

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0031
Bill Number: Z-17-08-02
Council District: 3-Tom Didier

Introduction Date: August 8, 2017

Plan Commission
Public Hearing Date: August 14, 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 9.57 acres of property from R1-Single Family Residential to I2-General Industrial

Location: 4700 block of Goshen Road

Reason for Request: To allow development of the property for a truck washing/sanitation facility.

Applicant: Indian River Transport Co.

Property Owners: Marla Irving and Jacque Melchi

Related Petitions: none

Effect of Passage: Property will be rezoned to the I2-General Industrial zoning district for the purpose of constructing a truck washing and sanitation facility for the Indian River Transport Co.

Effect of Non-Passage: The site will remain zoned residential and may be developed with single family residential uses. Trucking depots or accessory uses are not permitted in R1-Single Family Zoning.

1 **REZ-2017-0031**
2 **BILL NO. Z-17-08-02**

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

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. F-38 (Sec. 17 of Washington 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 an I2
9 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 Part of the Southwest Quarter of Section 17, Township 31 North, Range 12
12 East, Allen County, Indiana, more particularly described as follows:

13 Commencing at the Northeast corner of the Southwest Quarter of Section 17,
14 Township 31 North, Range 12 East, Allen County, Indiana; thence North 90
15 degrees 00 minutes West (assumed bearing and basis for this description) along
16 the North line of the Southwest Quarter of Section 17 a distance of 165.0 feet to
17 the POINT OF BEGINNING, said point being the Northwest corner of Lot
18 Number 18 in Edgewood Industrial Park, Block "C" as recorded in the Recorder's
19 Office of Allen County, Indiana; thence North 90 degrees 00 minutes West along
20 the North line of the Southwest Quarter of Section 17 a distance of 483.1 feet;
21 thence South 00 degrees 07 minutes 30 seconds West a distance of 462.4 feet
22 (462.0 feet, recorded); thence South 48 degrees 51 minutes 30 seconds West a
23 distance of 126.89 feet to a point on the Northeasterly right of way line of U.S.
24 Highway No. 33; thence South 41 degrees 56 minutes 20 seconds East along said
25 right of way line a distance of 484.44 feet; thence North 48 degrees 09 minutes 54
26 seconds East a distance of 351.27 feet to a point on the West line of Lot "C";
27 thence North 00 degrees 40 minutes 06 seconds West along the West line of Lot
28 "C" a distance of 672.02 feet to the point of beginning, containing 8.977 acres.

29 and the symbols of the City of Fort Wayne Zoning Map No. F-38 (Sec. 17 of Washington
30 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
31 Wayne, Indiana is hereby changed accordingly.

32 SECTION 2. If a written commitment is a condition of the Plan Commission's
33 recommendation for the adoption of the rezoning, or if a written commitment is modified and
34 approved by the Common Council as part of the zone map amendment, that written

1 commitment is hereby approved and is hereby incorporated by reference.

2
3 SECTION 3. That this Ordinance shall be in full force and effect from and after its
4 passage and approval by the Mayor.

5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

8 _____
9 Carol T. Helton, City Attorney
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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Indian River Transport Co.
Address 2580 Executive Road
City Winter Haven State Florida Zip 33884
Telephone 863-324-2430 E-mail _____

Contact Person
Contact Person Joshua C. Neal, Esq.
Address 215 East Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-8935 E-mail jcn@barrettllaw.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 4700 Block of Goshen Road
Present Zoning R-1 Proposed Zoning I-2 Acreage to be rezoned 9.57
Proposed density _____ units per acre
Township name Washington Township section # 17
Purpose of rezoning (attach additional page if necessary) to provide for development as a truck terminal including office space, dispatch and wash bays
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 Exhibit "A"
(printed name of applicant) John Hamed (signature of applicant) _____ (date) _____
See Exhibit "A"
(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.
7-5-17	124457	8/14/17	PE2-2017-0031

Exhibit "A"

Date: 7-5, 2017

INDIAN RIVER TRANSPORT CO.

By: John Hamed

Exhibit "A"

Date: 7/5, 2017

Marla Irving
Marla Irving

Jacque Melchi
Jacque Melchi

July 5, 2017

Via Hand Delivery

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802

Re: Indian River Transport Co. // Rezoning Petition and Primary Development Plan Application for Goshen Road Truck Terminal

Dear Michelle:

As you will recall, this law firm serves as counsel to Indian River Transport Co. ("Indian River") in connection with its proposed rezoning and development of approximately 9.57 acres of land located at the 4700 Block of Goshen Road, Fort Wayne, Indiana (the "Real Estate"). Indian River is proposing to develop the Real Estate in connection with a proposed truck terminal to service its fleet of food-grade tank carriers.

In this regard, please find enclosed with this letter the following documents:

1. A Rezoning Petition requesting to rezone the Real Estate from its current R-1 designation to an I-2 designation.
2. A Primary Development Plan Application for development of a new truck terminal, including office space, dispatch facility and wash bays.
3. Two (2) copies of the site plan.
4. A check made payable to the "Allen County Treasurer" in the amount of Five Hundred and No/100 Dollars (\$500.00) representing the filing fee for the rezoning petition.
5. A check made payable to the "Allen County Treasurer" in the amount of Seven Hundred and No/100 Dollars (\$700.00) representing the filing fee for the primary industrial development plan.

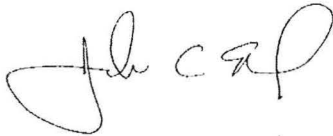
In an effort to supplement the above and the enclosed, I would respectfully offer the following additional information:

- Indian River is a privately held Florida corporation that provides interstate, intrastate and even international transportation of bulk food-grade commodities. The company currently has terminal locations in California and New Mexico but provides transportation services throughout the Midwest United States.
- Founded in 1974, the company has grown to become one of the industry's largest and most respected food-grade carriers, with its primary products transported including fruit juices and dairy products. Indian River is the 2013 recipient of Great West Casualty Company's Platinum Award, which is a safety award given based on crash data collected per million miles and is the highest recognition given to Great West Casualty Company's 675 carriers from across the country. In addition, Indian River has also been recognized as Kosher Certified as a result of its clean and safe food handling procedures.
- Indian River's proposed use is to temporarily store approximately fifty (50) semi-trucks and trailers at the Real Estate. The vehicles will be cleaned thoroughly on site before being dispatched to another location. The proposed building improvements will include cleaning facilities, together with corresponding office space and employee break rooms. However, it is currently anticipated that only truck cleaning will occur on site with little or no other significant vehicle maintenance occurring at the Real Estate.
- Indian River, through an affiliated entity, is under agreement to purchase the Real Estate from the current property owners, Marla Irving and Jacque Melchi, which agreement is contingent upon Indian River's ability to successfully rezone the Real Estate to accommodate its intended use as a truck terminal.
- The Real Estate is currently vacant and undeveloped; however, it is immediately adjacent to the Edgewood Industrial Park and to an existing truck terminal operated by USF Holland. The real estate located immediately east of the Real Estate is currently zoned I-2. The instant proposal is consistent with the use and approvals for the immediately adjoining and nearby uses located on this particular stretch of Goshen Road.
- At this time, no waivers of development standards or variances are being requested in connection with this project.
- Last, I note that Donovan Engineering is currently finalizing its survey of the Real Estate and will be delivering copies of the same to your attention later this week.

Thank you in advance for you and your staff's attention to the enclosed materials. It is our understanding that the applications will be heard by the City of Fort Wayne Plan Commission at a public hearing scheduled for 6:00 p.m. on August 14th, 2017, in Room 35 of Citizen's Square. Should you have any questions or need any additional information concerning this project prior to that time, please do not hesitate to contact the undersigned.

Sincerely,

BARRETT McNAGNY LLP

A handwritten signature in black ink, appearing to read 'Jh C Neal', written in a cursive style.

Joshua C. Neal

JCN:1851470

Enclosures

Cc: Indian River Transport Co. (letter only)

