



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802
Phone: 260.449.7555 FAX: 260.449.7568

LINDA K. BLOOM THERESE M. BROWN NELSON PETERS

AGENDA

**Commissioners' Legislative Session
10:00 AM Friday, February 1st, 2013
Council Chambers Courtroom – Citizens Square**

- 1. Approval of the minutes of January 25th, 2013.**
- 2. Rezoning Petition 1664/13 (aka REZ-2012-0125) to rezone 3.95 acres on the south side of the 12400 block of Lafayette Center Road from A-1/Agricultural to I-4/Industrial Park for future development.**
- 3. Amendment No. 1 to the Enterprise License Agreement between the Board of Commissioners and ESRI, Inc on behalf of the iMap Consortium.**
- 4. Appointment to a MSD of Southwest Allen County Common Construction Wage Committee.**
- 5. Other Business:**
- 6. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 1st, 2013.**
- 7. Comments from the Public.**
- 8. Motion to Adjourn.**

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 200 East Berry Street, Suite 380, Fort Wayne, IN 46802, or by phone at (260) 449-7217.



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

Citizens Square Building Suite 410 · 200 E. Berry Street · Fort Wayne, IN 46802

Phone: 260.449.7555 FAX: 260.449.7568

NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

Commissioners' Legislative Session
10:00 a.m. Friday, January 25, 2013
Council Chambers Courtroom – Citizens Square

Commissioners Present: Therese Brown, Nelson Peters
Commissioners Absent: Linda Bloom

Others Present:

Chris Cloud	Commissioners Office
Mike Green	Commissioners Office
Bill Fishering	County Attorney
Bill Hartman	Highway Department
Susan Orth	Treasurer
Joseph Falk	Treasurer's Office
William Royce	Treasurer's Office
Randy Brown	Coliseum
John Stafford	IPFW
Vivian Sade	Journal Gazette
Kevin Leininger	News Sentinel

Commissioner Brown called the meeting to order at 10:03 AM. Commissioner Brown led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of January 18th, 2013.** Commissioner Peters made a motion to approve the minutes of January 18th, 2013. Commissioner Brown seconded the motion. Motion carried 2-0.
- 2. Approval of Change Order #2 on the Northwest Addition Patio and Gates project at Memorial Coliseum. Change Order #2 in the amount of \$20,284.16 (decrease).** Randy Brown, General Manager-Coliseum, presented this item. He stated this completes this project. We had a total of 2 change orders on this project and the net with change order 1 and change order 2 was \$16,384.03. Commissioner Peters made a motion to approve Change Order #2 on the Northwest Addition Patio and Gates project. Commissioner Brown seconded the motion. Motion carried 2-0.
- 3. Annual meeting of the Board of Finance.**

Election of President – Commissioner Peters made a motion to elect Commissioner Therese Brown as President of Allen County Board of Finance. Commissioner Brown seconded the motion. Motion carried 2-0.

Sue Orth, Allen County Treasurer, gave the review of the Treasurer's report of investment activity for 2012. Commissioner Peters made a motion to approve the Treasurer's Board of Finance Report. Commissioner Brown seconded the motion. Motion carried 2-0.

- 4. Change Order #1 and Final for Bid Ref # 08-12, Maplecrest Rd – Wetland Mitigation, Project # 00-227. Cost - \$12,239.09 (Decrease)** Bill Hartman, Highway Director, stated that this decrease is due to some undistributed quantities of pipes for drainage in case there were some farm tiles, etc. encountered in the construction of this wetland mitigation site. Commissioner Brown asked if this closes out the wetland

mitigation project. Bill Hartman said just this. It is a separate project part of the overall Maplecrest. Commissioner Peters made a motion to approve Change Order # 1 and Final along with the Project Acceptance Form for the Maplecrest Road Wetland Mitigation project. Commissioner Brown seconded the motion. Motion carried 2-0.

5. **Project Acceptance Form - Bid Ref # 08-12, Maplecrest Rd – Wetland Mitigation, Project # 00-227. Final Contract Amount - \$41,178.76.** Approval included with Item #4 above.

6. **Warranty Deed – Union Chapel at Auburn Rd, Project # 1300311**
a. **Parcel 11 - Newport**

Commissioner Peters made a motion to approve Warranty Deed. Commissioner Brown seconded the motion. Motion carried 2-0.

7. **Sign Request –**

- a. **Cypress Point Dr at West County Line Rd- post “Stop” – stop secondary for preferential.**

Commissioner Peters made a motion to approve Sign Request. Commissioner Brown seconded the motion. Motion carried 2-0.

8. **Change Order #18 and #21 for Spring Street Bridge # 524 over Norfolk Southern Railroad, Project # BR0197.**

- a. **Change Order # 18 - \$5,034.70 (Increase). Reason for Change: Replace 6” water main due to leaking and exchange curb casting for the flat casting due to existing utility locations.**

- b. **Change Order # 21 - \$906.00 (Increase). Reason for Change: Additional pin on curb was required to complete construction.**

Commissioner Peters asked whether the costs were split accordingly between the County and the City because this is a joint project. Bill Hartman, Highway Director, stated that change order #18 is part of the City project and it is based upon what the project split would have called for throughout.

Commissioner Peters made a motion to approve Change Order #18 and Change Order #21 for Spring Street Bridge. Commissioner Brown seconded the motion. Motion carried 2-0.

9. **Quarterly economic update from the Community Research Institute.** John Stafford, Community Research Institute - IPFW, gave this update.

10. **Various board appointments.** Chris Cloud, Executive Assistant, presented the names for the Commissioners. Vince Buchanan for the Board of Zoning Appeals and Lisa Updike for the Capital Improvement Board. Commissioner Peters made a motion to approve both appointments. Commissioner Brown seconded the motion. Motion carried 2-0.

11. **Other Business:**

Bill Fishing, County Attorney, stated the Commissioners were working on Dalman Road with the Highway Dept. and Franklin Electric. Part of that is the transfer of right of way to the Commissioners and part of that transfer is coming from the Airport Authority. He presented a joint resolution under 36-1-7 to allow the transfer of property from the Airport to the Commissioners for the Dalman Road project. This is the second to the last step in getting this completed. Commissioner Peters made a motion to approve the Joint Resolution with the Airport Authority regarding Dalman Road. Commissioner Brown seconded the motion. Motion carried 2-0.

12. **Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of January 25th, 2013.** Commissioner Peters made a motion to approve the waiving of the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of January 25, 2013. Commissioner Brown seconded the motion. Motion carried 2-0.

13. Comments from the Public.

Janet Robinson from Spencerville appeared to comment about the Planning Department changes and the public meeting scheduled for January 30, 2013.

14. Motion to Adjourn. There being no further business, the meeting was adjourned at 11:05 a.m.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.

#2

COMES NOW the Board of Commissioners of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

**Allen County Code Title 3:
The Allen County Zoning Ordinance
Amendment No.**

WHEREAS petitioner RCI Development on behalf of property owners filed Petition REZ-2012-0125 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 10TH day of January, 2013 and,

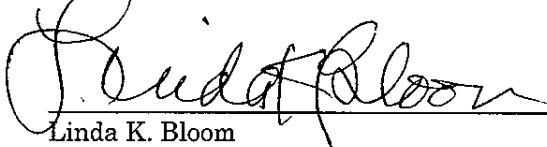
WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the approximate 3.95 acres of real estate referenced in the Petition be reclassified to I-4/Industrial Park District; now, therefore,

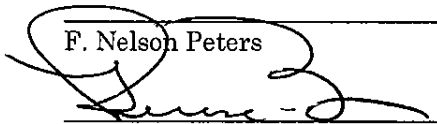
BE IT ORDAINED by the Board of Commissioners of the County of Allen, State of Indiana, that the Board concurs with the Plan Commission's recommendation and approves this Petition;

BE IT FURTHER ORDAINED that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Board;

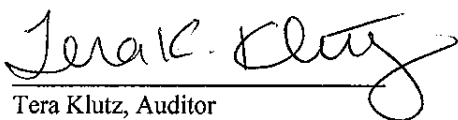
ENACTED THIS 1 day of February, 2013.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN,
STATE OF INDIANA**


Linda K. Bloom


F. Nelson Peters
Therese M. Brown

Attest:


Tera Klutz, Auditor

DEPARTMENT OF PLANNING SERVICES

200 E. BERRY STREET - SUITE 150
FORT WAYNE, INDIANA 46802

PHONE: 260-449-7607
FAX: 260-449-7682
WEBSITE: WWW.ALLENCOUNTY.US

25 January 2013

Allen County Board
of Commissioners
200 E Berry Street – Suite 410
Fort Wayne, Indiana 46802

Attached is a copy of the minutes and rezoning recommendations, and Findings of Fact adopted by the Allen County Plan Commission during its 10 January 2013 meeting. The minutes reflect the vote taken to send this matter to you for review and action.

Staff will be present during your legislative session to explain the actions of the Plan Commission. Please call me if you have any questions before then.



Michelle B. Wood, RLA
Senior Land Use Planner

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COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq. and Allen County Code Title 3, both as amended, and adopts the following resolution.

**Resolution of the
Allen County Plan Commission
Regarding Zoning Map Amendment**

WHEREAS the Allen County Department of Planning Services received a proposed map amendment to Title 3 of the Allen County Code (the Zoning Ordinance) on 5 December 2012 which it designated subsequently as Rezoning Petition REZ-2012-0125; and,

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed map amendment in both *The Journal Gazette* and *The News-Sentinel* according to law; and,

WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed map amendment on January 10, 2013; and,

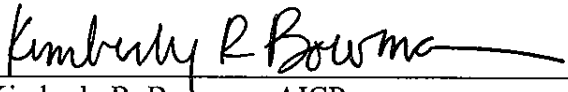
WHEREAS the Allen County Plan Commission considered the petition in light of comprehensive plan and the zoning ordinance requirements; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session, that a resolution and proposed ordinance be sent to the Allen County Board of Commissioners recommending that the proposed map amendment DO PASS 3.95 acres to I-4/Industrial Park District,

BE IT FURTHER RESOLVED that the Allen County Plan Commission's Findings of Fact setting forth its reasons for this recommended action be included with the resolution and proposed ordinance resolving Rezoning Petition REZ-2012-0125; and,

BE IT FINALLY RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the Allen County Board of Commissioners;

ADOPTED THIS 10th day of January, 2013.



Kimberly R. Bowman, AICP
Executive Director, ACDPS
Secretary to the Allen County Plan Commission

1-24-13

Date of Signature

**ALLEN COUNTY PLAN COMMISSION
MONTHLY BUSINESS SESSION MINUTES
10 JANUARY 2013**

(The following reflects a synopsis of action taken by the Allen County Plan Commission. Actual tape recordings of the proceedings before the Plan Commission are available upon request.)

The Allen County Plan Commission convened on Thursday 10 January 2013 in Room 035 of Citizens Square, Fort Wayne, Indiana. Attendance of Commission members was as follows.

	Membership Status	Present	Absent
President Allan D. Frisinger	Allen County Surveyor	X	
Vice President Kenneth R. Neumeister	Citizen Member		X
Commissioner David Bailey	Citizen Member	X	
Commissioner Renee Rousseau Fishing	Citizen Member	X	
Commissioner Therese Brown	Allen County Commissioner	X	
Commissioner Roy Buskirk	Allen County Councilperson	X	
Commissioner Susie Hoot	Citizen Member	X	
Commissioner Harold Kleine	Township Trustees' Representative	X	
Commissioner Gonzalee Martin	Agricultural Extension Office	X	

Staff members present were Kimberly R. Bowman, AICP, Executive Director, Patrick Rew, Principal Land Use Planner, Christian Beebe, Associate Land Use Planner, and Cathy Elrod, Office and Finance Manager. Also present were Robert Eherenman, Legal Counsel to the Commission and Mike Eckert of the Allen County Highway Department.

Mr. Frisinger called the meeting to order immediately following the Public Hearing at 1:57 p.m.

The Commission acted on the following items (not necessarily in the order presented).

Following introductory remarks by Mr. Frisinger, Ms. Brown moved the Commission approve the December Business Meeting Minutes, Findings of Fact and Conditions of Approval. Mr. Martin seconded, and the motion carried.

Ms. Hoot motioned to approve the Revenue Generated and Funds Expended Report for November. The motion unanimously carried after a second by Mr. Martin.

Mr. Buskirk motioned to approve the Revenue Generated and Funds Expended Report for December. The motion unanimously carried after a second by Ms. Brown.

Before consideration of the Public Hearing Agenda, Mr. Buskirk announced that, effective with the February Plan Commission, Mr. Darren Vogt would be replacing him as Allen County Council Representative.

PROPOSAL: Rezoning Petition 1664/13
APPLICANT: RCI Development – Brian Fleming
REQUEST: To rezone property from A-1/Agricultural to I-4/Industrial Park, for future development.
LOCATION: The site lies on the south side of the 12400 block of Lafayette Center Road, to the south of General Motors, and to the north of Vera Bradley (Section 20 of Lafayette Township).
LAND AREA: Approximately 3.95 acres
PRESENT ZONING: A-1/Agricultural
PROPOSED ZONING: I-4/Industrial Park District

Following comments by staff and general discussion by the Commission, Mr. Martin moved the Commission recommend DO PASS Rezoning Petition 1664/13, RCI Development, to the Board of Commissioners. The motion was made based on certain Findings of Fact that are to be made a part of the minutes. After a second by Ms. Hoot the motion passed unanimously.

PROPOSAL: Amended Primary Development Plan – Three Rivers Wesleyan Church Signage
APPLICANT: Three Rivers Wesleyan Church
REQUEST: To allow a new freestanding sign to have an electronic message center.
LOCATION: The site lies on the west side of the 2800 block of Hillegas Road. The address of the subject property is 2825 Hillegas Road (Section 32 of Washington Township).
LAND AREA: Approximately 10 acres
PRESENT ZONING: C-1A(P)/Planned Professional and Personal Services

Following comments by staff and general discussion by the Commission, Ms. Brown moved the Commission APPROVE the Amended Primary Development Plan, Three Rivers Wesleyan Church. The motion was made based on certain Finds of Fact that are to be made a part of the minutes. Mr. Kleine seconded, and the motion carried unanimously.

PROPOSAL: Primary Development Plan, Fort Financial Credit Union – Village of Oak Crossing
APPLICANT: Fort Financial Credit Union
REQUEST: To approve a development plan for a new Fort Financial Credit Union location, consisting of approximately 4,000 square feet of building area.
LOCATION: The site is located on the north side of the 4900 block of East Dupont Road (State Road 1). The site lies to the east and south of the Oak Crossing Apartments (Section 36 of Perry Township).

LAND AREA: Approximately 1.11 acres
PRESENT ZONING: C-7C/Metropolitan Shopping Center

Following comments by staff and general discussion by the Commission, Mr. Buskirk moved the Commission APPROVE the Primary Development Plan, Fort Financial Credit Union, Village of Oak Crossing, allowing a height of 20 feet and granting a waiver for an electronic message board. The motion was made based on certain Finds of Fact that are to be made a part of the minutes. Mr. Martin seconded, and the motion passed with a 6-2 vote, Ms. Hoot and Mr. Bailey opposing.

CONSENT AGENDA

(The Consent Agenda includes items which are routine or non-controversial in nature. They are presented here to be reviewed and approved with one motion and vote. Prior to the presidents' request for action on the Consent Agenda, any member of the commission may remove an item or items from the agenda for discussion and a separate vote.)

1. Secondary Development Plan, Indiana Fire Sprinkler and Backflow Versatile Construction Group, LLC
2. Secondary Development Plan, Huntertown Apartments Yellow Retirement (*deferred from December 2012 Business Meeting*)

Following discussion by staff and the Commission, Mr. Bailey moved the Commission APPROVE Item 1 of the Consent Agenda. Ms. Hoot seconded, and the motion carried unanimously.

Mr. Eckert advised a condition of approval for Item 2 of the Consent Agenda should require applicant to relocate wall at the entrance. Following discussion by staff and the Commission, Mr. Buskirk moved the Commission DEFER Item 2 of the Consent Agenda. Ms. Fishing seconded, and the motion carried unanimously.

OTHER BUSINESS

1. Election of Officers and Board Appointments for 2013

ELECTION OF PLAN COMMISSION OFFICERS FOR 2013, PRESIDENT. Mr. Frisinger turned the meeting over to Mrs. Bowman who presided during the election of president. Mrs. Bowman opened the floor to nominations for Allen County Plan Commission President for 2013. A motion by Ms. Brown and a second by Ms. Hoot nominated Mr. Frisinger for President of the Commission. A motion to close the nominations was made by Ms. Brown and seconded by Mr. Kleine; the motion carried. Mrs. Bowman called for the vote for President; Mr. Frisinger was unanimously elected. Mrs. Bowman turned control of the meeting to Mr. Frisinger for the remainder of elected and appointed positions.

ELECTION OF PLAN COMMISSION OFFICERS FOR 2013, VICE PRESIDENT. Mr. Frisinger opened the floor to nominations for Allen County Plan Commission Vice President for 2013. A motion by Ms. Brown and a second by Mr. Martin nominated Mr. Neumeister for Vice President of the Commission. A motion to close the nominations was made by Ms. Brown and a seconded by Mr. Martin; the motion carried. Mr. Frisinger called for the vote for Vice President; Mr. Neumeister was unanimously elected. As the election was taken in absentia, Mr. Eherenman advised that Mr.

Neumeister will have the opportunity to decline and nomination and vote if he should so choose.

APPOINTMENT OF REPRESENTATIVE TO THE URBAN TRANSPORTATION ADVISORY BOARD FOR 2013. Mr. Frisinger opened the floor for the appointment of a representative to the Urban Transportation Advisory Board for 2013. A motion by Ms. Fishing and a second by Mr. Buskirk nominated Ms. Hoot as representative to be elected to the Urban Transportation Advisory Board for 2013. A motion to close the nominations was made by Ms. Brown and seconded by Mr. Kleine; the motion carried. Ms. Hoot was appointed unanimously.

ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE FOR 2013. Mr. Frisinger opened the floor for election of members of the Executive Committee. Following a motion by Ms. Hoot and a second by Ms. Brown, Mr. Frisinger, Mr. Neumeister, Mr. Bailey, Ms. Brown, and Ms. Fishing were unanimously elected as members of the Executive Committee; Mr. Martin and Ms. Hoot will serve as alternates.

APPOINTMENT OF ZONING HEARING OFFICER FOR 2013. Mr. Frisinger advised that Mr. Blik has served as Zoning Hearing Officer and recommended his reappointment as Zoning Hearing Officer for 2013. Following a motion by Ms. Hoot, and a second by Mr. Buskirk, Mr. Blik was unanimously reappointed to serve as Zoning Hearing Officer for 2013.

APPOINTMENT OF ALTERNATE ZONING HEARING OFFICER FOR 2013. Stating that Mr. McMillan has served as Alternate Zoning Hearing Officer, Mr. Frisinger recommended Mr. McMillan's reappointment. Ms. Hoot so moved, and following a second by Ms. Brown, Mr. Millan was unanimously reappointed to serve as Alternate Zoning Hearing Officer for 2013.

APPOINTMENT FOR ALTERNATE LEGAL COUNSEL FOR 2013. Following a motion by Ms. Brown and a second by Ms. Fishing, the firm of Shine and Hardin was unanimously reappointed Alternate Legal Counsel to the Commission for 2013 with Mr. Thomas Hardin as representation.

2. Amendment to Rules of Procedure – Subdivision Regulated Drains

Mr. Eherenman clarified this item for consideration was regarding the condition of the drains, and not a rule amendment per se. Mr. Buskirk motioned accordingly. The motion passed unanimously after a second from Ms. Hoot.

3. Watersong Improvement Bonding Update

Updating on the deferral from December's meeting, Mr. Eherenman was instructed to send a letter to Mr. Gregg Walbridge advising that a bond would be due within 30 days or no Improvement Location Permits would be issued for this project.

Mr. Walbridge was present and advised the Commission he was unable to obtain a bond; however, Tower Bank had agreed to issue an irrevocable letter of credit for \$16,900.00. Mr. Eherenman requested Mike Eckert to review the outstanding work at Watersong. Mr. Eherenman will then work with Mr. Walbridge and Tower Bank to obtain the letter of credit.

4. Legal Counsel Disclosure Statement

Mr. Eherenman advised that he is required to file an annual disclosure statement with the State Ethics Commission since he is a County employee, receiving a salary and health insurance. Additionally, the Haller and Colvin law offices where he is employed bills the county as a third party vendor for litigation. The Uniform Conflict of Interest Disclosure Statement requires the signature of the Plan Commission president.

Mr. Martin motioned to authorized Mr. Frisinger sign the disclosure statement. After a second by Ms. Hoot, the motion carried unanimously.

5. Ordinance Update Meetings

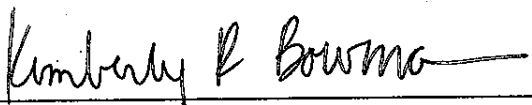
Mrs. Bowman informed the Commission that Clarion staff will be holding DPS staff and stakeholder meetings at the end of January. A meeting for the City and County Plan Commission and Boards of Zoning Appeals is scheduled for January 30 at 3:00 p.m. in the DPS office. Detailed information is forthcoming.

ADJOURNMENT

Next Public Hearing: February 14, 2013 at 1:00 p.m. in Room 035 Citizens Square
200 East Berry Street, Fort Wayne, Indiana

Next Business Meeting: February 21, 2013 at 1:30 p.m. in Room 035 Citizens Square
200 East Berry Street, Fort Wayne, Indiana

There being no further business, the meeting adjourned at 2:42 p.m.



Kimberly R. Bowman, AICP
Executive Director,
Department of Planning

ALLEN COUNTY PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition 1664/13

APPLICANT: RCI Development – Brian Fleming
REQUEST: To rezone property from A-1/Agricultural to I-4/Industrial Park, for future development.
LOCATION: The site lies on the south side of the 12400 block of Lafayette Center Road, to the south of General Motors, and to the north of Vera Bradley (Section 20 of Lafayette Township).
LAND AREA: Approximately 3.95 acres
PRESENT ZONING: A-1/Agricultural
PROPOSED ZONING: I-4/Industrial Park District
ADJACENT ZONING: North: I-3/Heavy Industrial (General Motors)
South: I-4/Industrial Park (Vera Bradley Design Center)
East: I-4/Industrial Park (Vera Bradley Distribution Center)
West: I-4/Industrial Park (One Resource office)
PROPOSED SEWER: City of Fort Wayne
PROPOSED WATER: City of Fort Wayne

The proposed rezoning is compatible with surrounding land uses because:

the proposed rezoning is south of the General Motors complex, a large tract of I-3/Heavy Industrial land and immediately adjacent to developed I-4/Industrial Park land.

Conditions have changed in the area since the original zoning was established because:

significant industrial development has occurred to the west and north and east of this development. The Plan Commission has recently approved industrial rezoning petitions to the west.

Community facilities are available to support the proposed development because:

public roads, sewer services, and community facilities are available or will be made available to this property.

The proposed rezoning will establish a desirable precedent in the area because:

the precedent for industrial development has been well established in this area. High-quality industrial uses, such as General Motors, have been a presence in this area for over 20 years. Vera Bradley has developed the land to the east and immediately south with similar uses.

The proposed rezoning is consistent with the land use policies contained in the Comprehensive Plan because:

it does fulfill the following policies of the comprehensive plan:

- LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process
- LU2. Use land resources more efficiently by encouraging new development within the conceptual development map growth area which are adjacent to existing development

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Brian Fleming / RCI Development
 Address 301 Airport North Office Park
 City Fort Wayne State Indiana Zip 46825
 Telephone 260-414-2718 Fax _____ E-mail bflcming@rcidevelops.com

Property Ownership
 Property Owner Great Dane Realty, LLC
 Address 12420 Silverado Drive
 City Roanoke State Indiana Zip 46783
 Telephone 215-429-3508 Fax _____ E-mail bob@andessiteholdings.com

Contact Person
 Contact Person Brett R. Miller, PLS
 Address 221 Tower Drive
 City Monroe State Indiana Zip 46772
 Telephone 260-692-6166 Fax 260-692-6242 E-mail brett@mlswebsite.us

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 _____
 Present Zoning A1/14 Proposed Zoning I-4 Acreage to be rezoned 3.95
 Proposed density _____ units per acre
 Township name Lafayette Township section # 20
 Purpose of rezoning (attach additional page if necessary) _____
Construction of new office / warehouse for Britton Marketing
 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.

RCI Development (printed name of applicant) [Signature] (signature of applicant) 12/5/12 (date)
Great Dane Realty, LLC (printed name of property owner) _____ (signature of property owner) 12/5/12 (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.
12/5/12	110373	1/10/13	1664

Rez-2012-0128



**Amendment 1 to
Enterprise License Agreement No. 2012ELA7951**

2-1-13 #3

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

This Amendment No. 1 is entered into by and between **The Board of Commissioners of the County of Allen** (“Licensee”) with a principal office located at 200 East Berry Street, Suite 410, Fort Wayne, Indiana 46802 and **Environmental Systems Research Institute, Inc.** (“Esri”), a California corporation with its principal place of business at 380 New York Street, Redlands, Ca 92373.

WHEREAS, Esri and Licensee entered into an Enterprise License Agreement with an effective date January 1, 2013 (hereinafter “Agreement”);

WHEREAS, the parties desire to amend the Agreement to include three (3) Data Interoperability Extensions—Concurrent Use at no additional cost; and

NOW THEREFORE, the parties agree:

- 1) Modify Appendix A Software and Deployment Schedule to reflect an increase of three (3) Data Interoperability Extensions—Concurrent Use in Table A-2 Enterprise License Software—Limited Quantities.

Item	Qty./Seats to Be Deployed	Total
Data Interoperability Extension—Concurrent Use	3	3

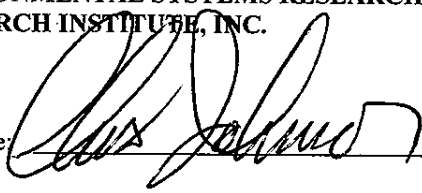
Except as modified by this Amendment, all other terms in the Agreement and any other previous amendments to the Agreement are incorporated herein by this reference and remain unchanged unless modified by a separate signed Amendment.

Accepted and Agreed:

**THE BOARD OF COMMISSIONERS OF THE
COUNTY OF ALLEN
(Licensee)**

**ENVIRONMENTAL SYSTEMS RESEARCH
RESEARCH INSTITUTE, INC.
(Esri)**

By: _____
Nelson Peters - Commissioner

Signature:  _____

By:  _____
Linda K. Bloom - Commissioner

Printed Name: Chris Johnson
Manager, Domestic Contracts

By:  _____
Therese M. Brown - Commissioner

Title: _____

Attest:  _____
Tera K. Klutz - Auditor

Date: MAR 7, 2013

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January 23, 2013

VIA EMAIL chris.cloud@co.allen.in.us

Mr. Chris Cloud
Executive Assistant, Allen County Board of Commissioners
One East Main Street, Room 200
Fort Wayne, IN 46802

Re: MSD of Southwest Allen County; Common Construction Wage Committee Meeting

Dear Mr. Cloud:

As required by I.C. § 5-16-7-1, the MSD of Southwest Allen County ("SACS") is establishing a Common Construction Wage Committee for the following projects:

- (1) (a) the installation of a new tennis facility to be used by the School Corporation, (b) the upgrade of one or more parking areas to address traffic flow issues throughout the School Corporation, including, but not limited to, new parking areas, at the Homestead High School, (c) the installation of a new cooking kitchen at the Haverhill Elementary School, and (d) the addressing of safety/security concerns in one or more of the sites throughout the School Corporation,
- (2) completing other miscellaneous facility improvement, equipping and land improvement and/or acquisition projects throughout the geographical boundaries of the School Corporation, and
- (3) undertaking all projects related to clauses (1) and/or (2) (clauses (1) through and including (3), collectively, the "2012 General Obligation Bond Project").

We are requesting that the Allen County Commissioners appoint to the Committee a taxpayer who pays the tax that will be a funding source for the project and resides in the county where the projects are located. As a suggestion, Mr. James E. Elizondo has indicated a willingness to accept this appointment. We believe that he meets the requirements as he currently resides at 2205 Baemar Drive, in Allen County, Indiana 46814, which is an area in which the residents are subject to the tax that will be the funding source of the above-referenced projects.

Tomorrow I will contact the Indiana Department of Labor to schedule the Common Construction Wage Committee meeting for Tuesday, February 12, 2013. I do not yet know the time, when SACS' meeting will occur as that will depend on the number of other hearings scheduled for that day, but I will contact you as soon as I confirm the time for the hearing. Please propose the appointment of Mr. Elizondo at the next County Commissioners' meeting.