

#REZ-2020-0022

BILL NO. Z-20-06-03

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-58 (Sec. 3 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 North Half of the Northeast Fractional Quarter of Section 3, Township 31
North, Range 12 East, Allen County, Indiana, more particularly described as follows,
to-wit:

COMMENCING at the Northeast corner of said Northeast Fractional Quarter; thence
South 01 degrees 14 minutes 43 seconds East (bearings in this description are based
on the INDOT bearing for State Road #3), on and along the East line of said
Northeast Fractional Quarter, a distance of 1650.66 feet to the Southeast corner of
the North Half of said Northeast Fractional Quarter as established in Surveyor's
Record "C", page 153; thence South 88 degrees 43 minutes 10 seconds West, on and
along the South line of said North Half, a distance of 1983.05 feet to a point situated
537.6 feet, North 88 degrees 43 minutes 10 seconds East from the Southwest corner
of said North Half as established in said Surveyor's Record "C", page 153; thence
North 01 degrees 07 minutes 00 seconds West and parallel with the West line of said
Northeast Fractional Quarter, a distance of 375.0 feet; thence South 88 degrees 43
minutes 10 seconds West and parallel with said South line, a distance of 300.00 feet;
thence South 01 degrees 07 minutes 00 seconds East and parallel with said West line,
a distance of 25.0 feet; thence South 88 degrees 43 minutes 10 seconds West and
parallel with said South line, a distance of 123.00 feet to a point situated 90.0 feet
normally distant Eastward from Line "A" as defined by Ind. Proj. S-419 (4); thence
North 01 degrees 07 minutes 00 seconds West and parallel with said Line "A", a
distance of 324.15 feet to a point situated 90.0 feet normally distant Eastward from
said Line "A" at plan station 275+00; thence North 04 degrees 35 minutes 38
seconds East, continuing along said East right-of-way line, a distance of 100.50 feet
to a point situated 100.0 feet normally distant Eastward from said Line "A" at plat
station 276+00; thence North 03 degrees 58 minutes 45 seconds West, continuing
along said East right-of-way line, a distance of 100.12 feet to a point situated 95.0

1 feet normally distant Eastward from said Line "A" at plan station 277+00; thence
2 North 01 degrees 07 minutes 00 seconds West, continuing along said East right-of
3 way line and parallel with said Line "A", a distance of 191.70 feet to the True Point
4 of Beginning; thence North 01 degrees 07 minutes 00 seconds West, continuing
5 along said East right-of-way line and parallel with said Line "A", a distance of
6 108.30 feet to a point situated 95.0 feet normally distant Eastward from said Line
7 "A" at plan station 280+00; thence North 04 degrees 10 minutes 10 seconds West,
8 continuing along said East right-of-way line, a distance of 93.88 feet to a point
9 situated 90.0 feet normally distant Eastward from said Line "A"; thence North 01
10 degrees 07 minutes 00 seconds West, and parallel with said Line "A", a distance of
11 27.95 feet; thence North 88 degrees 53 minutes 00 seconds East, a distance of 344.82
12 feet to a point on a regular curve to the left having a radius of 150.00 feet; thence
13 Southwesterly, on and along the arc of said curve, not tangent to the last course, an
14 arc distance of 96.23 feet, being subtended by a long chord having a length of 94.58
15 feet and a bearing of South 17 degrees 15 minutes 40 seconds West to the point of
16 tangency; thence South 01 degrees 07 minutes 00 seconds East and parallel with said
17 Line "A", a distance of 140.24 feet; thence South 88 degrees 53 minutes 00 seconds
18 West, a distance of 310.00 feet to the True Point of Beginning, containing 1.665
19 acres of land.

20 and the symbols of the City of Fort Wayne Zoning Map No. K-58 (Sec. 3 of Washington
21 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
22 Wayne, Indiana is hereby changed accordingly.

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

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

29 _____
30 Council Member

APPROVED AS TO FORM AND LEGALITY:

31 
32 _____
33 Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant The Tunnel on Lima, LLC
Address 11017 Turnberry Place
City Fort Wayne State IN Zip 46814
Telephone _____ E-mail _____

Contact Person
Contact Person Joshua C. Neal, Barrett McNagny LLP
Address 215 E. Berry Street
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9551 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 Lima Road
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.66 Acres
Proposed density _____ units per acre
Township name Washington Township section # 3
Purpose of rezoning (attach additional page if necessary) _____
To allow for the construction and operation of an automatic drive-through carwash.
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 attached Exhibit A
(printed name of applicant) _____ (signature of applicant) _____ (date) _____
See attached 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.
6-20-20	134019	7-13-20	REC-2020-0022

EXHIBIT A
REZONING PETITION APPLICATION
SIGNATURE PAGE

"APPLICANT"

THE TUBE ON LIMA LLC

By: CK Kilmer

Date: 6-2-20

Name: CHARLES KEVIN KILMER

Its: PRESIDENT

"PROPERTY OWNER"

Notwithstanding the foregoing, the undersigned executes this Rezoning Petition Application only for purposes of consenting to Applicant's, and cooperating and assisting Applicant with its, rezoning efforts and without any understanding, agreement or representation, and any rezoning that may be effectuated in connection with this Rezoning Petition Application shall be conditioned upon, and not be effective unless and until, the closing of Applicant's acquisition from Property Owner of the property that is subject to such Rezoning Petition Application.

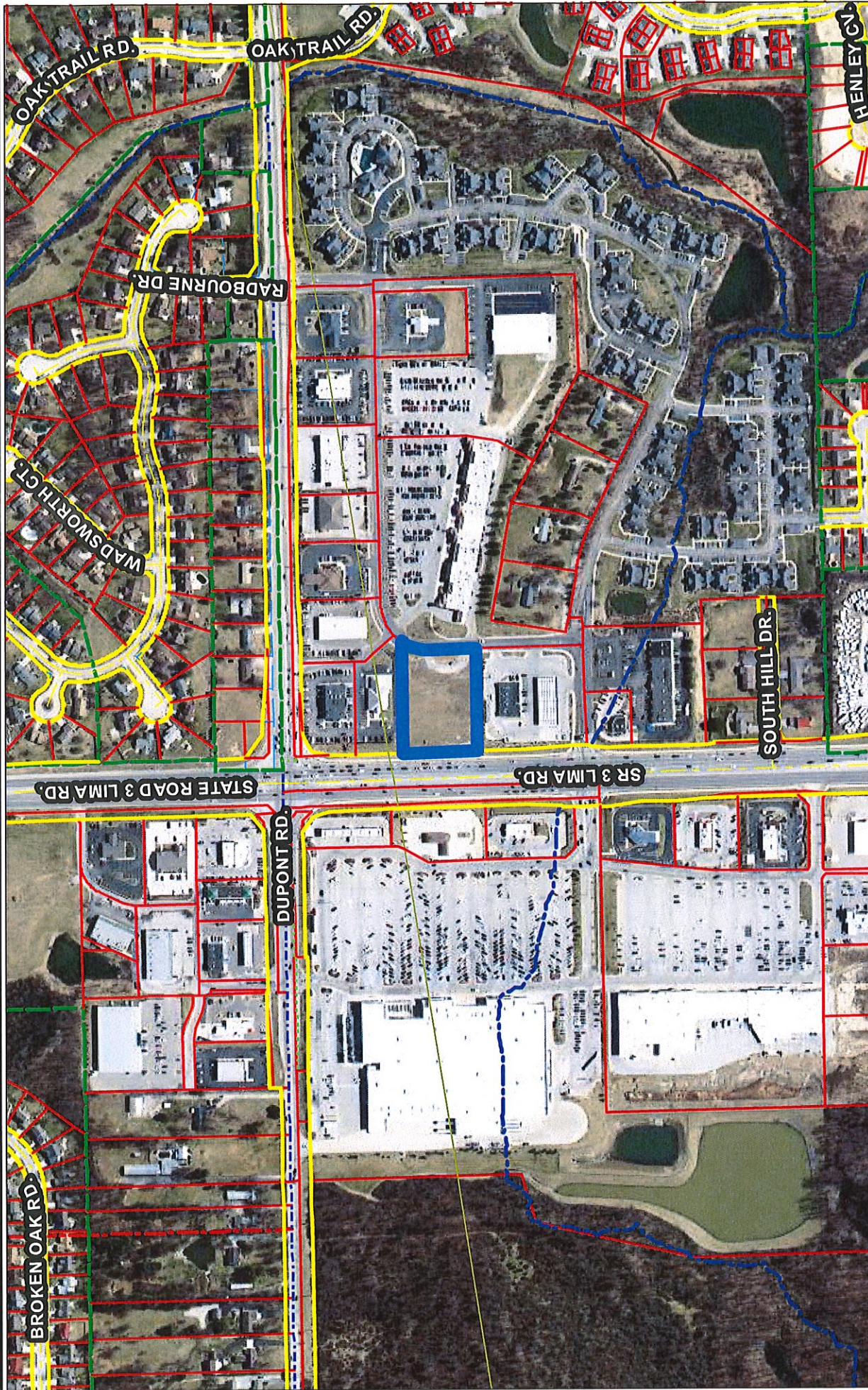
FLAGSTAR-BANK, FSB

By: Paul J. Boc

Date: 6/2/20

Name: PAUL J. BOC

Its: FIRST VICE PRESIDENT

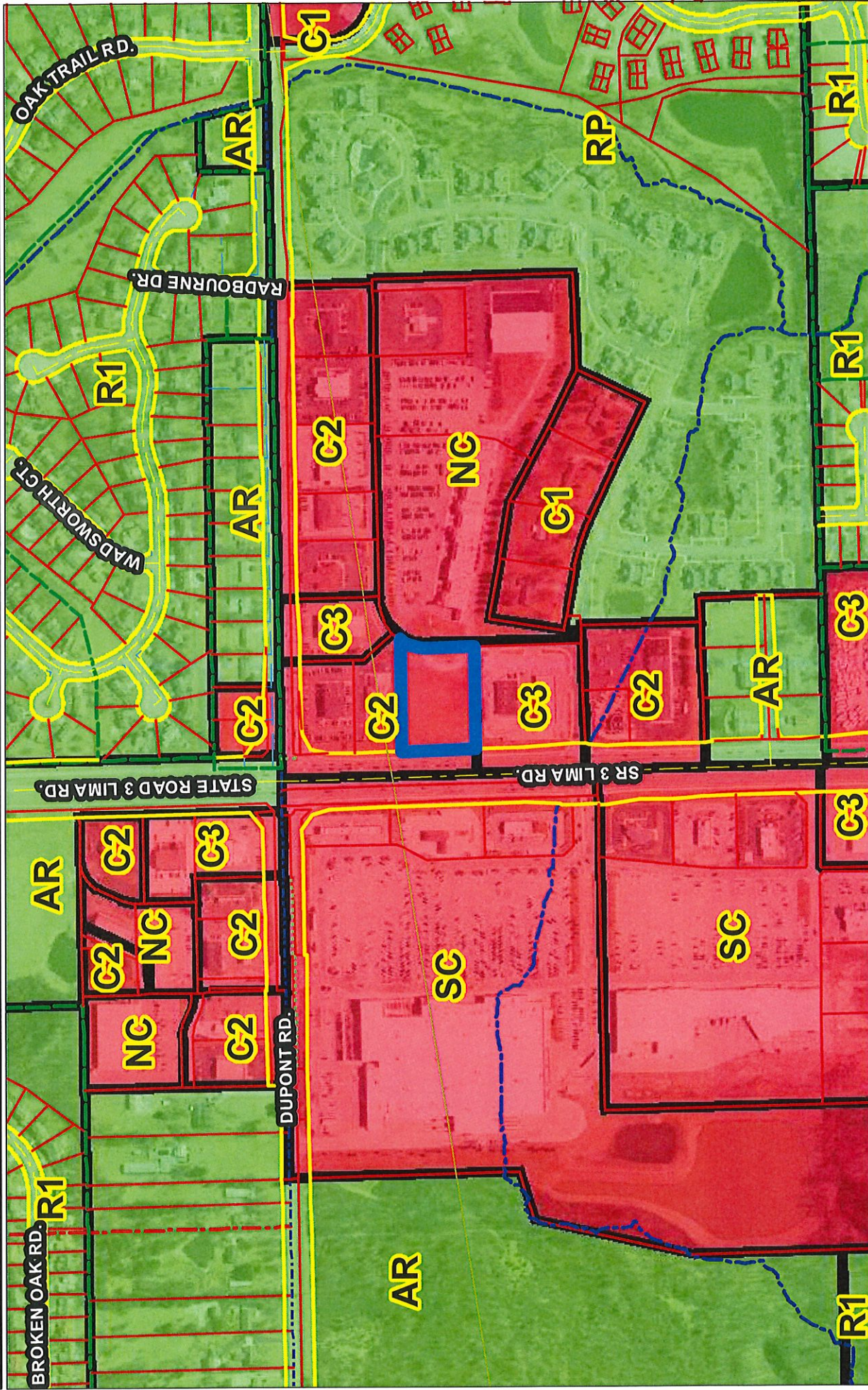


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©2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 6/2/2020

1 inch = 400 feet

0 200 400 Feet



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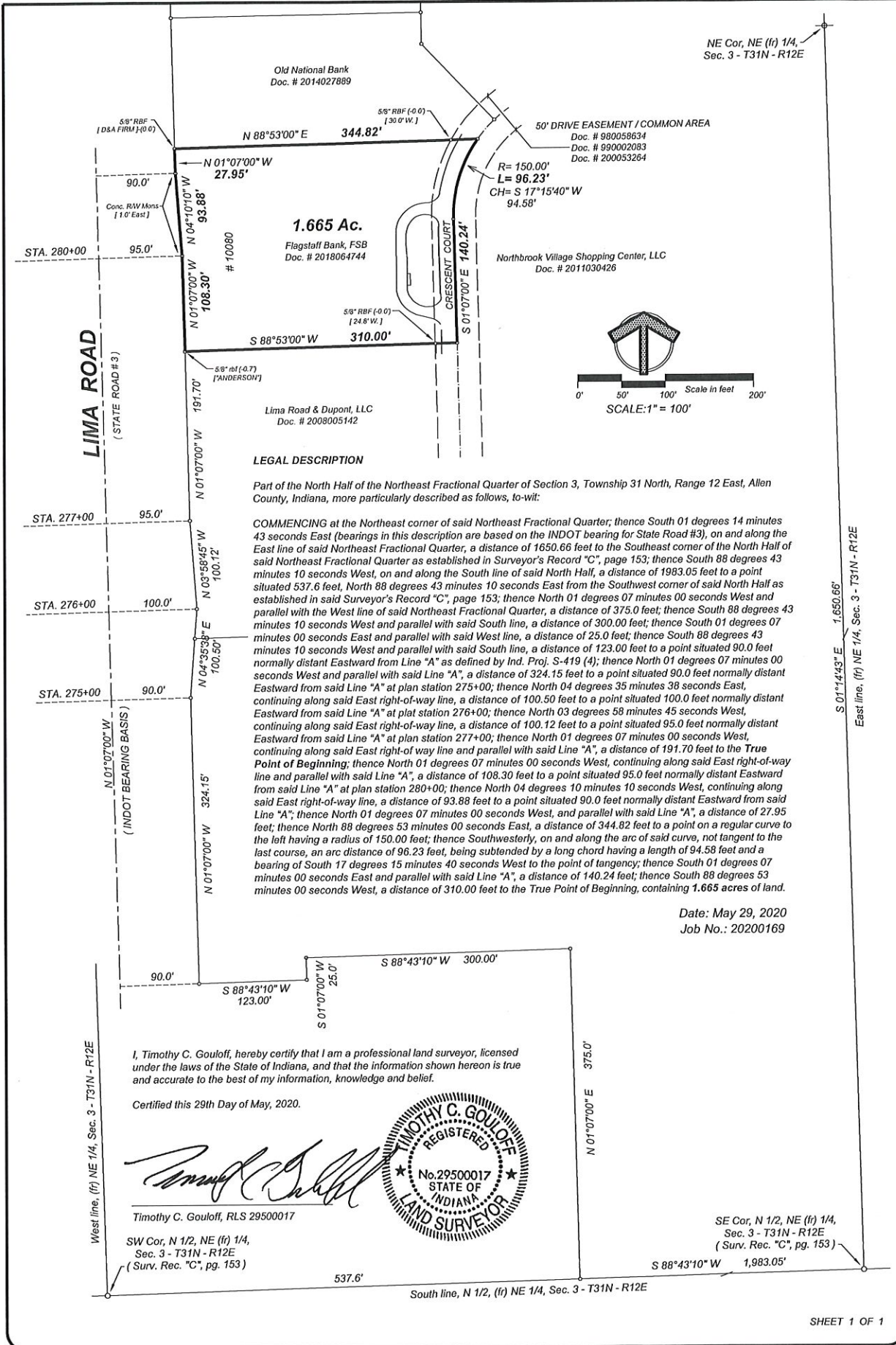


GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.

1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

BOUNDARY RETRACEMENT SURVEY

Part of the N 1/2, NE (fr) 1/4, Sec. 3 - T31N - R12E
10080 Lima Road, Fort Wayne, IN 46825



LEGAL DESCRIPTION

Part of the North Half of the Northeast Fractional Quarter of Section 3, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

COMMENCING at the Northeast corner of said Northeast Fractional Quarter; thence South 01 degrees 14 minutes 43 seconds East (bearings in this description are based on the INDOT bearing for State Road #3), on and along the East line of said Northeast Fractional Quarter, a distance of 1650.66 feet to the Southeast corner of the North Half of said Northeast Fractional Quarter as established in Surveyor's Record "C", page 153; thence South 88 degrees 43 minutes 10 seconds West, on and along the South line of said North Half, a distance of 1983.05 feet to a point situated 537.6 feet, North 88 degrees 43 minutes 10 seconds East from the Southwest corner of said North Half as established in said Surveyor's Record "C", page 153; thence North 01 degrees 07 minutes 00 seconds West and parallel with the West line of said Northeast Fractional Quarter, a distance of 375.0 feet; thence South 88 degrees 43 minutes 10 seconds West and parallel with said South line, a distance of 300.00 feet; thence South 01 degrees 07 minutes 00 seconds East and parallel with said West line, a distance of 25.0 feet; thence South 88 degrees 43 minutes 10 seconds West and parallel with said South line, a distance of 123.00 feet to a point situated 90.0 feet normally distant Eastward from Line "A" as defined by Ind. Proj. S-419 (4); thence North 01 degrees 07 minutes 00 seconds West and parallel with said Line "A", a distance of 324.15 feet to a point situated 90.0 feet normally distant Eastward from said Line "A" at plan station 275+00; thence North 04 degrees 35 minutes 38 seconds East, continuing along said East right-of-way line, a distance of 100.50 feet to a point situated 100.0 feet normally distant Eastward from said Line "A" at plat station 276+00; thence North 03 degrees 58 minutes 45 seconds West, continuing along said East right-of-way line, a distance of 100.12 feet to a point situated 95.0 feet normally distant Eastward from said Line "A" at plan station 277+00; thence North 01 degrees 07 minutes 00 seconds West, continuing along said East right-of-way line and parallel with said Line "A", a distance of 191.70 feet to the True Point of Beginning; thence North 01 degrees 07 minutes 00 seconds West, continuing along said East right-of-way line and parallel with said Line "A", a distance of 108.30 feet to a point situated 95.0 feet normally distant Eastward from said Line "A" at plan station 280+00; thence North 04 degrees 10 minutes 10 seconds West, continuing along said East right-of-way line, a distance of 93.88 feet to a point situated 90.0 feet normally distant Eastward from said Line "A"; thence North 01 degrees 07 minutes 00 seconds West, and parallel with said Line "A", a distance of 27.95 feet; thence North 88 degrees 53 minutes 00 seconds East, a distance of 344.82 feet to a point on a regular curve to the left having a radius of 150.00 feet; thence Southwesterly, on and along the arc of said curve, not tangent to the last course, an arc distance of 96.23 feet, being subtended by a long chord having a length of 94.58 feet and a bearing of South 17 degrees 15 minutes 40 seconds West to the point of tangency; thence South 01 degrees 07 minutes 00 seconds East and parallel with said Line "A", a distance of 140.24 feet; thence South 88 degrees 53 minutes 00 seconds West, a distance of 310.00 feet to the True Point of Beginning, containing 1.665 acres of land.

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0022
Bill Number: Z-20-06-03
Council District: 3-Tom Didier

Introduction Date: June 9, 2020

Plan Commission
Public Hearing Date: July 13, 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 1.66 acres from C2/Limited Commercial to
C3/General Commercial.

Location: 10080 Lima Road

Reason for Request: To allow the underutilized property to be redeveloped with "The Tube"
car wash facility.

Applicant: The Tube on Lima, LLC

Property Owner: Flagstar Bank FSB

Related Petitions: Primary Development Plan, The Tube on Lima

Effect of Passage: Property will be rezoned to the C3/General Commercial district which
will allow the redevelopment of the property with a general automotive
use.

Effect of Non-Passage: The property will remain zoned for limited commercial purposes. The
proposed redevelopment will not be permitted.

FACT SHEET

Case #REZ-2020-0022 Bill # Z-20-06-03 Project Start: June 2020	
APPLICANT:	The Tunnel on Lima LLC
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial and approve a primary development plan for a new car wash facility.
LOCATION:	The site is located on the east side of the 10000 block of State Road 3/Lima Road, north of Lassus and south of Old National Bank (Section 3 of Washington Township).
LAND AREA:	Approximately 1.7 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECT:	Primary Development Plan, The Tube Carwash
SPONSOR:	City of Fort Wayne Plan Commission

July 13, 2020 Public Hearing

- No one from the public spoke at the hearing.
- Justin Shurley, Judi Wire and Patrick Zaharako were absent.

July 20, 2020 – Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Don Schmidt and seconded by Tom Freistroffer to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

5-0 MOTION PASSED

- Justin Shurley, Rachel Tobin-Smith, Judi Wire and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
July 23, 2020

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant The Tunnel on Lima, LLC
Address 11017 Turnberry Place
City Fort Wayne State IN Zip 46814
Telephone _____ E-mail _____

Contact Person
Contact Person Joshua C. Neal, Barrett McNagny LLP
Address 215 E. Berry Street
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9551 E-mail jcn@barrettllaw.com

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FLAGSTAR-BANK, FSB

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Rezoning Petition REZ-2020-0022 and Primary Development Plan PDP-2020-0016 - The Tube

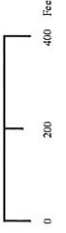


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Not a Survey
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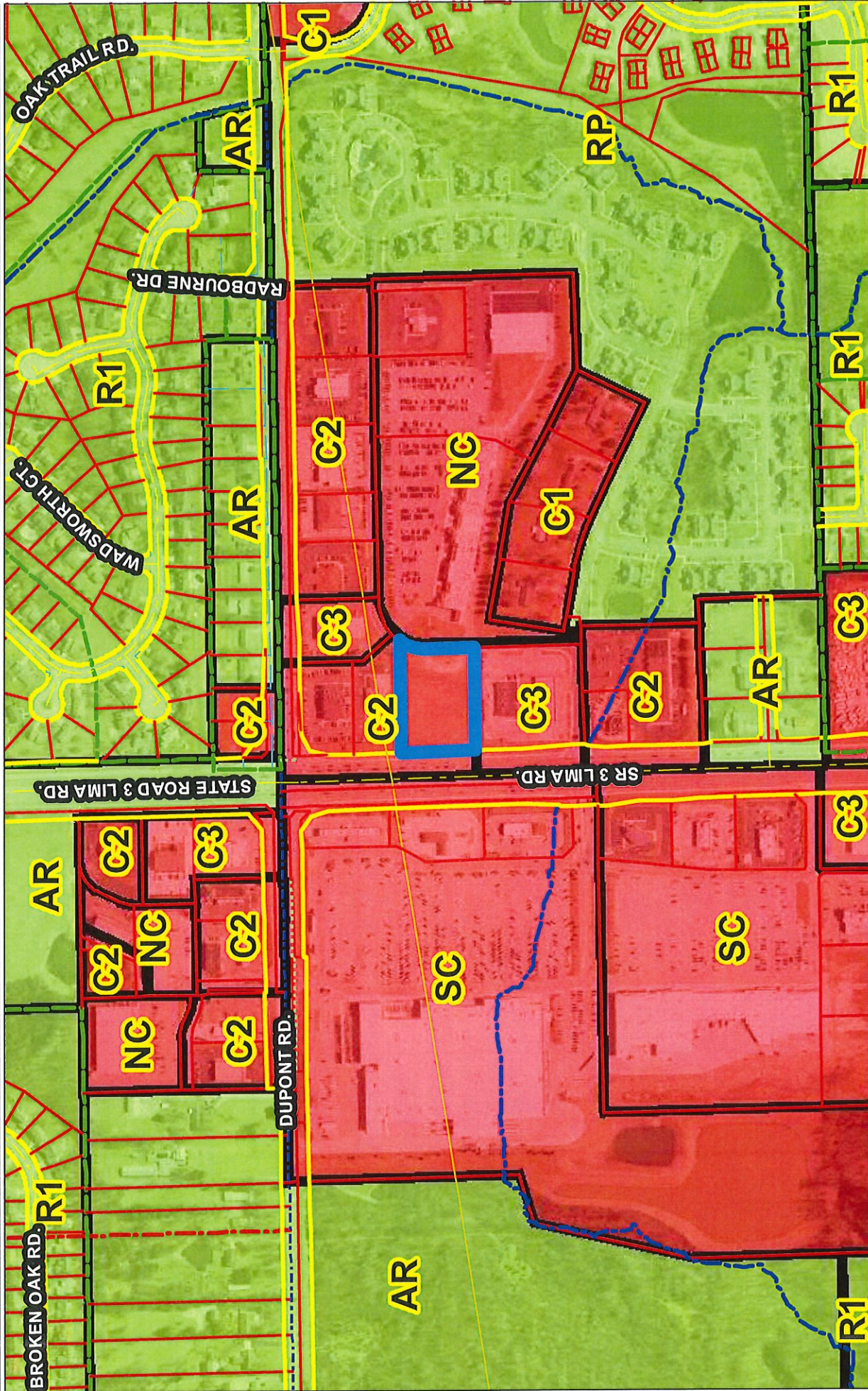


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Rezoning Petition REZ-2020-0022 and Primary Development Plan PDP-2020-0016 - The Tube



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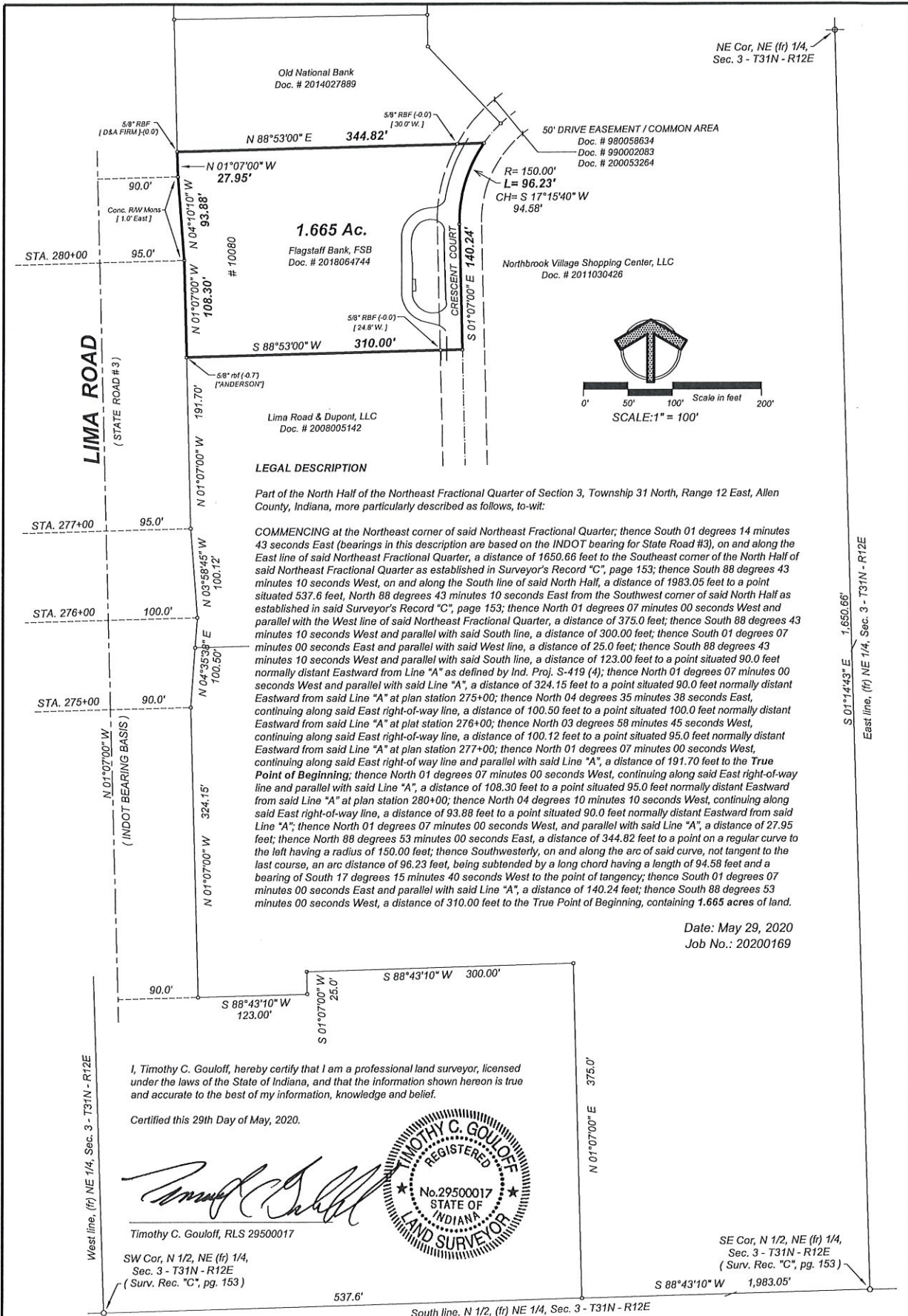
North American Datum 1983
State Plane Coordinate System, Indiana East
Photo Aerial Coverage Spring 2009
Date: 04/2020



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