

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0028
Bill Number: Z-17-06-45
Council District: 6-Glynn Hines

Introduction Date: June 27, 2017

Plan Commission
Public Hearing Date: July 10, 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 13.0 acres of property from SC-Shopping Center to C3-General Commercial

Location: 7530 South Anthony

Reason for Request: To allow the existing vacant retail store (former K-Mart) to be redeveloped as a U-Haul truck and trailer rental/sharing operation.

Applicant: AMERCO Real Estate Company

Property Owner: Kmart Corporation

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3-General Commercial zoning district for the purpose of redeveloping the former retail site, utilizing the existing building and parking.

Effect of Non-Passage: The property will remain zoned C2-Limited Retail. The site can be redeveloped with certain retail and commercial uses. The outdoor sales and rental of trucks and trailer is not a permitted use.

1 **REZ-2017-0028**
2 **BILL NO. Z-17-06-45**

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

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. O-31 (Sec. 36 of Wayne 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 C3 (General
9 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11 Part of the Northeast Quarter of Section 36, Township 30 North, Range 12 East, Allen
12 County, Indiana, being part of the real estate conveyed to Sandor Development
13 Company in the deed recorded in Document #94-46252 in the Office of the Recorder
14 of Allen County, Indiana, more particularly described as follows:
15 Commencing at the Northwest corner of the Northeast Quarter of Section 36,
16 Township 30 North, Range 12 East, Allen County, Indiana; thence Easterly along the
17 North line of the Northeast Quarter of Section 36-30-12, a distance of 934.00 feet;
18 thence Southerly with a deflection angle to the right of 90 degrees 00 minutes 00
19 seconds, a distance of 25.00 feet; thence Southwesterly with a deflection angle to the
20 right of 71 degrees 59 minutes 00 seconds, a distance of 49.20 feet to a point on the
21 Northeasterly right-of-way line of U.S. Highway #27; thence Southeasterly with a
22 deflection angle to the left of 126 degrees 02 minutes 00 seconds along said
23 right-of-way line, a distance of 1,144.81 feet to the true point of beginning; thence
24 Northeasterly with a deflection angle to the left of 90 degrees 01 minute 50 seconds, a
25 distance of 742.98 feet to a point on the centerline of Decatur Road; thence
26 Southeasterly along the centerline of Decatur Road, on a curve to the left having a
27 radius of 1,100.0 feet, a central angle of 00 degrees 55 minutes 09 seconds, an arc
28 distance of 17.65 feet; thence Southeasterly with a deflection angle from the aforesaid
29 curve's chord of 00 degrees 26 minutes 15 seconds along the centerline of Decatur
30 Road a distance of 423.15 feet to a point on the West right-of-way line of South
 Anthony Boulevard, as condemned in Declaratory Resolution No. 1262 (1970)
 adopted March 30, 1970 by the Board of Public Works, City of Fort Wayne; thence
 Southerly with a deflection angle to the right of 55 degrees 39 minutes 00 seconds
 along said right-of-way line, a distance of 524.6 feet; thence West with a deflection
 angle to the right of 90 degrees 00 minutes a distance of 47.42 feet; thence
 Southwesterly with a deflection angle to the left of 53 degrees 57 minutes 58 seconds
 a distance of 106.07 feet; thence Northwesterly with a deflection angle to the right of
 90 degrees 00 minutes a distance of 250.4 feet; thence Southwesterly with a
 deflection angle to the left of 90 degrees 00 minutes a distance of 197.6 feet to a point
 on the Northeasterly right-of-way line of U.S. Highway #27; thence Northwesterly with
 a deflection angle to the right of 90 degrees 00 minutes along said right-of-way line a
 distance of 460.0 feet to the point of beginning, containing 10.01 acres.

 EXCEPTING THEREFROM: Part of the Northeast Quarter of Section 36, Township

30 North, Range 12, East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:
Commencing at the Southeast corner of said Northeast Quarter; thence North 01 degree 24 minutes 41 seconds West (state plane bearing and basis of bearings to follow), a distance of 1,713.09 feet along the East line of said Northeast Quarter and within the right-of-way of South Anthony Boulevard; thence South 88 degrees 46 minutes 02 seconds West, a distance of 40.00 feet to a point on the West right-of-way of said South Anthony Boulevard as condemned in Declaratory Resolution No. 1262 (1970) adopted March 30, 1970 by the Board of Public Works, City of Fort Wayne, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing South 88 degrees 46 minutes 02 seconds West, a distance of 6.00 feet along the South line of an existing tract described in Document Number 206027217 in the Office of the Recorder of Allen County, Indiana; thence North 01 degree 24 minutes 41 seconds West, a distance of 439.81 feet parallel with the East line of said Northeast Quarter; thence North 20 degrees 16 minutes 09 seconds West, a distance of 74.33 feet; thence North 01 degree 24 minutes 41 seconds West, a distance of 36.41 feet parallel with the East line of said Northeast Quarter to the North line of said existing tract, also being the centerline of Old Decatur Road; thence South 56 degrees 53 minutes 34 seconds East, a distance of 36.44 feet along said North line and within the right-of-way of said Old Decatur Road to the West right-of-way of said South Anthony Boulevard as condemned in Declaratory Resolution No. 1262 (1970); thence South 01 degree 24 minutes 41 seconds East, a distance of 525.93 feet along said West right-of-way line to the Point of Beginning. Containing 0.108 acres, more or less.

ALSO EXCEPTING THEREFROM: Part of the Northeast Quarter of Section 36, Township 30 North, Range 12, East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:
Commencing at the Southeast corner of said Northeast Quarter; thence North 01 degree 24 minutes 41 seconds West (state plane bearing and basis of bearings to follow), a distance of 1,713.09 feet along the East line of said Northeast Quarter and within the right-of-way of South Anthony Boulevard to the POINT OF BEGINNING of the herein described tract; thence South 88 degrees 46 minutes 02 seconds West, a distance of 40.00 feet to a point on the West right-of-way of said South Anthony Boulevard as condemned in Declaratory Resolution No. 1262 (1970) adopted March 30, 1970 by the Board of Public Works, City of Fort Wayne, said point also being; thence North 01 degree 24 minutes 41 seconds West, a distance of 525.93 feet along said West right-of-way line and parallel with the East line of said Northeast Quarter to the centerline of Old Decatur Road; thence South 56 degrees 53 minutes 34 seconds East, a distance of 48.55 feet along said centerline to the East line of said Northeast Quarter; thence South 01 degree 24 minutes 41 seconds East, a distance of 498.54 feet along said East line and within the right-of-way of said South Anthony Boulevard to the Point of Beginning. Containing 0.470 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. O-31 (Sec. 36 of Wayne 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. If a written commitment is a condition of the Plan Commission's
3 recommendation for the adoption of the rezoning, or if a written commitment is modified and
4 approved by the Common Council as part of the zone map amendment, that written
5 commitment is hereby approved and is hereby incorporated by reference.

6
7 SECTION 3. That this Ordinance shall be in full force and effect from and after its
8 passage and approval by the Mayor.

9 _____
Council Member

10 APPROVED AS TO FORM AND LEGALITY:

11
12 _____
Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant AMERCO Real Estate Company
Address 2727 N Central Ave.
City Phoenix State AZ Zip 85004
Telephone (602) 263-6555 E-mail holly_reading@uhaul.com

Contact Person
Contact Person David Vallie
Address 50 W Alexis Rd.
City Toledo State OH Zip 43612
Telephone (419) 470-2552 E-mail david_vallie@uhaul.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 7530 S Anthony Blvd.
Present Zoning SC Proposed Zoning C3 Acreage to be rezoned 13.0
Proposed density _____ units per acre
Township name _____ Township section # _____
Purpose of rezoning (attach additional page if necessary) to allow for U-Haul truck and trailer rental/ sharing
Sewer provider _____ Water provider _____

Filing Requirements
*Applications will not be accepted unless the following filing requirements are submitted with this application.
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 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.

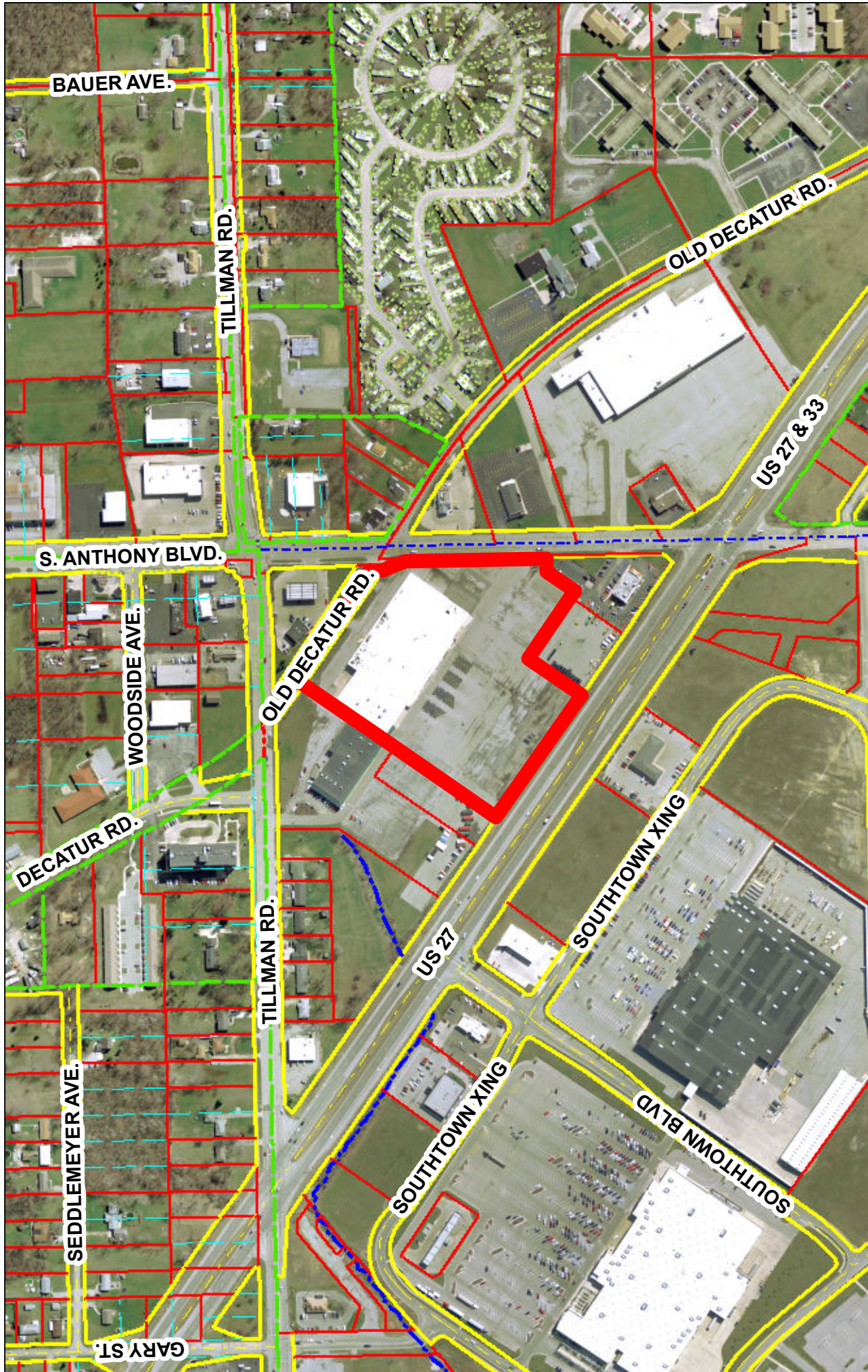
Carlos Vizcarra [Signature] 5/30/17
(printed name of applicant) (signature of applicant) (date)
Kmart Corporation a Michigan Corporation [Signature] 5/23/17
(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

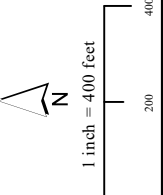


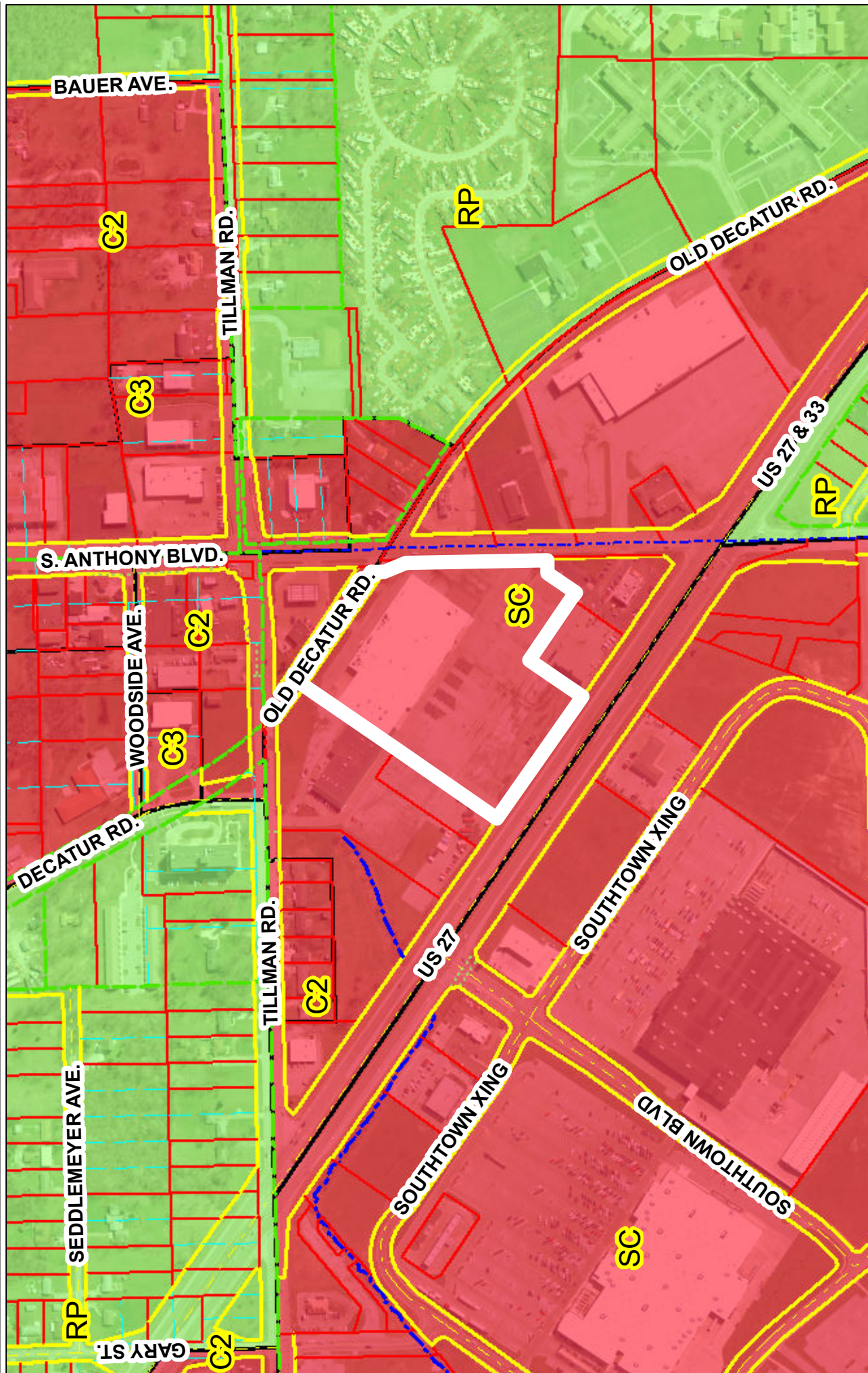
Received	Receipt No.	Hearing Date	Petition No.
<u>6/6/17</u>	<u>124136</u>	<u>July 10</u>	<u>Re2-2017-0028</u>



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Data: 2010





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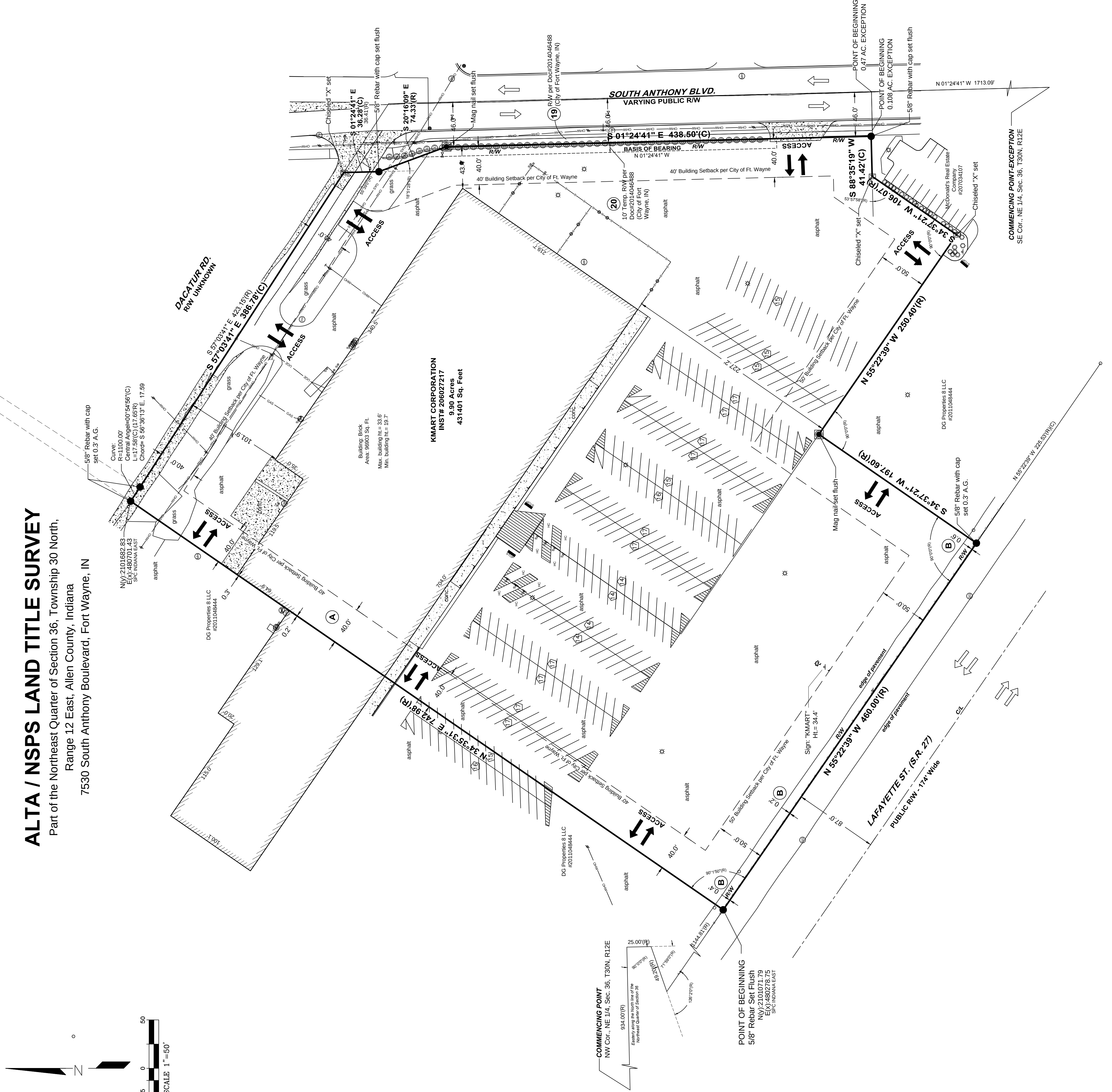
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Data: 2/2017



1 inch = 400 feet



the Northeast Quarter of Section 36, Township 30 North,
Range 12 East, Allen County, Indiana
7530 South Anthony Boulevard, Fort Wayne, IN



1. PROPERTY IS LOCATED IN FLOOD ZONE "X" PER FEMA FLOOD INSURANCE RATE MAP NUMBER 180603C031345, DATED 08/03/2009.

2. ZONING: ZONING CLASSIFICATION: PROPERTY IS ZONED SHOPPING CENTER (SQ, USE AS ZONED). ZONING MAP NUMBER: 180603C031345, DATED 08/03/2009. ZONING INFORMATION: NOT AN ALLOWABLE RENTAL, (INDOOR) IS ALLOWED BUT OUTDOOR AUTOMOBILE RENTAL IS NOT ALLOWED.

3. LOT: LOT NUMBER: 180603C031345, DATED 08/03/2009. LOT AREA: 10,000 SQ. FT. LOT FRONT = 50' FOR NORTH LOT, 50' AT EACH END OF THE LOT FOR THROUGH LOT.

4. INTERIOR: LOT IS NOT ADJACENT TO RESIDENTIAL DISTRICT. PRIMARY BUILDING HEIGHT = 25' (SETBACK OF 25'; PRIMARY BUILDING OVER 30 IN HEIGHT = 30' (SETBACK OF 40').

5. CORNER LOTS: PRIMARY BUILDING - CORNER LOT STREET SIDE: 25' & 25' REAR = PRIMARY BUILDING IF NO OUTSIDE ACTIVITY BEHIND THE BUILDING & NO OUTSIDE ACTIVITY BEHIND THE BUILDING UNDER THE HEIGHT OF 25' FOR CORNER LOTS. HEIGHT: 25' IN HEIGHT; PRIMARY BUILDING WITH OUTSIDE ACTIVITY BEHIND BUILDING = 50'.

6. HEIGHT RESTRICTIONS: MAXIMUM BUILDING HEIGHT = 40'.

7. OFF-STREET PARKING REQUIREMENTS: 1 SPACE FOR EVERY 400 SQUARE FEET OF OFF-STREET PARKING.

8. THE ZONING INFORMATION ABOVE WAS PROCURED FROM THE FORT WAYNE, IN ZONING ORDINANCE DATED 01/01/2016 (AS INTERPRETED BY THE SURVEYOR).

9. PARKING: THERE ARE 210 WHICH ARE PARKING SPACES ON SITE, 8 OF WHICH ARE DESIGNATED HANDICAP, 15 OF WHICH ARE TRUCK PARKING.

Commitment No. 21701125 dated April 17, 2017 and revised March 9, 2017.

16. Right of way and perpetual easement reserved by Indiana Service Corporation, their successors and/or assigns, as set forth in Quit-Claim Deed, dated May 28, 1937 and recorded June 5, 1937 in Deed Record 355 Pages 601-602.

17. Declaration of Reciprocal Easements, Covenants and Restrictions, dated October 5, 2005 and recorded November 23, 2005 as Instrument No. 205077238.

Restrictions, dated June 12, 2007 and recorded June 18, 2007 as Instrument No. 207034108.

THE SURVEYED PROPERTY IS INCLUDED WITHIN THIS DOCUMENT. BLANKET IN NATURE. NOT SHOWN.

18. Party Wall and Easement Agreement, dated October 5, 2005 and recorded November 23, 2005 as Instrument No. 205077239.

19. Covenant as set forth in Warranty Deed, dated August 11, 2014 and recorded September 26, 2014 as Instrument No. 2014046488 and Quit Claim Deed, dated August 11, 2014 and recorded September 26, 2014 as Instrument No. 2014046489. DOES CROSS OR TOUCH THE SURVEYED PROPERTY AS SHOWN HEREON.

20. Temporary Highway Easement Grant to the City of Fort Wayne, Indiana, dated August 11, 2014 and recorded September 26, 2014 as Instrument No. 2014046490. DOES CROSS OR TOUCH THE SURVEYED PROPERTY AS SHOWN HEREON

A. **Building setback encroachment, per Fort Wayne, IN zoning ordinance dated 01/01/2016** (as interpreted by the surveyor).

B. Right of way fence is 0.6' over the south property line.

[illegible]

AMERCO REAL ESTATE COMPANY

7530 South Anthony Boulevard, Fort Wayne, Wayne, IN

210 T 133HS
SHEET 1 of 2

SHEET 1 of 2