

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0042
Bill Number: Z-17-09-05
Council District: 1-Paul Ensley

Introduction Date: September 26, 2017

Plan Commission
Public Hearing Date: October 9, 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 1.2 acres of property from C2-Limited Commercial to C3-General Commercial

Location: 6035 and 6037 East State

Reason for Request: To use the existing commercial property for auto sales

Applicant: James D. Smith

Property Owners: James D. Smith

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3-General Commercial district which will allow new and used auto sales. A Written Commitment will limit many C3 uses.

Effect of Non-Passage: The site will remain zoned for limited commercial use, which would not allow outdoor auto sales.

1 **REZ-2017-0042**
2 **BILL NO. Z-17-09-05**

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

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. U-18 (Sec. 33 of St. Joseph 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 Southeast Quarter of the Northeast Quarter of Section 33, in Township 31 North, Range 13
12 East, Allen County, Indiana, more particularly described as follows:

13 Beginning at the East Quarter corner of said Section 33; thence West on the East and West Half
14 section line, 1068 feet; thence North 220 feet to the centerline of East State Boulevard for a point of
15 beginning; thence North 542 feet to the centerline of East State Boulevard; thence East 102.6 feet;
16 thence South 525 feet to the centerline of East State Boulevard; thence Westerly along the centerline
17 of said Boulevard, 104.5 feet to the place of beginning, containing one and one-fourth acres.

18 EXCEPT the following described real estate:

19 Commencing at the Southwest corner of the above referenced 1.25-acre parcel; thence Northerly a
20 distance of 41 feet along the Westerly boundary line of said 1.25-acre parcel to the Point of
21 Beginning, said Point of Beginning being on the existing Northerly 40-foot right-of-way line of East
22 State Boulevard; thence continuing Northerly a distance of 10.5 feet along said Westerly boundary
23 line; thence Easterly a distance of 103 feet along a line 50 feet Northerly of and parallel with the
24 centerline of East State Boulevard to the Easterly boundary line of said 1.25 acre parcel; thence
25 Southerly a distance of 10.5 feet along said Easterly boundary line to the Northerly right-of-way line
26 of East State Boulevard; thence Westerly a distance of 103 feet along said Northerly right-of-way line
27 to the Point of Beginning, said right-of-way line being 40 feet Northerly of and parallel with said
28 centerline of East State Boulevard. The intent being to describe 10 feet of permanent right-of way
29 Northerly of and adjacent to the existing Northerly 40 feet of right-of-way of East State Boulevard
30 across the entire width of the above-referenced 1.25 acre parcel.

31 and the symbols of the City of Fort Wayne Zoning Map No. U-18 (Sec. 33 of St. Joseph
32 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
33 Wayne, Indiana is hereby changed accordingly.

34 SECTION 2. If a written commitment is a condition of the Plan Commission's
35 recommendation for the adoption of the rezoning, or if a written commitment is modified and

1 approved by the Common Council as part of the zone map amendment, that written
2 commitment is hereby approved and is hereby incorporated by reference.

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

7 _____
8 Council Member

9 APPROVED AS TO FORM AND LEGALITY:

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11 Carol T. Helton, City Attorney
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Department of Planning Services
Rezoning Petition Application

Applicant James D Smith
Address 6111 Candmark DR
City Fort Wayne State IN Zip 46815
Telephone 260-414-1237 E-mail CARSMART3322@yahoo.com

Contact Person Same As Above
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

All staff correspondence will be sent only to the designated contact person.

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 6035 6037 E State
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.2
Proposed density _____ units per acre
Township name St Joseph Township section # 33, T31N, R13E
Purpose of rezoning (attach additional page if necessary) To open A used CAR Lot
Sewer provider City Water provider City

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.

Filing 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.

James D Smith (printed name of applicant) [Signature] (signature of applicant) 8/14/17 (date)
James D Smith (printed name of property owner) [Signature] (signature of property owner) 8/14/17 (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.
8-14-17	125820	10-9-17	REZ-2017-0042

Corporate Office
221 Tower Drive
Muncie, IN 47302
Phone: (260) 692-6166
Fax: (260) 692-6162

Miller Land Surveying, Inc.

CERTIFICATE OF SURVEY

Brett R. Miller, P.S. No. LS20300059

Robert J. Marucci, P.S. No. LS20400028

Fort Wayne Office
217 Airport North Office Park
Fort Wayne, IN 46825
Phone: (260) 489-8371
Fax: (260) 489-8370

www.mlsweb.com

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MLS

Page 1 of 4

LEGAL DESCRIPTION

See Attached.

SURVEYOR'S REPORT

See Attached.

LINE TABLE

Line #	Length	Direction
L1	41.00'D. 40.93'C.	N03°06'37"W
L2	40.95'C.	S03°01'21"E

Dol Et Temple
Incorporated
Doc. #2015048497

MONUMENT LEGEND

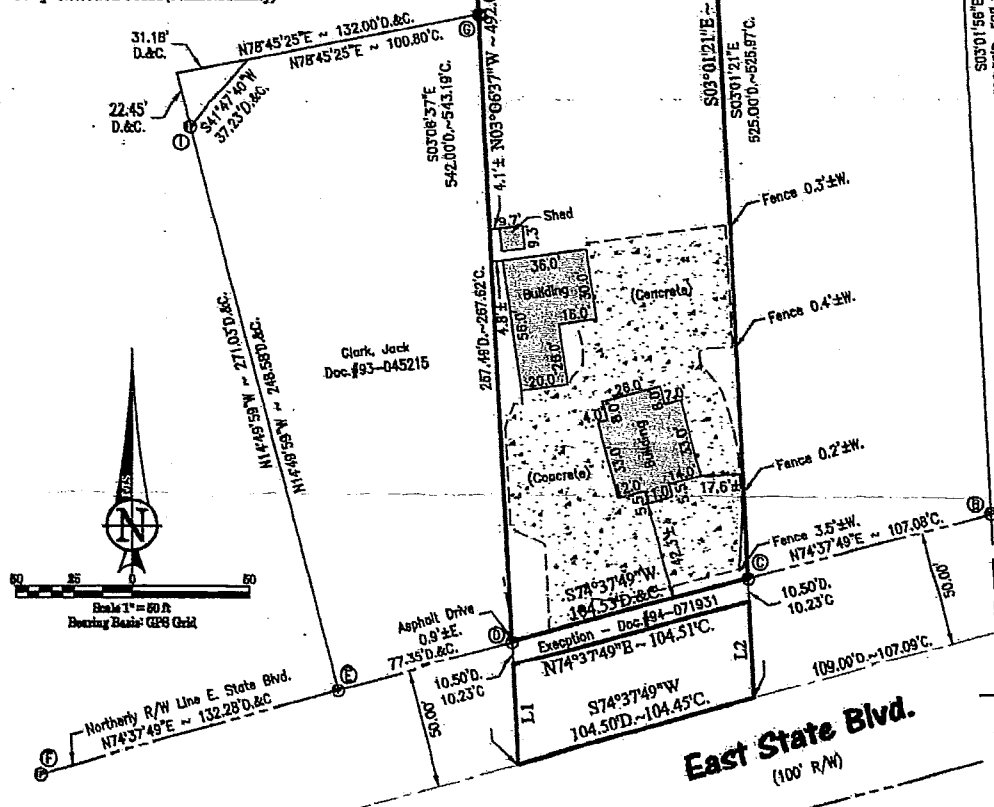
- A = 5/8" Steel Rebar Found (Flush/No History)
- B = 1/2" Steel Rebar Found 0.21'N of Actual (Flush/No History)
- C = 5/8" Steel Rebar w/ "Dickmeyer" Id. Cap Found 0.15'S of Actual (Flush)
- D = 5/8" x 24" Steel Rebar w/ "Miller Firm #0095" Id. Cap Set (Flush)
- E = 5/8" Steel Rebar w/ "Dickmeyer" Id. Cap Found 0.16'S of Actual (Flush)
- F = 5/8" Steel Rebar w/ "Dickmeyer" Id. Cap Found 0.15'N of Actual (Flush)
- G = 5/8" Steel Rebar w/ "D&A" Id. Cap Found 0.23'S of Actual (Flush)
- and Finished Pipe Found 0.25'S & 0.47'E of Actual (Flush/No History)
- H = 5/8" Steel Rebar w/ "Dickmeyer" Id. Cap Found (Flush)
- I = 3/8" Steel Rebar w/ "D&A" Id. Cap Found (Flush)
- J = 1" Steel Rebar Found (Flush/No History)
- K = 1/4" Steel Rebar Found (Flush/No History)

1.233 Acres
Toskos Realty
Doc. #94-071931

Alison Realty, LLC
Doc. #206055578

E. State Blvd.

Dead Location of
Intersection of East
State Blvd. & the East
Line of Northwest 1/4
Sect. 33, T31N, R13E



Reference Survey
Dickmeyer & Associates
Survey No. 26064
Date: February 17, 2006

Coil & Dickmeyer, Inc.
Survey No. 861094
Date: October 30, 1990

Survey No. 17043948

County: Allen Township: St. Joseph Sect/Twp/Rng: Sect. 33, T31N, R13E Drawn by: CAM

For: Toskos Realty

Fieldwork Completed: April 14, 2017

IN WITNESS WHEREOF, I hereunto place my hand and
seal this 24th day of April, 2017.

Revised:

I hereby certify that to the best of my knowledge and belief this plat represents a survey
conducted under my supervision in accordance with Title 865 IAC 1-12-1 thru 30.

Brett R. Miller
Brett R. Miller, P.S. NO. 20300059



Legend

- POB - Point of Beginning
- M - Measured
- R - Record
- C - Calculated
- D - Dead
- - - Right of Way (R/W)
- - - Building Setback Line
- - - Center Line

(Drawing Name: 17043948.dwg)



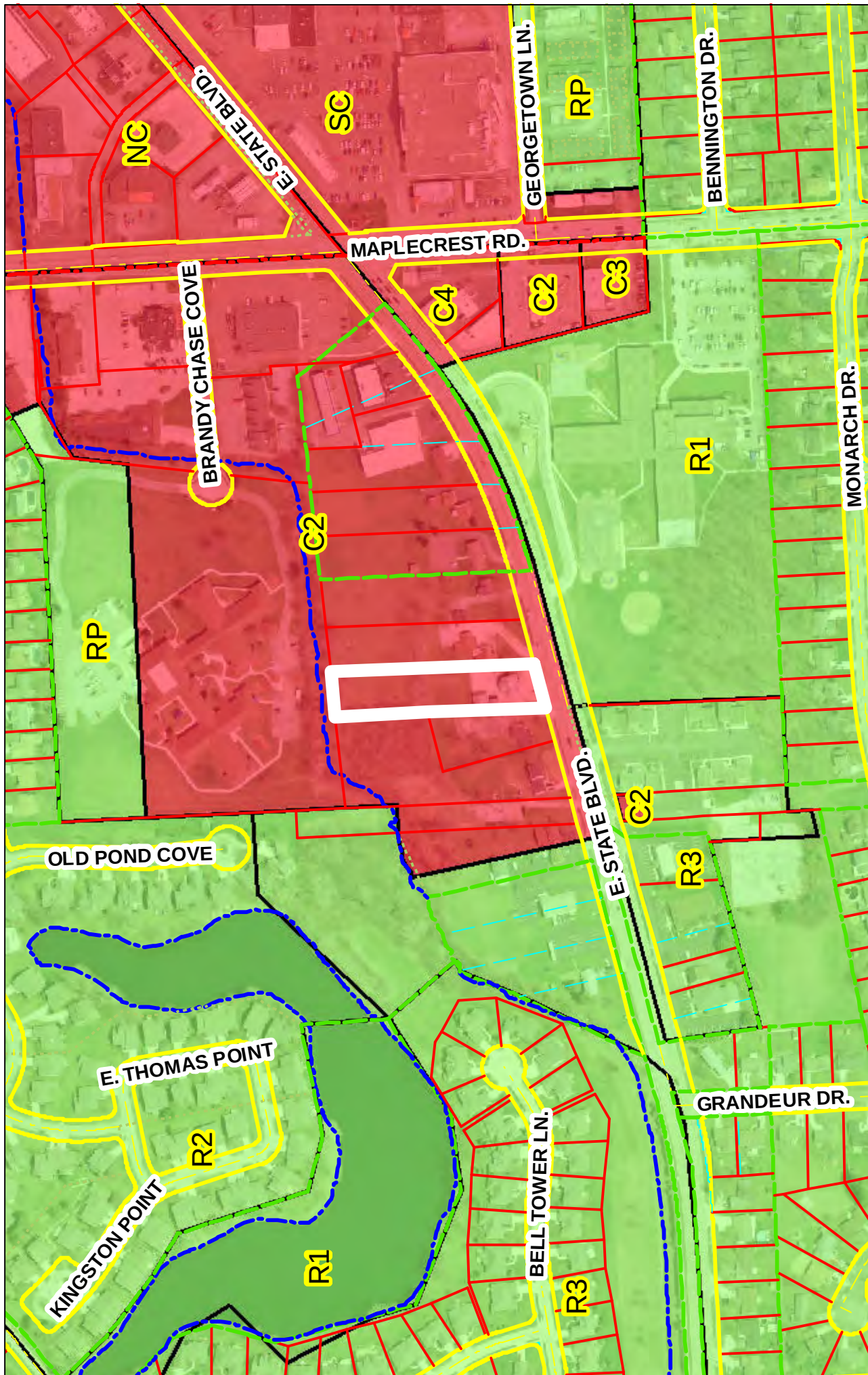
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 07/18/2017

Areas depicted with bold lines are for representational purposes only.



1 inch = 300 feet
0 150 300 Feet



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