

1 **#REZ-2013-0142**

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

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

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. K-62 (Sec. 32 of Perry 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 CM2
9 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
10 of the City of Fort Wayne, Indiana:

11 A part of Lots 11, 12 and 13 in Kehr's Addition, Section "A", a subdivision in the East Half
12 of the Southwest Quarter of Section 32, Township 32 North, Range 12 East, Allen County,
13 Indiana, the plat of which is recorded in Plat Book 22, page 73 in the Office of the Recorder
14 of Allen County, Indiana, more particularly described as follows:

15 COMMENCING at the Southeast corner of Lot Number 11 in said Kehr's Addition, Section
16 "A"; thence North 01 degrees 07 minutes 19 seconds West (deed bearing and is used as the
17 basis for the bearings in this description), along the East line of said Lot Number 11, a
18 distance of 25.96 feet to the Northeast corner of a 5321 square foot tract of land conveyed to
19 the State of Indiana for right-of-way purposes as recorded in Document Number
20 2009028961 in the Office of the Recorder of Allen County, Indiana, this being the Point of
21 Beginning; thence continuing North 01 degrees 07 minutes 19 seconds West, along the East
22 line of said Lot Number 11, a distance of 154.04 feet to the Northeast corner thereof; thence
23 South 89 degrees 18 minutes 50 seconds West, along the North line of said Lot Number 11
24 and the North line of Lot Number 13, a distance of 208.41 feet to the East line of State Road
25 3 (Lima Road); thence South 01 degrees 08 minutes 01 seconds East, a distance of 92.48 feet
26 to the Northwest corner of the aforesaid 5321 square foot tract of land; thence South 52
27 degrees 45 minutes 15 seconds East, along the North line of said 5321 square foot tract of
28 land, a distance of 83.60 feet; thence South 86 degrees 36 minutes 58 seconds East,
29 continuing along the North line of said 5321 square foot tract of land, a distance of 143.28
30 feet to the Point of Beginning, containing 0.67 acres of land, more or less.

 and the symbols of the City of Fort Wayne Zoning Map No. K-62 (Sec. 32 of Perry
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

1
2 SECTION 2. That this Ordinance shall be in full force and effect from and after its
3 passage and approval by the Mayor.

4 _____
Council Member

5 APPROVED AS TO FORM AND LEGALITY:

6
7 _____
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-2013-0142
Bill Number: Z-13-10-13
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 rezone approximately 0.67 acres of property from CM1-Professional Office and Personal Services to CM2-Limited Retail and Commercial

Location: The northeast corner of Lima and Dupont Roads, Lots 11, 12 and 13 in Kehr's Addition, Section A.

Reason for Request: To allow the development of a Sleep Mattress store on the vacant lots.

Applicant: Zohrab K. Tazian

Property Owners: Zohrab K. and Naomi Tazian

Related Petitions: Primary Development Plan, Sleep Mattress, VEAS-2013-0149

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial for the development of the vacant property for a retail mattress store.

Effect of Non-Passage: The property will remain zoned CM1-Professional Office and Personal Services and may develop with offices uses.

Department of Planning Services
 Rezoning Petition Application

Applicant	Applicant <u>Zohrab K. and Naomi Tazian</u>		
	Address <u>10104 Woodland Plaza Cove</u>		
	City <u>Fort Wayne</u>	State <u>Indiana</u>	Zip <u>46825</u>
	Telephone <u>(260) 497-7875</u>	Fax <u>(260) 497-9114</u>	E-mail <u>zohrabt@tazian.com</u>

Property Ownership	Property Owner <u>Zohrab K. and Naomi Tazian</u>		
	Address <u>9609 Hera Court</u>		
	City <u>Fort Wayne</u>	State <u>Indiana</u>	Zip <u>46825</u>
	Telephone <u>(260) 489-9143</u>	Fax <u>(260) 497-9114</u>	E-mail <u>zohrabt@tazian.com</u>

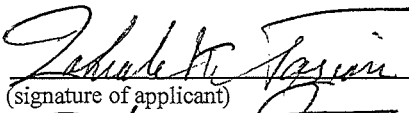
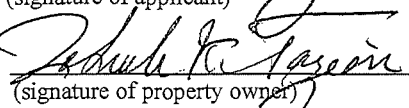
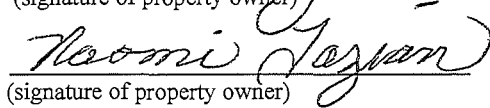
Contact Person	Contact Person <u>Zohrab K. Tazian</u>		
	Address <u>10104 Woodland Plaza Cove</u>		
	City <u>Fort Wayne</u>	State <u>Indiana</u>	Zip <u>46825</u>
	Telephone <u>(260) 497-9682</u>	Fax <u>(260) 497-9114</u>	E-mail <u>zohrabt@tazian.com</u>

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>NE Corner of Lima and Dupont Roads</u>		
	Present Zoning <u>CM1</u>	Proposed Zoning <u>CM2</u>	Acreage to be rezoned <u>0.67 Acres</u>
	Proposed density <u>does not apply</u> units per acre		
	Township name <u>Perry</u>	Township section # <u>32</u>	
	Purpose of rezoning (attach additional page if necessary) <u>to meet the proposed use for a mattress retail store; some of the uses in CM2 will be restricted</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.

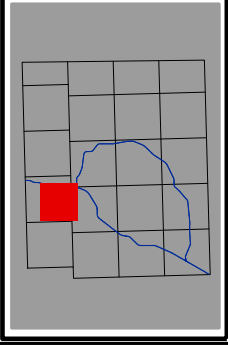
<u>Zohrab K. Tazian</u>		<u>10/2/2013</u>
(printed name of applicant)	(signature of applicant)	(date)
<u>Zohrab K. Tazian</u>		<u>10/2/2013</u>
(printed name of property owner)	(signature of property owner)	(date)
<u>Naomi Tazian</u>		<u>10/2/2013</u>
(printed name of property owner)	(signature of property owner)	(date)
<u></u>	<u></u>	<u></u>
(printed name of property owner)	(signature of property owner)	(date)

Received	Receipt No.	Hearing Date	Petition No.
10/3/13	113256	11/4/13	

Rez-2013-042



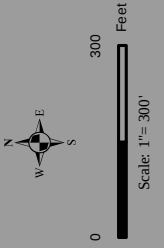
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

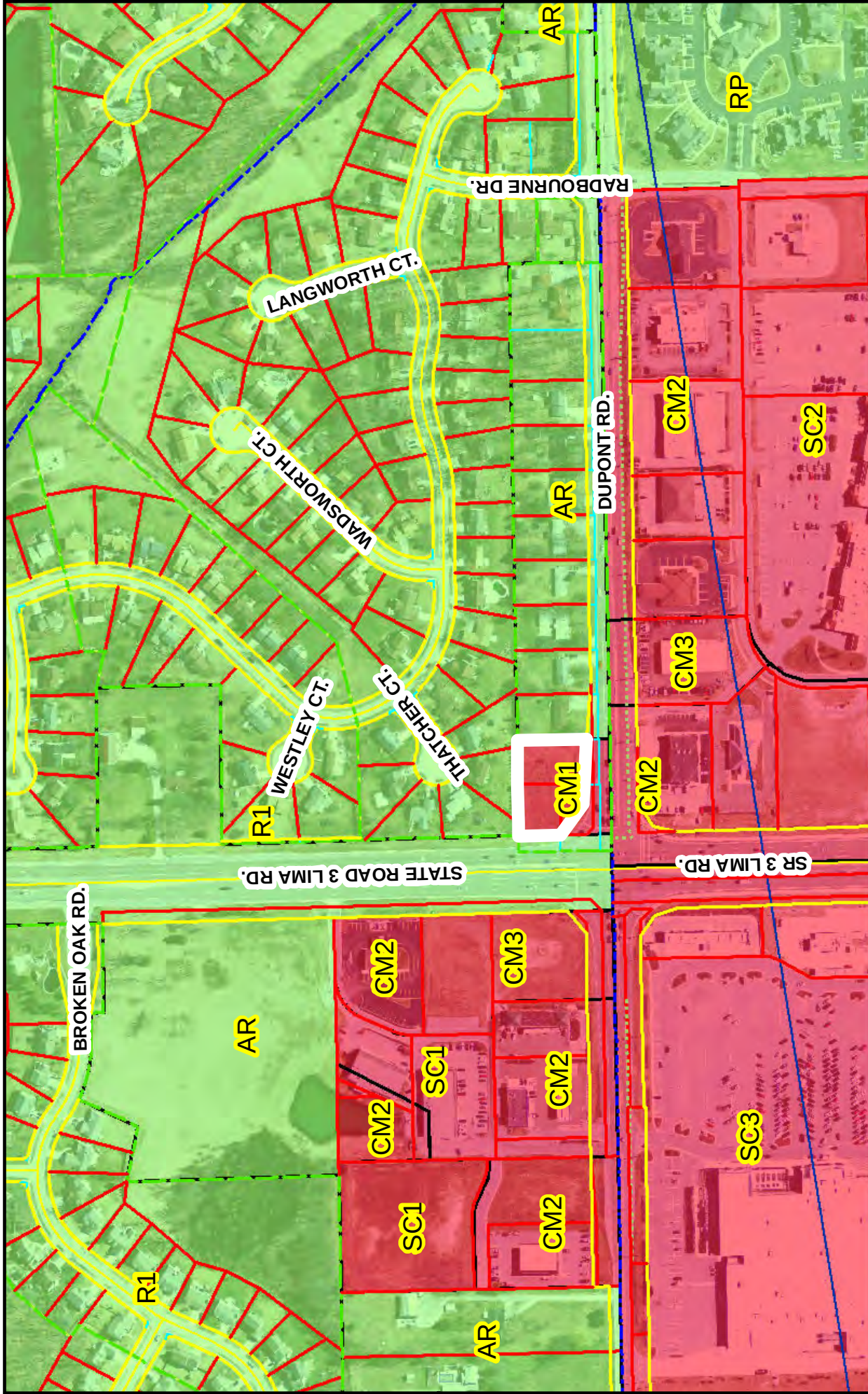


Rezoning Petition REZ-2013-0142 and Primary Development Plan - Sleep Mattress

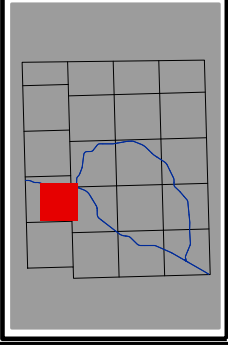
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 State Plane Coordinate System, Indiana East
 Photo: Spring 2006 / Contours: 1999

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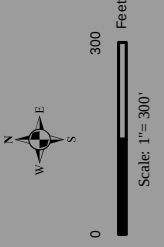
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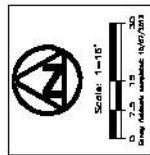
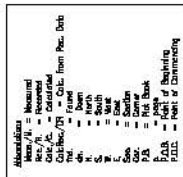
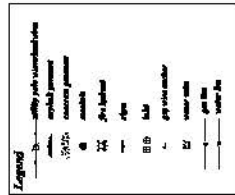


Rezoning Petition REZ-2013-0142 and Primary Development Plan - Sleep Mattress

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EVALUATION OF REAL ESTATE

A review of cases 12, 13 and 23 in history Abstracts. Results: 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843,



Elizabeth



10104 Woodland Plaza Cave
Fort Wayne, IN 46825
PH: (260) 497-7678
FAX: (260) 497-9114
zikausoodle@stafan.com



State Road 3 (Lima Road)