

1 **#REZ-2013-0133**

2 **BILL NO. Z-13-10-11**

3 **ZONING MAP ORDINANCE NO. Z-_____**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. H-42 (Sec. 16 of Washington Township)**

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

8 SECTION 1. That the area described as follows is hereby designated an R1 (Single
9 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 Part of the Northwest Quarter of Section 16, Township 31 North, Range 12 East of the
12 Second Principal Meridian, Washington Township in Allen County, Indiana, more
13 particularly described as follows:

14 Commencing at a chiseled "X" at the Northeast corner of said Northwest Quarter; thence
15 South 88 degrees 50 minutes 12 seconds West (GPS Grid bearing and basis of bearings to
16 follow), a distance of 1225.46 feet along the North line of said Northwest Quarter and within
17 the right-of-way of Cook Road to the East line of the Northwest Quarter of said Northwest
18 Quarter; thence South 01 degrees 14 minutes 42 seconds East, a distance of 50.00 feet along
19 said East line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the
20 South line of an existing 0.669 acre tract described in Document Number 2008002856 in the
21 Office of the Recorder of Allen County, Indiana, said point also being the POINT OF
22 BEGINNING of the herein described tract; thence continuing South 01 degrees 14 minutes
23 42 seconds East, a distance of 532.86 feet along East line to a 5/8" steel rebar found on the
24 centerline of the Brown No. 2 Legal Drain; thence North 70 degrees 19 minutes 50 seconds
25 West, a distance of 115.11 feet along said centerline; thence North 76 degrees 40 minutes 22
26 seconds West, a distance of 95.60 feet along said centerline; thence North 88 degrees 02
27 minutes 45 seconds West, a distance of 117.85 feet along said centerline; thence North 85
28 degrees 00 minutes 16 seconds West, a distance of 118.92 feet along said centerline; thence
29 South 89 degrees 07 minutes 08 seconds West, a distance of 161.41 feet along said
30 centerline; thence South 87 degrees 28 minutes 35 seconds West, a distance of 115.70 feet
 (deed) along said centerline to a point on the East line of an existing tract described in
 Document Number 2011011791 in the Office of the Recorder of Allen County, Indiana, said
 point being referenced by a 5/8" steel rebar with a "Tazian" identification cap found 0.24
 feet South and 0.51 feet West; thence North 00 degrees 44 minutes 48 seconds West, a
 distance of 280.78 feet (deed) along said East line and parallel with the West line of said
 Northwest Quarter to a 6" steel post found at the Southwest corner of an existing tract
 described in Document Number 990040488 in the Office of the Recorder of Allen County,
 Indiana; thence North 88 degrees 50 minutes 12 seconds East, a distance of 150.00 feet
 (deed) along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification
 cap set on the East line of said Document Number 990040488; thence North 00 degrees 44
 minutes 48 seconds West, a distance of 165.00 feet along said East line to a 5/8" steel rebar
 with a "Miller Firm #0095" identification cap set on the South line of said 0.669 acre tract;

thence North 88 degrees 50 minutes 12 seconds East, a distance of 133.62 feet (deed) along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence South 77 degrees 06 minutes 23 seconds East, a distance of 102.85 feet (deed) along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence North 88 degrees 50 minutes 12 seconds East, a distance of 125.78 feet (deed) along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence North 01 degrees 14 minutes 42 seconds West, a distance of 30.00 feet along said South line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence North 88 degrees 50 minutes 12 seconds East, a distance of 200.00 feet (deed) along said South line to the Point of Beginning. Containing 6.918 Acres, more or less. Subject to the right-of-way of the Brown No.2 Legal Drain and subject to easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. H-42 (Sec. 16 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: REZ-2013-0133
Bill Number: Z-13-10-11
Council District: 3 – Tom Didier

Introduction Date: October 22, 2013

Plan Commission
Public Hearing Date: November 4, 2013

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

Synopsis of Ordinance: To downzone approximately 6.92 acres of property from IN2-General
Industrial to R1-Single Family Residential.

Location: The parcel east of 3621 West Cook Road.

Reason for Request: To allow the use of the property for a single family home.

Applicant: Allen Seely

Property Owners: Wendy M. Kurtz

Related Petitions: none

Effect of Passage: Property will be downzoned to R1-Single Family Residential, which will
allow the applicant to apply for a single family home permit.

Effect of Non-Passage: The property will remain zoned IN2-General Industrial and may with an
industrial use, however, residential uses would not be allowed. This property
was split from the main property which is currently used as a residential
property.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Allen Seely
Address 5618 Industrial Road
City Fort Wayne State IN Zip 46825
Telephone 260-969-4999 Fax 260-969-4998 E-mail aseely@seelyoffice.com

Property Ownership
Property Owner Wendy M. Kurtz
Address 4618 W. Till Road
City Fort Wayne State IN Zip 46818
Telephone 260-489-4423 Fax _____ E-mail _____

Contact Person
Contact Person Scott M. Federoff
Address Carson Boxberger LLP, 201 W. Jefferson Boulevard, Suite 200
City Fort Wayne State IN Zip 46802
Telephone 260-423-9411 Fax 260-423-4329 E-mail sfederoff@carsonboxberger.com

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

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 3600 West Cook Road
Present Zoning IN2 Proposed Zoning R1 Acreage to be rezoned 6.67
Proposed density 1 units per acre
Township name Washington Township section # 31 North
Purpose of rezoning (attach additional page if necessary) To allow construction of a single family residence and detached pole barn.
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.

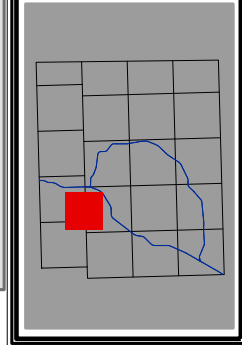
<u>Allen Seely</u> (printed name of applicant)	<u>Allen Seely</u> (signature of applicant)	<u>10-1-13</u> (date)
<u>Wendy M. Kurtz</u> (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>10/2/13</u>	Receipt No. <u>113239</u>	Hearing Date <u>11/4/13</u>	Petition No. _____
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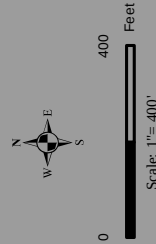
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

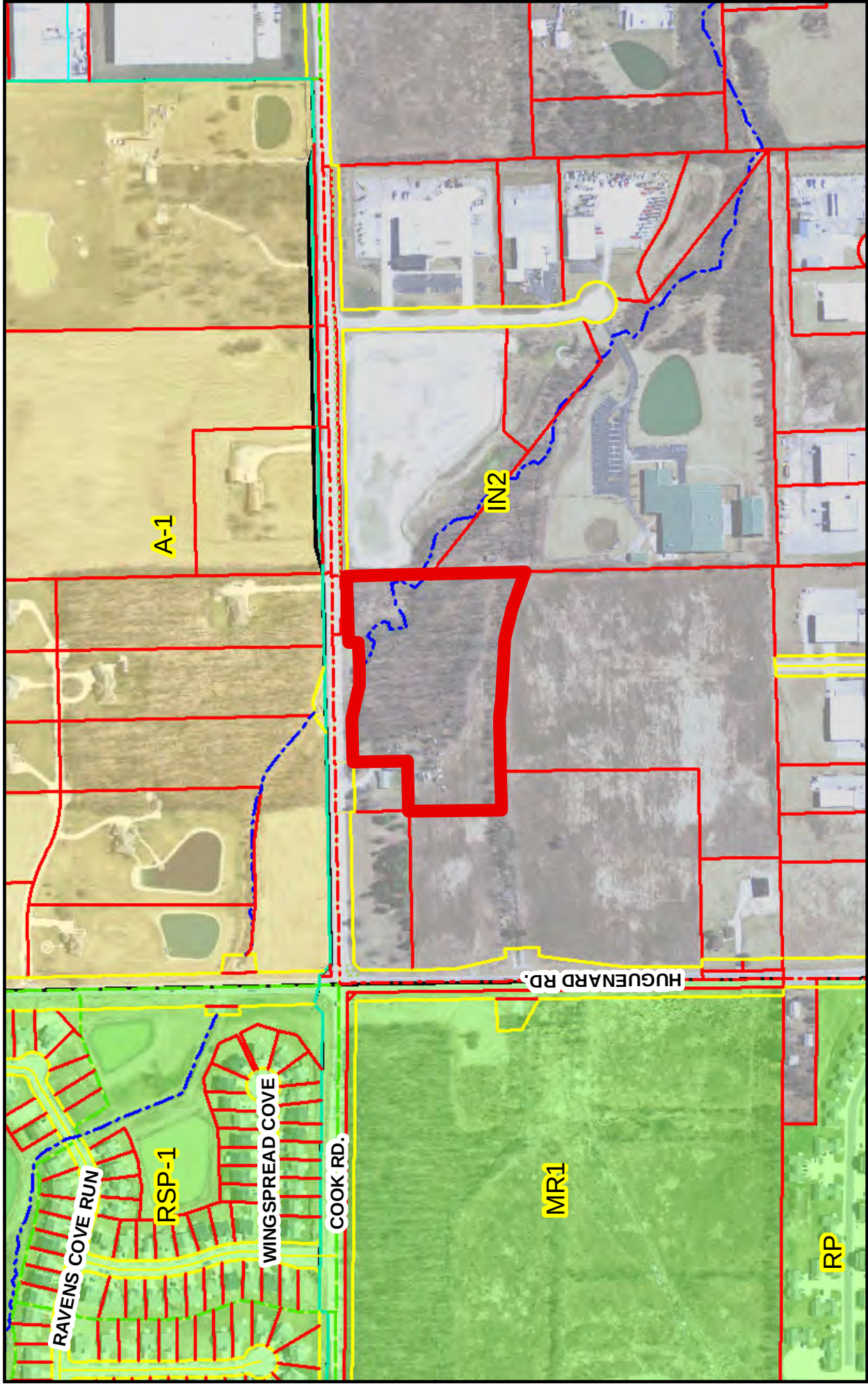


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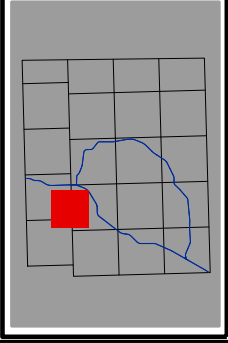
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 Photos: Spring 2006 / Contours: 1999

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