

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0037
Bill Number: Z-18-08-01
Council District: 3-Tom Didier

Introduction Date: August 14, 2018

Plan Commission
Public Hearing Date: August 13, 2018 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 6.7 acres of property from R1/Single Family Residential to I2/General Industrial

Location: 3200 Hillegas Road

Reason for Request: To accommodate existing television station and tower, and allow for development of remaining acreage, including a Clear Choice Glass store.

Applicant: Fort Wayne Public Television, Inc. and Clear Choice Glass, Inc.

Property Owner: Fort Wayne Public Television, Inc.

Related Petitions: Primary Development Plan, Clear Choice Glass

Effect of Passage: Property will be rezoned to the I2/General Industrial district which will allow redevelopment of the property and bring the existing television station and tower into compliance with the ordinance.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential. The television station and tower may remain under the current Board of Zoning Appeals approval, but the remaining ground may only be used for single family uses.

1 **#REZ-2018-0037**

2 **BILL NO. Z-18-08-01**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. H-22 (Sec. 28 of Washington Township)**

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

9 SECTION 1. That the area described as follows is hereby designated an I2
10 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 Beginning at the Southwest corner of Section 28, Township 31 North, Range 12 East, Allen
13 County, Indiana; thence North on the West line of said Section 28, also being the centerline
14 of Hillegas Road, a distance of 566.2 feet; thence Easterly by an interior angle of 88 degrees
15 57 minutes, on the centerline of a roadway, a distance of 571.8 feet; thence in a Southerly
16 direction by an interior angle of 91 degrees 16 minutes, along the centerline of a roadway, a
17 distance of 552.2 feet to a point on the South line of the Southwest Quarter of the Southwest
18 Quarter of said Section 28; thence Westerly along said South line, also being the centerline
19 of Butler Road, a distance of 573.75 feet to the point of beginning, containing 7.35 acres of
20 land, subject to legal rights-of-way for Hillegas Road and Butler Road, also subject to all
21 easements of record.

22 and the symbols of the City of Fort Wayne Zoning Map No. H-22 (Sec. 28 of Washington
23 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
24 Wayne, Indiana is hereby changed accordingly.

25 SECTION 2. If a written commitment is a condition of the Plan Commission's
26 recommendation for the adoption of the rezoning, or if a written commitment is modified and
27 approved by the Common Council as part of the zone map amendment, that written
28 commitment is hereby approved and is hereby incorporated by reference.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Clear Choice Glass, Inc.; Fort Wayne Public Television, Inc.
Address (See attached.)
City _____ State _____ Zip _____
Telephone _____ E-mail _____

Contact Person
Contact Person Patrick R. Hess (See attached for more contact information.)
Address 201 W. Wayne St.
City Fort Wayne State IN Zip 46802
Telephone 260-422-0800 E-mail phess@beckmanlawson.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 3200 Hillegas Road
Present Zoning R1 Proposed Zoning I2 Acreage to be rezoned 6.685
Proposed density N/A units per acre
Township name Washington Township section # 28
Purpose of rezoning (attach additional page if necessary) To accommodate existing TV station and tower, and to allow development of excess acreage.
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 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.

(See attached for Signatures)

_____ (printed name of applicant)	_____ (signature of applicant)	_____ (date)
_____ (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.
7-3-18	127622	8-13-18	REZ 2018-0037

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:

P.O. Box 39
St. Wayne, Ind. 46801

WARRANTY DEED

This indenture witnesseth that

THOMAS A. MILLER and MARY C. MILLER,
husband and wife, each over the age
of Eighteen (18) years, as tenants by
the entireties

of Allen

County in the State of Indiana

Convey and warrant to

FORT WAYNE PUBLIC TELEVISION, INC.

1982 JUN 14 PM 3:17
ALLEN COUNTY RECORDS
Myself & Mary

of Allen County in the State of Indiana

for and in consideration of Two (\$2.00) Dollars & other good & valuable consideration
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County
in the State of Indiana, to wit:

7.35 acres of land in the Southwest corner of the Southwest
Quarter of the Southwest Quarter of Section 28, Township 31
North, Range 12 East, Allen County, Indiana, more particular-
ly described as follows, to-wit:

Beginning at the Southwest corner of Section 28, Township 31
North, Range 12 East, Allen County, Indiana; thence North on
the West line of said Section 28, also being the centerline of
Hillegas Road, a distance of 566.2 feet; thence Easterly by an
interior angle of 88 degrees 57 minutes, on the centerline of
a roadway, a distance of 571.8 feet; thence in a Southerly direc-
tion by an interior angle of 91 degrees 16 minutes, along the
centerline of a roadway, a distance of 552.2 feet to a point
on the South line of the Southwest Quarter of the Southwest
Quarter of said Section 28; thence Westerly along said South
line, also being the centerline of Butler Road, a distance of
573.75 feet to the point of beginning, containing 7.35 acres of
land, subject to legal rights-of-way for Hillegas Road and
Butler Road, also subject to all easements of record.

SUBJECT to all conditions, easements, restrictions and limitations
of record, as well as all applicable zoning ordinances.

SUBJECT to the real estate taxes due in 1983; and taxes for
subsequent years.

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County
and State, this 14th day of June 1982
personally appeared:

THOMAS A. MILLER and MARY C. MILLER,
husband and wife, each over the age
of Eighteen (18) years

Dated this 14th Day of June 1982

Thomas A. Miller Seal
THOMAS A. MILLER

Mary C. Miller Seal
MARY C. MILLER

Seal

DULY ENTERED FOR TAXATION

JUN 14 1982

Seal

Robert W. Haller Seal
AUDITOR OF ALLEN COUNTY

Seal

And acknowledged the execution of the foregoing deed. In witness
whereof, I have hereunto subscribed my name and affixed my of-
ficial seal. My commission expires May 21 1986

Robert W. Haller
ROBERT W. HALLER, Notary Public

Resident of Allen County.

This instrument prepared by Robert W. Haller

Attorney at Law

MAIL TO:

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C.
4.00

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