

#REZ-2023-0019

BILL NO. Z-23-06-02

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:

PARCEL 1:

LOT NUMBER 87 IN MAYFIELD PLACE, AN ADDITION TO THE CITY OF FORT
WAYNE, AS RECORDED IN PLAT RECORD 16, PAGE 140 AND RE-RECORDED IN
PLAT RECORD 17, PAGE 67; EXCEPT THAT PART TAKEN FOR ROAD WIDENING
PURPOSES AS RECORDED IN DEED RECORD 584, PAGES 129-130, AND EXCEPT
THAT PART TAKEN FOR ROAD WIDENING PURPOSES AS RECORDED IN
DOCUMENT NUMBER 2007070614.

PARCEL 2:

LOT NUMBER 86 IN MAYFIELD PLACE, AN ADDITION TO THE CITY OF FORT
WAYNE, INDIANA, BEING A SUBDIVISION OF LOT 51 IN HOLLYWOOD
GARDENS AMENDED ADDITION TO THE CITY OF FORT WAYNE, INDIANA,
ACCORDING TO THE RECORDED PLAT THEREOF, IN PLAT RECORD 16, PAGE
140 AND RE-RECORDED IN PLAT RECORD 17, PAGE 67, IN THE OFFICE OF THE
RECORDER OF ALLEN COUNTY, INDIANA.

EXCEPT THEREFROM THAT PART OF THE ABOVE-DESCRIBED REAL ESTATE
CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED
MAY 27, 2008 AS DOCUMENT NO. 2008025582 IN THE OFFICE OF THE RECORDER
OF ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

A PART OF LOT 86 IN MAYFIELD PLACE AN ADDITION TO THE CITY OF FORT
WAYNE, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 17, PAGE
67, 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
NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 26 MINUTES
31 SECONDS EAST 100.02 FEET (100 FEET BY PLAT BOOK 17, PAGE 67) ALONG
THE NORTH LINE OF SAID LOT TO THE NORTHEAST CORNER OF SAID LOT;
THENCE SOUTH 1 DEGREE 49 MINUTES 40 SECONDS EAST 10.50 FEET ALONG
THE EAST LINE OF SAID LOT TO POINT "492" DESIGNATED ON SAID PARCEL

1 PLAT; THENCE SOUTH 84 DEGREES 29 MINUTES 03 SECONDS WEST 100.21 FEET
2 TO THE WEST LINE OF SAID LOT; THENCE NORTH 1 DEGREE 49 MINUTES 40
3 SECONDS WEST 19.16 FEET ALONG SAID LOT LINE TO THE POINT OF
4 BEGINNING AND CONTAINING 1,483 SQUARE FEET, MORE OR LESS.

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

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

12
13 SECTION 3. That this Ordinance shall be in full force and effect from and after its
14 passage and approval by the Mayor.

15
16 _____
Council Member

17 APPROVED AS TO FORM AND LEGALITY:

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19 _____
Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0019
Bill Number: Z-23-06-02
Council District: 3-Tom Didier

Introduction Date: June 6, 2023

Plan Commission
Public Hearing Date: June 12, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.58 acres from R1/Single Family to C3/General Commercial.

Location: 7928 Lima Road

Reason for Request: To allow for automobile sales.

Applicant: Tall Cross LLC

Property Owner: Scott Eckelbarger

Related Petitions: PDP-2023-0019 – Tall Cross Auto Sales

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which allows for outdoor automobile sales.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which may redevelop with residential uses.

Department of Planning Services
Rezoning Petition Application

Extra if
necessary

Applicant
Applicant Tall Cross LLC
Address 11511 Green Holly Cove
City Ft. Wayne State IN Zip 46845
Telephone 260-515-2903 E-mail ScottEck27@yahoo.com

Contact Person
Contact Person Scott B. Eckelbarger - owner
Address 11511 Green Holly Cv.
City Ft Wayne State IN Zip 46845
Telephone 260-515-2903 E-mail ScottEck27@yahoo.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 7928 Line Rd + 1625 S. Mayfield Dr
Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned .58
Proposed density _____ units per acre
Township name Washington Township section # 6
Purpose of rezoning (attach additional page if necessary) _____

Sewer provider City Water provider well

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.

Tall Cross LLC (printed name of applicant) [Signature] (signature of applicant) 5-2-23 (date)

Tall Cross LLC (printed name of property owner) [Signature] (signature of property owner) 5-2-23 (date)

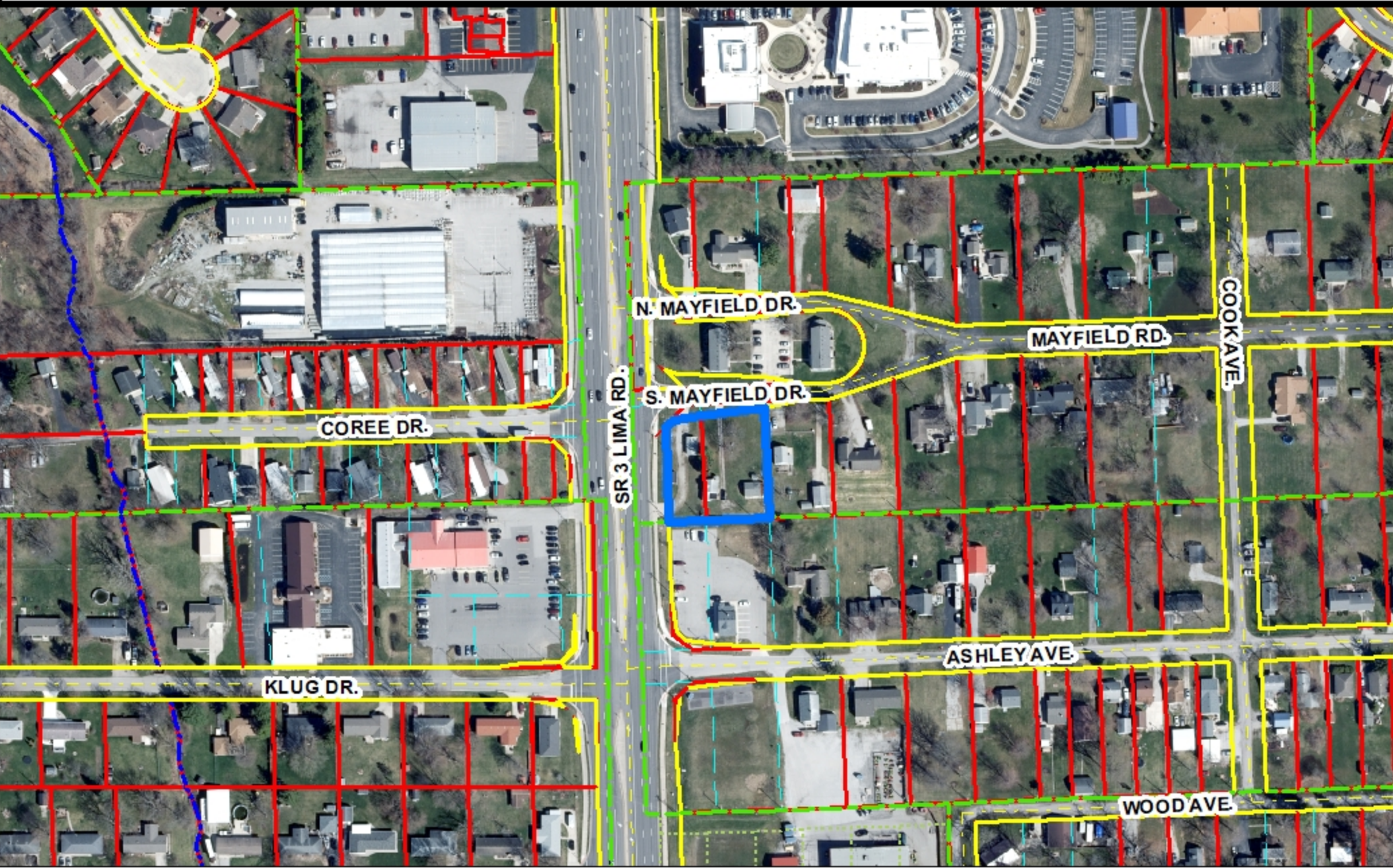
Scott B. Eckelbarger (printed name of property owner) [Signature] (signature of property owner) 5-2-23 (date)

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

Received	Receipt No.	Hearing Date	Petition No.
5-1-23	143105	6-12-23	RE2-2023-0019

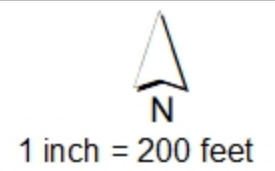
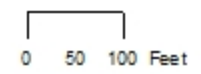


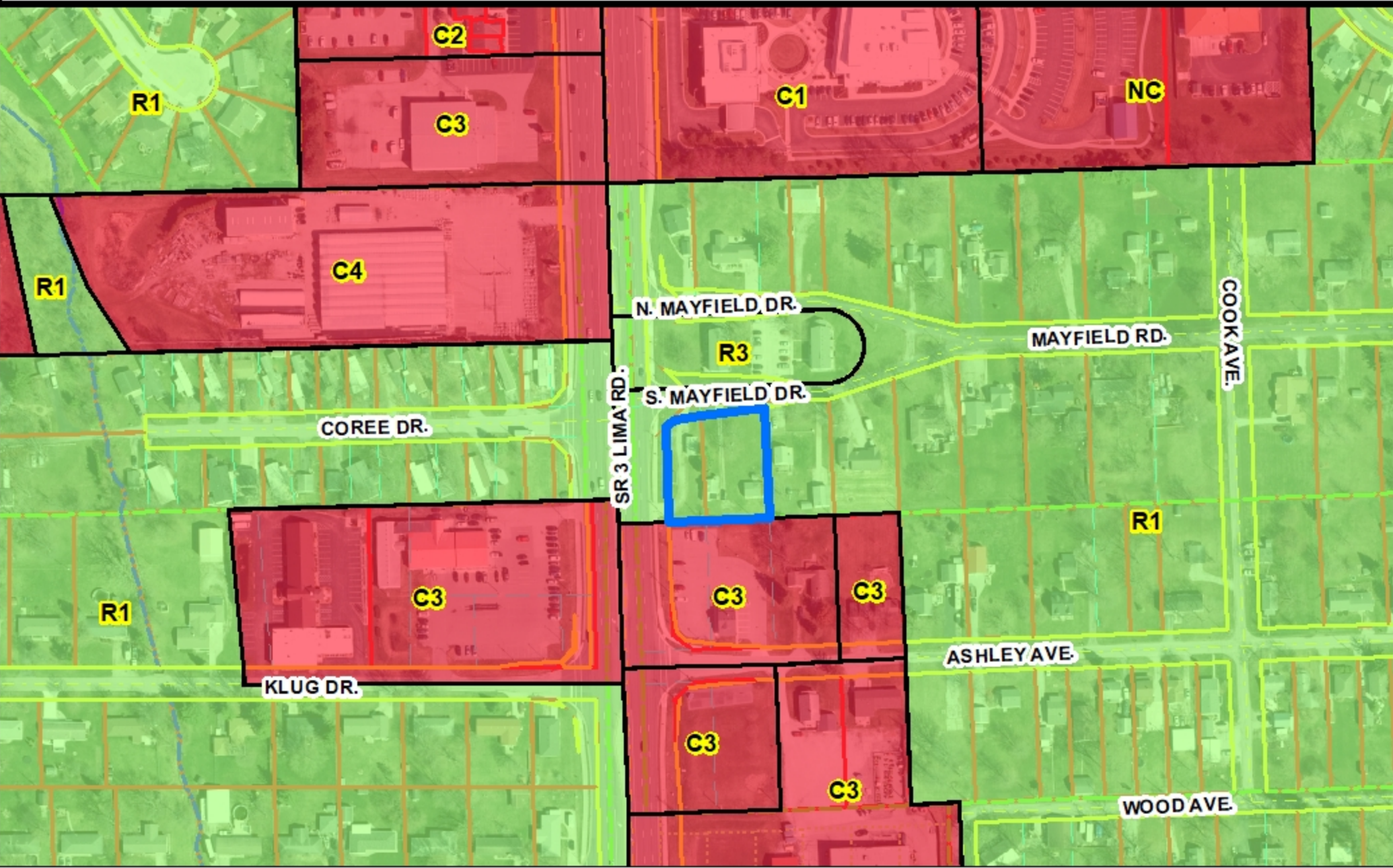
Rezoning Petition REZ-2023-0019 and Primary Development Plan PDP-2023-0019 -Tall Cross Auto Sales



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.

© 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: 5/16/2023





O:\GENERAL OFFICE\BRANCH OPERATIONS\FW\DONOVAN\AUTOCAD\LOT SURVEYS\86 & 87 MAYFIELD - SITE PLAN.DWG SP-01 JOHN WYLE 5.3.2023 11:03 AM

STATE ROAD #3
PROJECT STP-237-1(004)
(PB 584 PG. 129-130)



LEGAL DESCRIPTION:

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows:

PARCEL 1:

LOT NUMBER 87 IN MAYFIELD PLACE, AN ADDITION TO THE CITY OF FORT WAYNE, AS RECORDED IN PLAT RECORD 16, PAGE 140 AND RE-RECORDED IN PLAT RECORD 17, PAGE 67; EXCEPT THAT PART TAKEN FOR ROAD WIDENING PURPOSES AS RECORDED IN DEED RECORD 584, PAGES 129-130, AND EXCEPT THAT PART TAKEN FOR ROAD WIDENING PURPOSES AS RECORDED IN DOCUMENT NUMBER 2007070614.

PARCEL 2:

LOT NUMBER 86 IN MAYFIELD PLACE, AN ADDITION TO THE CITY OF FORT WAYNE, INDIANA, BEING A SUBDIVISION OF LOT 51 IN HOLLYWOOD GARDENS AMENDED ADDITION TO THE CITY OF FORT WAYNE, INDIANA, ACCORDING TO THE RECORDED PLAT THEREOF, IN PLAT RECORD 16, PAGE 140 AND RE-RECORDED IN PLAT RECORD 17, PAGE 67, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

EXCEPT THEREFROM THAT PART OF THE ABOVE-DESCRIBED REAL ESTATE CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED MAY 27, 2008 AS DOCUMENT NO. 2008025582 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF LOT 86 IN MAYFIELD PLACE AN ADDITION TO THE CITY OF FORT WAYNE, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 17, PAGE 67, 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 NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 26 MINUTES 31 SECONDS EAST 100.02 FEET (100 FEET BY PLAT BOOK 17, PAGE 67) ALONG THE NORTH LINE OF SAID LOT TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 49 MINUTES 40 SECONDS EAST 10.50 FEET ALONG THE EAST LINE OF SAID LOT TO POINT "492" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 84 DEGREES 29 MINUTES 03 SECONDS WEST 100.21 FEET TO THE WEST LINE OF SAID LOT; THENCE NORTH 1 DEGREE 49 MINUTES 40 SECONDS WEST 19.16 FEET ALONG SAID LOT LINE TO THE POINT OF BEGINNING AND CONTAINING 1,483 SQUARE FEET, MORE OR LESS.

GENERAL NOTES

- Current Zoning: "R1"
- Existing Land Use: Residential
- The project shall be serviced by the City of Fort Wayne sanitary sewer and water.
- Setbacks shall conform to City of Fort Wayne Zoning Ordinances unless the proper variances have been approved.
- Site/Building drainage shall be managed onsite with a detention basin and controlled release into the municipal sewer system.
- Proposed parking and driving areas shall be asphalt and stone aggregate.
- Parking Provided: 39 stalls.
- All landscape and lighting shall be in accordance with the City of Fort Wayne Zoning Ordinance unless the proper variances have been obtained.

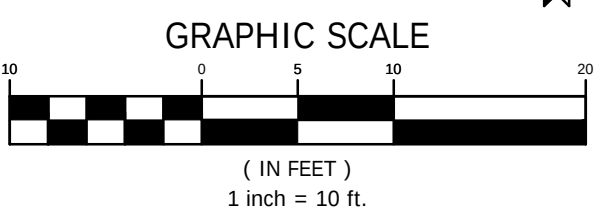
LEGEND

- LOT #85
- Asphalt Pavement
 - Stone Aggregate Pavement

PETITIONER
TALL OAK LLC

11511 Green Valley Court
Fort Wayne, IN 46818

SURVEYOR / ENGINEER
ABONMARCHÉ
229 W. Berry Street, Suite 100
Fort Wayne, IN 46802
T 260.218.2500



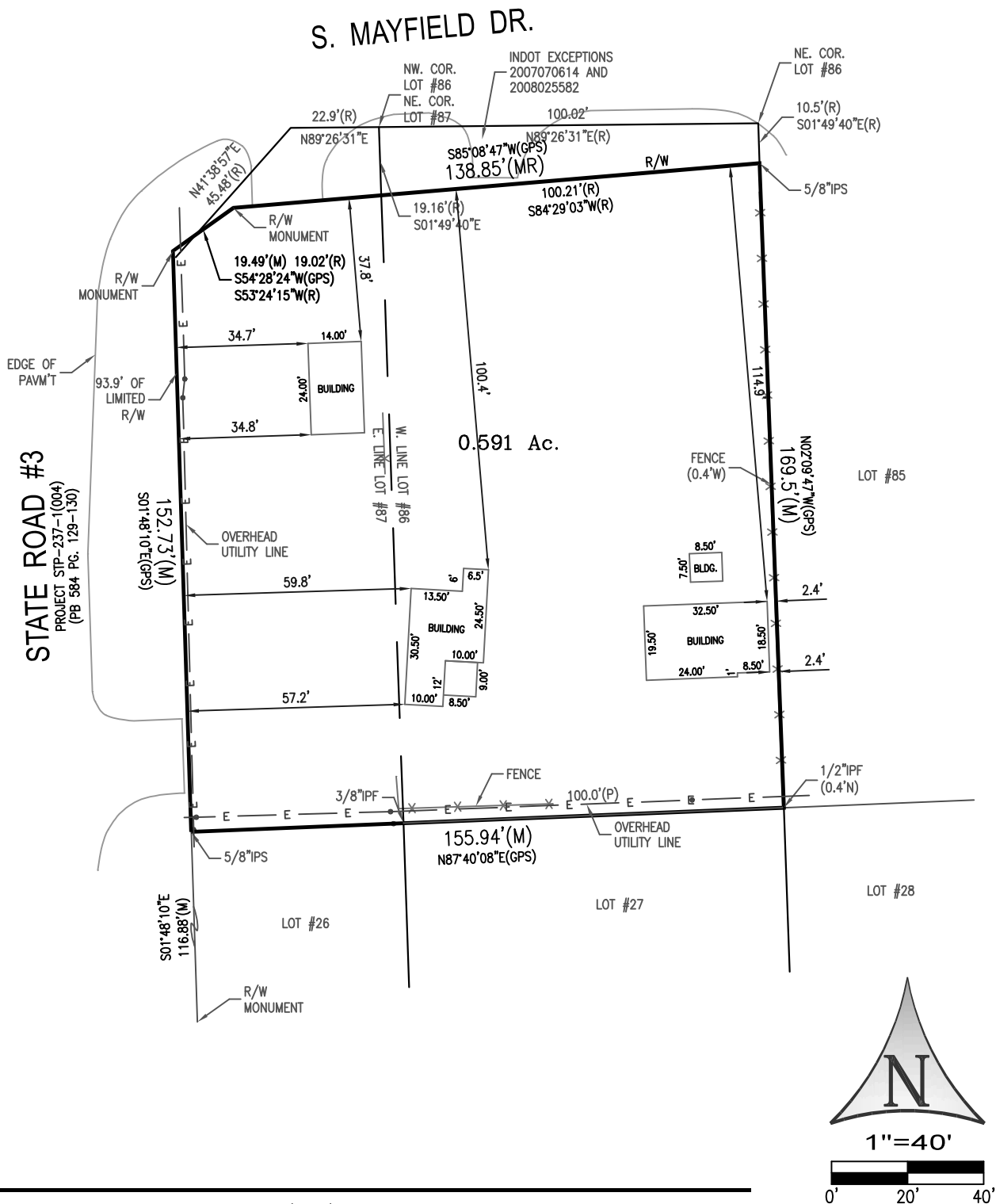
PLAT OF SURVEY

DONOVAN SURVEYING, INC.
3521 LAKE AVENUE, SUITE 2
FORT WAYNE, INDIANA 46805
260.424.7418
www.donovan-eng.com

GREGORY L. ROBERTS PLS S0548 IN

KENNETH W. HARRIS PLS 29500021 IN
MICHAEL W. HARRIS PLS 21100018 IN

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET!



Job No.:22-5763 Date:04/07/22
Job for:MURRAY/ECKELBARGER

- LEGEND
- IPF Iron Pin (Rebar) Found
 - PF Pipe Found
 - RRF Railroad Spike Found
 - PKF P.K. Nail Found
 - MNF Mag Nail Found
 - MNS Mag Nail Set
 - IPS 5/8" rebar set w/cap stamped "DEI FIRM #0027"
 - (M) Measured (P) Platted
 - (R) Recorded (C) Calculated

All monuments are at grade except as noted.
All Property line distances are recorded dimensions, except as noted. Monuments found have no documented history except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according the requirements set forth in 865 IAC 1-12.

Date of latest field work: 03-28-22

GREGORY L. ROBERTS
REGISTERED
No. S0548
STATE OF INDIANA
LAND SURVEYOR

Gregory L. Roberts

SHEET 1 OF 2

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Job No.:22-5763 Date:04/07/22
Job for:MURRAY/ECKELBARGER

LEGEND

- IPF Iron Pin (Rebar) Found
- PF Pipe Found
- RRF Railroad Spike Found
- PKF P.K. Nail Found
- MNF Mag Nail Found
- MNS Mag Nail Set
- IPS 5/8" rebar set w/cap stamped "DEI FIRM #0027"
- (M) Measured (P) Platted
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