

#REZ-2023-0034

BILL NO. Z-23-06-36

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-03 (Sec. 08 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 a C3 (General
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

PARCEL I:

3.22 acres of land in the Southwest Quarter of Section 8, in Township 30 North of
Range 12 East, being particularly described as follows, to-wit: Beginning at a point
in said Southwest Quarter of Section 8, located 375 feet North 89 degrees, 53
minutes East from the Southwest corner of said Quarter Section and 428.6 feet North
of the South line of said Quarter Section; thence North 79 degrees, 45 minutes East a
distance of 318 feet; thence North zero degrees, 52 minutes West a distance of
323.57 feet; thence North 42 degrees, 37 minutes West a distance of 218 feet to the
South line of U.S. Highway # 24; thence following said South line of U.S. Highway
24, a distance of 174 feet; thence South a distance of 457.3 feet to the place of
beginning.

PARCEL II:

Part of the Southwest Quarter of Section 8, Township 30 North, Range 12 East in
Allen County, Indiana, described as follows, to wit: From the Southwest corner of
the Southwest Quarter of Section 8, Township 30 North, Range 12 East in Allen
County, Indiana, North 89 degrees 53 minutes East 75.0 feet; thence North and
parallel to the West line of said Quarter Section, 380.0 feet; thence North 79 degrees
45 minutes East, 115.1 feet for a place of beginning; thence North and parallel to the
aforementioned West line of the said Quarter Section, a distance of 404.6 feet to the
Southerly line of United States Highway Number 24; thence Northeasterly along the
Southerly line of United States Highway Number 24, a distance of 210.4 feet; thence
South 457.3 feet to a point situated 189.4 feet, North 79 degrees 45 minutes East of
the place of beginning; thence from last described point to the place of beginning,
said in previous deed to contain 1.85 acres of land, more or less.

1 PARCEL III: Part of the Southwest Quarter of Section 8, Township 30 North, Range
2 12 East, in Allen County, Indiana, described as follows, to-wit: Beginning at a point
3 in the Southwest Quarter of Section 8, Township 30 North, Range 12 East, in Allen
4 County, Indiana, said point being situated 75.0 feet North 89 degrees 53 minutes
5 East from the Southwest corner of the said Quarter Section and 380.0 feet North of
6 the South line of said Quarter Section; thence North and parallel to the West line of
7 said Quarter Section, a distance of 373.0 feet to the Southerly line of United States
8 Highway 24; thence Northeasterly along said Southerly right-of-way line of U.S.
9 Highway 24, a distance of 122.0 feet; thence South and parallel to the aforesaid West
10 line of said Quarter Section, a distance of 404.6 feet; thence South 79 degrees 45
11 minutes West 115.1 feet to the place of beginning, said in previous deed to contain
12 1.00 acre of land, more or less.

13
14 and the symbols of the City of Fort Wayne Zoning Map No. F-03 (Sec. 08 of Wayne
15 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
16 Wayne, Indiana is hereby changed accordingly.

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

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

23 _____
24 Council Member

25 APPROVED AS TO FORM AND LEGALITY:

26 _____
27 Malak Heiny, City Attorney
28
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0034
Bill Number: Z-23-06-36
Council District: 4-Jason Arp

Introduction Date: June 27, 2023

Plan Commission
Public Hearing Date: July 10, 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 6.0 acres from RP/Planned Residential to C3/General Commercial

Location: 5112, 5201, and 5219 West Jefferson Boulevard

Reason for Request: To allow for a new Mercedes Benz dealership.

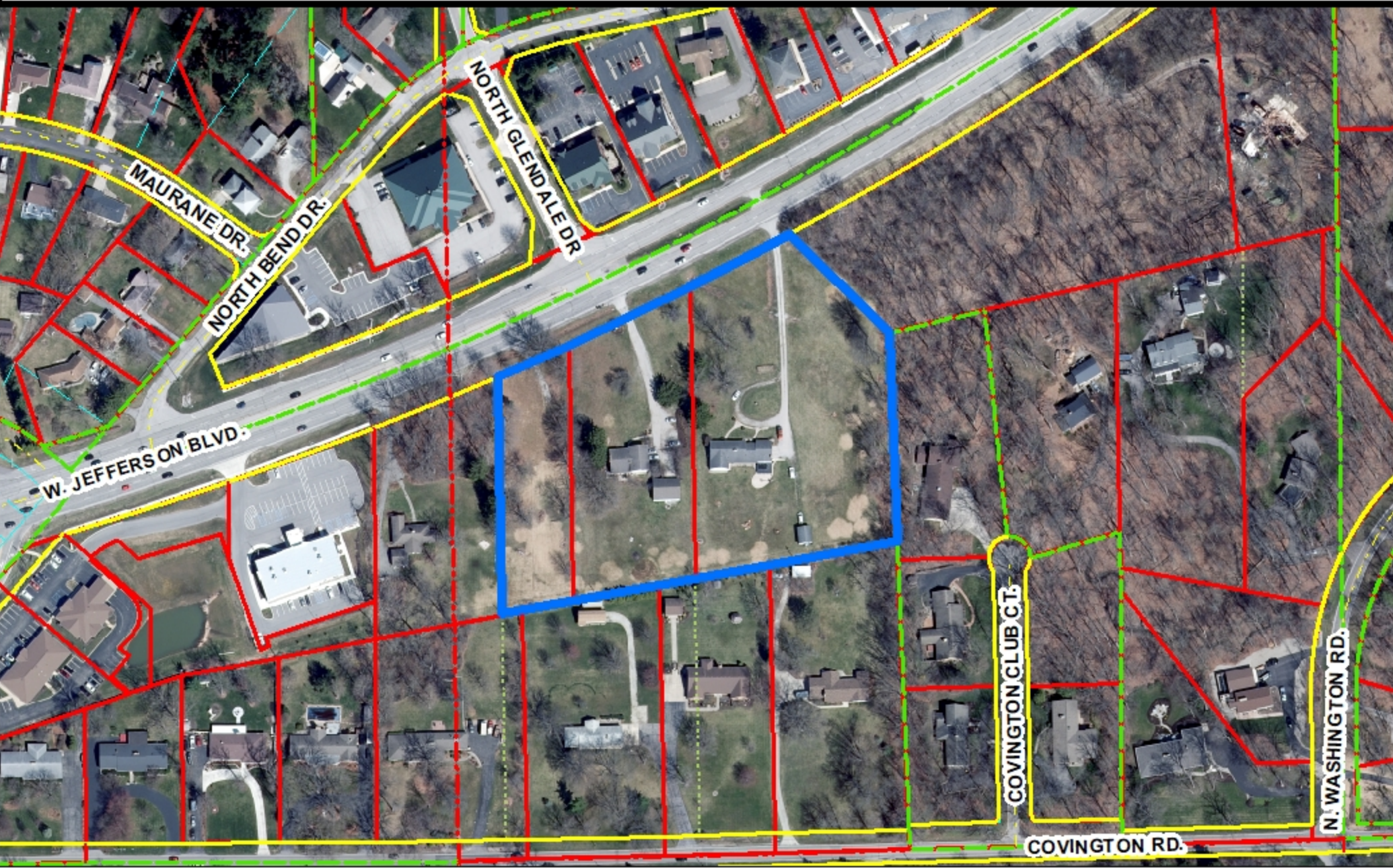
Applicant: D &T Land LLC

Property Owner: D &T Land LLC

Related Petitions: Primary Development Plan, Mercedes Benz

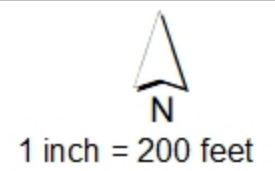
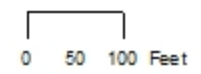
Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which permits automobile sales and service.

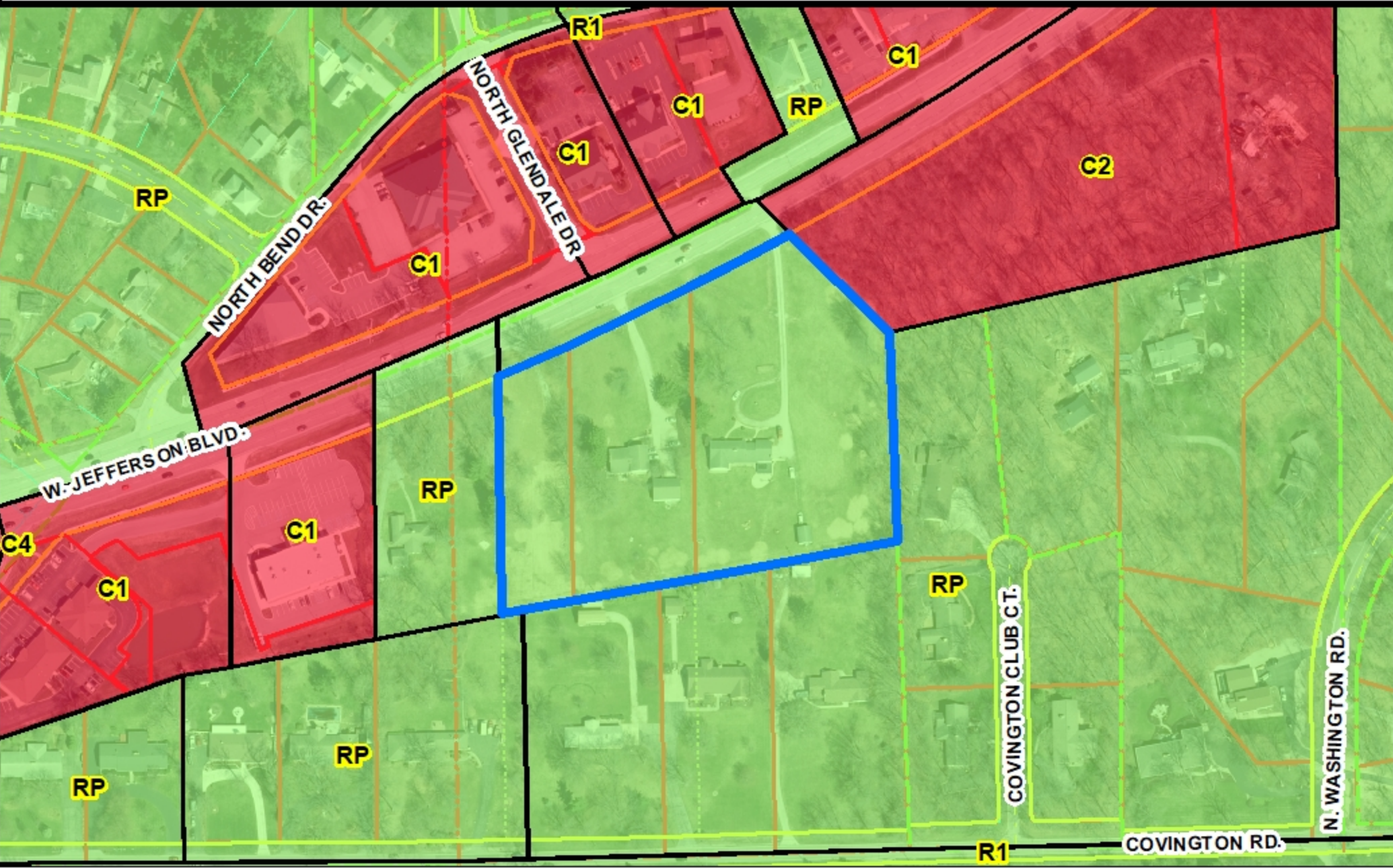
Effect of Non-Passage: The property will remain zoned RP/Planned Residential, which does not permit commercial uses. The site may be redeveloped with single, two family or multiple family housing.



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.

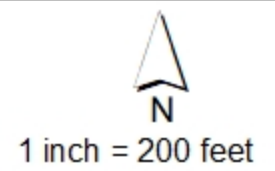
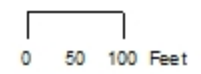
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/22/2023





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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: 6/22/2023



**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant D&T Land LLC
Address 9431 US Hwy 24 W
City Fort Wayne State IN Zip 46804
Telephone _____ E-mail _____

Contact Person
Contact Person Joshua C. Neal, Barrett McNagny LLP
Address 215 E Berry St
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 5112, 5201, and 5219 W Jefferson Blvd
Present Zoning RP Proposed Zoning C-3 Acreage to be rezoned 6.07 acres
Proposed density _____ units per acre
Township name Wayne Township section # 8
Purpose of rezoning (attach additional page if necessary) To facilitate the relocation of Mercedes-Benz Fort Wayne to the subject real estate.

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.

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.
6-6-23	143391	7-10-23	RET 2023 0034

EXHIBIT A
REZONING PETITION APPLICATION
SIGNATURE PAGE

"APPLICANT"

D&T LAND LLC

By: 

Date: 6-6-23

Name: Doug McKibben

Its: MEMBER

"PROPERTY OWNER"

D&T LAND LLC

By: 

Date: 6-6-23

Name: Doug McKibben

Its: MEMBER



EXAMPLE: ACM (ARCHITECTURAL COMPOSITE METAL PANEL)
PROPOSED FOR THE BLACK AREAS OF THE BUILDING



EXAMPLE: CORRUGATED ARCHITECTURAL METAL PANEL
PROPOSED FOR THE GREY AREAS OF THE BUILDING



1 Exterior Perspective
not to scale

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CONSULTANT:

CERTIFICATION:

NOT FOR CONSTRUCTION

PROPOSED PROJECT FOR:

MERCEDES-BENZ
OF FORT WAYNE

5201 WEST JEFFERSON BOULEVARD
FORT WAYNE, INDIANA 46804

REVISIONS:		
#	Date	Description

PROJECT NUMBER:
1-20-505
ISSUE DATE:
06/06/23
SHEET NAME:
Exterior Perspective

PROPOSED UTILITY KEYNOTES

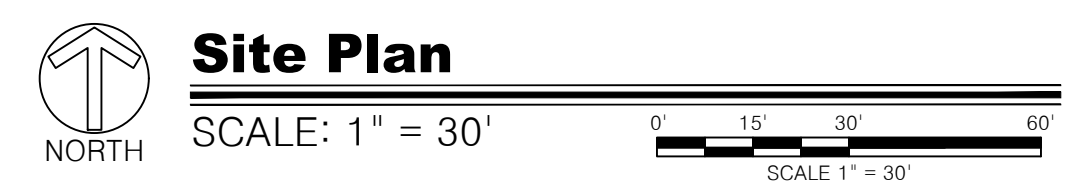
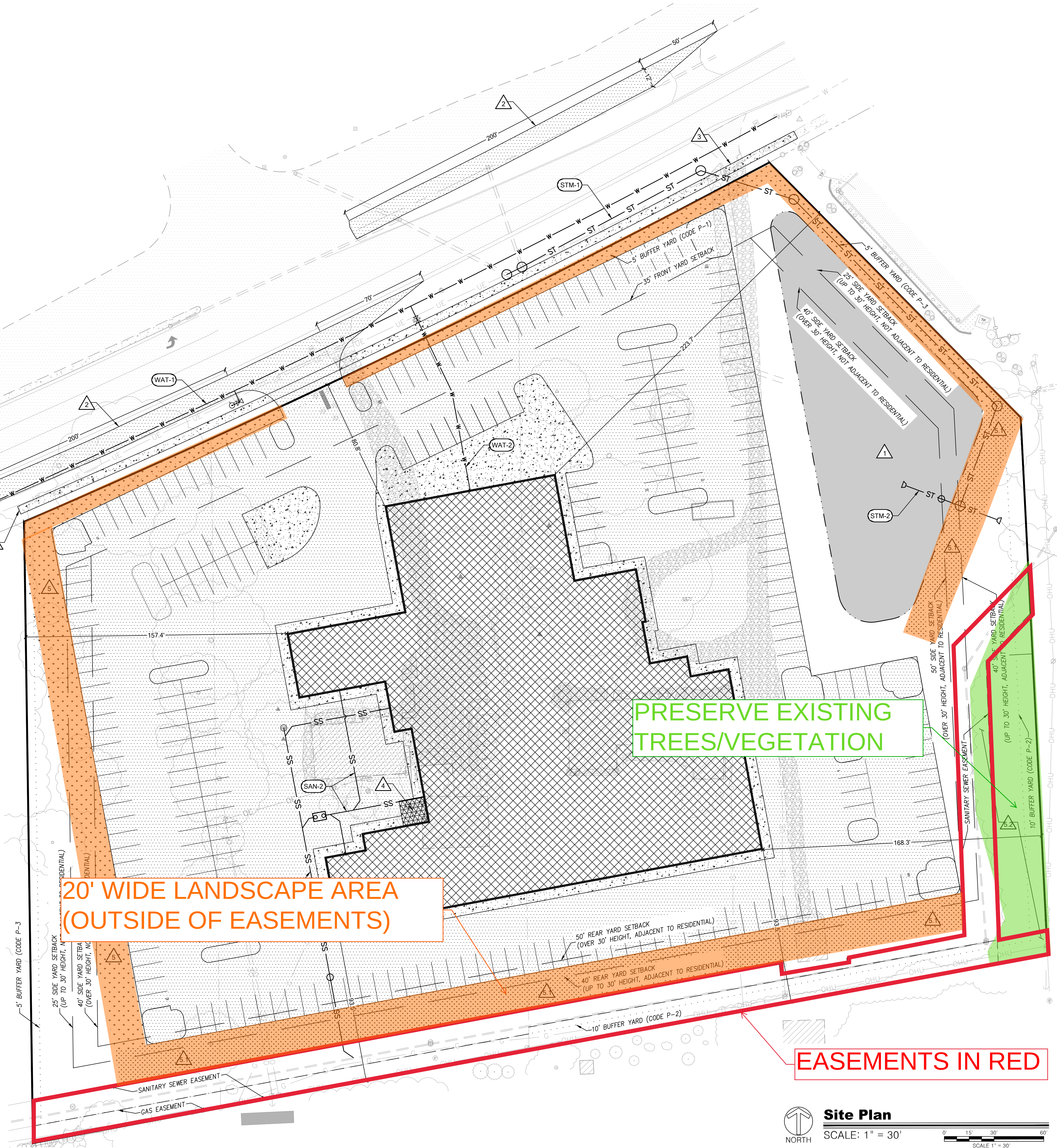
- STM-1 OFFSITE STORM SEWER TO BE REROUTED:
(460) LF OF 24" HDPE STORM SEWER
(4) 60" MANHOLES
(2) 60" DOGHOUSE MANHOLES
- STM-2 OUTLET CONTROL FOR DRY DETENTION BASIN:
(60) LF OF 12" HDPE STORM SEWER
(1) 30" ROUND INLET
(2) METAL END SECTIONS
- SAN-1 SANITARY SEWER FOR BUILDING SERVICE:
(250) LF OF 6" SDR 35 PVC
(1) CONTROL MANHOLE
(1) CLEANOUT
- SAN-2 SANITARY SEWER FOR TRENCH DRAINS:
(175) LF OF 6" SDR 35 PVC
(1) SAND/OIL SEPARATOR
- WAT-1 WATER MAIN EXTENSION:
(730) LF OF 8" C900 PVC WATER MAIN
(1) FIRE HYDRANT ASSEMBLY
- WAT-2 WATER SERVICE FOR BUILDING:
(140) LF OF WATER SERVICE PIPE
(1) CURB STOP

PROPOSED SITE KEYNOTES

1. DRY DETENTION BASIN.
2. TURN LANE.
3. 5' CONCRETE SIDEWALK.
4. DUMPSTER LOCATION.
5. LANDSCAPING AREA.
- 5.1. DENSELY PLANTED LANDSCAPING BUFFER
- 5.2. EXISTING TREES & VEGETATION TO BE PRESERVED.

GENERAL SHEET NOTES

1. LOCATE ALL UTILITIES PRIOR TO START OF CONSTRUCTION AND ORDERING OF MATERIALS. UTILITIES ARE SHOWN BASED ON FIELD MARKINGS FROM 811 & UTILITY SERVICES AND FIELD MEASUREMENTS OF VISUAL APPURTENANCES. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST.
2. EXAMINE EXISTING SITE CONDITIONS AND VERIFY CONDITIONS ARE ACCEPTABLE FOR REQUIRED WORK. NOTIFY ENGINEER OF ANY DISCREPANCIES WITH THE INFORMATION SHOWN ON THESE PLANS PRIOR TO BEGINNING WORK OR ORDERING OF MATERIALS.
3. MAINTAIN POSITIVE DRAINAGE THROUGHOUT CONSTRUCTION AND POST CONSTRUCTION
4. ALL DIMENSIONS SHOWN ARE TO FACE OF BUILDING AND EDGE OF HARDSCAPE. FOR STRUCTURAL DIMENSIONS, SEE ARCHITECTURAL AND STRUCTURAL PLANS
5. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES NOT SPECIFICALLY DESIGNATED TO RECEIVE PAVEMENT, MULCH, OR BUILDING SHALL BE CONSIDERED LAWN AREA. ALL LAWN AREAS SHALL RECEIVE A MINIMUM OF SIX INCHES OF TOPSOIL CAPABLE OF SUSTAINING LAWN GROWTH.
6. ANY RESULTING VOIDS ATTRIBUTED TO THE DEMOLITION AND REMOVAL OF EXISTING IMPROVEMENTS IN AREAS WHERE NEW BUILDING, PAVEMENT, OR OTHER STRUCTURES ARE TO BE CONSTRUCTED SHALL BE COMPLETELY BACKFILLED AND COMPACTED WITH AN ENGINEERED FILL, OR OTHER APPROVED MATERIAL, IN ACCORDANCE WITH PROJECT SPECIFICATIONS. ALL DIRT FILL IS TO BE CLEAN AND FREE FROM DEBRIS.
7. REMOVE EXISTING TREES, SHRUBS, GRASS AND OTHER VEGETATION, INCLUDING ALL ROOTS, STUMPS AND BRANCHES, TO A POINT 18" BELOW FINISHED GRADE AS REQUIRED FOR CONSTRUCTION.
8. STRIP TOPSOIL TO WHATEVER DEPTHS ARE ENCOUNTERED IN A MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER WASTE MATERIALS. STRIP SURFACE SOIL OF UNSUITABLE TOPSOIL, INCLUDING TRASH, DEBRIS, WEEDS, ROOTS AND OTHER WASTE MATERIALS. STOCKPILE TOPSOIL ON SITE.
9. ONLY SATISFACTORY SOIL MATERIALS ACCEPTABLE TO, AND APPROVED BY THE OWNER, ARCHITECT, AND GEOTECHNICAL ENGINEER SHALL BE USED AS FILL MATERIALS. TYPICALLY THE FOLLOWING CLASSIFICATIONS OF SOIL TYPES MAY BE USED FOR FILL BENEATH STRUCTURES AND PARKING AREAS:
- 9.1. ASTM D 2487 SOIL CLASSIFICATIONS OF GW, GP, GM, SW, SP, AND SM OR A COMBINATION OF THESE SOIL GROUPS.
10. PLACE BACKFILL AND FILL MATERIALS IN LAYERS NOT MORE THAN 6 INCHES IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT.
11. COMPACT SOIL TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 1557:
- 11.1. UNDER PAVEMENTS, SCARIFY AND RECOMPACT THE TOP 12 INCHES OF THE EXISTING SUBGRADE AND EACH LAYER OF FILL MATERIAL AT 95 PERCENT.
- 11.2. UNDER LAWN OR UNPAVED AREAS, SCARIFY AND RECOMPACT THE TOP 6 INCHES OF THE EXISTING SUBGRADE AND EACH LAYER OF FILL MATERIAL AT 90 PERCENT.
12. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF FORT WAYNE REQUIREMENTS AND THE EROSION CONTROL PLANS.
13. CONTRACTOR SHALL ENSURE ADA PARKING AND PATH TO DOORS SHALL CONFORM TO 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.



PROPOSED UTILITY KEYNOTES

- STM-1 OFFSITE STORM SEWER TO BE REROUTED:
(460) LF OF 24" HDPE STORM SEWER
(4) 60" MANHOLES
(2) 60" DOGHOUSE MANHOLES
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GENERAL SHEET NOTES

1. LOCATE ALL UTILITIES PRIOR TO START OF CONSTRUCTION AND ORDERING OF MATERIALS. UTILITIES ARE SHOWN BASED ON FIELD MARKINGS FROM 811 & UTILITY SERVICES AND FIELD MEASUREMENTS OF VISUAL APPURTENANCES. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST.
2. EXAMINE EXISTING SITE CONDITIONS AND VERIFY CONDITIONS ARE ACCEPTABLE FOR REQUIRED WORK. NOTIFY ENGINEER OF ANY DISCREPANCIES WITH THE INFORMATION SHOWN ON THESE PLANS PRIOR TO BEGINNING WORK OR ORDERING OF MATERIALS.
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4. ALL DIMENSIONS SHOWN ARE TO FACE OF BUILDING AND EDGE OF HARDSCAPE. FOR STRUCTURAL DIMENSIONS, SEE ARCHITECTURAL AND STRUCTURAL PLANS
5. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES NOT SPECIFICALLY DESIGNATED TO RECEIVE PAVEMENT, MULCH, OR BUILDING SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. ALL LAWN AREAS SHALL RECEIVE A MINIMUM OF SIX INCHES OF TOPSOIL CAPABLE OF SUSTAINING LAWN GROWTH.
6. ANY RESULTING VOIDS ATTRIBUTED TO THE DEMOLITION AND REMOVAL OF EXISTING IMPROVEMENTS IN AREAS WHERE NEW BUILDING, PAVEMENT, OR OTHER STRUCTURES ARE TO BE CONSTRUCTED SHALL BE COMPLETELY BACKFILLED AND COMPACTED WITH AN ENGINEERED FILL, OR OTHER APPROVED MATERIAL, IN ACCORDANCE WITH PROJECT SPECIFICATIONS. ALL DIRT FILL IS TO BE CLEAN AND FREE FROM DEBRIS.
7. REMOVE EXISTING TREES, SHRUBS, GRASS AND OTHER VEGETATION, INCLUDING ALL ROOTS, STUMPS AND BRANCHES, TO A POINT 18" BELOW FINISHED GRADE AS REQUIRED FOR CONSTRUCTION.
8. STRIP TOPSOIL TO WHATEVER DEPTHS ARE ENCOUNTERED IN A MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER WASTE MATERIALS. STRIP SURFACE SOIL OF UNSUITABLE TOPSOIL, INCLUDING TRASH, DEBRIS, WEEDS, ROOTS AND OTHER WASTE MATERIALS. STOCKPILE TOPSOIL ON SITE.
9. ONLY SATISFACTORY SOIL MATERIALS ACCEPTABLE TO, AND APPROVED BY THE OWNER, ARCHITECT, AND GEOTECHNICAL ENGINEER SHALL BE USED AS FILL MATERIALS. TYPICALLY THE FOLLOWING CLASSIFICATIONS OF SOIL TYPES MAY BE USED FOR FILL BENEATH STRUCTURES AND PARKING AREAS:
- 9.1. ASTM D 2487 SOIL CLASSIFICATIONS OF GW, GP, GM, SW, SP, AND SM OR A COMBINATION OF THESE SOIL GROUPS.
10. PLACE BACKFILL AND FILL MATERIALS IN LAYERS NOT MORE THAN 6 INCHES IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT.
11. COMPACT SOIL TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 1557:
- 11.1. UNDER PAVEMENTS, SCARIFY AND RECOMPACT THE TOP 12 INCHES OF THE EXISTING SUBGRADE AND EACH LAYER OF FILL MATERIAL AT 95 PERCENT.
- 11.2. UNDER LAWN OR UNPAVED AREAS, SCARIFY AND RECOMPACT THE TOP 6 INCHES OF THE EXISTING SUBGRADE AND EACH LAYER OF FILL MATERIAL AT 90 PERCENT.
12. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF FORT WAYNE REQUIREMENTS AND THE EROSION CONTROL PLANS.
13. CONTRACTOR SHALL ENSURE ADA PARKING AND PATH TO DOORS SHALL CONFORM TO 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.

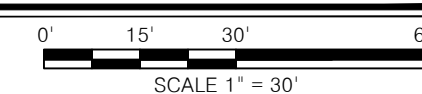
LIGHT POLES WILL BE ~15' TALL

ALL LIGHT POLES WITHIN 100' OF PROPERTY SHALL BE ~12' TALL AND SHINING INWARD



Site Plan

SCALE: 1" = 30'



5620 COVENTRY LANE, FORT WAYNE, INDIANA 46804
TEL: (260) 434-4000 FAX: (260) 434-4001
https://www.felderman.com/

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CONSULTANT:



CERTIFICATION:

MERCEDES-BENZ OF
FORT WAYNE
5201 WEST JEFFERSON BOULEVARD
FORT WAYNE, INDIANA 46804

PROPOSED PROJECT FOR:



REVISIONS:

#	Date	Description
---	------	-------------

PROJECT NUMBER:

23087.100

ISSUE DATE:

06/02/23

SHEET NAME:

Overall Site Plan

SHEET NUMBER:

C1.0

STM-1 OFFSITE STORM SEWER TO BE REROUTED:
(460) LF OF 24" HDPE STORM SEWER
(4) 60" MANHOLES
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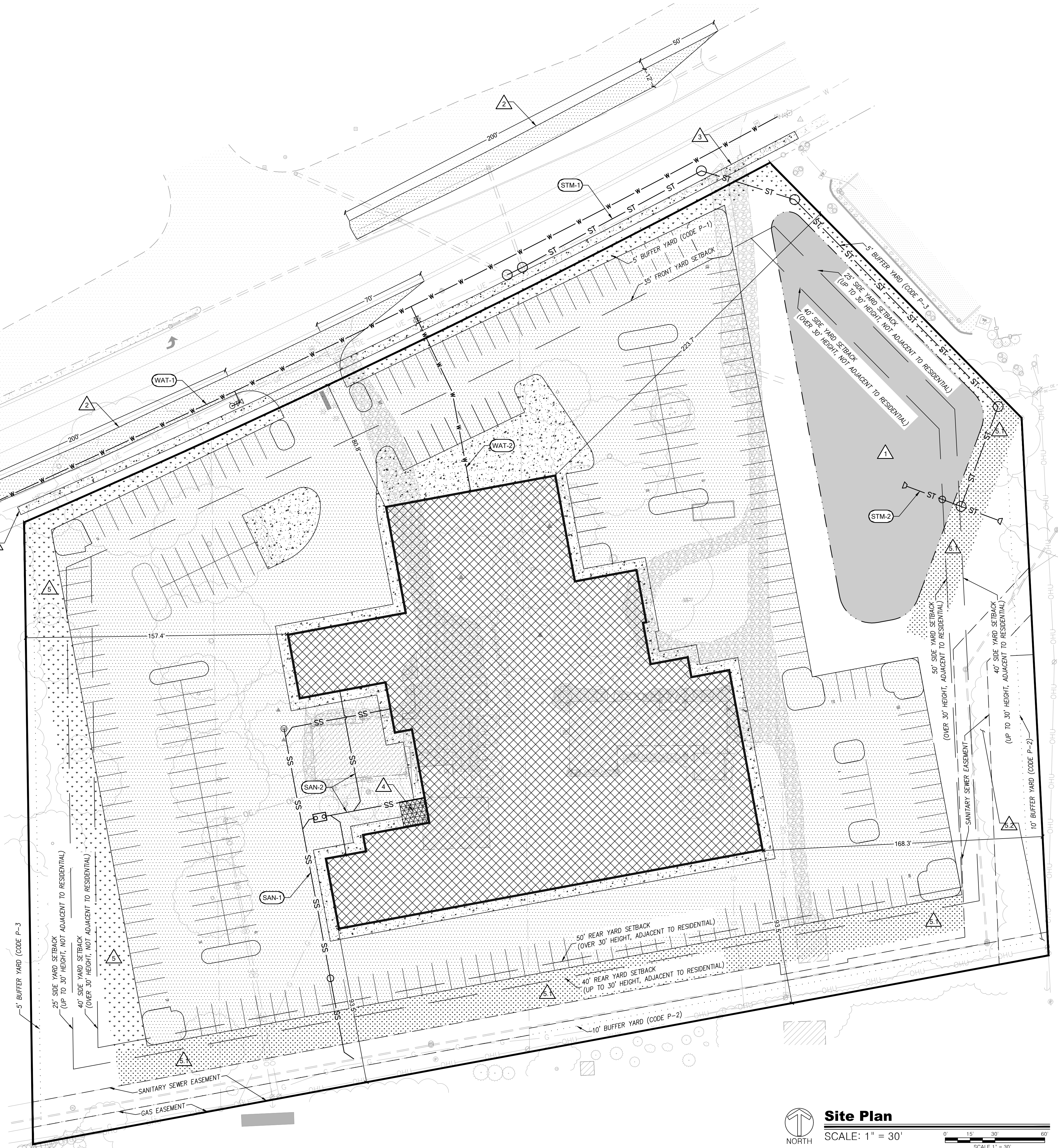
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7. REMOVE EXISTING TREES, SHRUBS, GRASS AND OTHER VEGETATION, INCLUDING ALL ROOTS, STUMPS AND BRANCHES, TO A POINT 18" BELOW FINISHED GRADE AS REQUIRED FOR CONSTRUCTION.
8. STRIP TOPSOIL TO WHATEVER DEPTHS ARE ENCOUNTERED IN A MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER WASTE MATERIALS. STRIP SURFACE SOIL OF UNSUITABLE TOPSOIL, INCLUDING TRASH, DEBRIS, WEEDS, ROOTS AND OTHER WASTE MATERIALS. STOCKPILE TOPSOIL ON SITE.
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10. PLACE BACKFILL AND FILL MATERIALS IN LAYERS NOT MORE THAN 6 INCHES IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT.
11. DISCOMPACT SOIL TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 1557:
 - 11.1. UNDER PAVEMENTS, SCARIFY AND RECOMPACT THE TOP 12 INCHES OF THE EXISTING SUBGRADE AND EACH LAYER OF FILL MATERIAL AT 95 PERCENT.
 - 11.2. UNDER LAWN OR UNPAVED AREAS, SCARIFY AND RECOMPACT THE TOP 6 INCHES OF THE EXISTING SUBGRADE AND EACH LAYER OF FILL MATERIAL AT 90 PERCENT.
12. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF FORT WAYNE REQUIREMENTS AND THE EROSION CONTROL PLANS.
13. CONTRACTOR SHALL ENSURE ADA PARKING AND PATH TO DOORS SHALL CONFORM TO 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.



5620 COVENTRY LANE, FORT WAYNE, INDIANA 46804
TEL: (2620) 434-4000 FAX: (2620) 434-4001
<https://www.felderman.com/>

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CONSULTANT:



CERTIFICATION:

MERCEDES-BENZ OF
FORT WAYNE

5201 WEST JEFFERSON BOULEVARD
FORT WAYNE INDIANA 46804



PROPOSED PROJECT FOR:

REVISIONS:

#	Date	Description
---	------	-------------

PROJECT NUMBER

23087.100

ISSUE DATE:
06/02/23

SHEET NAME

Overall Site Plan

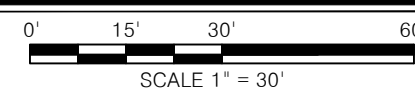
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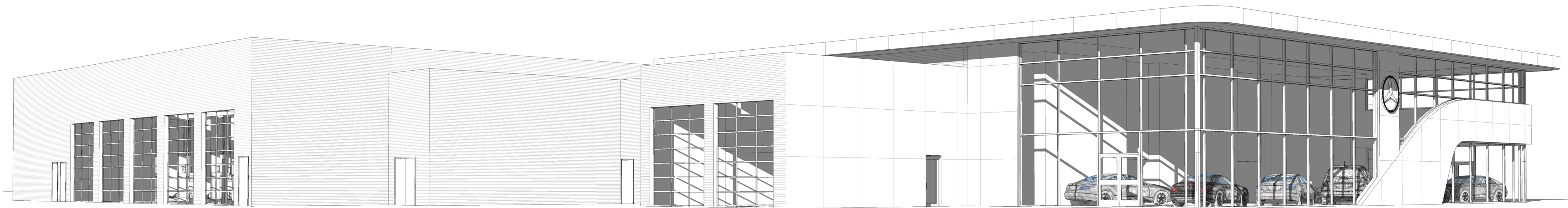


Site Plan

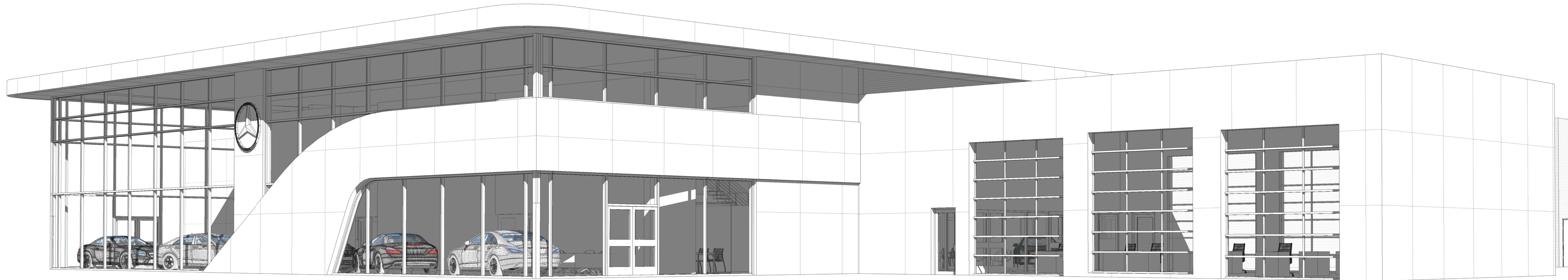
SCALE: 1" = 30'



2/23/2023 2:55:49 PM
Autodesk Docs://1-20-505_Mercedes-Benz West Jefferson_Arch.rvt



2 EXTERIOR PERSPECTIVE - SOUTHWEST
not to scale



1 EXTERIOR PERSPECTIVE - SOUTHEAST
not to scale

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CERTIFICATION:

NOT FOR
CONSTRUCTION

PROPOSED PROJECT FOR:

MERCEDES-BENZ OF FORT WAYNE

5201 WEST JEFFERSON BOULEVARD
FORT WAYNE, INDIANA 46804



REVISIONS:

#	Date	Description
---	------	-------------

PROJECT NUMBER:

1-20-505

ISSUE DATE:

02/03/23

SHEET NAME:

EXTERIOR
RENDERINGS

SHEET NUMBER:

A-901

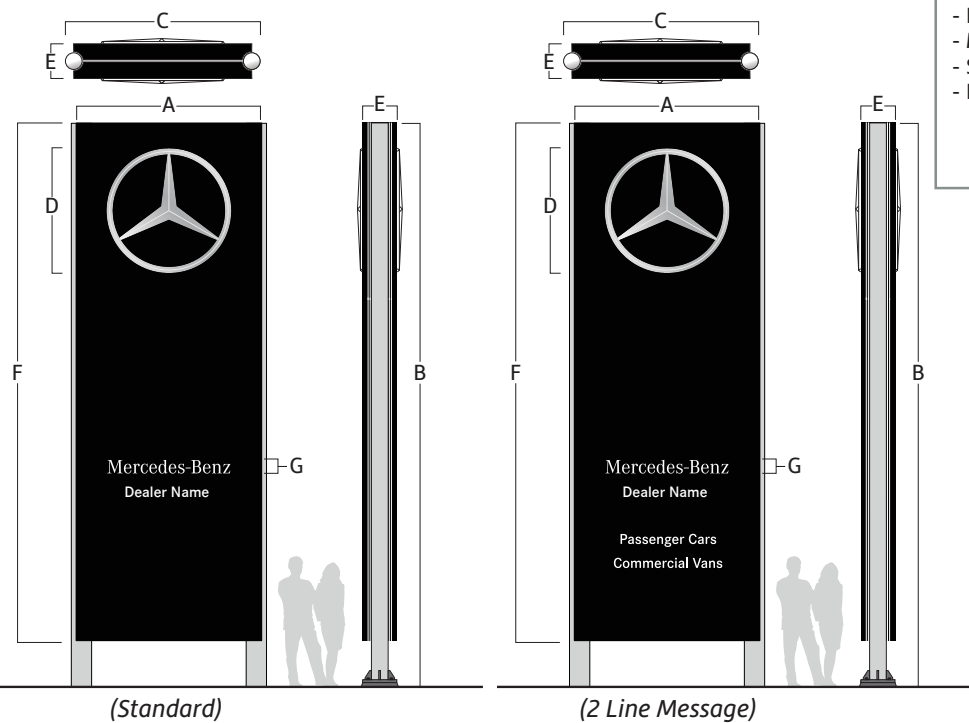


STANDARD PYLON SIGNS



SIGN SPECS

- Illuminated
- Power Requirements: 120V/20A Circuit Required
- Mounting Method: Rebar Foundation
- Sign Colors: Alpolic ACM TBL Black with 3M #7225-10 White Vinyl Copy
- Paint: Akzonobel #SIGN91723 GGBC Arrow Silver



Model No.	Dimensions							Sq. Ft.
	A	B	C	D	E	F	G	TOTAL
111B	2'-10 1/2"	9'-0 5/8"	3'-0 1/4"	1'-11 1/4"	7 3/4"	8'-1 3/4"	2 5/8"	23.42
112B	4'-2 7/8"	13'-1 1/2"	4'-5 11/16"	2'-10 1/4"	11 1/2"	11'-10 1/2"	3 5/8"	50.35
113B	5'-7 1/2"	17'-4 1/4"	5'-10 13/16"	3'-9 11/16"	1'-0 13/16"	15'-10 15/16"	4 3/4"	89.5
114B	6'-9 7/8"	20'-10"	7'-2 1/4"	4'-7 1/2"	1'-2 11/16"	19'-1 1/2"	5 7/8"	130.49
115B	8'-2 3/16"	24'-9 5/8"	8'-7 5/16"	5'-6"	1'-8 1/16"	22'-10"	7 1/8"	186.83

CO.0

FACT SHEET

Case #REZ-2023-0034	Bill # Z-23-06-36	Project Start: June 2023
PROPOSAL:	Rezoning Petition REZ-2023-0034	
APPLICANT:	D & T Land, LLC and DM-MBFW, LLC	
REQUEST:	Rezone property from RP/Planned Residential to C3/General Commercial for a new automobile sales facility	
LOCATION:	5200 block of West Jefferson Blvd, south of its intersection with Glendale Drive North (Section 8 of Wayne Township)	
LAND AREA:	6.7 acres	
PRESENT ZONING:	RP/Planned Residential	
PROPOSED ZONING:	C3/General Commercial	
COUNCIL DISTRICT:	4 – Jason Arp	
SPONSOR:	Fort Wayne Plan Commission	

July 10, 2023 Public Hearing

- Four property owners/neighborhood representatives spoke with support and stated concerns
- Three residents spoke in opposition or with concern.
- Three letters were received stating concerns.
- Paul Sauerteig, Tom Freistroffer, and Ryan Neumeister were absent.

July 17, 2022 Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

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

6-1 MOTION PASSED

- Ryan Neumeister and Patrick Zaharako were absent.
- Karen Richards voted nay.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
August 9, 2023

PROJECT SUMMARY

- The site hosted three residential structures, built between 1957 and 1972. The westernmost house was demolished between 2012 and 2015.

The petitioner is requesting to rezone the development site from R1 to C3 for a new automobile sales facility. The West Jefferson Boulevard corridor between Taylor Street and North Bend Drive has experienced a gradual transition from residential to nonresidential uses, but most of the nonresidential uses are professional offices and business services, like orthodontics, psychiatric, and attorney offices. Some auto-centric uses, like car washes, oil changes, and tire stores are located about a quarter mile west of the site, separated by the new Anthony Wayne Services facility, professional offices, and residences. No substantial automobile sales facilities are located on the immediate corridor, aside from the existing Mercedes Benz dealership, located about 1.75 miles west of the site. The applicant demonstrated how this site along West Jefferson is more suitable than other corridors that have more similar uses, like the Illinois Road corridor. The applicant voluntarily submitted a written commitment for the Plan Commission's consideration, which will prohibit permitted uses in the C3 district that are not conducive to the surrounding built environment and uses. The Comprehensive Plan acknowledges that the general area of the West Jefferson Corridor is gradually transitioning from residential to commercial, so the transition needs to be cognizant of the adjacent or nearby residential zoning or uses when considering rezoning petitions.

Accompanying the rezoning petition is a primary development plan for an automobile sales facility. The structure is about 48,500 square feet, which appears to be about twice the size of the existing Mercedes Benz facility. The applicant confirmed that the height of the proposed dealership is about 30 feet. Access is obtained off West Jefferson Boulevard through one access point that aligns with Glendale Drive. From there, parking surroundings the building, which is centrally located on the site, with storm detention provided on the lowest ground, which is in the northeast corner of the site. Site lighting is referenced on a plan that shows lower lighting adjacent to the residential parcels. The building exceeds a 50-foot setback adjacent to all residential districts, meeting the residential mitigation requirements in the ordinance.

Following a meeting with the neighbors, the applicant revised the landscaping plan to arborvitae or other large evergreen shrub along the rear and southern corners of the property. Existing utility easements are also located in this area, so the landscaping buffer has been moved inward. The location of service bays will determine the intensity of required screening and buffering.

Comprehensive Plan Review:

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area.
- The applicant will need to demonstrate how the proposed rezoning shows compatible growth in the urban infill area.

Overall Land Use Policies

- The applicant will need to demonstrate how this rezoning petition meets the comprehensive plan's future land use policies. This proposal could be considered in conflict with:
LUD Policy 4 - Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

Generalized Future Land Use Map

- The project site is located within the Mixed Suburban Commercial Corridor district.

The Mixed Suburban Commercial Corridor Generalized Land Use should include low- to moderate-density developments in mixed-use patterns. These corridors should provide access to goods and services in high-traffic areas, with diverse land uses in proximity to each other. Because these areas

were historically residential and are transitioning, single-family and multiple-family buildings may intersperse with personal service and neighborhood-oriented commercial uses. This land use serves the daily needs of nearby suburban neighborhoods. These corridors will be accessible primarily by motor vehicles but should also prioritize pedestrian and multimodal access and connectivity to adjacent Suburban Residential and Mixed-Use Neighborhoods.

Land Use Related Action Steps

- The following Action Step could be applicable and supportive of this proposal:
HN.1.1.3. Encourage the development of an integrated network of sidewalks, trails, and bike routes within existing and new neighborhoods that will provide safe access to community amenities.

Compatibility Matrix

- The C3/General Commercial zoning request with the adopted land use classification of Suburban Commercial identifies this district as a potentially compatible rezone with additional mitigation/consideration (written commitment, building design, enhanced landscaping, enhanced access and connectivity as trails and sidewalks, shared access points/roads, street interconnections, etc.).

PUBLIC HEARING SUMMARY:

Presenter: Josh Neal, representing the property owner, presented the request as outlined above.

Public Comments:

Grant Schouweiler, N Washington Rd. - Supports the plan but is concerned about noise and music.

Tom Hayhurst, N Washington Rd. – Supports the plan but is concerned with vehicular culture taking over (like Glenbrook)

Patty Hayes, CEO of Anthony Wayne Services – Supports the plan but would like to see space between Anthony Wayne Services and Mercedes-Benz.

Kelly Sweidner, N Washington Rd. - Concerns with traffic. Everything near them is offices. Doesn't want to hear speakers.

Jacob Duke, Willowdale Rd – “We” (Willowdale-Wildwood Park) developed a plan to limit this type of development and it's ignored over and over.

Danny Mills, N Washington Blvd. - Concerns include construction process, location of activity, and lighting.

Jeff Jacobs, South Bend Dr. - Concerns with holding property owners accountable for items needed addressed.

James Ball, Owner of Peter Franklin – Stated Peter Franklin responded to all the concerns on their project.

Confident that Mercedes-Benz will do the same.

Closing Comments:

Josh Neal stated that the City Traffic Engineering will make sure site is designed to be safe. Mercedes-Benz of Fort Wayne is out of room at current location; will move and expand as required by corporate.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

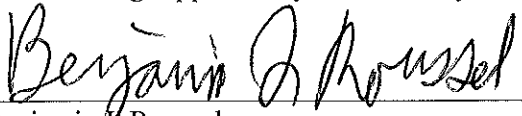
Rezoning Petition REZ-2023-0034

APPLICANT:	D & T Land, LLC and DM-MBFW, LLC
REQUEST:	Rezone property from RP/Planned Residential to C3/General Commercial
LOCATION:	5200 block of West Jefferson Blvd, south of its intersection with Glendale Drive North (Section 8 of Wayne Township)
LAND AREA:	6.07 acres
PRESENT ZONING:	RP/Planned Residential
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2023-0034 be returned to Council, with a “Do Pass” recommendation, with a written commitment, 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 adjacent to existing commercial zoning with other C3 and C4 zoning districts nearby. The comprehensive plan identifies this area as a suburban neighborhood corridor as a future land use classification, and sufficient evidence was provided to show that the compatibility to the suburban corridor through written commitments, residential impact mitigation, and enhanced landscaping on the site.
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. A written commitment has the intention to mitigate impact on adjacent residential properties by discouraging more intensive uses that are not conducive to residential properties. Surrounding property owners provided input on landscaping. A written commitment can thwart many of the C3 uses that would not be appropriate for the site, West Jefferson Corridor, and nearby residential areas.
3. Approval is consistent with the preservation of property values in the area. The site demonstrates the gradual transition from primarily residential uses to a suburban corridor classification.
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 July 17, 2023.


Benjamin J. Roussel
Executive Director
Secretary to the Commission

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made as of this ____ day of _____, 2023, by **D&T LAND, LLC**, an Indiana limited liability company (“Owner”), and **DM-MBFW, LLC**, an Indiana limited liability company (“*Developer*”), under the following circumstances:

WHEREAS, Owner is the fee simple owner of approximately 6.02 acres of 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, Developer has submitted a Zoning Map Amendment Application with the City of Fort Wayne Plan Commission (“*Plan Commission*”), bearing number REZ-2023-0034 (the “*Zoning Application*”) and has also submitted a Primary Development Plan Application with the Plan Commission bearing number PDP-2023-0028 (the “*Development Plan Application*”), both applications with respect to the Real Estate; and

WHEREAS, pursuant to the Zoning Application, Developer, with Owner’s consent, has requested the Real Estate be rezoned from its existing RP (Planned Residential) designation to a C-3 (General Commercial) zoning designation pursuant to the City of Fort Wayne Zoning Ordinance (the “*Ordinance*”) which permits development upon the Real Estate of certain automobile-related uses; and

WHEREAS, Developer and Owner, in conjunction with the Zoning Application and Development Plan Application, have submitted this written 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, Owner hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Owner, Developer and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. All uses that are permitted as a matter of right in the C-3 (General Commercial) zoning district pursuant to Section 157.216 of the Ordinance that are not also permitted as a matter of right in the RP (Planned Residential) zoning district pursuant to Section 157.209 of the Ordinance shall be prohibited, except for the following:
 - a. Automobile accessory store;
 - b. Automobile auction;
 - c. Automobile body shop;
 - d. Automobile detailing or trim shop;
 - e. Automobile maintenance (quick service);
 - f. Automobile rental;

- g. Automobile repair;
- h. Automobile restoration;
- i. Automobile rustproofing;
- j. Automobile sales;
- k. Automobile washing facility;
- l. Motor vehicle repair; and
- m. Motor vehicle sales.

Notwithstanding anything contained herein to the contrary, the uses permitted pursuant to Sections 1(a)-(m) shall only be permitted in connection with and incidental to the operation of an automobile or motor vehicle sales facility on and from the Real Estate.

2. Landscaping and Buffering. A buffer and landscape area shall be maintained along the south boundary of the Real Estate as depicted on the primary development plan approved by the Plan Commission, which improvements shall be no less than as described in this Commitment. Specifically, such improvements shall include the following:
 - a. Existing trees located to the south and east of the proposed building improvements shall be preserved to the extent reasonably possible, including installation of a fence around the drip line of such trees during construction of building improvements upon the Real Estate.
 - b. A mixture of evergreen trees and shrubs shall be planted along the south boundary of the Real Estate in order to screen or buffer adjacent properties from visual, lighting, and noise impacts from the proposed building improvements, which landscaping shall be as well as or better than compliance with the standards set forth in Sections 157.408(A) through (E) of the Ordinance; provided, however, that (i) the City of Fort Wayne – Allen County Department of Planning Services staff (the “Staff”) shall have the right to approve variations from the approved placement or species of buffer improvements; and (ii) Developer and Owner shall reasonably cooperate with the Staff with respect to any variations in the landscaping from what was depicted in the approved primary development plan.
 - c. All landscaping planted by Developer and/or Owner upon the Real Estate shall be maintained, watered and fertilized by Developer and/or Owner pursuant to a commercially reasonable standard for similar landscaping in Allen County, Indiana and shall be replaced within a commercially reasonable time in the event of decay, disease or death of said landscaping or vandalism, casualty or other non-repairable condition to such fencing.
3. Hours of Operation. No business or use upon the Real Estate shall have hours of operation open to the general public prior to 7:00 a.m. or after 7:00 p.m.

4. Lighting. All pole and parking lot lighting upon the Real Estate shall be restricted to a height of no greater than twenty-three feet (23'); provided, however, that no pole or parking lot lighting greater than fifteen feet (15') in height shall be permitted within an area of one hundred feet (100') from the south property line of the Real Estate. All pole, parking lot, and building mounted lighting shall utilize sharp cut-off fixtures as defined by the Illuminating Engineers Society of North America and otherwise be of a type to minimize light pollution onto any adjacent residential property.
5. Outside Storage. Outside storage of trash, trash receptacles, and ground mounted HVAC units must be visually screened on three sides with a wood fence or masonry structure no less than eight (8) feet in height, with a gate enclosure on the fourth side.
6. Outside Speaker Systems. No outdoor speaker or public address system or device shall be constructed or installed outside of the building improvements located upon the Real Estate.
7. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Developer shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
8. 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 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 Developer, Owner, and their successors and assigns as owners of the Real Estate.
9. Enforcement Rights.
 - a. 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. Notwithstanding the foregoing, any of the Associations (as herein defined) shall have the right and option to enforce the provisions of Sections 3 and 6 of this Commitment.
 - b. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect 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 Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive.

10. Amendment or Termination.

- a. This Commitment may be amended or terminated upon application by any person who own the Real Estate, or any portion thereof, but only with the prior written approval of the Plan Commission, pursuant to IC 36-7-4-1015 and after conducting a public hearing in accordance with the its Rules of Procedure to consider the amendment or termination. After conducting its public hearing, the Plan Commission shall have the sole and absolute discretion whether to modify or terminate this Commitment.
- b. Written notice of the public hearing shall be given by the applicant for said amendment or termination to the association president of record with the City of Fort Wayne Plan Commission for Westwood-Fairway Community Association, Inc., the Reckeweg Road Area Association, the Westmoor Park Community Association, Inc. and the Wildwood Park Community Association Inc. (individually an “*Association*” and collectively the “*Associations*”) with said notice being mailed no later than the date application is made to the Plan Commission for said amendment or termination.

11. 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.

12. 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.

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

14. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.
15. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).
16. Authority to Sign. The person signing this Commitment in a representative capacity on behalf of Owner and Developer warrants and represents that: (a) the person has the actual authority and power to so sign, and to bind the respective entity to the provisions of this Commitment; and (b) all corporate or other entity action necessary for the making of this Commitment has been duly taken.
17. Last Deeds of Record. The most recent deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number 2021029787.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

“OWNER”

D&T LAND, LLC, an Indiana limited liability company

BY: _____
PRINTED NAME: _____
TITLE: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of July, 2023, personally appeared _____, the _____ of D&T Land, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: _____

“DEVELOPER”

DM-MBFW, LLC, an Indiana limited liability company

BY: _____
PRINTED NAME: _____
TITLE: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of July, 2023, personally appeared _____, the _____ of DM-MBFW, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by Joshua C. Neal, Esq., Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joshua C. Neal

When recorded, return to: Joshua C. Neal, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

3.22 acres of land in the Southwest Quarter of Section 8, in Township 30 North of Range 12 East, being particularly described as follows, to-wit: Beginning at a point in said Southwest Quarter of Section 8, located 375 feet North 89 degrees, 53 minutes East from the Southwest corner of said Quarter Section and 428.6 feet North of the South line of said Quarter Section; thence North 79 degrees, 45 minutes East a distance of 318 feet; thence North zero degrees, 52 minutes West a distance of 323.57 feet; thence North 42 degrees, 37 minutes West a distance of 218 feet to the South line of U.S. Highway # 24; thence following said South line of U.S. Highway # 24, a distance of 174 feet; thence South a distance of 457.3 feet to the place of beginning.

PARCEL II:

Part of the Southwest Quarter of Section 8, Township 30 North, Range 12 East in Allen County, Indiana, described as follows, to wit: From the Southwest corner of the Southwest Quarter of Section 8, Township 30 North, Range 12 East in Allen County, Indiana, North 89 degrees 53 minutes East 75.0 feet; thence North and parallel to the West line of said Quarter Section, 380.0 feet; thence North 79 degrees 45 minutes East, 115.1 feet for a place of beginning; thence North and parallel to the aforementioned West line of the said Quarter Section, a distance of 404.6 feet to the Southerly line of United States Highway Number 24; thence Northeasterly along the Southerly line of United States Highway Number 24, a distance of 210.4 feet; thence South 457.3 feet to a point situated 189.4 feet, North 79 degrees 45 minutes East of the place of beginning; thence from last described point to the place of beginning, said in previous deed to contain 1.85 acres of land, more or less.

PARCEL III:

Part of the Southwest Quarter of Section 8, Township 30 North, Range 12 East, in Allen County, Indiana, described as follows, to-wit: Beginning at a point in the Southwest Quarter of Section 8, Township 30 North, Range 12 East, in Allen County, Indiana, said point being situated 75.0 feet North 89 degrees 53 minutes East from the Southwest corner of the said Quarter Section and 380.0 feet North of the South line of said Quarter Section; thence North and parallel to the West line of said Quarter Section, a distance of 373.0 feet to the Southerly line of United States Highway 24; thence Northeasterly along said Southerly right-of-way line of U.S. Highway 24, a distance of 122.0 feet; thence South and parallel to the aforesaid West line of said Quarter Section, a distance of 404.6 feet; thence South 79 degrees 45 minutes West 115.1 feet to the place of beginning, said in previous deed to contain 1.00 acre of land, more or less.

FROM: Joseph Incremona
5318 Covington Road
Fort Wayne, IN 46804

TO: Allen County / Fort Wayne Plan Commission
Suite 150, Citizens Square
200 East Berry
Fort Wayne, IN 46802

Date: July 10, 2023

RE: Rezoning Petition REZ-2003-0034 and Primary Development Plan 2023-0028 – Mercedes Benz

To Whom It May Concern:

I am unable to attend the meeting in person, but would like to submit a few comments/concerns regarding the proposed zoning petition and primary development plan for a proposed Mercedes Benz dealership on subject properties currently identified as 5112, 5201, and 5219 W Jefferson Blvd.

Issue 1) I would like to call out what is most likely a typographical error. The Development Plan and Plat Application incorrectly indicates the total acreage of the site to be 6.7 acres. This is incorrect. The correct acreage of the site is 6.07 acres as correctly noted in the Rezoning Petition Application.

Issue 2) On the landscape sheet (PDF Page 6) of the proposed site plan, Note 5.1 indicates a “densely planted landscape buffer”. Within the drawing on this same page is a note stating, “Up to 30’ height, adjacent to residential”. While I appreciate the proposal to install densely planted landscaping, I am concerned about the number of years it might take for this landscaping to grow to a sufficient height to provide an adequate buffer to the adjacent residential properties. My request would be to see a raised earthen berm installed along with a solid 8’ fence on top of it, to go with the dense landscaping. In addition, the property to the west of the subject site (5305 W Jefferson) is also currently zoned residential. The site plan does not show Note 5.1 considerations along this property line. In addition to my property to the south of the subject property, I also own the property at 5305 W Jefferson. I would like to see these same considerations for a residential landscape buffer for the west property line adjacent to 5305 W Jefferson property as well.

Issue 3) On the lighting sheet (PDF page 7) of the proposed site plan, I appreciate the proposal to reduce the height of all light poles within 100’ of the property, adjacent to residential properties, to 12’ and shine inward. I would like to see these same lighting considerations for the west property line adjacent to 5305 W Jefferson property as well.

I thank you for your time and appreciate your consideration of my concerns.

Respectfully,

Joseph Incremona
(Property owner of 5318 Covington Road and 5305 W Jefferson)

Nathan W. Schall

From: lew mackey <lmigmackey@gmail.com>
Sent: Thursday, July 6, 2023 12:26 PM
To: ACFWPlanCommission
Subject: mercedes -benz redevelopment REZ-2023-0034

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TO WHOM IT MAY CONCERN

The traffic on Jefferson is really a concern .Glendale accesses Jefferson immediately across from the requested development and this is the only entrance for close to 500 people out of residence area . there are no sidewalks or stop light crossings to cross Jeffeson in this area . Basically we are landlocked and this would increase the difficulty of exiting our community . The only thing minimally would be to require the developer to install a traffic light and assorbe the cost at their expense. We the community should not have to build luxury business at our expense .

WESTWOOD FAIRWAY NEIGHBORHOOD ASSOCIATION

TO: Fort Wayne Plan Commission

FROM: Westwood Fairway Association

RE: New Mercedes Dealership Development, West Jefferson

DATE: July 5th, 2023

On behalf of the Westwood Fairway Neighborhood, we respectfully request that the members of the Plan Commission carefully consider the Mercedes dealership that is being proposed on Jefferson Boulevard, between AWS Foundation and Peter Franklin Jewelers, to express the community's view.

The proposed development requires that the land be rezoned to C3-General Commercial. It is important to remember that, since the construction of the Jefferson Point shopping center, the city intended for this corridor to serve as a buffer to protect the surrounding residents. Commercial development in this area was meant to be limited to C1-Professional Office and Personal Services. Since City Council overruled the Plan Commission's recommendation and permitted Peter Franklin Jeweler development, the door has now been opened to more intense commercial use. The only reason this C2 development even came to fruition was because of political influence on the final decision from City Council. It was not because this area is meant for more intense commercial use. Now, an even greater intensity of commercial use is being considered.

Our primary concern lies with the consequences of allowing unrestricted C3 zoning in this area. There are significant differences with C3 zoning from C1-C2, including greater amount and types of outdoor storage, as well as much lesser setback and square footage restrictions. The developer has willingly shared the proposed plan for the dealership for our review and feedback. In reviewing the plan and meeting with the developer, it appears that this would be a more pleasant and less impactful establishment when considering the vast list of C3 approved business types that would be devastating to the backyard neighbors and community as a whole.

When meeting with the developer, we insisted that there be a Written Commitment which restricts the use of any other C3 business type in case the property were to change hands. The developer has willingly drafted a Written Commitment. Our experience thus far with the developer indicates that they will be a good neighbor and takes our input into account. Hours of operation are also conducive to mitigating after-hour disturbance in the community.

If the Plan Commission wishes to award C3 zoning for the proposed plan to move forward, it is imperative that these restrictions be implemented to lessen the impact to the surrounding residents and community and mitigate the consequences of increasing the commercial intensity of this corridor.

Westwood-Neighborhood Association Board of Directors

Tom Hayhurst- President

Frank Johnson

John Hoffman- Vice President

Grant Schouweiler