

#1303

BILL NO. Z-13-01-16

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-26 (Sec. 26 of Washington 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 CM3
(General Commercial) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

The North 119.5 feet of the West 291.06 feet of the Northwest Quarter of Section 26,
Township 31 North, Range 12 East, said by previous deeds to contain 0.41 acres,
more or less.

ALSO:

The South 149.6 feet of the North 269.1 feet of the West 291.6 feet of the Northwest
Quarter of Section 26, Township 31 North, Range 12 East, said by previous deeds to
contain 1.0 acre, more or less.

EXCEPT THE FOLLOWING:

A part of the Northwest Quarter of Section 26, Township 31 North, Range 12 East,
Allen County, Indiana, described as follows:

Commencing at the Northwest corner of said Quarter Section; thence North 88
degrees 44 minutes 26 seconds East 291.06 feet along the North line of said Quarter
Section to the Northeast corner of the Owner's land; thence South 1 degree 35
minutes 00 seconds East 52.36 feet along the East line of the Owner's land to the
Point of Beginning of this description, which point is on the South boundary of
U.S.R. 30 Bypass (California Road); thence South 1 degree 35 minutes 00 seconds
East 45.19 feet along said East line; thence South 88 degrees 53 minutes 00 seconds
West, 200.97 feet; thence South 88 degrees 53 minutes 18 seconds West 30.10 feet;
thence South 43 degrees 49 minutes 32 seconds West 49.12 feet to the East boundary
of Sherman Boulevard; thence North 1 degree 35 minutes 00 seconds West 55.00
feet along said East boundary to a Southeastern boundary of said Boulevard; thence
North 54 degrees 36 minutes 41 seconds East 44.36 feet along said Southeastern
boundary to the South boundary of U.S.R. 30 Bypass (California Road); thence along
said South boundary Easterly 75.01 feet along an arc to the left and having a radius
of 180984.04 feet and subtended by a long chord having a bearing of North 88
degrees 53 minutes 43 seconds East and a length of 75.01 feet; thence North 88

degrees 53 minutes 00 seconds East 154.19 feet along said South boundary to the Point of Beginning and containing 0.279 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. L-26 (Sec. 26 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. 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

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: 1303/13
Bill Number: Z-13-01-16
Council District: 3 – Tom Didier

Introduction Date: January 22, 2013

Plan Commission
Public Hearing Date: February 11, 2013

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

Synopsis of Ordinance: To rezone approximately 1.13 acres of property from CM2-Limited Retail and Commercial to CM3-General Commercial with a Written Commitment

Location: 821 West Coliseum Boulevard.

Reason for Request: To expand retail services with certain CM3 uses in the existing retail center.

Applicant: Bill and Jerry, LLC

Property Owner: Bill and Jerry, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to CM3-General Commercial, which allows for retail gun and ammunition sales. A voluntary Written Commitment will be submitted to restrict other intensive uses within the CM3 zoning classification.

Effect of Non-Passage: The property will remain zoned CM2-Limited Retail and Commercial and will continue to allow the other existing retail tenants, however the gun shop owner will need to find a different location.

Department of Planning Services
Rezoning Petition Application

Applicant BILL & JERRY, LLC.
Address 821 W. COLISEUM BLVD.
City FORT WAYNE State IN Zip 46808
Telephone _____ Fax _____ E-mail _____

Property Owner BILL & JERRY, LLC.
Address 821 W. COLISEUM BLVD., ST. 1
City FORT WAYNE State IN Zip 46808
Telephone (260) 417-2752 Fax _____ E-mail _____

Contact Person BILL KESTERKE
Address 821 W. COLISEUM BLVD.
City FORT WAYNE State IN Zip 46808
Telephone (260) 740-7831 Fax (260) 485-0439 E-mail billkesterkey@gmail.com

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

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 821 W. COLISEUM BLVD.
Present Zoning CM2 Proposed Zoning CM3 Acreage to be rezoned 1.13
Proposed density N/A units per acre
Township name * WASHINGTON Township section # 26
Purpose of rezoning (attach additional page if necessary) TO PERMIT CERTAIN CM3 USES.

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 contact staff 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.

<u>BILL KESTERKE</u> (printed name of applicant)	<u>Bill Kesterke</u> (signature of applicant)	<u>12/26/12</u> (date)
<u>BILL KESTERKE</u> (printed name of property owner)	<u>Bill Kesterke</u> (signature of property owner)	<u>12/26/12</u> (date)
<u>Jerry R & J</u> (printed name of property owner)	<u>Jerry R & J</u> (signature of property owner)	<u>12/27/12</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>1/2/13</u>	Receipt No. <u>110487</u>	Hearing Date	Petition No. <u>1303/13</u>
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Rec-2013-0003



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2009067167

RECORDED ON

12/31/2009 06:11:12PM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

REC FEE: 18.00

TRANS # 80757

QUITCLAIM DEED

Mail tax bills to:

821 W Coliseum / Ste 1
 Ft Wayne IN 46808

Grantee mailing address:

Same

THIS INDENTURE WITNESSETH, that BILL KESTERKE, over the age of eighteen (18) years of Allen County in the State of Indiana ("Grantor"), RELEASES AND QUITCLAIMS UNTO BILL & JERRY, LLC, an Indiana limited liability company, of Allen County in the State of Indiana ("Grantee"), in consideration of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, real estate located in allen County, Indiana, more particularly described as follows, to-wit:

PARCEL 1

The North 119.5 feet of the West 291.06 feet of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, said by previous deeds to contain .41 acres, more or less.

ALSO

The South 149.6 feet of the North 269.1 feet of the West 291.6 feet of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, said by previous deeds to contain 1 acre, more or less.

Except the following:

A part of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at the Northwest corner of said Quarter Section; thence North 88 degrees 44 minutes 26 seconds East 291.06 feet along the North line of said Quarter Section to the Northeast corner of the owner's land; thence South 1 degree 35 minutes 00 seconds East 52.36 feet along the East line of the Owners' land to The Point of Beginning of this description, which point is on the South boundary of U.S.R. 30 Bypass (California Road); thence South 1 degree 35 minutes 00 seconds East 45.19 feet along said East line; thence South 88 degrees 53 minutes 00 seconds West, 200.97 feet; thence South 88 degrees 53 minutes 18 seconds West 30.10 feet; thence South 43 degrees 49 minutes 32 seconds West 49.12 feet to the East boundary of Sherman Boulevard; thence North 1 degree 35 minutes 00 seconds West 55.00 feet along said East boundary to a Southeastern Boundary of said Boulevard; thence North 54 degrees 36 minutes 41 seconds East 44.36 feet along said Southeastern boundary to the South boundary of U.S.R. 30 Bypass (California Road); thence along said South boundary Easterly 75.01 feet along an arc to the left and having a radius of 180984.04 feet and subtended by a long chord having a bearing of North 88 degrees 53 minutes 43 seconds East and a length of 75.01 feet; thence North 88 degrees 53 minutes 00 seconds East 154.19 feet along said South boundary to the Point of Beginning and containing 0.279 acres, more or less.

~~PARCEL 2~~

~~The north 88 feet of the south 149.6 feet of the west 291.6 feet of the Northwest Quarter of Section 26, Township 31 North, Range 12 East~~

DEC 31 2009

STACEY O'DAY
 ALLEN COUNTY ASSESSOR

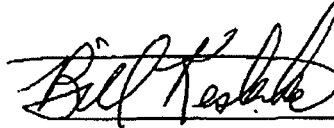
DEC 31 2009

78652

18

SUBJECT to all conditions, easements, restrictions, and limitations of record, as well as all applicable zoning ordinances.

DATED: 12/28/09



(Signature)

BILL KESTERKE

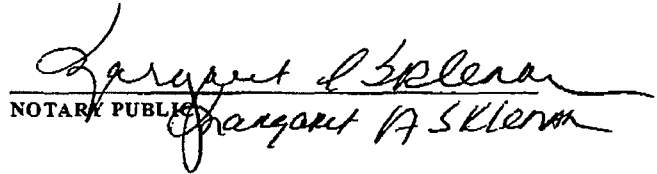
(Printed Name)

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 28 day of Dec 09, appeared **BILL KESTERKE**, over the age of eighteen (18) years, who acknowledged the execution of the above and foregoing Quitclaim Deed. I have, in witness thereof, subscribed my name and affixed my official seal.

My Commission Expires:

12/26/2016
Resident of: Whitley Co IN


NOTARY PUBLIC

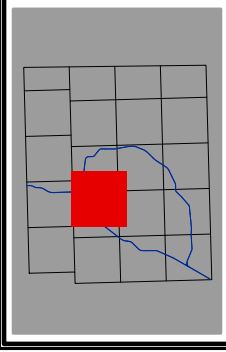
This instrument prepared by **VINCENT J. HEINY** (7638-02), Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802; telephone: (260) 426-0444; fax: (260) 422-0274. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by Law. Vincent J. Heiny

PADEEDS463809.wpd (12/28/09 10:12AM)



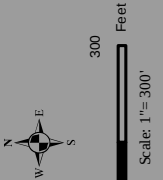


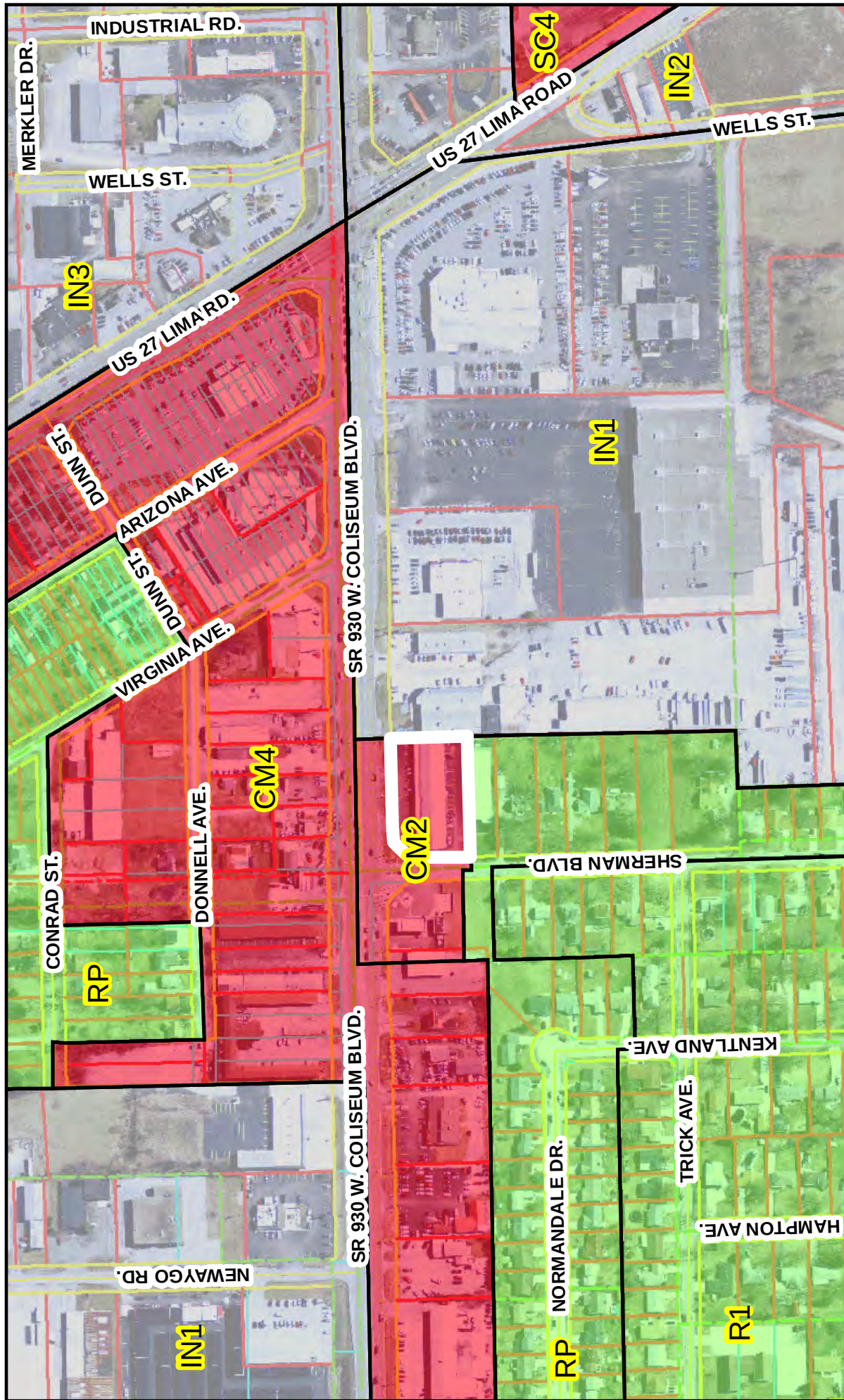
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Rezoning Petition 1303/13

Printed: January 14, 2013
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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999
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0 300 Feet
 Scale: 1" = 300'

