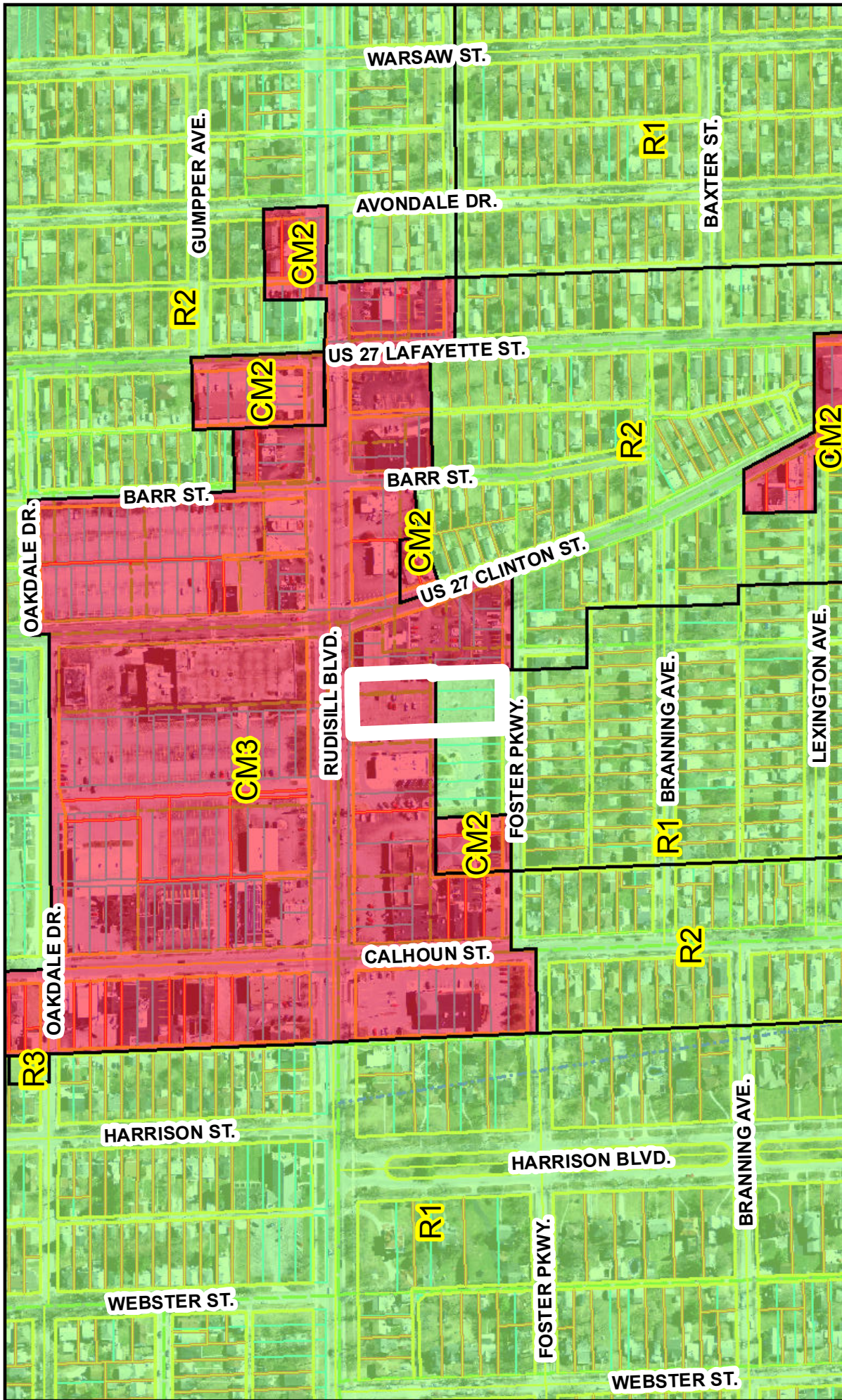


Rezoning Petition 1302/13 and Primary Development Plan - Aarons Rental

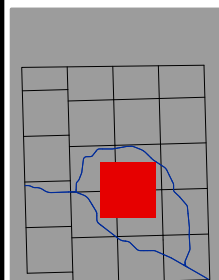
Printed: December 17, 2012
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999

Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.





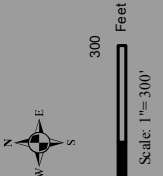
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Printed: December 17, 2012
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999



Rezoning Petition 1302/13 and Primary Development Plan - Aarons Rental



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.