

BILL NO. Z-14-02-10

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-22 (Sec. 26 of Washington Township)**

SECTION 1. That the area described as follows is hereby designated a CM2

Block #1, Block #2, except the East 285 feet thereof and that part of Brudi Avenue, vacated by proceedings in Allen Circuit Court, No 25655, all in Riverview Park Extended Addition to the City of Fort Wayne, as recorded in Plat Record 16, page 45 and found in the Office of the Recorder of Allen County, Indiana,

Block #3 lying East of the right-of-way of Clinton Street, Blocks #4 – #12 and the East 190 feet of Block #13, together with the alleys vacated in Dec. Res. #947-1956 and Dec. Res. #948-1956, and 25 feet of vacated Riverview Drive, as vacated in Dec. Res. #946-1956, lying adjacent to Blocks #4 - #12 and the East 190 feet of Block #13, all of Kreigh Avenue and all of Livingston Avenue, in Riverview Park Extended Addition to the City of Fort Wayne, as recorded in Plat Record 16, page 45 and found in the Office of the Recorder of Allen County, Indiana,

Part of Block #4 and part of the vacated street in Riverview Park Extended Addition to the City of Fort Wayne, Allen County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Block #4 in Riverview Park Extended Addition, said point being on the East right-of-way line of Clinton Street and the North right-of-way line of vacated Riverview Drive; thence Northeasterly along the West line of Block #4, a distance of 196.6 feet to the Southwest corner of Block #3; thence East along the South line of Block #3, a distance of 120.25 feet, said point being 117 feet South of the North line of Block #4; thence North 117 feet along the East line of Block #3 to a point on the North line of Block #4; thence East along the North line of Block #4, a distance of 48.4 feet; thence South a distance of 327.75 feet to a point on the centerline of vacated Riverview Drive, said point being 208 feet East of the East right-of-way line of Clinton Street; thence West along the centerline of vacated Riverview Drive, a distance of 208 feet to a point on the East right-of-way line of Clinton Street; thence Northeasterly along the East right-of-way line of Clinton Street, a distance of 25 feet to the point of beginning.

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2 and the symbols of the City of Fort Wayne Zoning Map No. M-22 (Sec. 26 of Washington
3 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
4 Wayne, Indiana is hereby changed accordingly.

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

7 _____
8 Council Member

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10 APPROVED AS TO FORM AND LEGALITY:

11 _____
12 Carol T. Helton, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2014-0014
Bill Number: Z-14-02-10
Council District: 3 – Tom Didier

Introduction Date: February 25, 2014

Plan Commission
Public Hearing Date: March 10, 2014

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

Synopsis of Ordinance: To rezone approximately 19.33 acres of property from R1-Single Family Residential and CM3-General Commercial to CM2-Limited Retail and Commercial

Location: 3320 North Clinton, the greater Turnstone property.

Reason for Request: To bring the current uses into compliance with the zoning ordinance and to allow expansion of the Turnstone center.

Applicant: Turnstone Properties, LLC

Property Owner: Turnstone Properties, LLC, and Turnstone Center for Children and Adults with Disabilities, Inc.

Related Petitions: Primary Development Plan, Turnstone Big Dream Project, VROW-2014-0021

Effect of Passage: Property will be rezoned to CM2-Limited Retail and Commercial which will bring a part of Turnstone's campus into compliance with the zoning ordinance without the need for variances. It will also allow the campus to expand. Existing CM3 parcels will be downzoned to a less intensive commercial district as a part of this request.

Effect of Non-Passage: The property will remain zoned CM3 and R1. To expand, Turnstone needs to rezone the R1 parcels or seek a variance. The CM3 parcels will remain, allowing more intensive commercial uses.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Turnstone Center for Children and Adults with Disabilities, Inc.
 Address 3320 North Clinton Street
 City Fort Wayne State Indiana Zip 46805
 Telephone 260.483.2100 Fax 260.484.5059 E-mail bernard.niezer@neurology.com

Property Ownership
 Property Owner Turnstone Properties LLC and Turnstone Center for Children and Adults with Disabilities, Inc.
 Address 3320 North Clinton Street
 City Fort Wayne State Indiana Zip 46805
 Telephone 260.483.2100 Fax 260.484.5059 E-mail bernard.niezer@neurology.com

Contact Person
 Contact Person Thomas M. Niezer, Esq., Attorney for Applicant and Owner
 Address Barrett & McNagny LLP, 215 East Berry Street
 City Fort Wayne State Indiana Zip 46802
 Telephone 260.423.9551 Fax 260.423.8920 E-mail tmn@barrettlaw.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 3320 North Clinton Street, Fort Wayne, Indiana 46805
 Present Zoning R1&CM3 Proposed Zoning CM2 Acreage to be rezoned 19.33
 Proposed density N/A units per acre
 Township name Washington Township section # 73/Tax District
 Purpose of rezoning (attach additional page if necessary) To conform all of the property operated by Applicant to a consistent rezoning of CM2 and to allow for additional expansion of Applicant's existing facilities.
 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.

See Exhibit "A"
 (printed name of applicant) (signature of applicant) (date)
 See Exhibit "A"
 (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>2/5/14</u>	Receipt No. <u>114037</u>	Hearing Date <u>3/10/14</u>	Petition No. <u>REG 2014-0014</u>
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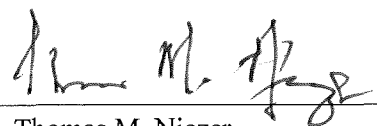
EXHIBIT "A"

SIGNATURE PAGE FOR DEPARTMENT OF PLANNING SERVICES
REZONING PETITION APPLICATION

I/We understand and agree, upon execution and submission of this application, that I/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.

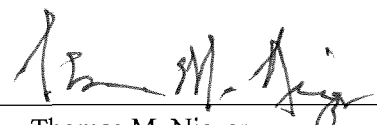
"APPLICANT"

TURNSTONE CENTER FOR CHILDREN AND
ADULTS WITH DISABILITIES, INC.

By: 
Thomas M. Niezer
Its: Attorney

"OWNER"

TURNSTONE CENTER FOR CHILDREN AND
ADULTS WITH DISABILITIES, INC.

By: 
Thomas M. Niezer
Its: Attorney

TURNSTONE PROPERTIES, LLC

By: 
Thomas M. Niezer
Its: Attorney



Rezoning Petition REZ-2014-0014 and Primary Development Plan - Turnstone Big Dream Project

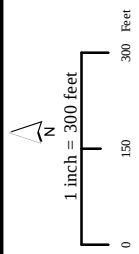


Project boundaries represented by bold colored lines are for representational purposes only.

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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

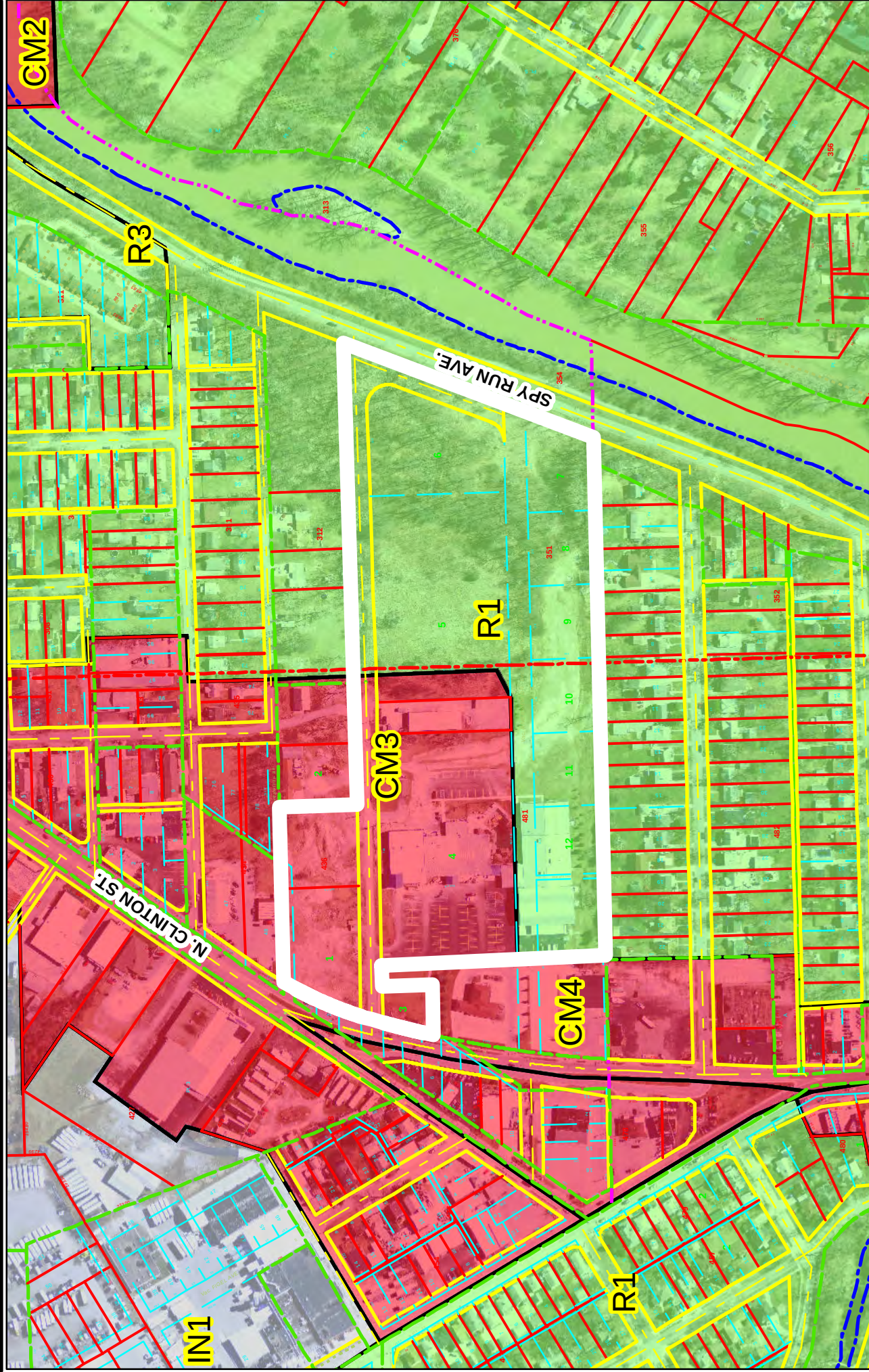
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Date: 2/19/2014





Rezoning Petition REZ-2014-0014 and Primary Development Plan - Turnstone Big Dream Project



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1 inch = 300 feet

0 150 300 Feet

