

#REZ-2022-0012
BILL NO. Z-22-04-09

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. N-3 (Sec. 25 of Wayne 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 an I2
(General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:

Doc. 2020011915

Lots 1, 2 and 3 of Glencoe Park Addition, more commonly known as 6001 Decatur Road, Fort Wayne,
Allen County, Indiana.

Doc. 2020011581

Lots Numbered 4 and 5 of Glencoe Park Addition to the City of Fort Wayne, according to the plat
thereof, recorded in Plat Record 12, page 28, in the Office of the Recorder of Allen County, Indiana.
(Commonly known as 810 Ventura, Fort Wayne, Indiana)

Doc. 2020011914

PARCEL I:

Lot Number 1 in Bittersweet Gardens Addition to the City of Fort Wayne, Indiana, as recorded in Plat
Record 8, page 96, EXCEPT the East 310 feet thereof.

ALSO EXCEPTING:

Part of Lot Number 1 in Bittersweet Gardens Addition to the City of Fort Wayne, as recorded in Plat
Record B, page 96 in the Office of the Recorder of Allen County, Indiana, in particular described as
follows, to- wit:

COMMENCING at the Northwest corner of said Lot Number 1, as defined by an iron pipe found
situated 27 feet normally distant Northeasterly of the centerline of the 18-foot concrete pavement
of the Old Decatur Road, and as situated 324.5 feet Northwesterly (330 feet, Plat) from the South
corner of said Lot Number 1, a distance of 175.6 feet to the Southeast corner (as established) of Lot
Number 5 in Glencoe Park Addition, as recorded in Plat Record 12, page 28; thence Southerly by a
deflection right of 89 degrees 26 minutes on the extension Southerly of the East line of said Lot
Number 5, a distance of 52.0 feet; thence Southwesterly on a line normal to the centerline of the
Old Decatur Road by a deflection right of 61 degrees 52 minutes, a distance of 129.6 feet to the
Southwesterly line of said Lot Number 1; thence Northwesterly on the line aforesaid by a deflection
right of 90 degrees a distance of 130.0 feet to the Point of Beginning.

PARCEL II:

Part of Lot Number 1 in Bittersweet Gardens Addition to the city of Fort Wayne, as recorded in Plat Record B. page 96 in the Office of the Recorder of Allen County, Indiana, in particular described as follows, to-wit:

COMMENCING at the Northwest corner of said Lot Number 1, as defined by an iron pipe found situated 27 feet normally distant Northeasterly of the centerline of the 18-foot concrete pavement of the Old Decatur Road, and as situated 24.5 feet Northwesterly (330 feet, Plat) from the South corner of said Lot Number 1, a distance of 175.6 feet to the Southeast corner (as established) of Lot Number 5 Glencoe Park Addition as recorded in Plat Record 12, page 28; thence Southerly by a deflection right of 89 degrees 26 minutes on the extension Southerly of the East line of said Lot Number 5, a distance of 52.0 feet; thence Southwesterly on a line normal to the centerline of the old Decatur Road by a deflection right of 61 degrees 52 minutes, a distance of 129.6 feet to the Southwesterly line of said Lot Number 1; thence Northwesterly on the line aforesaid by a deflection right of 90 degrees a distance of 330.0 feet to the Point of Beginning.

and the symbols of the City of Fort Wayne Zoning Map No. N-3 (Sec. 25 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Ordinance Amendment
Case Number: REZ-2022-0012
Bill Number: Z-22-04-09
Council District: 6-Sharon Tucker

Introduction Date: April 12, 2022

Plan Commission
Public Hearing Date: April 11, 2022 (Not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 2.5 acres from RP/Planned Residential to I2/General Industrial

Location: 6001 Decatur Road

Reason for Request: To permit existing use of construction company and allow for a new office and garage on site.

Applicant: Gleave Properties, LLC

Property Owner: Gleave Properties, LLC

Related Petitions: Primary Development Plan, Gleave Construction

Effect of Passage: Rezoning of the property will bring all existing uses into compliance with the ordinance and allow for reinvestment into the site.

Effect of Non-Passage: The use may remain with the current Board of Zoning Appeals approval. New investment will likely require a new approval from the BZA.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Gleave Properties, LLC
Address 6031 Decatur Road
City Fort Wayne State IN Zip 46816
Telephone (260) 410-3690 E-mail sethgleave@comcast.net

Contact Person
Contact Person Thomas B. Trent, Rothberg Law Firm
Address 505 E. Washington Blvd.
City Fort Wayne State IN Zip 46802
Telephone (260) 422-9454 E-mail ttrent@rothberg.com

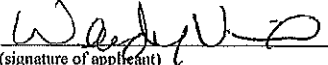
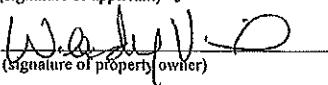
All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 6001 Decatur Road and 810 Ventura Lane
Present Zoning RP Proposed Zoning I-2 Acreage to be rezoned 2.531
Proposed density N/A units per acre
Township name Wayne Township section # 0025
Purpose of rezoning (attach additional page if necessary) To rezone the subject property from RP/Planned Residential to I-2/General Industrial to facilitate the construction and completion of certain, proposed improvements, including a new office building and storage facility.
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 Rezonings 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.

Gleave Properties, LLC		February 24, 2022
(printed name of applicant)	(signature of applicant)	(date)
Gleave Properties, LLC		February 24, 2022
(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>2/28/22</u>	Receipt No. <u>139580</u>	Hearing Date <u>4-11-22</u>	Petition No. <u>RE2- 2022 - 0012</u>
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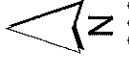
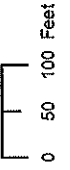


REZ-2022-0012 and PDP-2022-0004 - Gleave Construction



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: 3/11/2022



1 inch = 200 feet

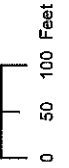


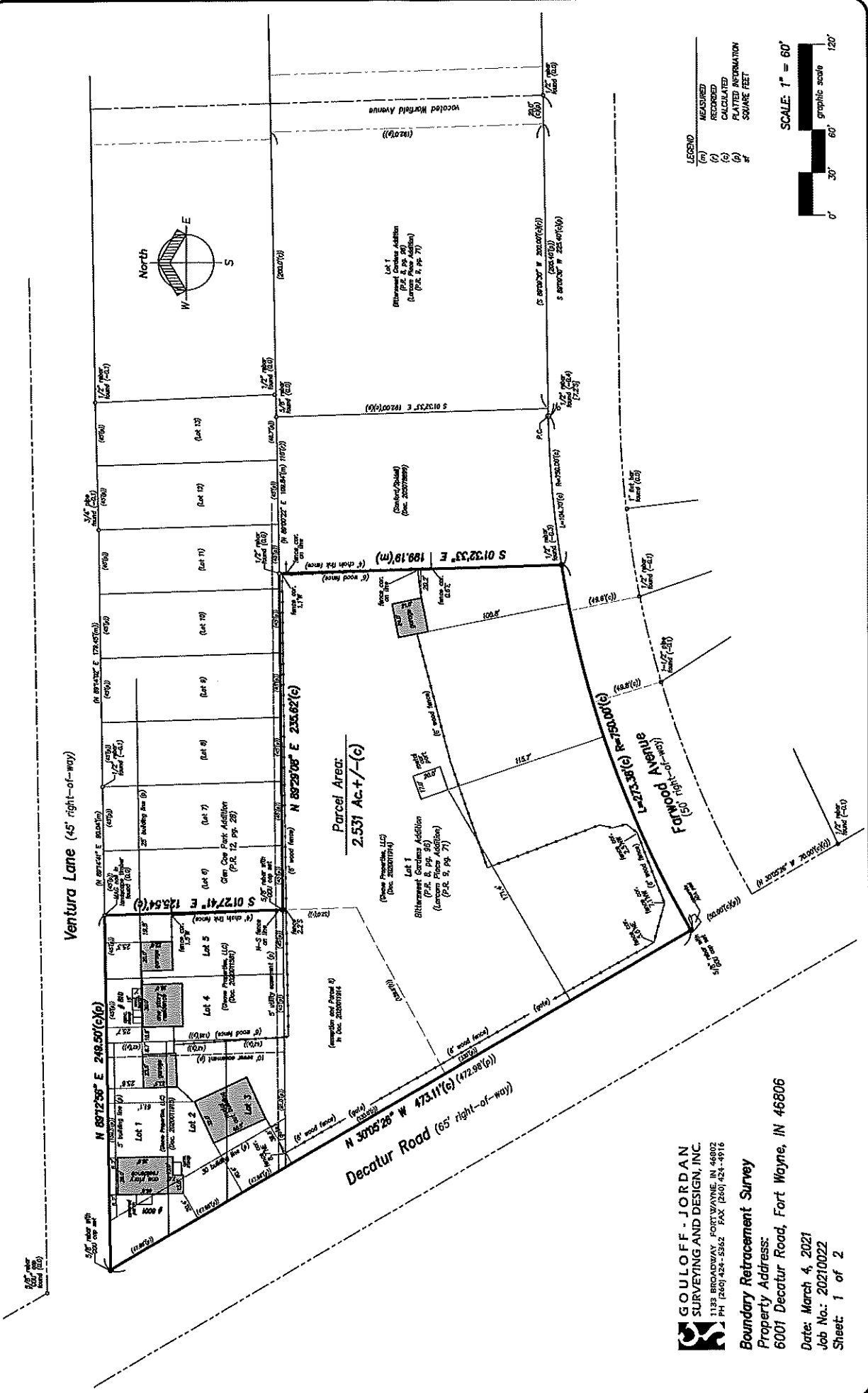
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Photos and Contours: Spring 2009
Date: 3/11/2022





GOULOFF - JORDAN
 SURVEYING AND DESIGN, INC.
 1133 BROADWAY FORT WAYNE, IN 46802
 PH (260) 424-5362 FAX (260) 424-4916

Boundary Retracement Survey
 Property Address:
 6001 Decatur Road, Fort Wayne, IN 46806
 Date: March 4, 2021
 Job No.: 20210022
 Sheet: 1 of 2

DESCRIPTION

(copied from Doc. 2020011915)

Lots 1, 2 and 3 of Glencoe Park Addition, more commonly known as 6001 Decatur Road, Fort Wayne, Allen County, Indiana.

(copied from Doc. 2020011581)

Lots Numbered 4 and 5 in Glen Coe Park Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 28, in the Office of the Recorder of Allen County, Indiana.

(Commonly known as 810 Ventura, Fort Wayne, Indiana)

(copied from Doc. 2020011914)

PARCEL 1:

Lot Number 1 in Bittersweet Gardens Addition to the City of Fort Wayne, Indiana, as recorded in Plat Record 8, page 95, EXCEPT the East 310 feet thereof.

ALSO EXCEPTING:

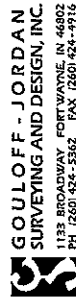
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COMMENCING at the Northwest corner of said Lot Number 1, as defined by an iron pipe found situated 27 feet normally distant Northwesterly of the centerline of the 18 foot concrete pavement of the Old Decatur Road, and as situated 324.5 feet Northwesterly (330 feet, Plat) from the South corner of said Lot Number 1, a distance of 175.6 feet to the Southeast corner (as established) of Lot Number 5 in Glencoe Park Addition, as recorded in Plat Record 12, page 28; thence Southerly by a deflection right of 89 degrees 25 minutes on the extension Southerly of the East line of said Lot Number 5, a distance of 52.0 feet, thence Southwesterly on a line normal to the centerline of the Old Decatur Road by a deflection right of 61 degrees 52 minutes, a distance of 123.5 feet to the Southwesterly line of said Lot Number 1; thence Northwesterly on the line aforesaid by a deflection right of 90 degrees a distance of 130.0 feet to the Point of Beginning.

PARCEL 1i:

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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
Property Address:
6001 Decatur Road, Fort Wayne, IN 46806

Date: March 4, 2021
Job No.: 20210022
Sheet: 2 of 2

SURVEYOR'S REPORT

This report and the accompanying survey plat have been prepared in accordance with Title 86S, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying. Monuments set are 5/8 inch round by 24 inch long steel rebar with yellow plastic caps stamped "COU LS29500017", and set flush with the ground surface, unless otherwise noted. Monuments found are noted with an above (x-x) or below (-x-x) ground surface dimension.

PURPOSE: The purpose of this survey is to "retrace" the boundary of the real estate described hereon.

THEORY OF LOCATION:

The lines and corners for this survey were established as depicted on the survey drawing.

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) Availability and condition of reference monuments:
Monuments found are described and depicted on the survey drawing.
Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "plotted" or "recorded" angular or distance measurements as depicted on the survey drawing.
The uncertainty for this survey is 7.2 feet +/-.
- (B) Occupation or possession lines:
See survey drawing for fence types and locations. Fence ownership is unknown
Uncertainty created as a result of the fence locations depicted hereon is 2.5 feet +/-.
- (C) Clarity or ambiguity of the record description and/or adjinner's descriptions:
No uncertainty was created.
- (D) This survey falls under the classification of a "Suburban" survey. The acceptable relative positional accuracy (random errors in measurements) = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7 of said Rule 12.

Initial field work for this survey was completed on 03/03/2021.

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 86S IAC-1-12-1 thru 29.

DATED THIS 4th DAY OF MARCH, 2021.

Timothy C. Gouloff, R.L.S. 29500017



LEGAL DESCRIPTION

Lots 1, 2 and 3 of Glencoe Park Addition, more commonly known as 6001 Decatur Road, Fort Wayne, Allen County, Indiana.

Lots Numbered 4 and 5 in Glen Coe Park Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 28, in the Office of the Recorder of Allen County, Indiana.

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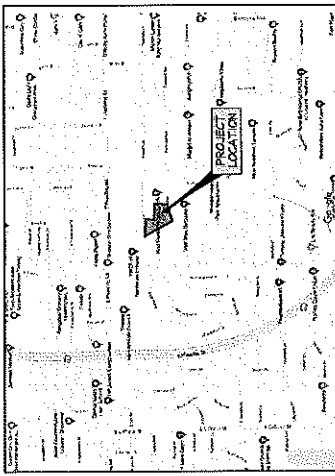
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PARCEL II:

Part of Lot Number 1 in Bittersweet Gardens Addition to the city of Fort Wayne, as recorded in Plat Record 8, page 96 in the Office of the Recorder of Allen County, Indiana, in particular described as follows, to-wit:

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SCALE 1" = 30'

SCALE 1" = 30'

PROPOSED ASPHALT PAVEMENT
PROPOSED STONE
CONCRETE SIDEWALK AND DRIVE

FLOOD INSURANCE RATE MAP (FIRM):
 ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
 FIRM MAP NUMBER: 15009C0215G
 DATED MONTH 06/03/2009
 FLOODWAY AREAS IN ZONE X

EXISTING PARKING COUNT	6 SPACES
ADDITIONAL PARKING REQUIRED	0 SPACES

PARKING SUMMARY			
1 SPACE PER 400 SQ. FT.	TOTAL PARKING REQUIRED	EXISTING PARKING COUNT	PROPOSED PARKING COUNT
5000/400 = 8	6 SPACES	6 SPACES	23 SPACES

NAME: GLEAVE PROPERTIES LLC
ADDRESS: 532 E. HAWTHORNE ST. FORT WAYNE, IN
46806
PH: (260)744-2757
CONTACT: SETH GLEAVE
EMAIL: SETHGLEAVE@COMST.NET

ENGINEERING RESOURCES, INC.
4175 NEW VISION DRIVE
FORT WAYNE, IN 46846
PH. (260) 480-1075
FAX: (260) 480-1076
CONTACT: YASIR REHMAN
EMAIL: mrehman@erinc.com

NAME: COULOFF - JORDAN SURVEYING AND DESIGN
ADDRESS: 1133 BROADWAY FORT WAYNE, IN 46602
PH: (260)424-5362
FAX: (260)424-4916
CONTACT: EMAIL:

SURVEYOR

NATE GOLOFF - JORDAN SURVEYING AND DESIGN
ADDRESS: 1133 BROADWAY FORT HATNS, IN 46002
PH: (260)424-5332
FAX: (260)424-4816
CONTACT:
EMAIL:

REZONING FACT SHEET

Petition #REZ-2022-0012 G-22-04-09 Project Start: April 2022

APPLICANT:	Gleave Properties, LLC
REQUEST:	To rezone the property from RP/Planned Residential to I2/General Industrial; and approve a primary development plan for new construction and associated infrastructure, including waiver requests for building setbacks, outdoor storage location, and fencing location.
LOCATION:	The site is located on the east side of the 6000 block of Decatur Road, north of Farwood Avenue and south of Ventura Lane (Section 25 of Wayne Township).
LAND AREA:	Approximately 2.5 acres
PRESENT ZONING:	RP/Planned Residential
COUNCIL DISTRICT:	6-Sharon Tucker
ASSOCIATED PROJECT:	Primary Development Plan, Gleave Construction
SPONSOR:	City of Fort Wayne Plan Commission

11 April 2022 Plan Commission Public Hearing

- No one spoke in support or opposition.
- Staff received one letter with concern over the conditions of the existing fencing.
- Ryan Neumeister was absent.

18 April 2022 Business Meeting

Plan Commission Recommendation: Do Pass w/Written Commitment

- A motion was made by Paul Sauerteig and seconded by Patrick Zaharako to return the ordinance to Common Council with a DO PASS recommendation with a Written Commitment for their final decision.
- Ryan Neumeister was absent.
- **8-0 MOTION PASSED**

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
April 27, 2022

PROJECT SUMMARY

The petitioner requests a rezoning from RP/Planned Residential to I2/General Industrial, to permit the existing use of Gleave Construction. Gleave Construction has conducted its contracting business on the property for decades. The Fort Wayne Board of Zoning Appeals has granted approvals on the site in 1985 and 1990. The 1990 BZA approval was to allow for expansion of a nonconforming use. Although the surrounding zoning and uses are primarily residential in nature, there are non-residential uses in proximity; First Pentecostal Church is to the east at 935 Farwood Avenue and the YWCA campus is located across Decatur Road to the west. With appropriate buffering and layout, the proposal could allow for improvements of the site. With the site being zoned RP today, a number of commercial and industrial uses would be gained with a rezoning to I2. Staff recommends a written commitment that will prohibit uses that provide high traffic or high intensity commercial and industrial uses. The contractor facility will not create a large amount of traffic and primarily be used by the employees. With a sufficient Written Commitment, the proposal could be supported by the following goals and policies of the Comprehensive Plan:

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;

LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The site is within the boundaries of the Southeast Strategy plan, adopted in 2021. The proposed rezoning map in the plan does not contemplate the site to be rezoned as part of a larger map amendment effort. However, with the proposed improvements to the site, Gleave will continue to provide employment to the Southeast Fort Wayne area, which is an important facet of the Economic Development and Revitalization portion of the Southeast Strategy. The Southeast Strategy also recommends reinvestment into corridors.

Today, there are multiple buildings on the site, with outdoor storage. The applicant is proposing two new additional structures; an office building and a garage. The office building will be served by a new hard-surface parking lot and access to Decatur Road. Two expansions of outdoor storage are proposed, as well. Screening, utilizing a solid fence and landscaping is proposed for the new storage areas. There is existing privacy fencing between the existing storage area and the residential uses to the north and east. That fencing is proposed to remain. Landscape materials are proposed, as required to screen the new parking lot and the new storage yard areas.

PUBLIC HEARING SUMMARY:

Presenter: Tom Trent, representing the Gleave family, presented the project to the Plan Commission, as outlined above. If the zoning proposal is approved, a new fence surrounding the property will be installed with the other improvements.

Public Comments:

No one spoke in support or opposition.

One letter of concern over the conditions of the property was received.

Rebuttal:

If the zoning proposal is approved, a new fence surrounding the property and landscaping adjacent to existing housing will be installed with the other requested improvements.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2022-0012

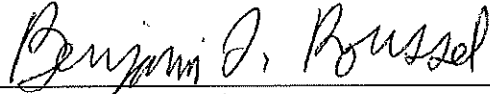
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LOCATION: The site is located on the east side of the 6000 block of Decatur Road, north of Farwood Avenue and south of Ventura Lane (Section 25 of Wayne Township).
LAND AREA: Approximately 2.5 acres
PRESENT ZONING: RP/Planned Residential
PROPOSED ZONING: I2/General Industrial

The Site Committee recommends that Rezoning Petition REZ-2022-0012, with a Written Commitment, be returned to Council with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The site is near commercial development and the proposal will provide a local dining option for the surrounding neighborhoods. This proposal will provide infill development using existing infrastructure. The proposal could be supported by the following goals and policies of the Comprehensive Plan:
LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;
LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.
LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.
LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.
LU6.D Support carefully planned, coordinated, compatible mixed-use development.
LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Site plan and architectural review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood.
3. Approval is consistent with the preservation of property values in the area. This proposal will provide redevelopment in the neighborhood with a market to serve the area residents, and provide a substantial investment into the community.
4. Approval is consistent with responsible development and growth principles based on existing

uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on April 18, 2022.

A handwritten signature in cursive script, reading "Benjamin J. Roussel", written in black ink. The signature is positioned above a horizontal line.

Benjamin J. Roussel
Executive Director
Secretary to the Commission



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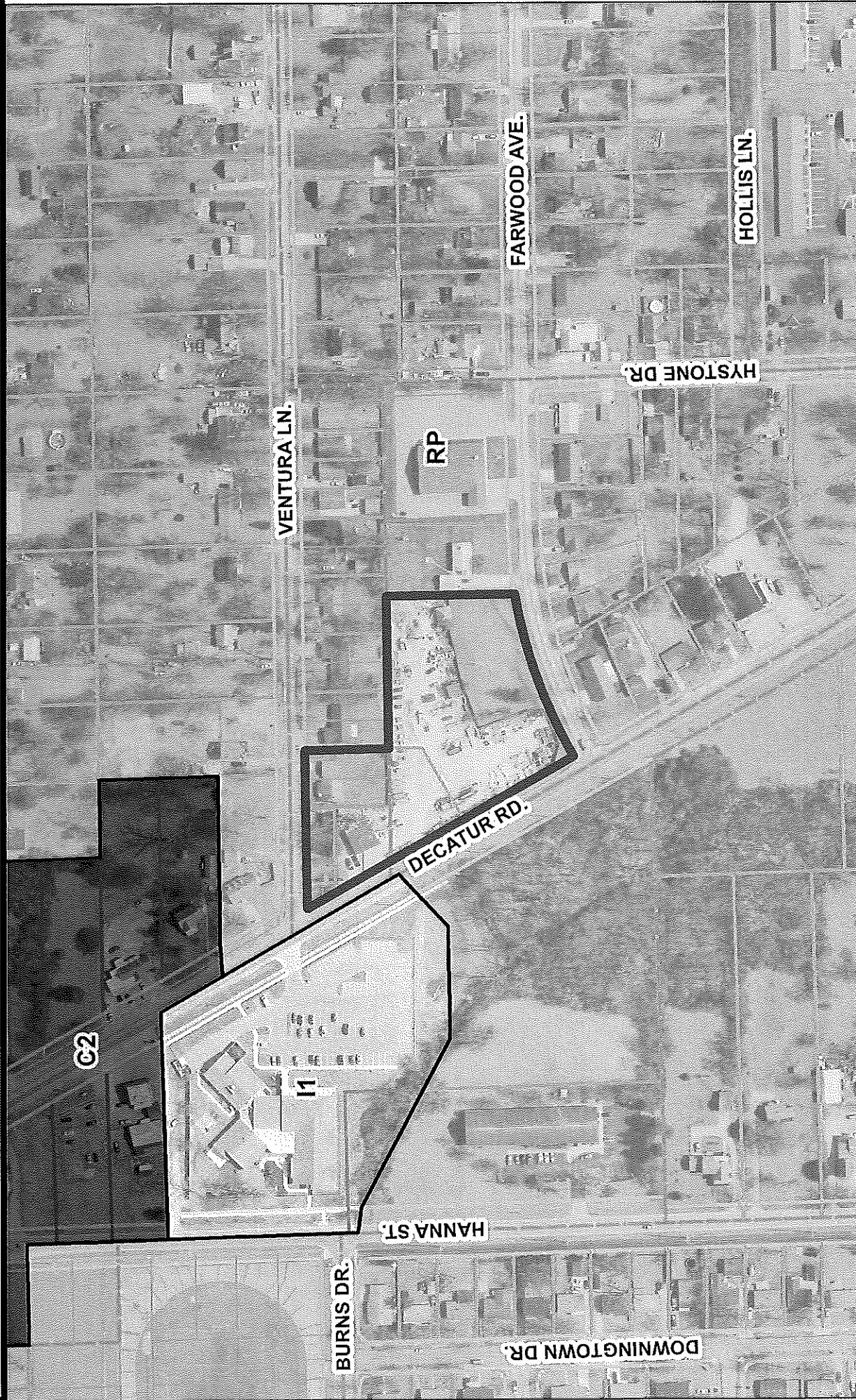
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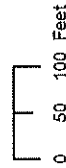


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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Gleave Properties, LLC
Address 6031 Decatur Road
City Fort Wayne State IN Zip 46816
Telephone (260) 410-3690 E-mail sethgleave@comcast.net

Contact Person
Contact Person Thomas B. Trent, Rothberg Law Firm
Address 505 E. Washington Blvd.
City Fort Wayne State IN Zip 46802
Telephone (260) 422-9454 E-mail ttrent@rothberg.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 6001 Decatur Road and 810 Ventura Lane
Present Zoning RP Proposed Zoning I-2 Acreage to be rezoned 2.531
Proposed density N/A units per acre
Township name Wayne Township section # 0025
Purpose of rezoning (attach additional page if necessary) To rezone the subject property from RP/Planned Residential to I-2/General Industrial to facilitate the construction and completion of certain, proposed improvements, including a new office building and storage facility.
Sewer provider City of Fort Wayne Water provider City of Fort Wayne

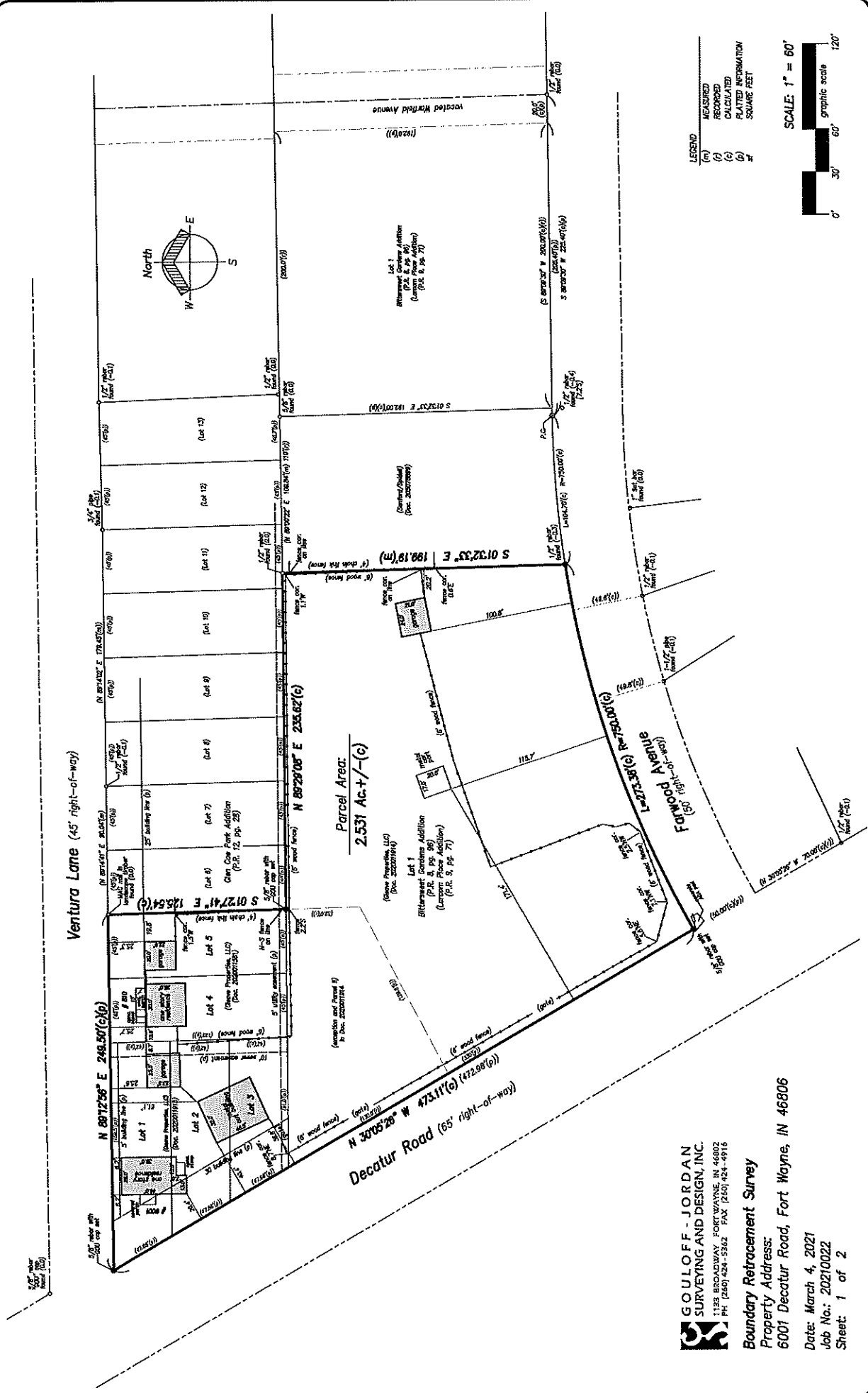
Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- ☒ 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.

<u>Gleave Properties, LLC</u>	<u>[Signature]</u>	February 24, 2022
(printed name of applicant)	(signature of applicant)	(date)
<u>Gleave Properties, LLC</u>	<u>[Signature]</u>	February 24, 2022
(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>2/28/22</u>	Receipt No. <u>139580</u>	Hearing Date <u>4-11-22</u>	Petition No. <u>RE2- 2022 - 0012</u>
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Ventura Lane (45' right-of-way)

Parcel Area:
2.531 Ac. +/- (c)

Decatur Road (65' right-of-way)

GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
1133 BROADWAY, FORT WAYNE, IN 46802
PH: (260) 424-3382 FAX: (260) 424-4716

Boundary Retracement Survey
Property Address:
6001 Decatur Road, Fort Wayne, IN 46806
Date: March 4, 2021
Job No.: 20210022
Sheet: 1 of 2

DESCRIPTION

(copied from Doc. 2020011915)

Lots 1, 2 and 3 of Glencoe Park Addition, more commonly known as 6001 Decatur Road, Fort Wayne, Allen County, Indiana.

(copied from Doc. 2020011581)

Lots Numbered 4 and 5 in Glen Coe Park Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 28, in the Office of the Recorder of Allen County, Indiana.

(Commonly known as B10 Ventura, Fort Wayne, Indiana)

(copied from Doc. 2020011914)

PARCEL 1:

Lot Number 1 in Bittersweet Gardens Addition to the City of Fort Wayne, Indiana, as recorded in Plat Record 8, page 96, EXCEPT the East 310 feet thereof.

ALSO EXCEPTING:

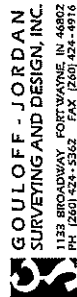
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COMMENCING at the Northwest corner of said Lot Number 1, as defined by an iron pipe found situated 27 feet normally distant Northwesterly of the centerline of the 18 foot concrete pavement of the Old Decatur Road, and as situated 324.5 feet Northwesterly (330 feet, Plat) from the South corner of said Lot Number 1, a distance of 175.6 feet to the Southeast corner (as established) of Lot Number 5 in Glencoe Park Addition, as recorded in Plat Record 12, page 28; thence Southerly by a deflection right of 89 degrees 26 minutes on the extension Southerly of the East line of said Lot Number 5; a distance of 52.0 feet; thence Southwesterly on a line normal to the centerline of the Old Decatur Road by a deflection right of 61 degrees 52 minutes, a distance of 129.6 feet to the Southwesterly line of said Lot Number 1; thence Northwesterly on the line aforesaid by a deflection right of 90 degrees a distance of 130.0 feet to the Point of Beginning.

PARCEL 11:

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G. GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
1123 BROADWAY, FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Boundary Retracement Survey

Property Address:

6001 Decatur Road, Fort Wayne, IN 46806

Date: March 4, 2021

Job No.: 20210022

Sheet: 2 of 2

SURVEYOR'S REPORT

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying. Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped "GOV LS29500017", and set flush with the ground surface, unless otherwise noted. Monuments found are noted with an above (x,x) or below (-x,x) ground surface dimension.

PURPOSE: The purpose of this survey is to "retrace" the boundary of the real estate described herein.

THEORY OF LOCATION:

The lines and corners for this survey were established as depicted on the survey drawing.

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) Availability and condition of reference monuments:
Monuments found are described and depicted on the survey drawing.
Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "plotted" or "recorded" angular or distance measurements as depicted on the survey drawing.
The uncertainty for this survey is 7.2 feet +/-.
- (B) Occupation or possession lines:
See survey drawing for fence types and locations. Fence ownership is unknown.
Uncertainty created as a result of the fence locations depicted herein is 2.5 feet +/-.
- (C) Clarity or ambiguity of the record description and/or adjacent's descriptions:
No uncertainty was created.
- (D) This survey falls under the classification of a "Suburban" survey. The acceptable relative positional accuracy (random errors in measurements) = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7 of said Rule 12.

Initial field work for this survey was completed on 03/03/2021.

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

DATED THIS 4th DAY OF MARCH, 2021.


Timothy C. Gouloff, R.L.S. 29500017



LEGAL DESCRIPTION

Lots 1, 2 and 3 of Glencoe Park Addition, more commonly known as 6001 Decatur Road, Fort Wayne, Allen County, Indiana.

Lots Numbered 4 and 5 in Glen Coe Park Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 28, in the Office of the Recorder of Allen County, Indiana.

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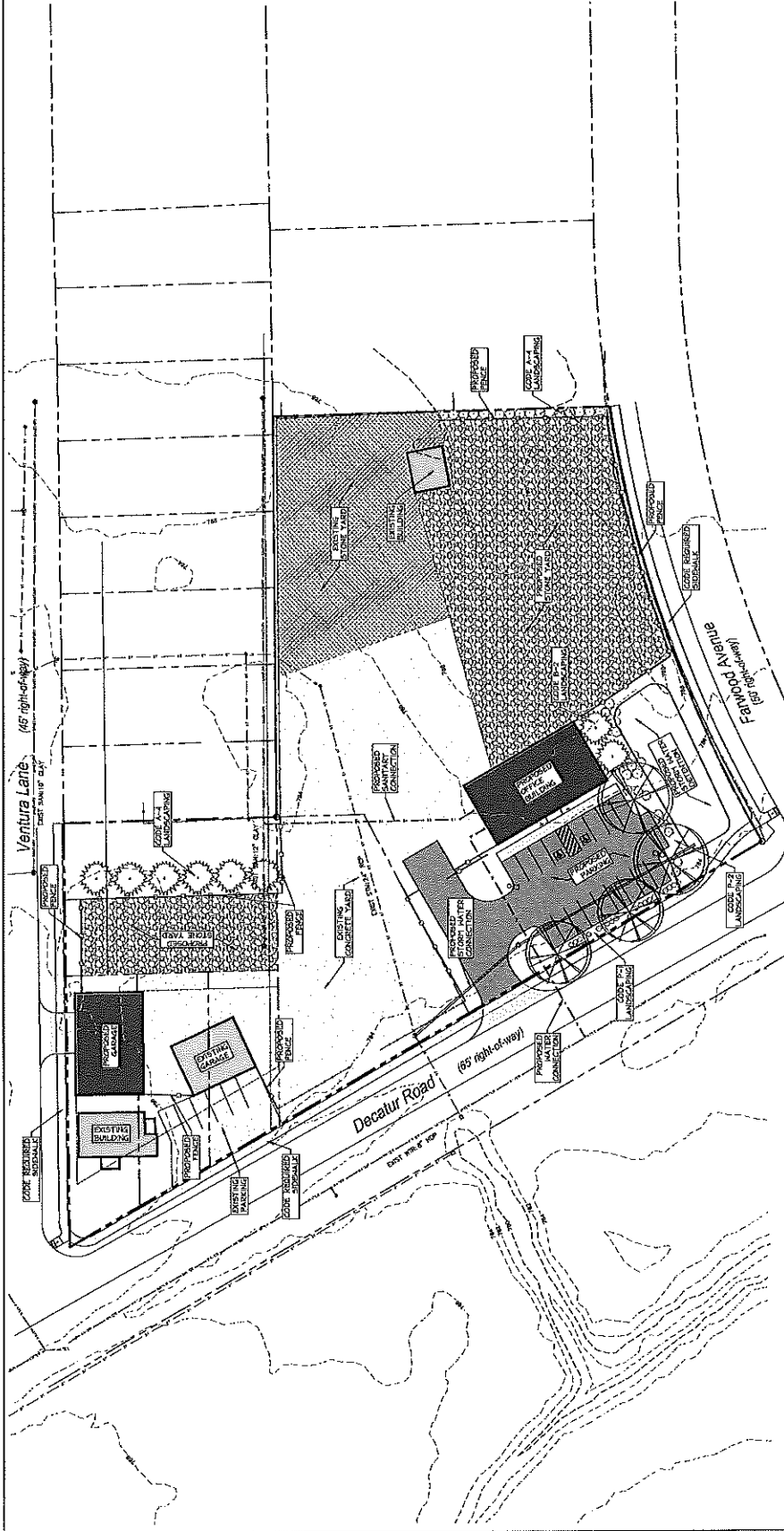
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PRIMARY DEVELOPMENT PLAN

DATE: 11-1-2018



ZONING INFORMATION	
CURRENT ZONE	RP: PLANNED RESIDENTIAL
PROPOSED ZONE	IZ: CONSTRUCTION STORAGE

FLOOD INSURANCE RATE MAP (FIRM):
ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
FIRM MAP NUMBER: 18003C0315G
DATED MONTH 08/03/2004
FLOODWAY AREAS IN ZONE X

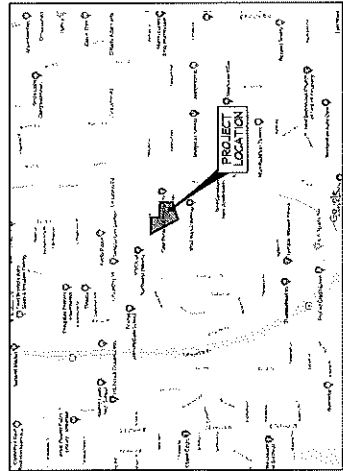
PARKING SUMMARY			
1 SPACE PER 450 SQ. FT.	TOTAL PARKING REQUIRED	EXISTING PARKING COUNT	PROPOSED PARKING COUNT
3000/450 = 6	6 SPACES	6 SPACES	73 SPACES

OWNER
NAME, GLEAVE PROPERTIES LLC ADDRESS: 532 E. HAWTHORNE ST. FORT WAYNE, IN 45406 PH: (260)744-2757 CONTACT: BETH GLEAVE EMAIL: ANFUS@ELEMORQUEST.NET

ENGINEER
ENGINEERING RESOURCES, INC.
4075 NEW VISION DRIVE
FORT WAYNE, IN 46845
PH: (260) 490-1075
FAX: (260) 490-1026
CONTACT: MARK DESSARD
EMAIL: mark@erinc.com

SURVEYOR

NAME: GOULOFF - JORDAN SURVEYING AND DESIGN
ADDRESS: 1133 BROADWAY FORT MYERS, IN 46602
PH: (360)424-5562
FAX: (360)424-4916
CONTACT:
EMAIL:



LOCATION MAP

SCALE NOT TO SCALE



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made as of this 15th day of ~~May~~April, 2022, by GLEAVE PROPERTIES, LLC, an Indiana limited liability company (herein, the “Declarant”), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of record in fee simple of certain real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as **Exhibit A** (herein, the “Real Estate”); and

WHEREAS, Declarant has submitted a Zoning Map Amendment Application with the City of Fort Wayne Plan Commission (“Plan Commission”), bearing number REZ-2022-0012 (the “Zoning Application”) and a Primary Development Plan Application (the “Development Plan Application”)(the Zoning Application and the Development Plan Application are sometimes referred to herein collectively as the “Applications”) with respect to its proposed development of the Real Estate; and

WHEREAS, pursuant to the Zoning Application, Declarant has requested the Real Estate be rezoned to I2 pursuant to the City of Fort Wayne Zoning Ordinance (the “Ordinance”); and

WHEREAS, Declarant, in conjunction with the Applications, has submitted this Commitment to the Plan Commission, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015, for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. **Use Limitations**. The Declarant agrees that the following uses shall be prohibited upon the Real Estate:

- a. Air freight service
- b. Apparel fabrication and processing
- c. Aquaculture
- d. Aquaponics

- e. Bakery
- f. Bio-medical/orthopedic equipment
- g. Bioscience development/research testing
- h. Boat dry dock facility
- i. Bottling facility
- j. Brewery
- k. Compounding of chemicals, cleaning supplies, cosmetics, and pharmaceuticals
- l. Correctional services facility
- m. Crematory
- n. Dairy/creamery
- o. Distillery
- p. Dry cleaning/laundry facility (central)
- q. Foundry
- r. Freight Service
- s. Gas Station
- t. Group residential facility (small and large)
- u. Growing/processing/raising of natural products
- v. Homeless/emergency shelter
- w. Junk yard (indoor or outdoor)
- x. Propane/bottled gas facility
- y. Railroad Spur
- z. Residential facility for homeless individuals
- aa. Salvage yard (indoor or outdoor)
- bb. Truck depot/terminal
- cc. Truck stop
- dd. Winery
- ee. Auction Hall
- ff. Automobile auction
- gg. Automobile ~~maintenance~~ Maintenance¹
- hh. Automobile rental
- ii. Automobile restoration
- jj. Automobile rustproofing
- kk. Automobile sales (indoor or outdoor)²
- ll. Automobile washing facility
- mm. Automobile body shop
- nn. Bait sales
- oo. Bar or tavern
- pp. Betting or gambling facility
- qq. Billiard or pool hall
- rr. Bingo establishment
- ss. Boarding/lodging house

¹ For avoidance of doubt, and notwithstanding anything contained herein to the contrary, Declarant shall not be prohibited from maintaining its own vehicles, from time-to-time, on the Real Estate.

² For avoidance of doubt, and notwithstanding anything contained herein to the contrary, Declarant shall not be prohibited from selling its own vehicles, from time-to-time, on the Real Estate.

tt.	Boat / watercraft sales
uu.	Bowling alley
vv.	Campus housing
ww.	Car Wash (as a primary use)
xx.	Check Cashing
yy.	Consignment Shop
zz.	Convenience Store
aaa.	Correctional services facility
bbb.	Costume and Clothing Rental
ccc.	Diaper service facility
ddd.	Dormitory
eee.	Dry cleaning store
fff.	Engine repair
ggg.	Feed store
hhh.	Firework Sales
iii.	Flea market
jjj.	Fraternity house
kkk.	Go-kart facility
lll.	Gun Sales
mmm.	Homeless/emergency shelter
nnn.	Hotel or Motel
ooo.	Junk and salvage yard
ppp.	Motor vehicle rental
qqq.	Motor vehicle sales
rrr.	Motor vehicle repair ³
sss.	Motor vehicle auction
ttt.	Manufactured Home sales
uuu.	Package Liquor Store
vvv.	Recreation use, outdoor
www.	Shooting Range (indoor or outdoor)
xxx.	Storage Shed Sales
yyy.	Truck fueling station
zzz.	Truck stop
aaaa.	Zoo

2. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

3. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort

³ For avoidance of doubt, and notwithstanding anything contained herein to the contrary, Declarant shall not be prohibited from repairing its own vehicles, from time-to-time, on the Real Estate.

Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

4. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

8. Amendment or Termination. Modification or amendment of this Commitment may only be made in accordance with I.C. § 36-7-4-1015, as such statute may be amended from time to time.

9. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

10. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

11. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

12. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

13. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a).

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, Declarant hereby agrees to all of the restrictions and covenants of this Commitment as set forth above.

DECLARANT:

GLEAVE PROPERTIES, LLC

Date: _____

Wendy Vie, Authorized Member

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of May, 2022, personally appeared Wendy Vie, an Authorized Member of Gleave Properties, LLC, and acknowledged the execution of the foregoing Written Commitment.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

_____, Notary Public
A resident of _____ County

This instrument prepared by Thomas B. Trent, Attorney at Law

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Thomas B. Trent*

Return to:

RLW Box

EXHIBIT A

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