

#REZ-2015-0009

BILL NO. Z-15-02-13

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-46 (Sec. 10 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 a C3
(General Commercial) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

Lots Numbers 1, 2, 26, 27, and 28 in Hollywood Gardens Addition to the City of
Fort Wayne, Indiana as recorded in Plat Book 7, page 110 in the Office of the
Recorder of Allen County, Indiana, except that part taken for the widening of State
Road Number 3 as mentioned in Document #205078439.

Also excepting the following as recorded in Document #2008007488:

A part of Lots 26 and 27 in Hollywood Gardens Addition to the City of Fort Wayne,
Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office of the
Recorder of Allen County, Indiana, and being that part of the grantor's land lying
within the right of way lines depicted on the attached Right of Way Parcel Plat,
marked EXHIBIT "B", described as follows: Beginning at the southeast corner of
said Lot 27, designated as point "466" on said parcel plat; thence South 88 degrees
21 minutes 27 seconds West 126.32 feet along the south line of Lots 26 and 27 to the
northeastern boundary of the intersection of S.R. 3 (Lima Road) and Ashley Avenue;
thence North 54 degrees 49 minutes 24 seconds West 38.56 feet along the boundary
of the intersection of said S.R. 3 and said Ashley Avenue to the east boundary of said
S.R. 3; thence North 1 degree 18 minutes 57 seconds West 58.00 feet along the
boundary of said S.R. 3 to point "473" designated on said parcel plat; thence South 7
degrees 46 minutes 28 seconds East 53.34 feet to point "472" designated on said
parcel plat; thence South 49 degrees 59 minutes 03 seconds East 19.67 feet to point
"471" designated on said parcel plat; thence South 81 degrees 26 minutes 18 seconds
East 50.80 feet to point "470" designated on said parcel plat; thence South 87
degrees 40 minutes 22 seconds East 86.67 feet to the point of beginning and
containing 1,073 square feet, more or less.

TOGETHER with the permanent extinguishment of all rights and easements of
ingress and egress to, from, and across the limited access facility (to be known as
S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along
the lines described as follows: The 53.34-foot, and the 19.67-foot courses described

1 above. Also, being at the northern end of the 53.34-foot course described above;
2 thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east
3 boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat
4 an the north line of said Lot 26. This restriction shall be a covenant running with the
land and shall be binding on all successors in title to the said abutting lands.

5 Also excepting the following as recorded in Document #2008006971:

6 A part of Lot 1 in Hollywood Gardens Amended Addition to the City of Fort
7 Wayne, Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office
8 of the Recorder of Allen County, Indiana, and being that part of the grantor's land
9 lying within the right of way lines depicted on the attached Right of Way Parcel Plat,
10 marked EXHIBIT "B", described as follows: Beginning at the northeast corner of
said lot; thence South 88 degrees 21 minutes 27 seconds West 26.76 feet along the
11 north line of said lot to the southeastern boundary of the intersection of Ashley
Avenue and S.R. 3 (Lima Road); thence South 47 degrees 33 minutes 34 seconds
12 West 32.03 feet along the boundary of the intersection of said Ashley Avenue and
said S.R. 3 to point "552" designated on said parcel plat and the POINT OF
13 BEGINNING of this description: thence South 4 degrees 12 minutes 45 seconds
West 71.33 feet to point "550" designated on said parcel plat and the east boundary
14 of said S.R. 3; thence North 1 degree 18 minutes 57 seconds West 65.00 feet along
the boundary of said S.R. 3 to the boundary of the southeastern boundary of the
15 intersection of said S.R. 3 and said Ashley Avenue; thence North 47 degrees 33
minutes 34 seconds East 9.12 along the boundary of the intersection of said S.R. 3
16 and said Ashley Avenue to the point of beginning and containing 223 square feet,
more or less.

17 TOGETHER with the permanent extinguishment of all rights and easements of
18 ingress and egress to, from, and across the limited access facility (to be known as
S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along
19 the lines described as follows: The 71.33-foot course described above. Also,
beginning at the northern end of the 71.33-foot course described above; thence North
20 47 degrees 33 minutes 34 seconds East 19.01 feet along the southeastern boundary of
the intersection of said S.R. 3 and said Ashley Avenue to the terminus at point "553"
21 as shown on said parcel plat. Also, beginning at the southern end of the 71.33-foot
course described above; thence South 1 degree 18 minutes 57 seconds East 108.11
22 feet along the east boundary of said S.R. 3 and terminating on the south line of said
lot. This restriction shall be a covenant running with the land and shall be binding on
23 all successors in title to the said abutting lands.

24 A part of Lots 1 and 2 in Hollywood Gardens Amended Addition to the City of Fort
25 Wayne, Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office
26 of the Recorder of Allen County, Indiana, and being that part of the grantor's land
lying within the right of way lines depicted on the attached Right of Way Parcel Plat,
27 marked EXHIBIT "B", described as follows: Beginning at the northwest corner of
said Lot 2; thence North 88 degrees 21 minutes 27 seconds East 63.38 feet along the
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1 north line of said Lot 2 to point "555" designated on said parcel plat; thence South
2 83 degrees 29 minutes 37 seconds West 100.36 feet to point "553" designated on
3 said parcel plat and the southeastern boundary of the intersection of S.R. 3 (Lima
4 Road) and Ashley Avenue; thence North 47 degrees 33 minutes 34 seconds East
5 13.02 feet along the boundary of the intersection of said S.R. 3 and said Ashley
6 Avenue to the north line of said Lot 1; thence North 88 degrees 21 minutes 27
7 seconds East 26.76 feet along said lot line to the point of beginning and containing
8 384 square feet, more or less.

9
10 REMAINDER AFTER EXCEPTIONS OF LOTS 26, 27, 28 CONTAINING 1.16
11 ACRES, MORE OR LESS
12 REMAINDER AFTER EXCEPTIONS FOR LOTS 1 & 2 CONTAINING 0.70
13 ACRES, MORE OR LESS

14 and the symbols of the City of Fort Wayne Zoning Map No. K-46 (Sec. 10 of Washington
15 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
16 Wayne, Indiana is hereby changed accordingly.

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

19 _____
20 Council Member

21 APPROVED AS TO FORM AND LEGALITY:

22 _____
23 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-2015-0009
Bill Number: Z-15-02-13
Council District:

Introduction Date: February 24, 2015

Plan Commission
Public Hearing Date: March 9, 2015

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

Synopsis of Ordinance: To rezone approximately 1.86 acres of property from R1-Single Family Residential to C3-General Commercial

Location: Lots 1, 2, 26 and 27 of Hollywood Gardens Amended subdivision (the northeast and southeast corners of the intersection of Ashley Avenue and Lima Road, includes 1632 Ashley Avenue)

Reason for Request: To allow the conversion of an existing house to a car sales business with associated sales lot.

Applicant: Jim Mutton - JRM Realty, LLC

Property Owner: JRM Realty, LLC

Related Petitions: Primary Development Plan, Quick Auto, Inc.

Effect of Passage: Property will be rezoned to C3-General Commercial which will allow a car sales business on the property.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential and may continue to be used for single family purposes.

Department of Planning Services
Rezoning Petition Application

Applicant	Applicant	Jim Mutton - JRM Realty LLC		
	Address	5612 Illinois Road		
	City	Fort Wayne	State	IN Zip 46804
	Telephone	260-432-9438	E-mail	jim@muttonpower.com

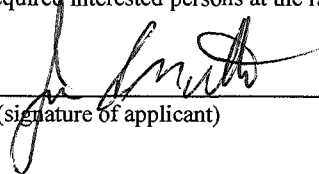
Contact Person	Contact Person	Kevin McDermit - Loughheed & Associates		
	Address	1017 S HAdley Road		
	City	Fort Wayne	State	IN Zip 46804
	Telephone	260-432-3665	E-mail	krmcdermit@comcast.net

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 1632, 1618 & 1631+/- ASHLEY AVENUE	
	Present Zoning R1	Proposed Zoning C3 Acreage to be rezoned 1.86
	Proposed density NA	units per acre
	Township name WASHINGTON	Township section # 10
	Purpose of rezoning (attach additional page if necessary) For the development of an automobile sales lot & potential future commercial development	
Sewer provider FORT WAYNE		Water provider private well

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	

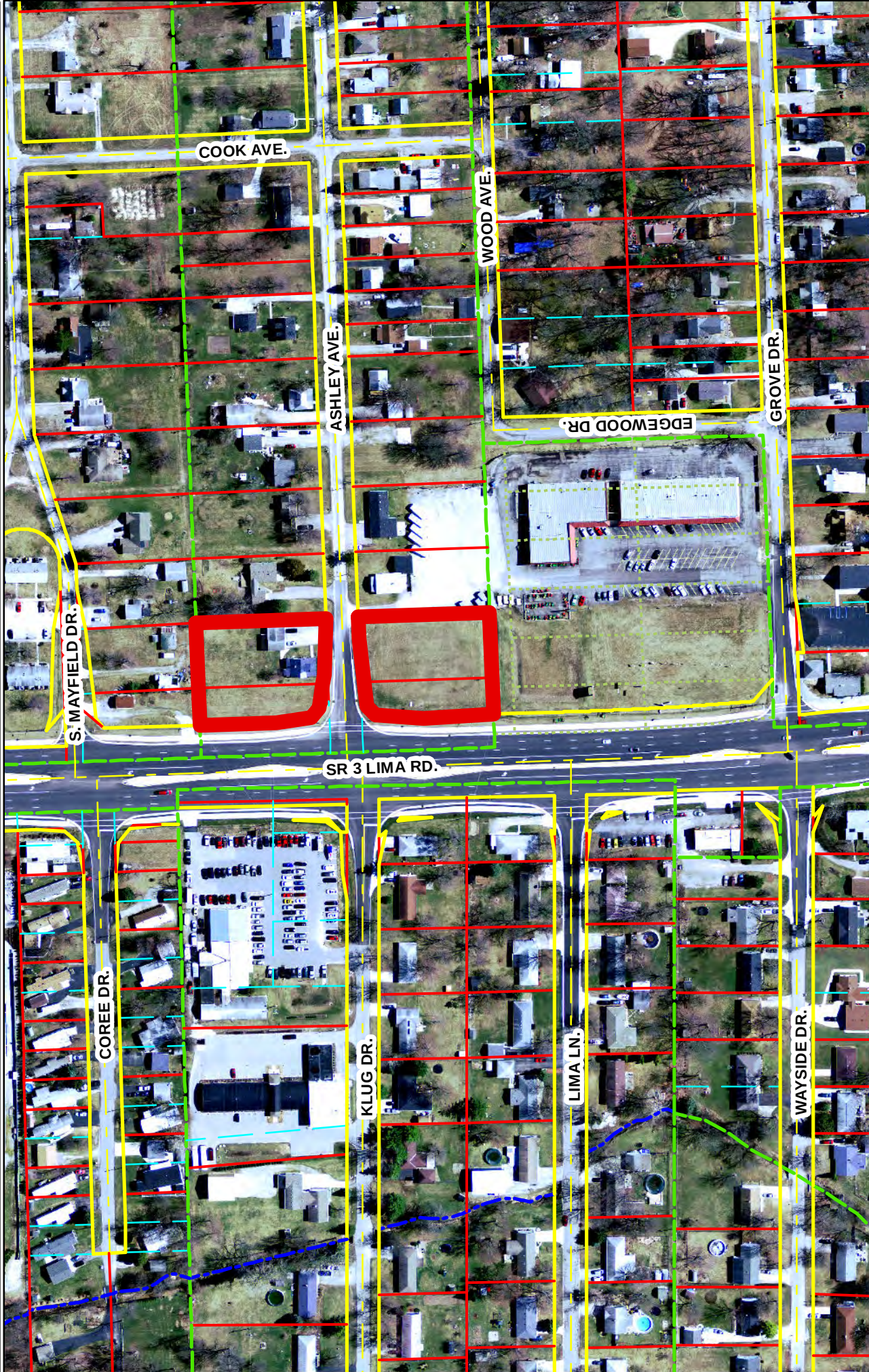
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

Jim Mutton		2.2.15
(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.
2-2-15	117016	3/9/15	Rez - 2015 - 0009



Rezoning Petition REZ-2015-0009 and Primary Development Plan - Quick Auto, Inc.

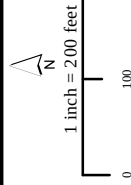


Project boundaries represented by bold colored lines are for representational purposes only.

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.

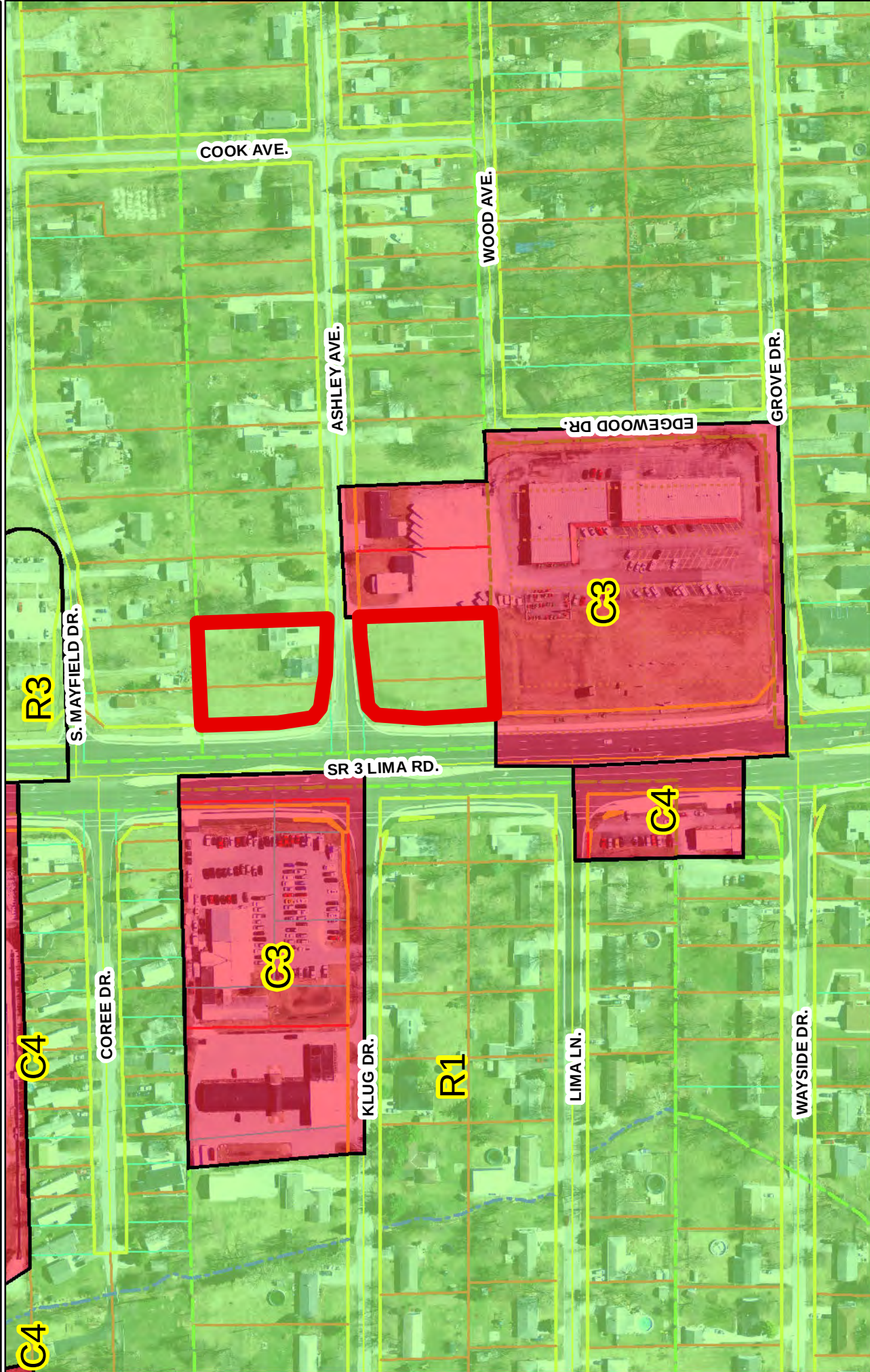
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 2/18/2015





Rezoning Petition REZ-2015-0009 and Primary Development Plan - Quick Auto, Inc.

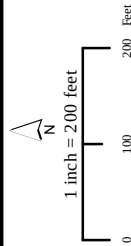


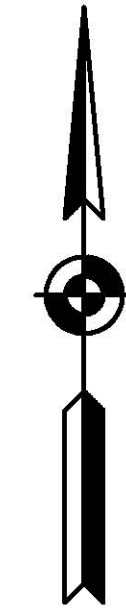
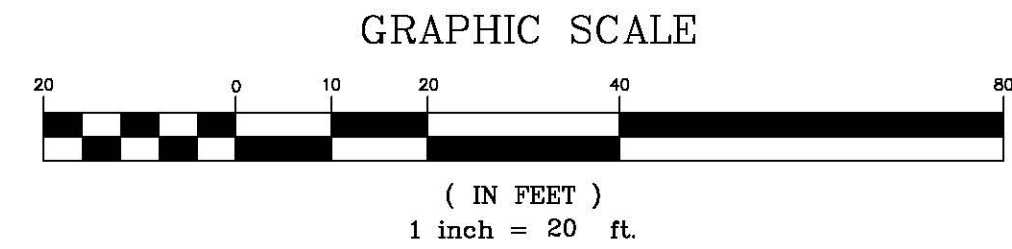
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LEGAL DESCRIPTION

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Also excepting the following as recorded in Document #2008007488:

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TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as S.R. 3 and as Project SIP-237-1(004)) to and from the grantor's abutting lands along the lines described as follows: The 53.34-foot, and the 19.67-foot courses described above. Also, being at the northern end of the 53.34-foot course described above; thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat on the north line of said Lot 26. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Area of real estate after all exceptions being 0.69 acrs, more or less.

DEVELOPMENT NOTES:

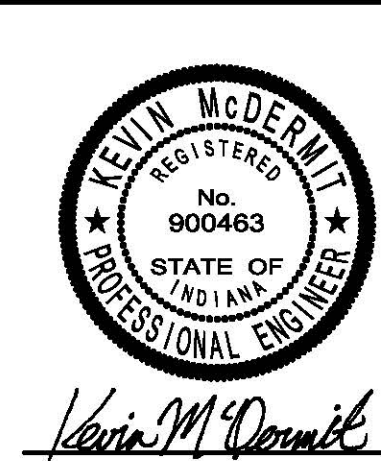
1. NO CHANGES ARE PROPOSED TO THE EXISTING ASPHALT APPROACH CONSTRUCTED BY INDOT IN THEIR 2009 LIMA ROAD PROJECT.
2. EXISTING WOOD FRAME RESIDENCE IT TO BE REMODELED AS SALES OFFICE WITH NEW ACCESSABLE ENTRANCE ON WEST SIDE AS SHOWN.
3. EXISTING BUILDING IS CONNECTED TO CITY SANITARY SEWER.
4. EXISTING PRIVATE WELL TO BE UTILIZED.
5. AREA OF CONSTRUCTION WILL BE APPROXIMATELY EQUAL TO THE BOUNDARY AREA OF 0.7 ACRES, BEING LESS THAN 1 ACRE, A FULL STORM WATER POLLUTION PREVENTION PLAN SUBMITTAL IS NOT REQUIRED (SWPPP).
6. STORM WATER DETENTION IS PROPOSED WITH AN OUTLET TO AN EXISTING INLET NEAR THE SOUTHEAST CORNER OF THE PROPERTY. THAT EXISTING STORM SEWER DRAINS SOUTH AND WEST WHERE IT IS CONNECTED TO THE CROUSE REGULATED DRAIN ON THE EAST SIDE OF LIMA ROAD.
7. BUMPER STOPS OR CURBS WILL BE PROVIDED ALONG THE FRONT OF ALL PARKING - DISPLAY SPACES.
8. A WAIVER IS REQUESTED FOR THE STREET TREES AND PARKING BUFFER ALONG LIMA ROAD TO AVOID BLOCK THE VISIBILITY OF THE VEHICLE DISPLAY.

PROPOSED PAVEMENT: 19,175 SF
VEHICLE DISPLAY AREA - 32 DISPLAY SPACES
PARKING SPACES - 15 SPACES
(AROUND BUILDING)
TOTAL CARS 47 SPACE

ZONING DESIGNATIONS:
• EXISTING: R1
• PROPOSED: C3

QUICK AUTO, INC
CAR LOT
1632 ASHLEY AVENUE

OWNER:
MUTTON REALTY LLC
JIM MUTTON
5612 ILLINOIS ROAD
FORT WAYNE, IN 46804
432-9438



LOUGHEED & ASSOCIATES, INC. CONSULTING ENVIRONMENTAL & CIVIL ENGINEERS 1017 SOUTH HADLEY ROAD • FORT WAYNE, INDIANA 46804 (260) 432-3665 • FAX 436-0224	
SCALE: 1"=20'	REVISIONS
DATE: 2-2-2015	
DRAWN BY: KRM	
PRIMARY DEVELOPMENT PLAN	
SHEET 1	

LANDSCAPING / SCREENING SCHEDULE

SYMBOL	COMMON NAME	SCIENTIFIC NAME	MIN SIZE	SPACING	NUMBER
WRW	Wine Rose Weigela	Weigela florida 'Alexandra'	18"	3' OC	45
GMS	Gold Mound Spirea	Spiraea japonica 'Goldmound'	18"	3' OC	45
PE	Patriot Elm	Ulmus x 'Patriot'	2" caliper	50'	3
AL	American Linden	Tilia Americana 'Redmond'	2" caliper	40' or 60'	3
KT L	Korean Tree Lilac	Syringa meyeri 'Palibin'	2'	40'	4
YEW	Dense Yew	Taxus x media 'Densiformis'	18"	6'	24

BOUNDARY & TOPOGRAPHIC BASE BY
SURVEYOR:

GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Site Lighting:
All site and building lighting will use sharp cut-off type fixtures as defined by the Illuminating Engineers Society of North America (IESNA). There will be no light spill to neighboring properties or adjacent street right of ways.

LANDSCAPING:
CODE P-1 BUFFERING REQUIRED ADJACENT TO STREET R/W
• SHADE TREES @ 60' SPACING
• WAIVER REQUESTED TO ELIMINATE TO AVOID BLOCKING DISPLAYED VEHICLES
• 75% SMALL SHRUBS REQUIRED
• 100% PROPOSED TO OFFSET WAIVER REQUEST

LANDSCAPING:
CODE P-2 BUFFERING REQUIRED ADJACENT TO RESIDENTIAL ZONED PROPERTY
• SHADE TREES @ 40' SPACING
• CONTINUOUS MEDIUM SHRUBS REQUIRED

Property: 1615 MAYFIELD
Owner: REBECCA RAMOS

Property: 1625 MAYFIELD
Owner: JOHN MURRAY

Property: 7928 Lima Road
Owner: Rich Vison
Moll: 16318 Lincoln Highway East
New Haven, IN 46774

UTILITY SERVICE PROVIDERS

NATURAL GAS:
NIPSCO
1501 HALE AVENUE
FORT WAYNE, IN 46802
JOSEPH FULCHER
(260) 442-7319

TELE-COMMUNICATIONS:
FRONTIER
8001 WEST JEFFERSON
FORT WAYNE, IN 46814
AMY HEITZMANN
(260) 461-2268

ELECTRIC:
JON T. MANGES, TECH SPECIALIST
INDIANA MICHIGAN POWER
3514 LANDIN RD
NEW HAVEN, IN 46774
260-748-3073 OFFICE

CABLE TELEVISION:
COMCAST CABLEVISION
720 TAYLOR
FORT WAYNE, IN 46802
JOHN GAYDAY
(260) 458-5107

SANITARY & WATER:
CITY OF FORT WAYNE
CITIZEN SQUARE
200 EAST BERRY STREET
FORT WAYNE, IN 46802
NEW WATER & SEWER:
(260) 427-1161