

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0049
Bill Number: Z-19-07-06
Council District: 3-Tim Didier

Introduction Date: July 23, 2019

Plan Commission
Public Hearing Date: August 12, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 3.4 acres from C2/Limited Commercial to C3/General Commercial.

Location: 1820 West Washington Center Road

Reason for Request: To use existing building as an automobile body shop.

Applicant: D3, LLC

Property Owner: Caream Kamide

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial district, which will allow the existing building, the former off-track betting facility, as an auto body shop.

Effect of Non-Passage: The property will remain zoned for limited commercial and retail uses.

#REZ-2019-0049

BILL NO. Z-19-07-06

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-38 (Sec. 15 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:

Part of the Northwest Quarter of Section 24, Township 30 North, Range 11 East, Allen
County, Indiana,
described as follows:

PARCEL I:

PARTS OF LOTS NUMBERED 2 AND 3 IN KAHN'S ADDITION, ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK 16, PAGE 186 IN THE OFFICE OF THE RECORDER, ALLEN COUNTY, INDIANA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING ON THE EAST LINE OF
LOT NUMBER 3 IN SAID KAHN'S ADDITION AT A POINT SITUATED 160.0 FEET SOUTH 02 DEGREES 28
MINUTES 53 SECONDS EAST (DEED BEARING AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS
DESCRIPTION) FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTH 02 DEGREES 28 MINUTES
53 SECONDS EAST, ON AND ALONG THE EAST LINE OF SAID LOT NUMBER 3, A DISTANCE OF 452.35
FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE WITH THE NORTH RIGHT-OF-WAY LINE OF
WASHINGTON CENTER ROAD AS DEDICATED IN DOCUMENT NUMBER 93-53454 IN THE OFFICE OF
SAID RECORDER; THENCE SOUTH 89 DEGREES 15 MINUTES 55 SECONDS WEST, ON AND ALONG SAID
NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 180.00 FEET TO THE POINT OF INTERSECTION OF SAID
NORTH RIGHT-OF-WAY LINE WITH THE EAST LINE OF LOT NUMBER 2 IN SAID KAHN'S ADDITION;
THENCE NORTH 02 DEGREES 29 MINUTES 00 SECOND WEST, ON AND ALONG SAID EAST LINE, A
DISTANCE OF 184.99 FEET; THENCE SOUTH 89 DEGREES 15 MINUTES 55 SECONDS WEST AND
PARALLEL TO THE SOUTH LINE OF SAID LOT NUMBER 2, A DISTANCE OF 180.00 FEET TO A POINT ON
THE WEST LINE OF SAID LOT NUMBER 2; THENCE NORTH 02 DEGREES 29 MINUTES 15 SECONDS
WEST, ON AND ALONG SAID WEST LINE, A DISTANCE OF 283.61 FEET TO THE POINT OF
INTERSECTION OF SAID WEST LINE WITH THE SOUTH LINE OF AN ACCESS EASEMENT DEDICATED IN
DOCUMENT NUMBER 93-45088 (SOUTH RING ROAD); THENCE NORTHEASTERLY, ON AND ALONG
SAID SOUTH LINE, AS DEFINED BY THE ARC OF A REGULAR CURVE TO THE LEFT, NOT TANGENT TO
THE LAST COURSE, HAVING A RADIUS OF 389.43 FEET, AN ARC DISTANCE OF 281.64 FEET, BEING
SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 275.54 FEET AND A BEARING OF NORTH 68
DEGREES 08 MINUTES 00 SECONDS EAST; THENCE SOUTH 42 DEGREES 35 MINUTES 05 SECONDS
EAST, A DISTANCE OF 155.15 FEET TO THE POINT OF BEGINNING, CONTAINING 3.392 ACRES OF
LAND.

1 EXCEPT THAT PART CONVEYED TO THE COUNTY OF ALLEN, STATE OF INDIANA BY A DEED RECORDED
2 AUGUST 15, 1995 AS DOCUMENT NO. 95-35894 IN THE OFFICE OF THE RECORDER OF ALLEN
3 COUNTY, INDIANA, TO-WIT: A STRIP OF LAND BEING 10 FEET IN WIDTH OFF THE ENTIRE SOUTHERN
4 SIDE OF THE FOLLOWING DESCRIBED TRACT: PARTS OF LOTS NUMBERED 2 AND 3 IN KAHN'S
5 ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 186 IN THE
6 OFFICE OF THE ALLEN COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,
7 TO- WIT: BEGINNING ON THE EAST LINE OF LOT NUMBER 3 IN SAID KAHN'S ADDITION AT A POINT
8 SITUATED 160.0 FEET SOUTH 02 DEGREES 28 MINUTES 53 SECONDS EAST (DEED BEARING AND AS
9 THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION) FROM THE NORTHEAST CORNER THEREOF;
10 THENCE SOUTH 02 DEGREES 28 MINUTES 53 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID
11 LOT NUMBER 3 A DISTANCE OF 452.35 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE
12 WITH THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON CENTER ROAD AS DEDICATED IN
13 DOCUMENT NUMBER 93-53454 IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 89 DEGREES 15
14 MINUTES 55 SECONDS WEST ON AND ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF
15 180.0 FEET TO THE POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE WITH THE EAST
16 LINE OF LOT NUMBER 2 IN SAID KAHN'S ADDITION; THENCE NORTH 02 DEGREES 29 MINUTES 00
17 SECOND WEST ON AND ALONG SAID EAST LINE A DISTANCE OF 184.99 FEET; THENCE SOUTH 89
18 DEGREES 15 MINUTES 55 SECONDS WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT NUMBER
19 2 A DISTANCE OF 180.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT NUMBER 2; THENCE
20 NORTH 02 DEGREES 28 MINUTES 15 SECONDS WEST ON AND ALONG SAID WEST LINE A DISTANCE
21 OF 283.61 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE SOUTH LINE OF AN
22 ACCESS EASEMENT DEDICATED IN DOCUMENT NUMBER 93-45088 (SOUTH RING ROAD); THENCE
23 NORTHEASTERLY ON AND ALONG SAID SOUTH LINE AS DEFINED BY THE ARC OF A REGULAR CURVE
24 TO THE LEFT, NOT TANGENT TO THE LAST COURSE, HAVING A RADIUS OF 389.43 FEET, AN ARC
25 DISTANCE OF 281.64 FEET, BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 275.54 FEET
26 AND BEARING OF NORTH 68 DEGREES 08 MINUTES 00 SECOND EAST; THENCE SOUTH 42 DEGREES
27 35 MINUTES 05 SECONDS EAST A DISTANCE OF 155.15 FEET TO THE POINT OF BEGINNING,
28 CONTAINING 3.392 ACRES OF LAND, CONTAINING IN SAID DEDICATION, 1800 SQUARE FEET, MORE
29 OR LESS.

16 and the symbols of the City of Fort Wayne Zoning Map No. K-38 (Sec. 15 Washington
17 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
18 Wayne, Indiana is hereby changed accordingly.

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

26 SECTION 3. That this Ordinance shall be in full force and effect from and after its
27 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 D3, LLC (affiliated entity of Oldacre McDonald, LLC)
Address 3841 Green Hills Village Drive, Suite 400
City Nashville State Tennessee Zip 37215
Telephone 615-269-5444 E-mail dbailey@oldacremcdonald.com

Contact Person
Contact Person Mark H. Bains
Address 215 E. Berry Street
City Fort Wayne State Indiana Zip 46802
Telephone 260-423-8902 E-mail mhb@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 1820 West Washington Center
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 3.392 acres
Proposed density N/A units per acre
Township name Washington Township Township section # _____
Purpose of rezoning (attach additional page if necessary) To allow the property to be used as an automobile body shop
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) (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)

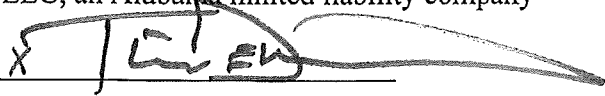
(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
7-2-2019	131070	8-12-2019	REZ-2019-0049

Exhibit A
Rezoning Petition Application
Signature Page

“APPLICANT”

D3, LLC, an Alabama limited liability company

By: X 

Name: Tim Dearman

Its: President

“PROPERTY OWNER”

Caream Kamide

Signature: _____

Exhibit A
Rezoning Petition Application
Signature Page

"APPLICANT"

D3, LLC, an Alabama limited liability company

By: _____

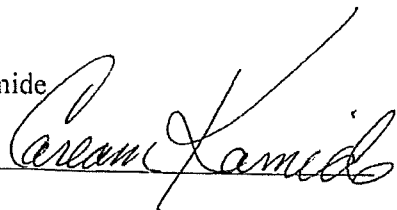
Name: _____

Its: _____

"PROPERTY OWNER"

Caream Kamide

Signature: _____

A handwritten signature in cursive script, reading "Caream Kamide", written over a horizontal line.



Rezoning Petition REZ-2019-0049 - 1820 West Washington Center Rd



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.

North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 7/9/2019

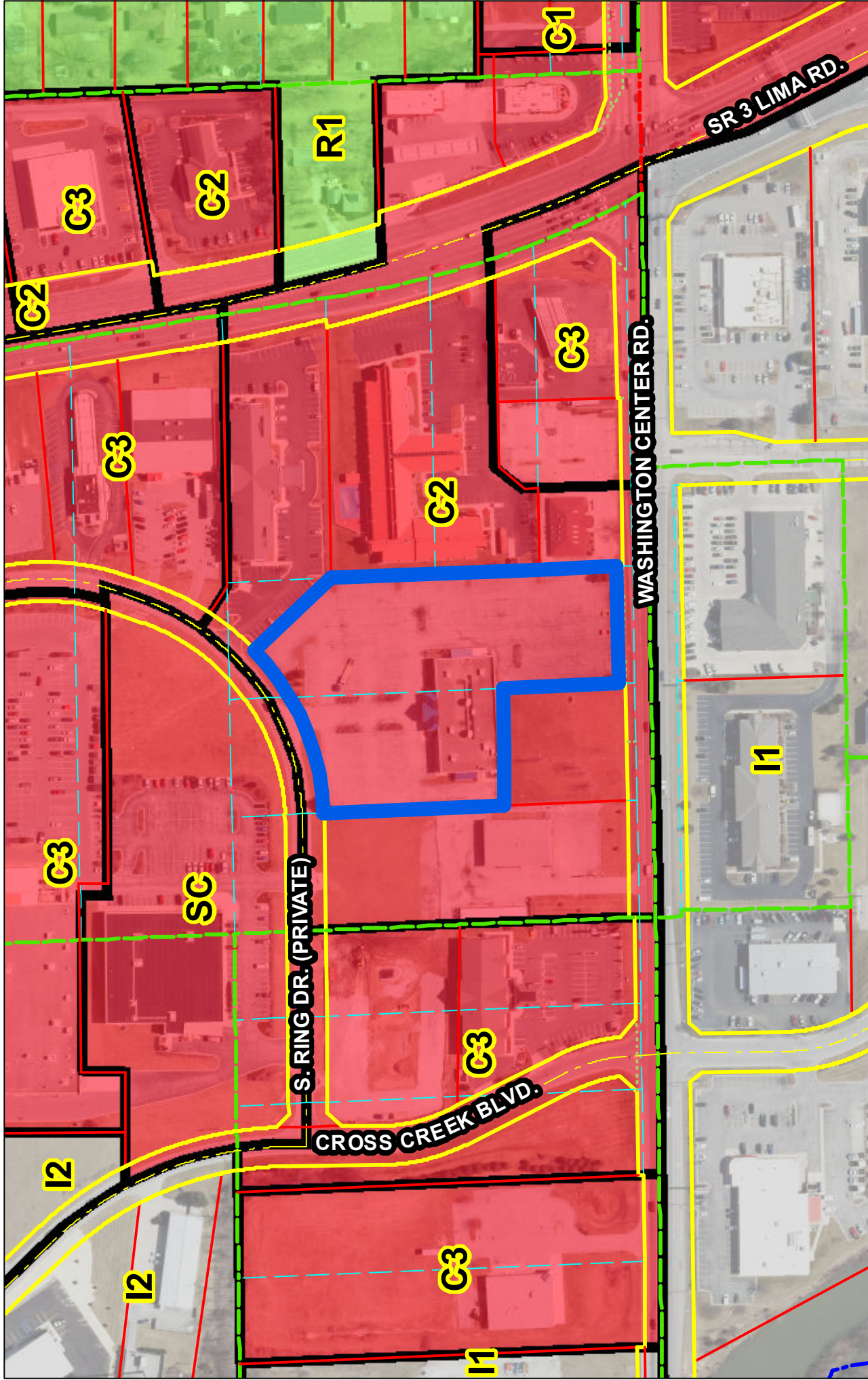


1 inch = 200 feet

0 100 200 Feet

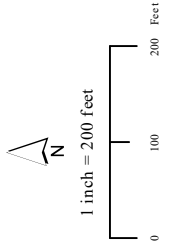


Rezoning Petition REZ-2019-0049 - 1820 West Washington Center Rd

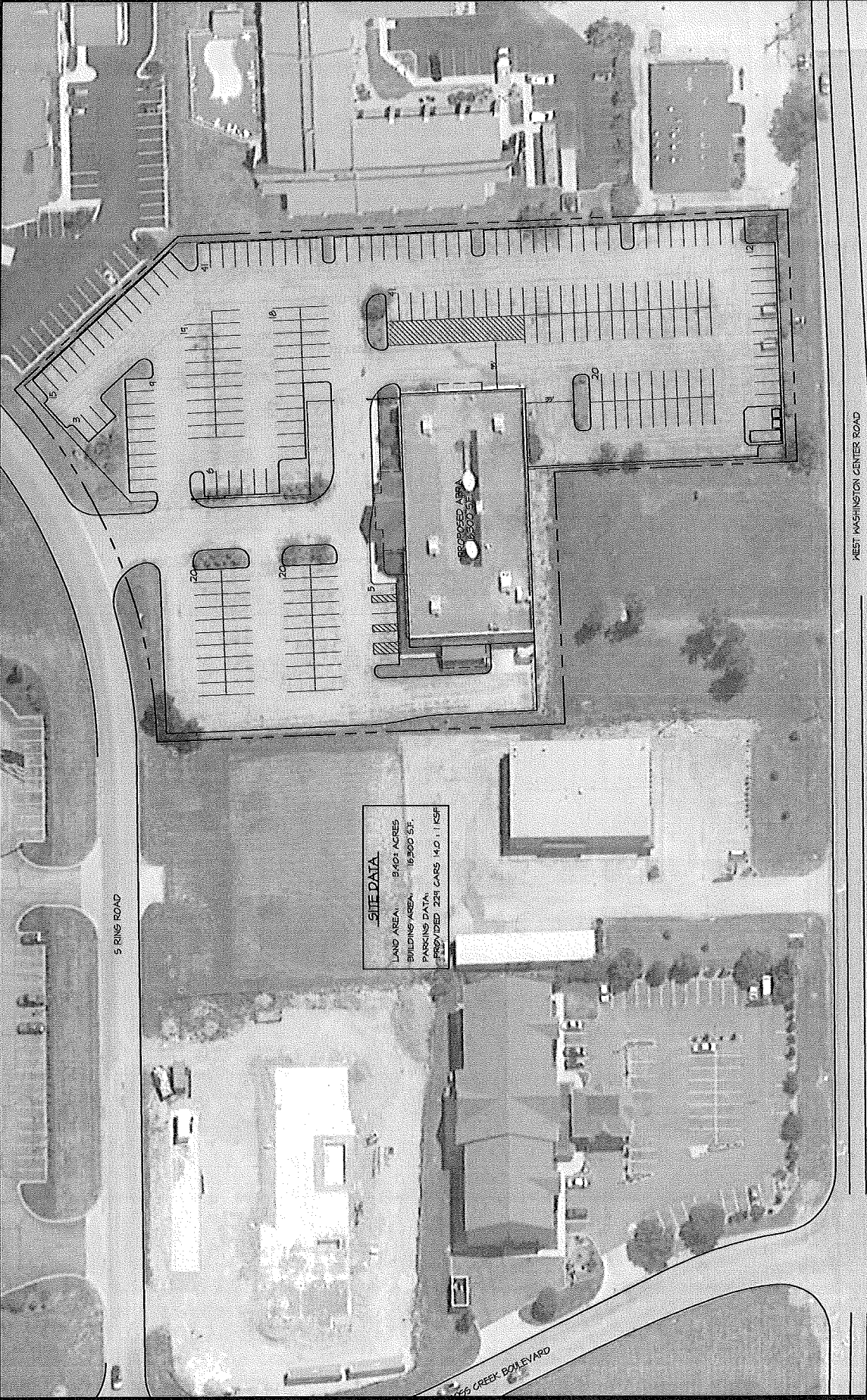


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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 7/9/2019



SITE PLAN



SITE DATA	
LAND AREA	9.401 ACRES
BUILDING AREA	15,500 S.F.
PARKING DATA	
PROVIDED	224 CARS 14.0 : 1 KSF

SITE PLAN

DRAWING
1820 West Washington Center Road_03

DATE
01-30-19

DESIGN BY
S. Decker

SCALE
1" = 100'

1820 WEST WASHINGTON CENTER ROAD
FORT WAYNE, INDIANA

oldacre

mcdonald

3841 OSTER HILLS BLVD STE 300
NASHVILLE, TENNESSEE 37215
PHONE (615) 283-5444 FAX (615) 303-8888