# City of Fort Wayne Common Council **DIGEST SHEET**

## **Department of Planning Services**

Title of Ordinance: Zoning Map Amendment

Case Number: REZ-2016-0045
Bill Number: Z-17-01-04
Council District: 3-Tom Didier

Introduction Date: January 10, 2017

Plan Commission

Public Hearing Date: January 9, 2017 (not heard by Council)

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

Plan Commission

Synopsis of Ordinance: To rezone approximately 21.2 acres of property from I2-General Industrial

and C4-Intensive Commercial to I3-Intensive Industrial.

Location: 2808 and 2922 West Coliseum Boulevard

Reason for Request: To allow the relocation of MacAllister Rental Store.

Applicant: Tarbert Properties (MacAllister Rental Store)

Property Owner: Summit City Real Estate

Related Petitions: Primary Development Plan, MacAllister Rental Store

Effect of Passage: Property will be rezoned to the I3-Intensive Industrial district, which is the

appropriate district for heavy equipment rental and storage.

Effect of Non-Passage: The property will remain zoned I2-General Industrial and C4-Intensive

Commercial and may be used for those permitted uses. The current user

(Geiger Excavating) is relocating and the site is for sale.

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#### #REZ-2016-0045

#### BILL NO. Z-17-01-04

#### ZONING MAP ORDINANCE NO. Z-\_

# AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-30 (Sec. 21 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 an I3

(Intensive Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

#### 2808 W. Coliseum Blvd, Fort Wayne, IN 46808

**Note:** The legal description from Seller's ALTA Survey required herein shall be used in the limited warranty deed to be given by Seller to Buyer at Closing, provided the Survey is also certified to Buyer.

Parcel One: Remaining lands of Carl W. Ritchie in the Southwest Quarter of the Southeast Quarter of Section 21, Washington Township, Allen County, Indiana, and recorded in Document #87-039698.

A part of the South 66 rods (1089 feet) of the East 12 rods, 2 feet (200 feet) of the Southwest Quarter of the Southeast Quarter of Section 21, Township 31 North, Range 12 East, Washington Civil Township, Allen County, Indiana; lying South of land conveyed by John H. Savage to Margaret Ludwick in Deed Record 63, page 278; and more particularly described as follows:

Commencing at an Indiana State right-of-way monument located at the intersection of the East line of the West Half of the Southeast Quarter of said Section 21 and the North right-of-way of Coliseum Boulevard (now State Road 930, formerly U.S. Highway 30 and previously California Road); said right-of-way monument being located 125 feet left of Station 44+30 as shown on Sheet #13 of the highway plans for the 1973-1974 U.S. 30 Highway project U-724 (20); thence North 79 deg. 22 min. 49 sec. West along the northerly right-of-way of Coliseum Boulevard (Indiana Highway #930), a distance of 50.95 feet; thence North 00 deg. 28 min. 25 sec. West, a distance of 25.00 feet; then North 80 deg. 23 min. 16 sec. West, a distance of 18.00 feet to a 5/8 inch Iron Pin (rebar) marking the Point of Beginning; Thence North 00 deg. 28 min. 25 sec. West and parallel with the East line of the West Half of said Southeast Quarter; and the basis of bearings herein described, a distance of 202.65 feet; thence North 89 deg. 18 min. 00 sec. East, a distance of 56.56 feet to a sanitary sewer manhole; thence North 00 deg. 28 min. 25 sec. West, a distance of 2.23 feet;

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thence North 89 deg. 18 min. 00 sec. East, a distance of 11.16 feet to a point on the East line of said Southeast Quarter; thence North 00 deg. 28 min. 25 sec. West, along the East line of the West Half of said Southeast Quarter distance of 739 feet more or less ('about 66 rods' from section line as recorded) thence westerly along the South line of land conveyed by John H. Savage to Margaret Ludwick in Deed Record 63, page 278, a distance of 200 feet more or less (12 rods 2 feet, recorded); thence South 00 deg. 28 min. 25 sec. East, and parallel with the East line of the West Half of said Southeast Quarter, a distance of 930 feet more or less to the North line frontage Road #1 (now known as Hatfield Road), said Frontage Road being a part of the 1973-1974 U.S. 30 Highway project U-724(20) noted above; thence North 87 deg. 19 min. 18 sec. East, a distance of 36.22 feet; thence South 81 deg. 56 min. 36 sec. East, a distance of 97.17 feet to the POINT OF BEGINNING.

The above land has now been described by a modernized legal description as contained with a survey prepared by Russell Engineering Associates, Inc. dated November 13, 2007 as Job No. 0710-002, and more particularly described as follows:

Commencing at an Indiana State Highway right-of-way monument, located at the intersection of the West line of the East half of the Southeast Quarter of Section 21, Township 31 North, range 12 East and the north right-of-way of Coliseum Boulevard (now State Road 930, formerly U.S. Highway 30 and California Road), said right-of-way, monument being located at 125 feet left of Station 44+30 as shown on Sheet #13 of the highway plans for the 1973-1974, U.S. 30 Highway Project U-724 (20); thence North 79 degrees 22 minutes 49 seconds West along the Northerly right-of-way of Coliseum Boulevard (Indiana Highway #930), a distance of 50.95 feet; thence North 00 degrees 28 minutes 25 seconds West, a distance of 25.00 feet; thence North 80 degrees 23 minutes 16 seconds West, a distance of 18.00 feet to an Iron Pin (rebar) with Surveyor's Cap "Russell Associates" marking the Point of Beginning; thence North 81 degrees 56 minutes 36 seconds West a distance of 97.17 feet; thence South 87 degrees 19 minutes 18 seconds West a distance of 36.22 feet to a point; thence North 00 degrees 31 minutes 52 seconds West a distance of 926.52 feet to an "I-beam" fence post (3 1/2" x 7"); thence North 89 degrees 00 minutes 25 seconds East, a distance of 200,00 feet to a point on the East line of the West half of Southeast Quarter of said Section 21; thence South 00 degrees 32 minutes 48 seconds East a distance of 736.21 feet; thence South 89 degrees 17 minutes 48 seconds West a distance of 11.16 feet; thence South 00 degrees 27 minutes 49 seconds East a distance of 2.26 feet to a manhole; then South 89 degrees 18 minutes 00 seconds West, a distance of 56.56 feet; thence South 00 degrees 28 minutes 25 seconds East a distance of 202.65 feet to the Point of Beginning.

#### Parcel Two:

As described by modern survey by Richard K. Karst, Land Surveying Services, Inc. dated January 13, 2004, as follows:

Part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana,

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more particularly described as follows:

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Commencing at an iron pipe found at the Northwest corner of Lot Number 151 in Lincolndale Addition to the City of Fort Wayne; thence South 00 degrees 54 minutes 17 seconds West, (assumed bearing and basis of bearings to follow), a distance of 214.25 feet along the West line of said Lot 151 to the South line of said Lincolndale Addition; thence North 89 degrees 47 minutes 00 Seconds East, a distance of 426.13 feet to a 5/8" steel rebar found on the East line of an existing 2.749 acre tract described in Document Number 970064152 in the Office of the Recorder of Allen County, Indiana, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing North 89 degrees 47 minutes 00 seconds East, a distance of 274,30 feet along said South line to a point, said point being referenced by an I-beam found 0.30 feet North; thence South 00 degrees 13 minutes 11 seconds West, a distance of 926.94 feet to a 1/2" steel rebar found on the North right-of-way line of Frontage Road; thence South 87 degrees 56 minutes 16 seconds West, a distance of 262.36 feet along said North right-of-way line to a 5/8" steel rebar set on the East line of said existing tract described in Document Number 970064152 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 32 minutes 48 seconds West, a distance of 935.27 feet along said East line to the Point of Beginning. Containing 5.730 Acres, more or less. Subject to easements of record.

EXCEPT, the following described real estate pursuant to a survey by Richard K. Karst, Land Surveyor, Karst Surveying Services, Inc., dated August 11, 2009:

Part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana, more particularly described as follows:

Commencing at an iron pipe found at the Northwest corner of Lot Number 151 in Lincolndale Addition to the City of Fort Wayne; thence South 00 degrees 54 minutes 17 seconds East, (assumed bearing and basis of bearings to follow), a distance of 214.25 feet along the West line of said Lot 151 to the South line of said Lincolndale Addition; thence North 89 degrees 47 minutes 00 seconds East, a distance of 426.13 feet along said South line to a 5/8" steel rebar found on the West line of an existing 5.730 acre tract described in Document Number 204009600 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 32 minutes 48 seconds East, a distance of 549.96 feet along said West line to the POINT OF BEGINNING of the herein described tract; thence South 89 degrees 16 minutes 06 seconds East, a distance of 13.01 feet along an existing fence line; thence South 02 degrees 16 minutes 10 seconds West, a distance of 220.30 feet along an existing fence line; thence South 89 degrees 18 minutes 01 seconds West, a distance of 2.18 feet to the West line of said existing 5.730 acre tract; thence North 00 degrees 32 minutes 48 seconds West, a distance of 220.33 feet along said West line to the Point of Beginning. Containing 0.038 acres (1,672.591 square feet), more or less. Subject to easements of record.

#### Together with:

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2922 W. Coliseum Blvd, Fort Wayne, IN 46808

Description of Parent Tract (copied from Document 2011023063 in the Office of the Recorder of Allen County, Indiana)

A part of the properties conveyed to Paul Martin by Deeds recorded as Document Number 87-020314 and Document Number 93-052457 in the Office of the Recorder of Allen County, Indiana. The said properties being of Lots Numbered 151 through 158 in Lincolndale Subdivision, along with a part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12 East, in Allen County, Indiana. The herein described parcel is more particularly described as follows:

Beginning at the Northwest corner of Lot Number 151 in Lincolndale Subdivision, said point being on the South right-of-way line of Arthur Street, thence North 89 degrees 47 minutes East (deed) along the said South right-of-way line, a distance of 907.50 feet to the Northeast corner of Lot Number 158 in Lincolndale Addition; thence South 00 degrees 33 minutes East, a distance of 21425 feet along the East line of said Lot number 158 to the Southeast corner of that Lot; thence South 89 degrees 47 minutes West along the South line of Lots numbered 158, 157, 156, and 155, a distance of 480.05 feet; thence South 00 degrees 32 minutes 48 seconds East, a distance of 935.27 feet (South 00 degrees 09 minutes East, 933.5 feet - deed) to a point on the North right-of way line of State Highway Frontage Road Number 1; thence Westerly and Northerly along the said North right-of-way line by the following Three courses: South 87 degrees 59 minutes 46 seconds West (North 90 degrees West-deed), a distance of 109.67 feet; thence Northwesterly, a distance of 359.03 feet (358.87 feet-deed), along a curve concave to the Northeast having a radius of 415 feet and subtended by a chord having a length of 348.00 feet and a bearing of North 67 degrees 07 minutes 23 seconds West; thence North 42 degrees 33 minutes 38 seconds West, a distance of 286.02 feet; thence leaving the aforesaid road right-of-way North 14 degrees 58 minutes 34 seconds East, a distance of 22.11 feet to a point on the South line of property conveyed to Carl W. Ritchie by Deed recorded as Document Number 89-513 in the Office of the Recorder; thence South 89 degrees 52 minutes 23 seconds East, a distance of 177.0 feet along the said South line of the Ritchie property, thence South 89 degrees 52 minutes 23 seconds East, a distance of 15.0 feet; thence North 00 degrees 54 minutes 07 seconds West, a distance of 259.85 feet to a point on the East line of the aforesaid Ritchie property; thence North 00 degrees 05 minutes 59 seconds West, a distance of 144.86 feet along the said East line to the Northeast corner of the aforesaid Ritchie property; thence South 89 degrees 19 minutes 45 seconds West, a distance of 2.03 feet along the North line of said Ritchie property; thence North 00 degrees 54 minutes 07 seconds West, a distance of 380.23 feet to the Point of Beginning, containing 13,76 acres, more or less.

EXCEPT the following:

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A part of the West Half of the Southeast Quarter of Section 21, Township 31 North, Range 12 East, Washington Township, Allen County, Indiana; ALSO being a part of the lands now or formally owned by Paul Martin, as recorded in Documents Numbered 87-020314 and 93-052457 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at an iron pipe found at the Northwest corner of Lot 151 in Lincolndale Addition to the City of Fort Wayne, Indiana, also being the Northwest corner of the property conveyed to Paul Martin as recorded in Document Number 93-052457, in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 54 minutes 07 seconds East (assumed), along the West line of said Lot Number 151 and West line of said Document Number 93-052457, a distance of 214.25 feet to the Southwest corner of said Lot Number 151; thence North 89 degrees 47 minutes 00 seconds East, along the South line of Lots Numbered 151-155 in Lincolndale Addition, a distance of 342.45 feet to an iron pin set at the Point of Beginning; thence continuing North 89 degrees 47 minutes 00 seconds East, along the South line of said Lots, a distance of 85.00 feet to an iron pin found; thence South 00 degrees 32 minutes 48 seconds East, a distance of 935.27 feet to an iron pin found, said pin also being on the Northerly right-of-way line of State Highway Frontage Road Number 1; thence South 87 degrees 59 minutes 46 seconds West, along the Northerly right-of-way line of said Road, a distance of 109.67 feet to an iron pin found at the point of curvature of a curve concave to the Northeast with a radius of 415.00 feet; thence Northwesterly, an arc distance of 103.83 feet with a chord distance of 103.56 feet and chord bearing of North 84 degrees 50 minutes 39 seconds West; thence leaving said curve non-tangent to a bearing of North 00 degrees 32 minutes 48 seconds West, a distance of 267.40 feet to a point on the South line of Document Number 93-052457; thence North 89 degrees 23 minutes 21 seconds East along said South line of said Document Number 93-052457, a distance of 112.64 feet to the Southeast corner of said Document; thence North 00 degrees 45 minutes 14 seconds East, a distance of 660.72 feet to the Point of Beginning, containing 2.749 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. I-30 (Sec. 21 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. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. 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 

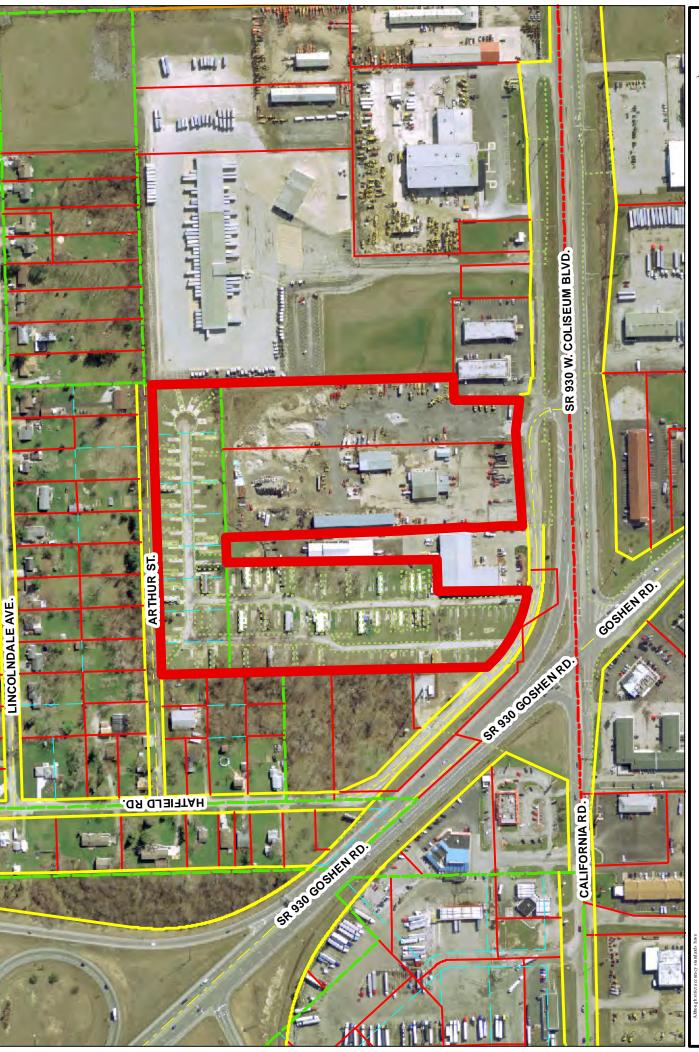
## Department of Planning Services Rezoning Petition Application

-	Applicant Tarbert Properties (MacAllister Rental Store)		
San	City Indianapolis State IN Zip 46219	_	
4pplicant	Telephone (317) 803-2456 E-mail johndeckard@macallister.com		
- Ap			
Contact Person	Contact Person Rich Potosnak  Address _7515 E. 30 <sup>th</sup> Street  City Indianapolis State IN Zip 46219  Telephone (317) 860-3370 E-mail richpotosnak@macallister.com  All staff correspondence will be sent only to the designated contact personnel.	n	
	Address of the property _2808 and 2922 W. Coliseum Blvd., Ft. Wayne, IN 468  Present Zoning I-2 & C-4_ Proposed Zoning I-3 Acreage to be rezoned Proposed density n/a  Township name Washington Township section # Purpose of rezoning (attach additional page if necessary) To allow for the devel callister Rental Store ("CAT The Rental Store"), a business operation in the rental mall construction equipment and associated supplies.	d21.2  units per acre 21  opment of a al. sales and service	
Filing Requirements	Sewer provider City of Ft. Wayne Water provider City of Ft. Wa  Applications will not be accepted unless the following filing requirements are submitted with Please refer to checklist for applicable filing fees and plan/survey submittal requirements.  Applicable filing fee Applicable number of surveys showing area to be rezoned (plans must be folder).	h this application.	
l ed1	Legal Description of parcel to be rezoned		
œ	Rezoning Questionnaire (original and 10 copies) County Rezonings Only		
property de Ordinance to the hand I/we agree	stand and agree, upon execution and submission of this application, that I am/we are the owner(s) of me scribed in this application; that I/we agree to abide by all provisions of the Allen County Zoning as well as all procedures and policies of the Allen County Plan Commission as those provisions, proceining and disposition of this application; that the above information is true and accurate to the best of my to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice Indiana code.	and Subdivision Control dures and policies related t/our knowledge; and that and a public notice fee of	
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# Department of Planning Services Development Plan and Plat Application

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Applicant		Indianapolis			Zip	46219	
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	Contact Per	rsonF	Rich Potosnak				
Contact Person						<del></del>	<del></del>
		Indianapolis					
	Telephone	(317) 860-337	<u>0</u> E-mail	richpoto:	snak@macalliste	r.com	
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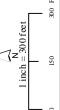


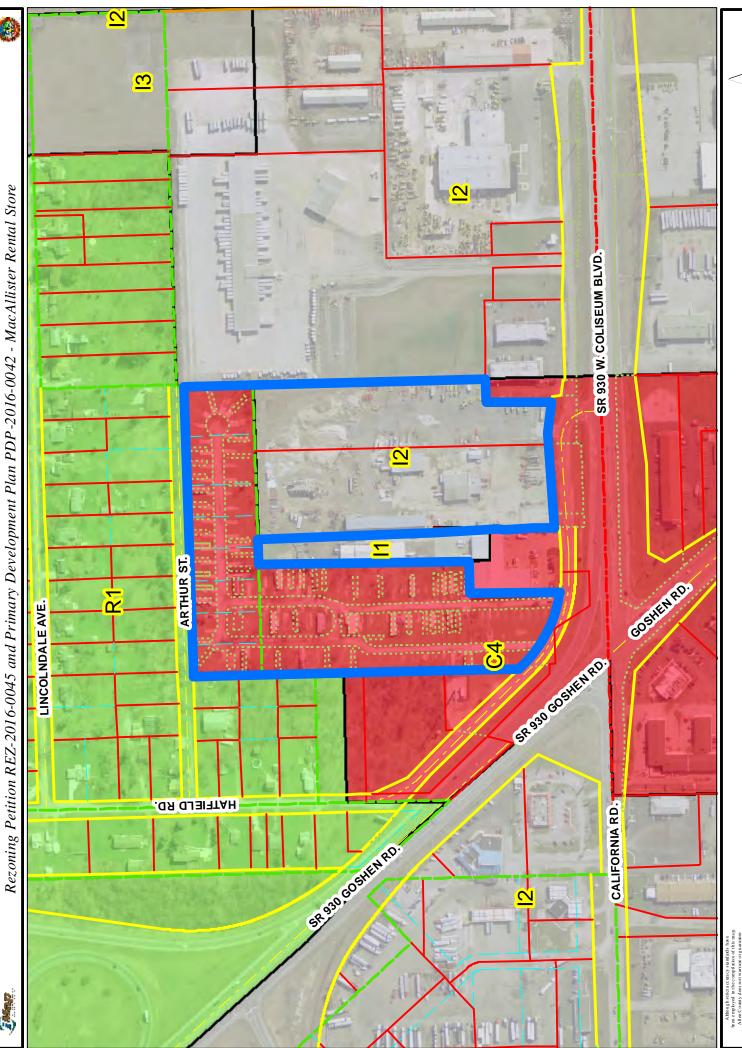
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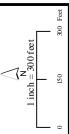
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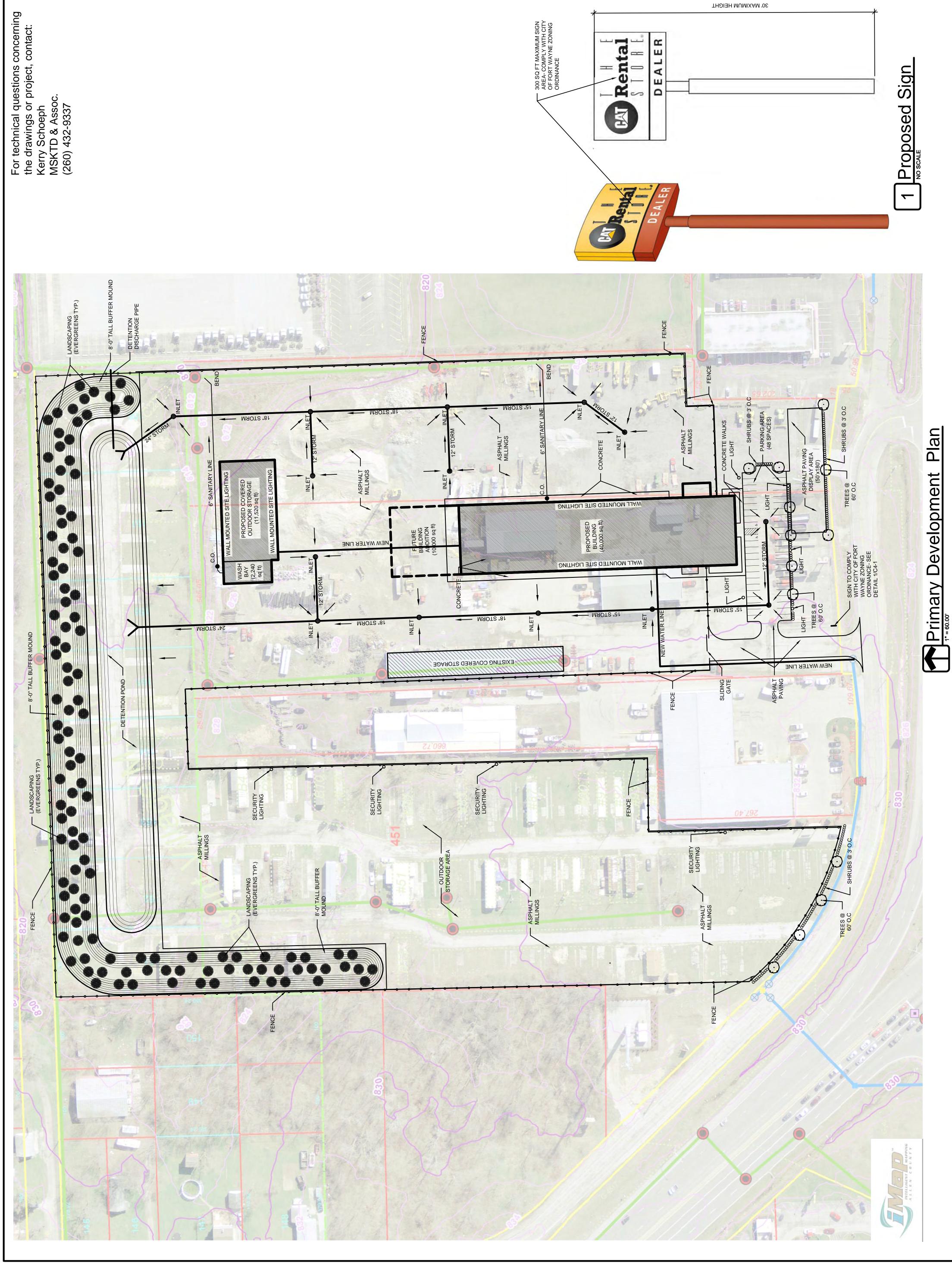
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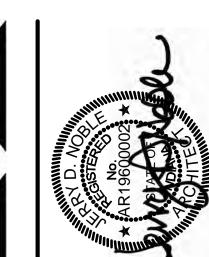




Associates

1715 Magnavox Way Fort Wayne, IN 46804 260.432.9337

HAGERMAN



A Project for: MacAllister Rental Store

Fort Wayne, Indiana DATE 12-05-16 Developer: MacAllister Machinery Company, Inc. 7515 E 30th Street Indianapolis, IN 46219 Office: (317) 860-3370

PROJECT NO. 6994
REVISIONS

Primary Development Plan