

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0003
Bill Number: Z-20-01-33
Council District: 3-Tom Didier

Introduction Date: January 28, 2020

Plan Commission
Public Hearing Date: February 10, 2020 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 20,000 square feet from R1/Single Family Residential to C3/General Commercial.

Location: 1606 Ashley Avenue

Reason for Request: To allow redevelopment of the property by expanding the existing car lot.

Applicant: Wayne Rosenogle

Property Owner: Wayne Rosenogle

Related Petitions: Primary Development Plan, PDP-2020-0003 (JRM Realty Car Lot)

Effect of Passage: Property will be rezoned to the C3/General Commercial district which will allow the existing car lot to expand onto 1606 Ashley Avenue.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and may be used for residential purposes.

#REZ-2020-0003

BILL NO. Z-20-01-33

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:

**LEGAL DESCRIPTION FOR ROSENOGLE PROPERTY
FOR 2020 REZONING PETITION**

Lots Number 29 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.

**LEGAL DESCRIPTION OF 1632 THROUGH 1606 ASHLEY
FOR 2020 DEVELOPMENT PLAN**

Lots Numbers 26, 27, 28, AND 29 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

1 "471" designated on said parcel plat; thence South 81 degrees 26 minutes 18 seconds
2 East 50.80 feet to point "470" designated on said parcel plat; thence South 87
3 degrees 40 minutes 22 seconds East 86.67 feet to the point of beginning and
4 containing 1,073 square feet, more or less.

5 TOGETHER with the permanent extinguishment of all rights and easements of
6 ingress and egress to, from, and across the limited access facility (to be known as
7 S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along
8 the lines described as follows: The 53.34-foot, and the 19.67-foot courses described
9 above. Also, being at the northern end of the 53.34-foot course described above;
10 thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east
11 boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat
12 an the north line of said Lot 26. This restriction shall be a covenant running with the
13 land and shall be binding on all successors in title to the said abutting lands.
14 Area of real estate after all exceptions being 1.61 acres, more or less.

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

18
19 SECTION 2. If a written commitment is a condition of the Plan Commission's
20 recommendation for the adoption of the rezoning, or if a written commitment is modified and
21 approved by the Common Council as part of the zone map amendment, that written
22 commitment is hereby approved and is hereby incorporated by reference.

23
24 SECTION 3. That this Ordinance shall be in full force and effect from and after its
25 passage and approval by the Mayor.

26
27 _____
28 Council Member

29 APPROVED AS TO FORM AND LEGALITY:

30 _____
Carol T. Helton, City Attorney

Department of Planning Services
 Rezoning Petition Application

Applicant	Applicant <u>WAYNE ROSENOGLE</u>		
	Address <u>1606 ASHLEY AVE</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46825</u>
	Telephone _____ E-mail _____		

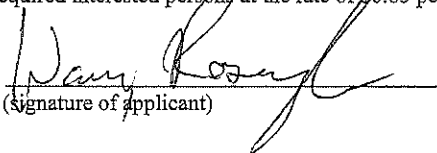
Contact Person	Contact Person <u>Kevin McDermit - Lougheed & Associates</u>		
	Address <u>1017 S Hadley Road</u>		
	City <u>Fort Wayne</u>	State <u>IN</u>	Zip <u>46804</u>
	Telephone <u>260-432-3665</u> E-mail <u>krmcdermit@comcast.net</u>		

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

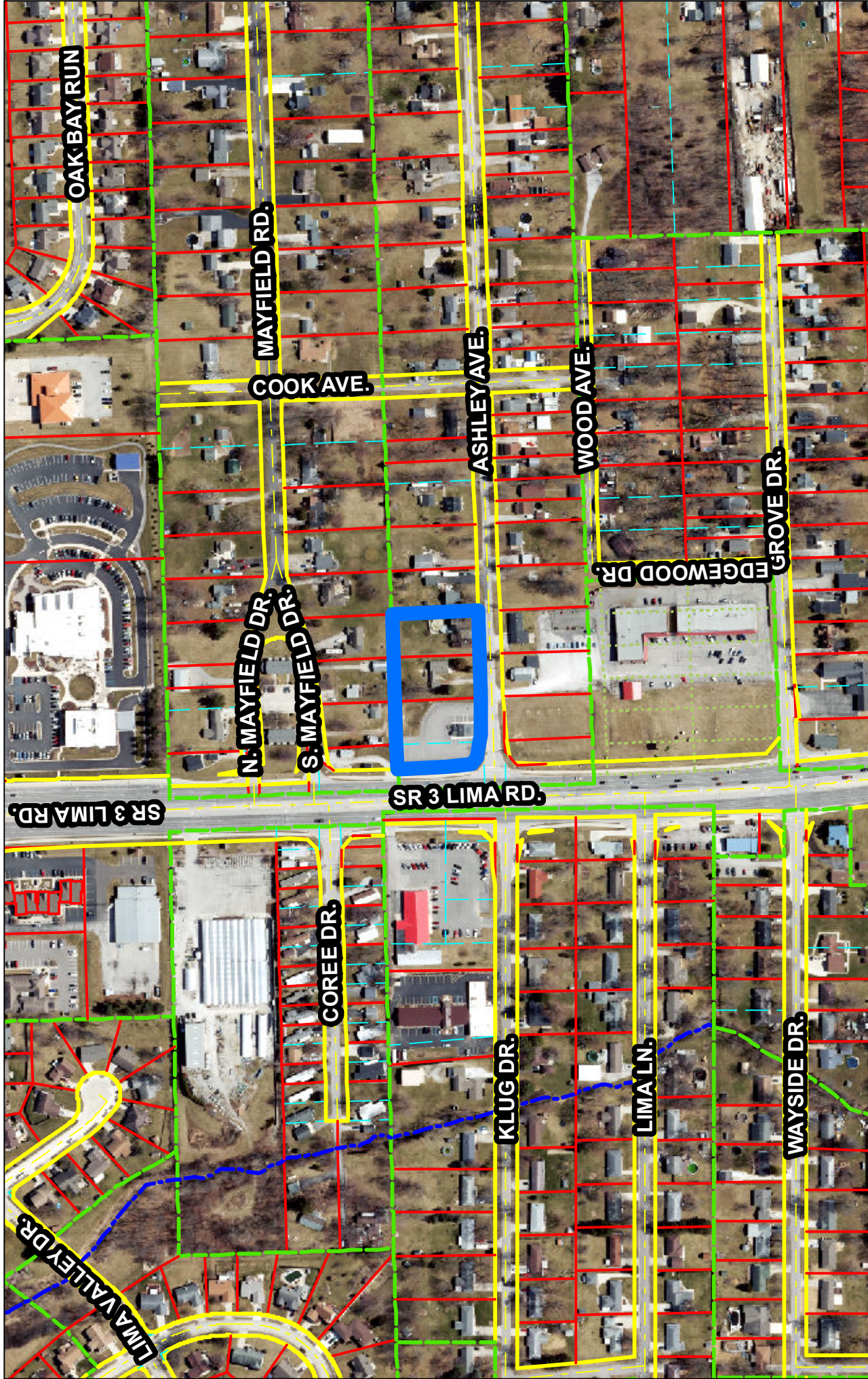
Request	☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction		
	Address of the property <u>1606 ASHLEY AVE</u>		
	Present Zoning <u>R1</u>	Proposed Zoning <u>C3</u>	Acreage to be rezoned <u>20,000 SF</u>
	Proposed density <u>NA</u> _____ units per acre		
	Township name <u>WASHINGTON</u> Township section # <u>1</u>		
	Purpose of rezoning (attach additional page if necessary) <u>For the expansion of buyer's existing car sale lot.</u>		
Sewer provider <u>FORT WAYNE</u> Water provider <u>FORT WAYNE</u>			

Filing Requirements	<i>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.</i>		
	☒ 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.

<u>WAYNE ROSENOGLE</u>		<u>12-23-15</u>
(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 <u>1/6/2020</u>	Receipt No. <u>133024</u>	Hearing Date <u>2-10-2020</u>	Petition No. <u>REZ-2020-0003</u>
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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: 1/22/2020

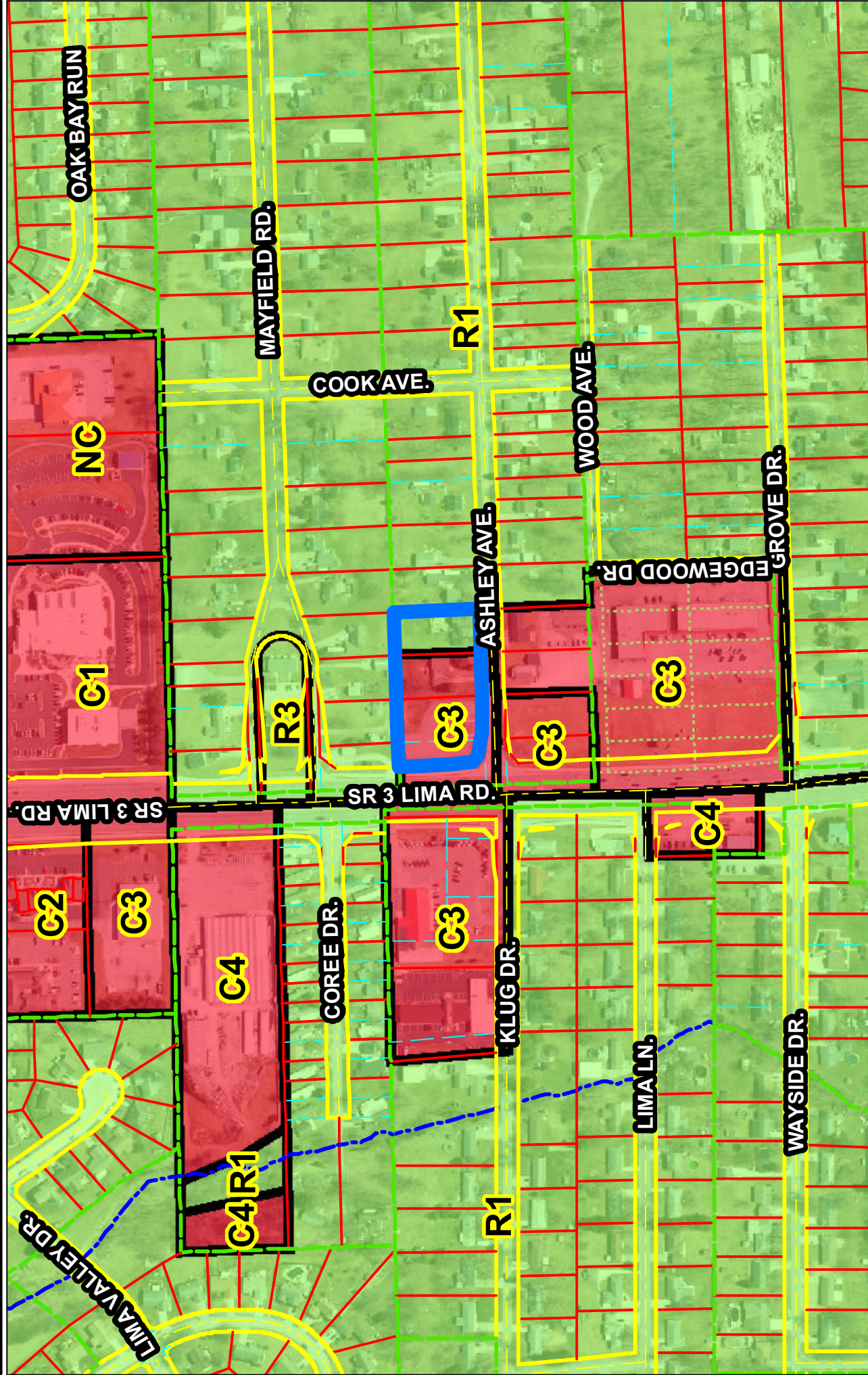


1 inch = 300 feet

0 150 300 Feet



Rezoning Petition REZ-2020-0003 and Primary Development Plan PDP-2020-0003 - JRM Realty Car Lot



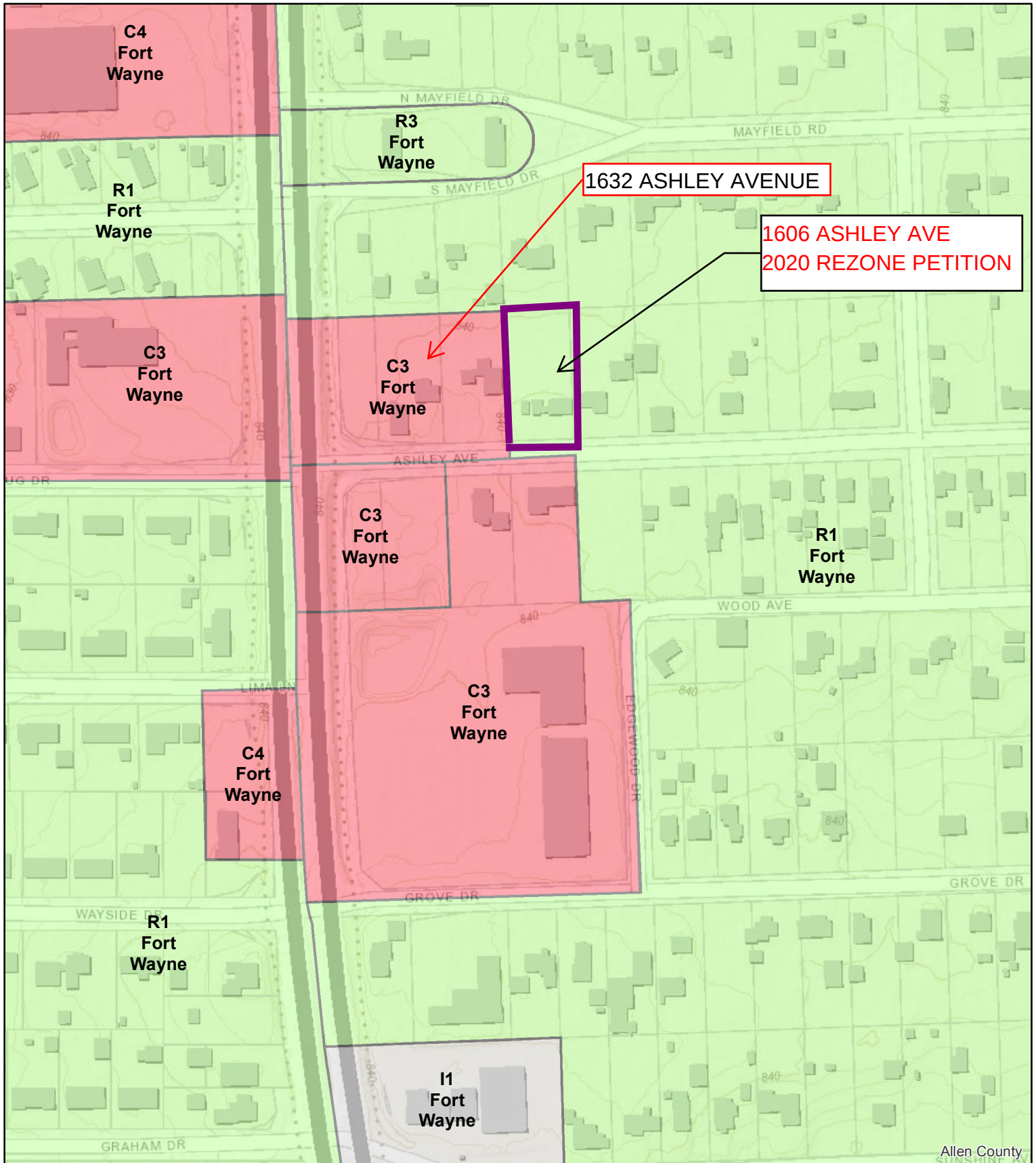
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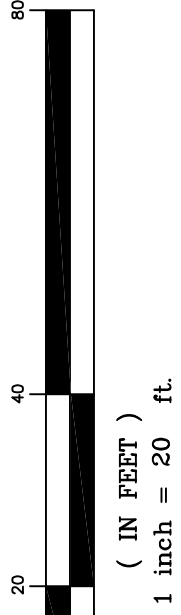
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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East



Date: 4/30/2015 1" = 200'

GRAPHIC SCALE



UTILITY SERVICE PROVIDERS

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

TELE-COMMUNICATIONS:
FRONTIER
8001 HALE AVENUE
FORT WAYNE, IN 46804
JOSEPH W. JOSEPH
(260) 461-2268

SANITARY & WATER:
CITY OF FORT WAYNE
200 WEST JEFFERSON STREET
FORT WAYNE, IN 46802
NEW WATER & SEWER:
(260) 427-1161

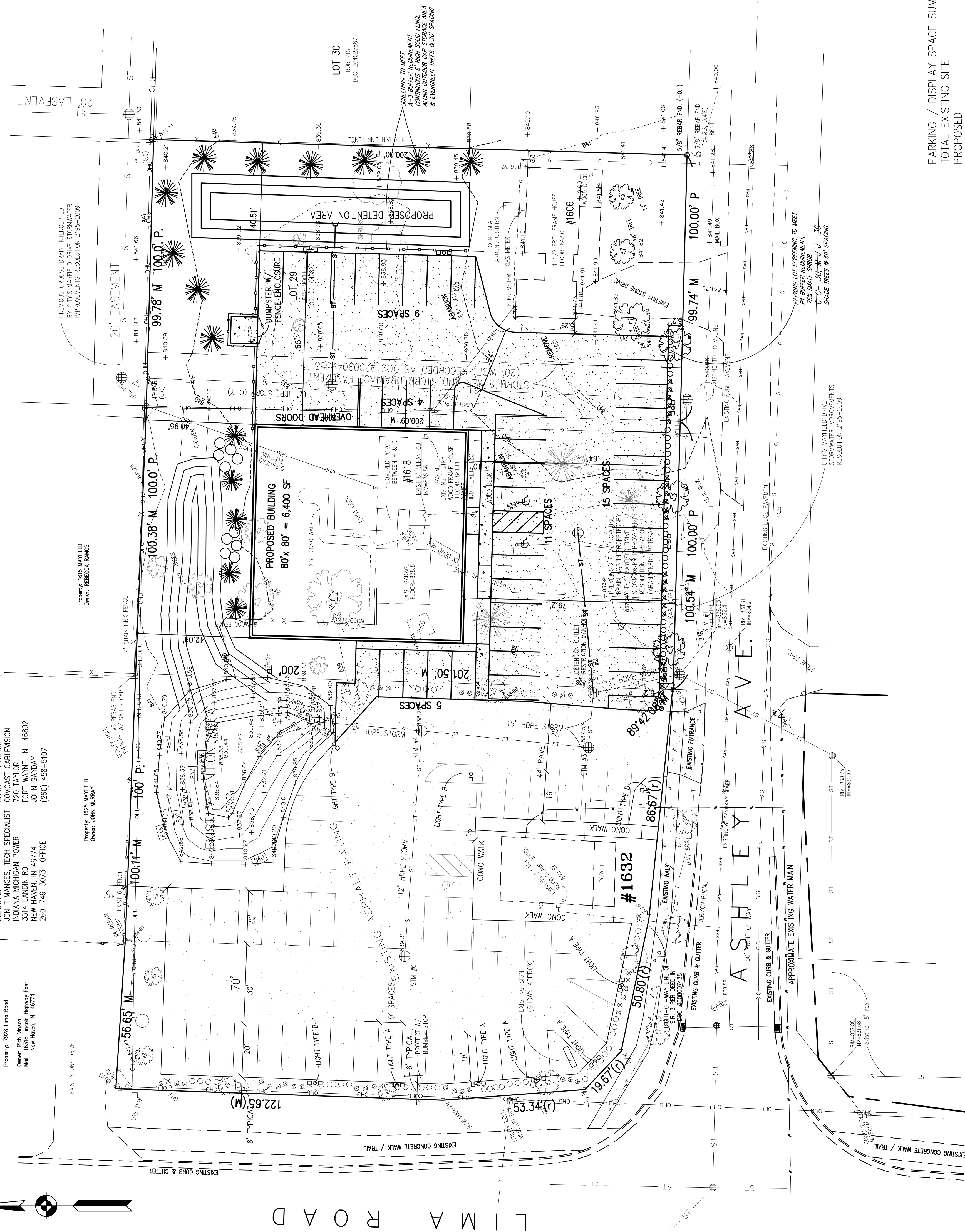
ELECTRIC:
JON T MANGES, TECH SPECIALIST
INDIANA MICHIGAN POWER
3514 LAMON RD
FORT WAYNE, IN 46802
JOHN GAYDAY
260-749-3073 OFFICE
(260) 458-5107

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

Property: 7828 Lima Road
Owner: Rich Vroman
Mail: 16318 Lincoln Highway East
New Haven, IN 46774

Property: 1625 MAYFIELD
Owner: JOHN MURRAY

Property: 1815 MAYFIELD
Owner: REBECCA RAMUS



BOUNDARY FOR 2020 REZONING PETITION

LEGAL DESCRIPTION

Lots Number 29 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana as recorded in Plot Book 7, page 110 in the Office of the Recorder of Allen County, Indiana.

BOUNDARY FOR DEVELOPMENT WITH 2020 EXPANSION

LEGAL DESCRIPTION

Lots Numbers 26, 27, 28, AND 29 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana, as recorded in Plot 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 #208007488:

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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 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 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 1.61 acres, more or less.

PRIMARY DEVELOPMENT NOTES:

1. THE APPLICANT DEVELOPED A CAR LOT AT 1632 ASHLEY AVENUE IN 2015. AT THAT TIME, HE REZONED THE REAL ESTATE THAT FACILITY IS ON AS WELL AS THE HOME LOT AT 1618 ASHLEY AVENUE THAT HE ALSO OWNED TO C3.
- 1.1. THE APPLICANT NOW HAS AN AGREEMENT TO PURCHASE THE HOME AND LOT AT 1606 ASHLEY. AND HE IS WORKING WITH THE SELLER TO REZONE THAT PARCEL FROM R1 TO C3.
- 1.2. THE EXISTING HOME AT 1606 IS PLANNED TO BE CONTINUED TO BE UTILIZED AS A RESIDENTIAL UNIT.
- 1.3. THE EXISTING STRUCTURE AT 1632 ASHLEY WAS PREVIOUSLY RENOVATED INTO AN OFFICE SPACE. THAT IS CURRENTLY PLANNED TO BE CONTINUED TO BE USED FOR THAT PURPOSE.
- 1.4. THE PROPOSED BUILDING SHOWN ON THE DEVELOPMENT PLAN WILL BE USED TO PROVIDE SERVICE RELATED TO THE CURRENT AUTOMOTIVE SALES FACILITY. THE BUILDING MAY BE DESIGNED FOR MULTI-TENANT USE.
2. THE ACCESS TO THE EXISTING COMMERCIAL FACILITY IS PROPOSED TO BE THE ONLY ACCESS FOR THE EXPANDED SITE. THE EXISTING DRIVE TO THE RESIDENCE AT 1618 ASHLEY THAT WILL BE DEMOLISHED IS PROPOSED TO BE REMOVED.
3. THE 3 EXISTING BUILDINGS ARE CONNECTED TO CITY SANITARY SEWER. AND THE PROPOSED BUILDING BE ALSO BE CONNECTED TO EXISTING CITY SEWER UTILIZING THE EXISTING SERVICE LINE. A GREASE TRAP WILL BE ADDED.
4. THE EXISTING BUILDING IS CONNECTED TO CITY WATER. AND THE PROPOSED BUILDING WILL ALSO BE CONNECTED TO CITY WATER.
5. AREA OF CONSTRUCTION FOR THE NEW BUILDING AND PAVEMENT WILL BE LESS THAN 1 ACRE. A FULL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SUBMITTAL WILL NOT BE REQUIRED FOR THE PROPOSED EXPANSION.
6. THE EXISTING STORM WATER DETENTION BASIN IS PROPOSED TO BE ENLARGED TO SERVE PART OF THE EXPANSION. A SECOND BASIN IS PROPOSED TO SERVE THE REMAINDER OF THE SITE.
7. BUMPER STOPS OR CURBS WILL BE PROVIDED ALONG THE FRONT OF ALL PARKING - DISPLAY SPACES.

JRM REALTY LLC
CAR LOT
1632 ASHLEY AVENUE

ZONING DESIGNATION: C3

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

PARKING / DISPLAY SPACE SUMMARY
TOTAL EXISTING SITE 44 SPACES
PROPOSED 44 SPACES
TOTAL W/ EXPANSION 88 SPACES

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



LOUGHERD & ASSOCIATES, INC.
CONSULTING ENVIRONMENTAL & CIVIL ENGINEERS
107 SOUTH HADLEY ROAD • FORT WAYNE, INDIANA 46804
(260)432-3665 FAX 438-0224

SCALE: 1" = 20'
DATE: JAN 3, 2020
DRAWN BY: KRM

PRIMARY DEVELOPMENT PLAN
2020 EXPANSION

SHEET 1

LEGAL DESCRIPTION FOR ROSENOGLE PROPERTY
FOR 2020 REZONING PETITION

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