**#REZ-2023-0035**

**BILL NO. Z-23-08-02**

**ZONING MAP ORDINANCE NO. Z-_____**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-34 (Sec. 24 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:
LOTS NUMBERED 12, 13 AND 14 IN WASHINGTON CENTER PLACE ADDITION, SECTION "A" AS RECORDED IN PLAT RECORD 15, PAGES 97-98 AND RE-RECORDED IN PLAT RECORD 15, PAGE 145, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

PARCEL 2 (EASEMENT):

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES FOR THE BENEFIT OF PARCEL 1, AS CREATED BY GRANT OF INGRESS-EGRESS EASEMENT, DATED NOVEMBER 21, 2011, RECORDED NOVEMBER 29, 2011, AS INSTRUMENT NUMBER 2011054975, OVER AND ACROSS THE FOLLOWING DESCRIBED REAL ESTATE:

PART OF LOT 15 IN WASHINGTON CENTER PLACE ADDITION, SECTION A, AS RECORDED IN PLAT RECORD 15, PAGES 97-98 AND RECORDED IN PLAT BOOK 15, PAGE 145 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT NUMBER 15 IN WASHINGTON CENTER PLACE ADDITION, SECTION A, AS RECORDED IN PLAT RECORD 15, PAGES 97-98 AND RE-RECORDED IN PLAT RECORD 15. PAGE 145 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA; THENCE EAST, ALONG THE SOUTH LINE OF LOT NUMBER 15 AND THE NORTH RIGHT OF WAY LINE OF STRATTON ROAD A DISTANCE OF 70.0 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STRATTON ROAD AND THE EAST RIGHT OF WAY LINE OF COLDWATER ROAD; THENCE NORTH WITH A DEFLECTION ANGLE TO THE LEFT OF 89

DEGREES 55 MINUTES 24 SECONDS ALONG THE EAST RIGHT OF WAY LINE OF COLDWATER ROAD A DISTANCE OF 100.0 FEET TO A POINT ON THE NORTH LINE OF LOT NUMBER 15; THENCE EAST WITH A DEFLECTION ANGLE TO THE RIGHT OF 89 DEGREE 55 MINUTES 24 SECONDS ALONG THE NORTH LINE OF LOT NUMBER 15, A DISTANCE OF 55.0 FEET; THENCE SOUTH WITH A DEFLECTION ANGLE TO THE RIGHT OF 90 DEGREES 04 MINUTES 36 SECONDS A DISTANCE OF 100.0 FEET TO A POINT ON THE SOUTH LINE OF LOT NUMBER 15 AND THE NORTH RIGHT OF WAY LINE OF STRATTON ROAD; THENCE WEST WITH A DEFLECTION ANGLE TO THE RIGHT OF 89 DEGREES 55 MINUTES 24 SECONDS ALONG THE SOUTH LINE OF LOT NUMBER 15 AND THE NORTH RIGHT OF WAY LINE OF STRATTON ROAD, A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING, CONTAINING 0.126 ACRES.

and the symbols of the City of Fort Wayne Zoning Map No. N-34 (Sec. 24 of Washington 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:

_____
Malak Heiny, City Attorney

# City of Fort Wayne Common Council
# DIGEST SHEET

## Department of Planning Services

| | |
|---|---|
| Title of Ordinance: | Zoning Map Amendment |
| Case Number: | REZ-2023-0035 |
| Bill Number: | Z-23-08-02 |
| Council District: | 3-Tom Didier |

| | |
|---|---|
| Introduction Date: | August 8, 2023 |
| Plan Commission Public Hearing Date: | August 14, 2023 (not heard by Council) |
| Next Council Action: | Ordinance will return to Council after recommendation by the Plan Commission |

| | |
|---|---|
| Synopsis of Ordinance: | To rezone property from C2/Limited Commercial to C3/General Commercial for a car wash. |
| Location: | 5820 Coldwater Road |
| Reason for Request: | To allow for car wash. |
| Applicant: | Drive and Shine (Haji Tehrani) |
| Property Owner: | Tokens-N-Tickets Property LLC (Rob Clevenger) |

| | |
|---|---|
| Related Petitions: | Primary Development Plan – Drive and Shine - Coldwater Road |

| | |
|---|---|
| Effect of Passage: | Property will be rezoned to the C3/General Commercial zoning district, which allows for car washes. |
| Effect of Non-Passage: | The property will remain zoned C2/Limited Commercial and may redevelop with a variety of commercial and office uses. |

# Department of Planning Services
# Rezoning Petition Application

**Applicant**

Applicant Drive & Shine (Haji Tehrani)

Address 16915 Cleveland Road

City Granger State IN Zip 46530

Telephone 574-277-8877 E-mail haji@driveandshine.com

**Property Ownership**

Property Owner Tokens-N-Tickets Property, LLC (Rob Clevenger)

Address 1219 Oak Bay Run

City Fort Wayne State IN Zip 46825

Telephone 317-985-4256 E-mail racingrob4@gmail.com

**Contact Person**

Contact Person Cody Ward (MLS Engineering, LLC)

Address 10060 Bent Creek Blvd

City Fort Wayne State IN Zip 46825

Telephone 260-489-8571 E-mail cody@mlswebsite.us

*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 5820 Coldwater Rd, Fort Wayne, IN 46825 Township and Section Washington / Sec. 24

Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.84

Purpose of rezoning (attach additional page if necessary)

Rezone C2 property to C3 for a new Automobile Washing Facility / Automobile Maintenance (quick service)

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

**Filing Checklist**

*Applications will not be accepted unless the following filing requirements are submitted with this application.*

- ☒ Filing fee $1000.00
- ☒ Surveys showing area to be rezoned
- ☒ Legal Description of parcel to be rezoned
- ☒ Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Drive & Shine (Haji Tehrani) — (signature of applicant) — 06-29-23
(printed name of applicant) (date)

Tokens-N-Tickets Property, LLC (Rob Clevenger) — (signature of property owner) — 06-29-23
(printed name of property owner) (date)

| Received | Receipt No. | Hearing Date | Petition No. |
|---|---|---|---|
| 7-5-23 | 143584 | 8-14-23 | REZ - |



2023-0035

1. **Approval of the rezoning request will be in substantial compliance with the All in Allen Comprehensive Plan and should not establish an undesirable precedent in the area.**

The proposed rezoning is consistent with the *All in Allen Plan* in that it clearly fits within Goal 1; namely, it encourages compatible infill development within areas that are primarily built out (pg. 60). The project promotes Goal 2 (pg. 61) in as much as it promotes development in areas that are contiguous with existing development, encourages rezoning for properties in targeted growth areas, redevelopment in areas that are already served by adequate water, sanitary sewer and transportation structure.

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.**

5820 Coldwater Road is the former location of Token-n-Tickets. The subject property is one property south of the intersection of Coldwater and East Washington. It is directly south of a Marathon gas station and north of a Subway franchise. Coldwater is approximately eight (8) lanes across (including turn lanes) in front of the subject property. Immediately across the street is a gas station, Don Hall's Factory and Wendy's fast food. The area is decidedly commercial with consistent, heavy traffic and signalized intersections. Recent aesthetic and logistical improvements are evident in this portion of Coldwater Road. Notably there are also several large shopping complexes, which include a Walmart, Hobby Lobby, Aldi, Pet Supplies Plus among many other commercial businesses and restaurants. In addition to Token-n-Tickets, the property was formerly operated as a restaurant. To the rear of the building, is additional parking, screening and a couple of existing residences.

3. **Approval is consistent with the preservation of property values in the area.**

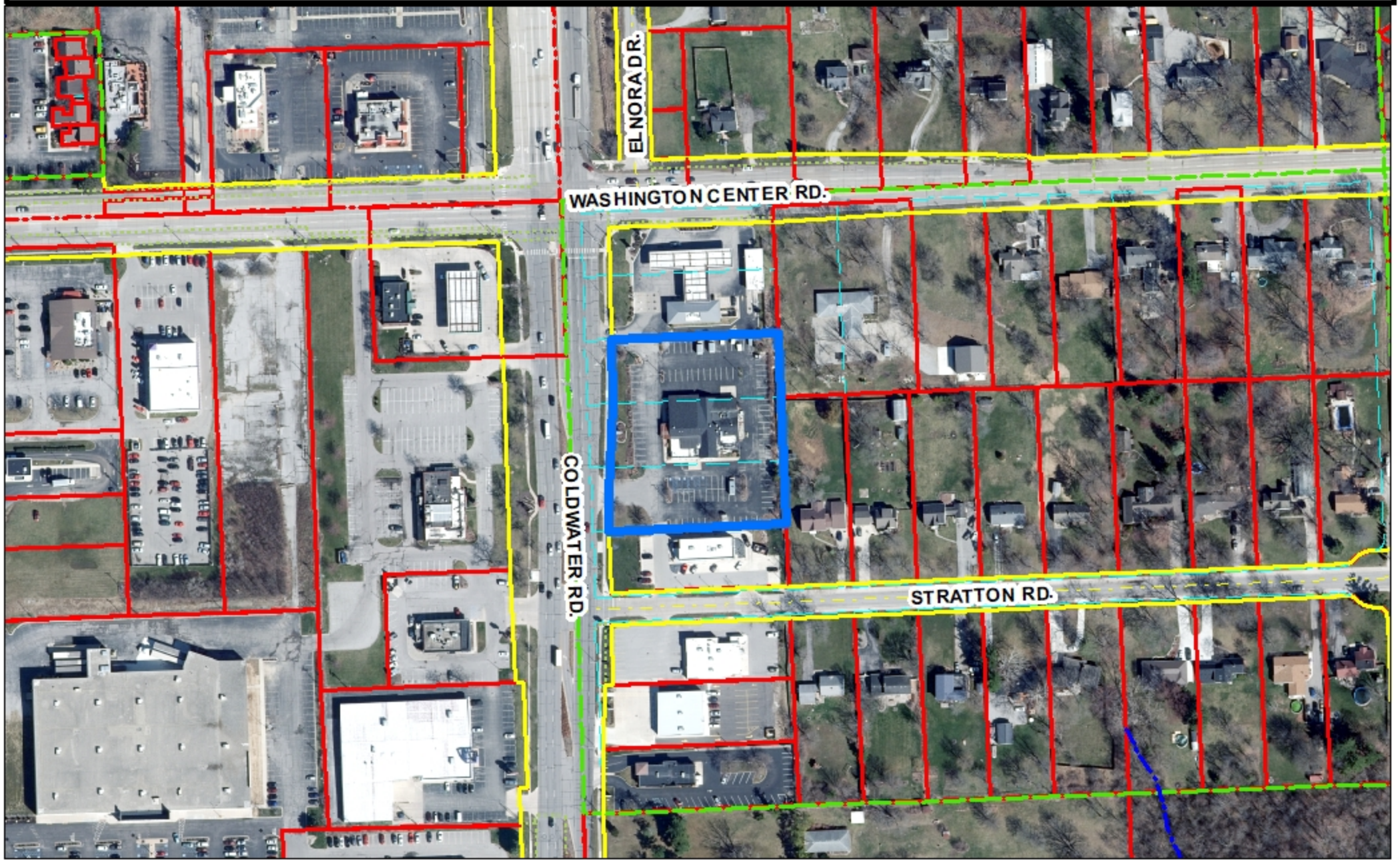
The conservation of property values throughout the jurisdiction is accomplished by granting this rezoning request in as much as this is an established commercial corridor along Coldwater Road and the use proposed is consistent and complementary to existing uses. Residential or heavy industrial use is wholly inappropriate for this property. Significant traffic volumes and existing automotive services along Coldwater Road make the existence of an automobile washing facility desirable and convenient for the area.

4. **Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.**

The automobile washing facility will not seek to impose a use that is immoral or otherwise offensive to the community as a whole, to customers of other local businesses along this corridor, or to the couple of residential homes to the east/rear of the subject property. There is ample parking, traffic signalization and curb cuts already in place. In addition, the project will reutilize and reinvigorate decidedly commercial real estate that has not been in commercial use for a period of time. In addition, a car wash further south on Coldwater has been previously approved by the Plan Commission.

The most desirable use for which the land in the district is adapted is very clearly commercial/retail. Mixed use is predominant in light of the residential neighborhood to the rear of the majority of the buildings along this section of Coldwater. Commercial and retail uses are entrenched along this span of Coldwater Road. Adequate utilities are already available on site.

# REZ-2023-0035 and PDP-2023-0029 Drive and Shine- Coldwater




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.

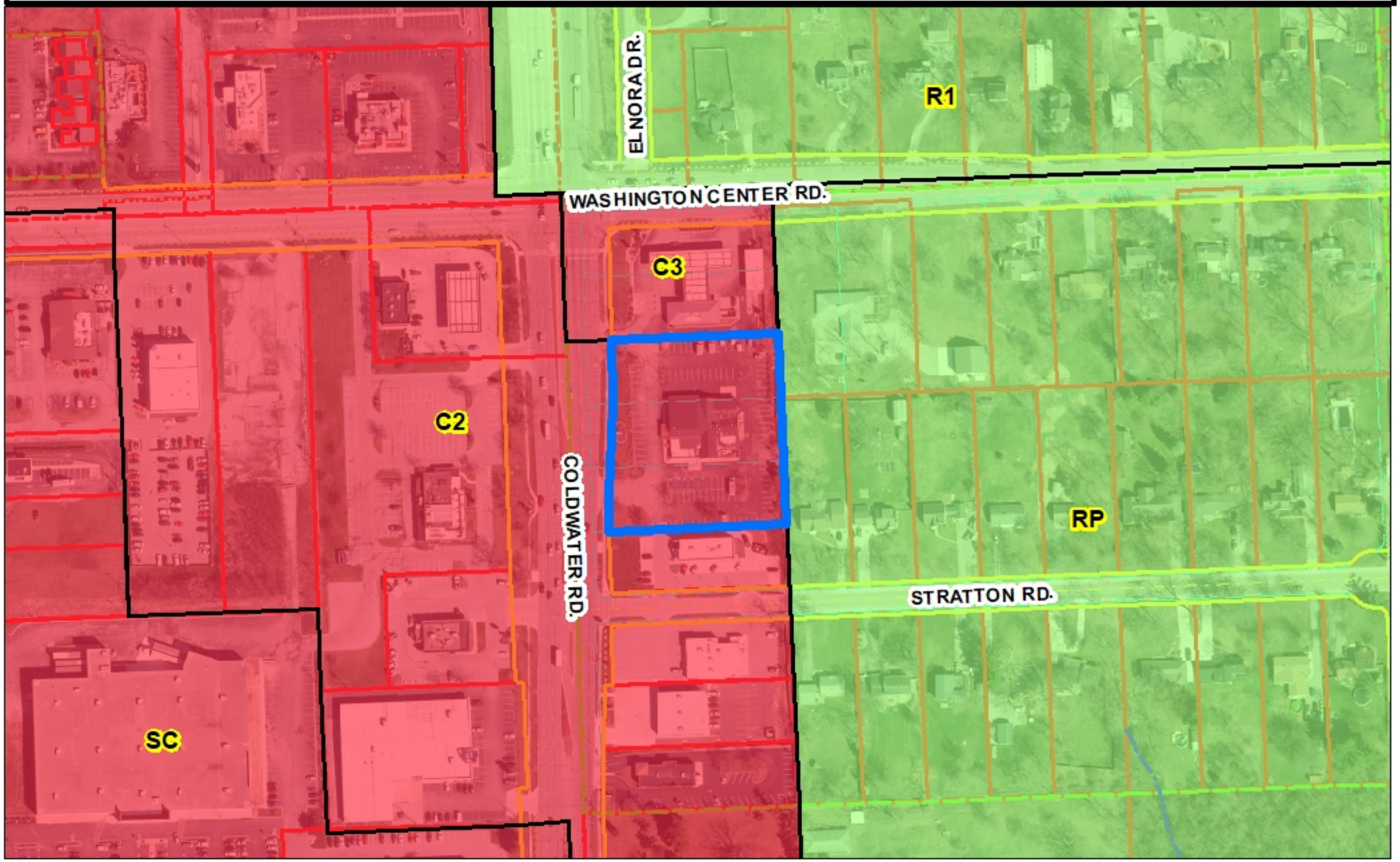
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 7/17/2023

0 50 100 Feet

N

1 inch = 200 feet

# REZ-2023-0035 and PDP-2023-0029 Drive and Shine- Coldwater

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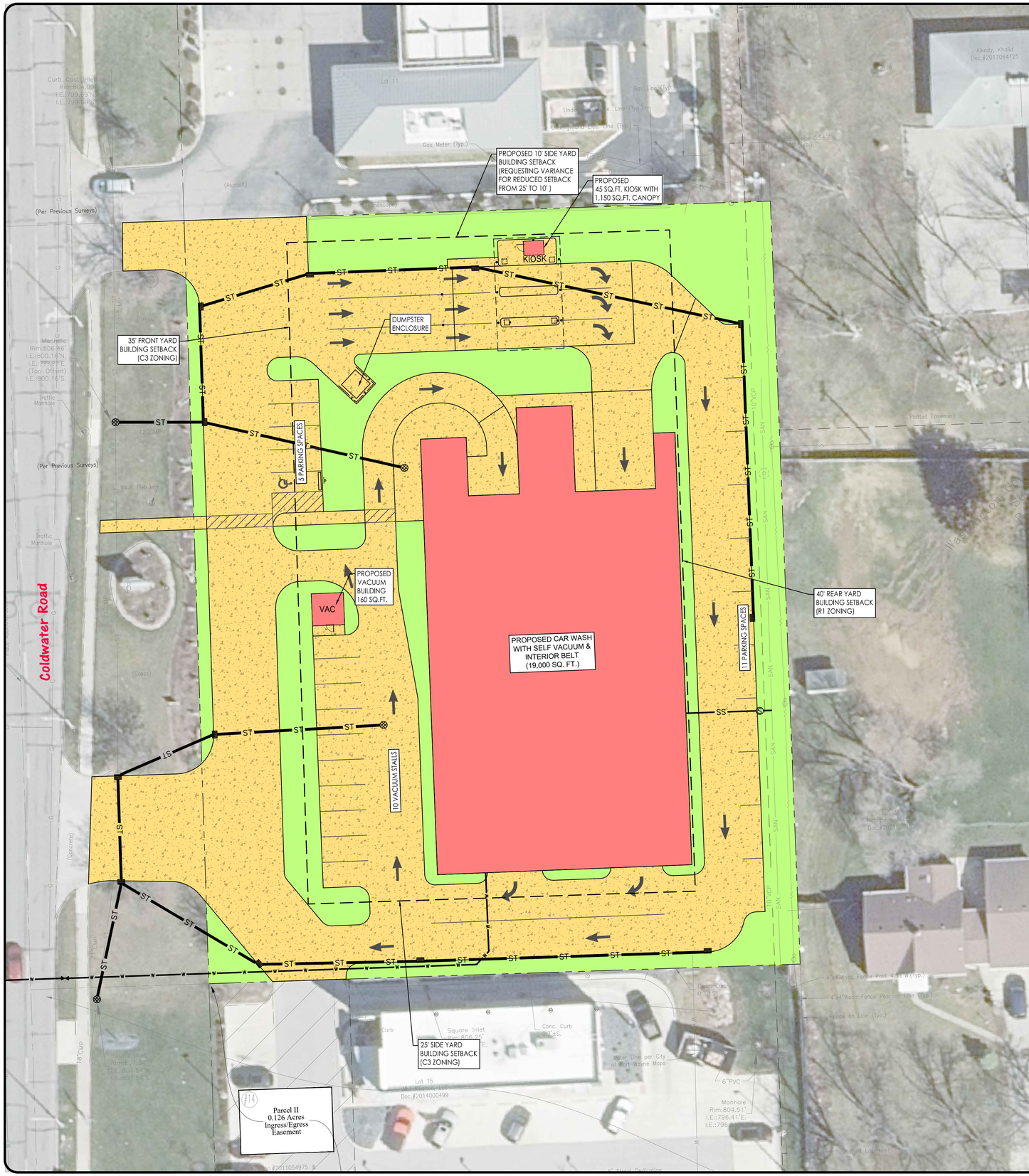

**ALLEN COUNTY SOIL SURVEY MAP**

NOT TO SCALE

⊛ = PROJECT SITE

**FLOOD INSURANCE RATE MAP (FIRM)**

NOT TO SCALE AUGUST 3, 2009 / MAP# 18003C0187G

⊛ = PROJECT SITE

**PROJECT SITE VICINITY MAP**

NOT TO SCALE

PROPOSED FEATURES LEGEND

- = CONCRETE SIDEWALK / PAVEMENT
- = BUILDING FOOTPRINT
- = GRASS

- EXISTING PROPERTY / RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- ST — STORM PIPE AND PIPE END SECTION
- SS — SANITARY PIPE
- W — WATER PIPE
- STORM / SANITARY CLEANOUT
- STORM CATCH BASIN / INLETS
- (D) DRAINAGE / (S) SANITARY STRUCTURE
- WATER VALVE / FIRE HYDRANT

N

20 10 0 20

Scale 1 in. = 20 ft.

## PROJECT SUMMARY

| | |
|---|---|
| PARCEL ADDRESS: | 5820 COLDWATER ROAD, FORT WAYNE, IN 46825 |
| TOWNSHIP NAME: | WASHINGTON |
| TOWNSHIP SECTION: | 24 |
| | |
| ESTIMATED CONSTRUCTION START DATE: | NOVEMBER 2023 |
| ESTIMATED CONSTRUCTION END DATE: | NOVEMBER 2025 |
| | |
| CURRENT ZONING CLASSIFICATION: | C2 - LIMITED COMMERCIAL |
| PROPOSED ZONING CLASSIFICATION: | C3 - GENERAL COMMERCIAL |
| CURRENT USE: | ENTERTAINMENT CENTER / ARCADE / RESTAURANT |
| PROPOSED USE: | AUTOMOBILE WASHING FACILITY / AUTOMOBILE MAINTENANCE (QUICK SERVICE) |
| | |
| TOTAL LOT ACREAGE: | 1.59 ACRES |
| TOTAL LOT IMPERVIOUS SURFACE: | 1.33 ACRES |
| TOTAL LOT COVERAGE: | (1.33 Ac. / 1.59 Ac.)*100 = 83.6% LOT COVERAGE |
| TOTAL BUILDING FOOTPRINT: | 19,000 SQ.FT. |
| TOTAL BUILDING HEIGHT ALLOWED: | 40 FEET |
| TOTAL BUILDING HEIGHT: | 29 FEET |
| | |
| PARKING REQUIREMENTS: | 1 SPACE PER EMPLOYEE AT LARGEST SHIFT<br>16 EMPLOYEES / 1 = 16 PARKING SPACES |
| PARKING PROVIDED : | TOTAL PARKING PROVIDED = 16 SPACES<br>VACUUM STALLS PROVIDED = 10 SPACES |
| LANDSCAPING: | SEE SHEET PDP-2 FOR LANDSCAPE PLAN SHOWING BUFFER YARDS AND MINIMUM PLANTINGS PER ORDINANCE REQUIREMENTS. |
| SITE LIGHTING: | SITE LIGHTING WILL BE DESIGNED TO COMPLY WITH THE ZONING ORDINANCE AND SUBMITTED TO DPS FOR REVIEW AND PERMITTING DURING THE SECONDARY DEVELOPMENT PLAN PROCESS. |
| SIGNAGE: | SIGNAGE WILL BE DESIGNED COMPLY WITH THE ZONING ORDINANCE AND SUBMITTED TO DPS FOR REVIEW AND PERMITTING DURING THE SECONDARY DEVELOPMENT PLAN PROCESS. |
| | |
| SANITARY UTILITY SERVICE: | CITY OF FORT WAYNE |
| WATER UTILITY SERVICE: | CITY OF FORT WAYNE |
| STORMWATER OUTLET: | TO EXISTING 21" CMP STORM SEWER PIPE (CITY OF FORT WAYNE) |

DEREK J. SIMON REGISTERED NO. PE11500716 STATE OF INDIANA PROFESSIONAL ENGINEER

Derek J. Simon, PE

The concepts, ideas, designs, plans, details, etc. shown on this document are the property of MLS Engineering, LLC., and were created for use on this specific project. None of the concepts, ideas, designs, plans, details, etc. shall be used by any person, firm, or corporation for any purpose without the expressed written consent of MLS Engineering, LLC. The owner shall be permitted to retain copies for information and reference in connection with this project.

MLS Engineering
ENGINEERING YOUR TOMORROW...TODAY
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Marion, IN 46772
Phone: (260) 692-6166
Fort Wayne Office
10060 Brent Creek Boulevard
Fort Wayne, IN 46825
Phone: (260) 489-8571
www.mlswebsite.us

PREPARED FOR:

Drive & Shine, Inc.
16915 Cleveland Rd
Granger, IN 46530
(574) 277-8877

REVISIONS:

# Drive & Shine, Inc.

Car Wash and Auto Detailing Facility (H26)

5820 Coldwater Rd, Fort Wayne, IN 46825

Primary Development Plan

Site Plan

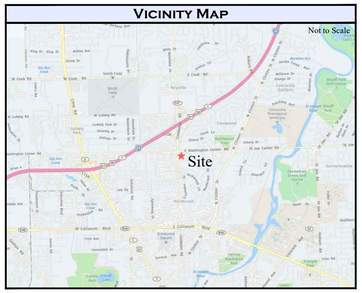
Date: 07-18-2023
Design By: CAW/JJS
Checked By: DJS
Project No.: 23056953

Sheet Number

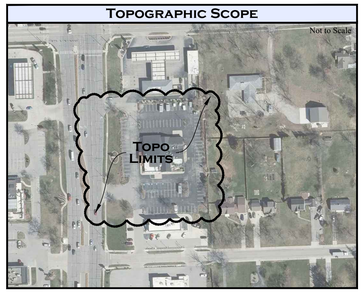
PDP-1

MLS

## Vicinity Map




## Topographic Scope




## Commitment Description

PARCEL 1:
LOTS NUMBERED 12, 13 AND 14 IN WASHINGTON CENTER PLACE ADDITION, SECTION "A" AS RECORDED IN PLAT RECORD 15, PAGES 97-98 AND RE-RECORDED IN PLAT RECORD 15, PAGE 145, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

PARCEL 2 (EASEMENT):

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES FOR THE BENEFIT OF PARCEL 1, AS CREATED BY GRANT OF INGRESS-EGRESS EASEMENT, DATED NOVEMBER 21, 2011, RECORDED NOVEMBER 29, 2011, AS INSTRUMENT NUMBER 2011054975, OVER AND ACROSS THE FOLLOWING DESCRIBED REAL ESTATE:

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## Surveyor's Report

**PURPOSE OF SURVEY:**
The purpose of this survey was to retrace the tracts described in Document Number 2011054976 in the Office of the Recorder of Allen County, Indiana. Located at 5820 Coldwater Road, Fort Wayne, Allen County, Indiana 46825.

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the below theory of location was based up the following opinions and observations a result of uncertainties in lines and corners because of the following:

**A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS**
The monuments found are shown on the survey and listed on the survey under monument legend. It is not known if these are original monuments set during the original subdivision layout, but due to the age of the addition and the dissimilarity in the type of monuments it is likely that some or all of the monuments were set during earlier retracement surveys of this or surrounding lots.

**B) OCCUPATION OR POSSESSION LINES**
There were uncertainties based on visual inspection of occupation or possession lines.
-A 6-foot wood fence lies 4.0 feet, more or less, West of the East line of the subject tract at its North end and 4.5 feet, more or less, West of the East line of the subject tract at its South end.
-Concrete curbs extend a maximum of 0.7 feet, more or less, South of the South line of the subject tract

**C) CLARITY OR AMBIGUITY OF DESCRIPTIONS**
There were no ambiguities found within the descriptions used for the survey. Documents used include:
1 Document Number 2011054976
2 Document Number 2014000499
3 Document Number 2021020152
4 Document Number 2017064125
5 Document Number 20190559993
6 Plat of Washington Center Place Addition, Section "A" (Plat Book 15, Page 145)
7 Survey Completed by Miller Land Surveying, Inc., Survey No. 22096650, Dated November 2, 2022
8 Survey Completed by Donovan Engineering, Inc., Survey No. 12-5188, Dated May 16, 2012
9 Survey Completed by Anderson Surveying, Inc., Survey No. 12-09-133, Dated December 24, 2013

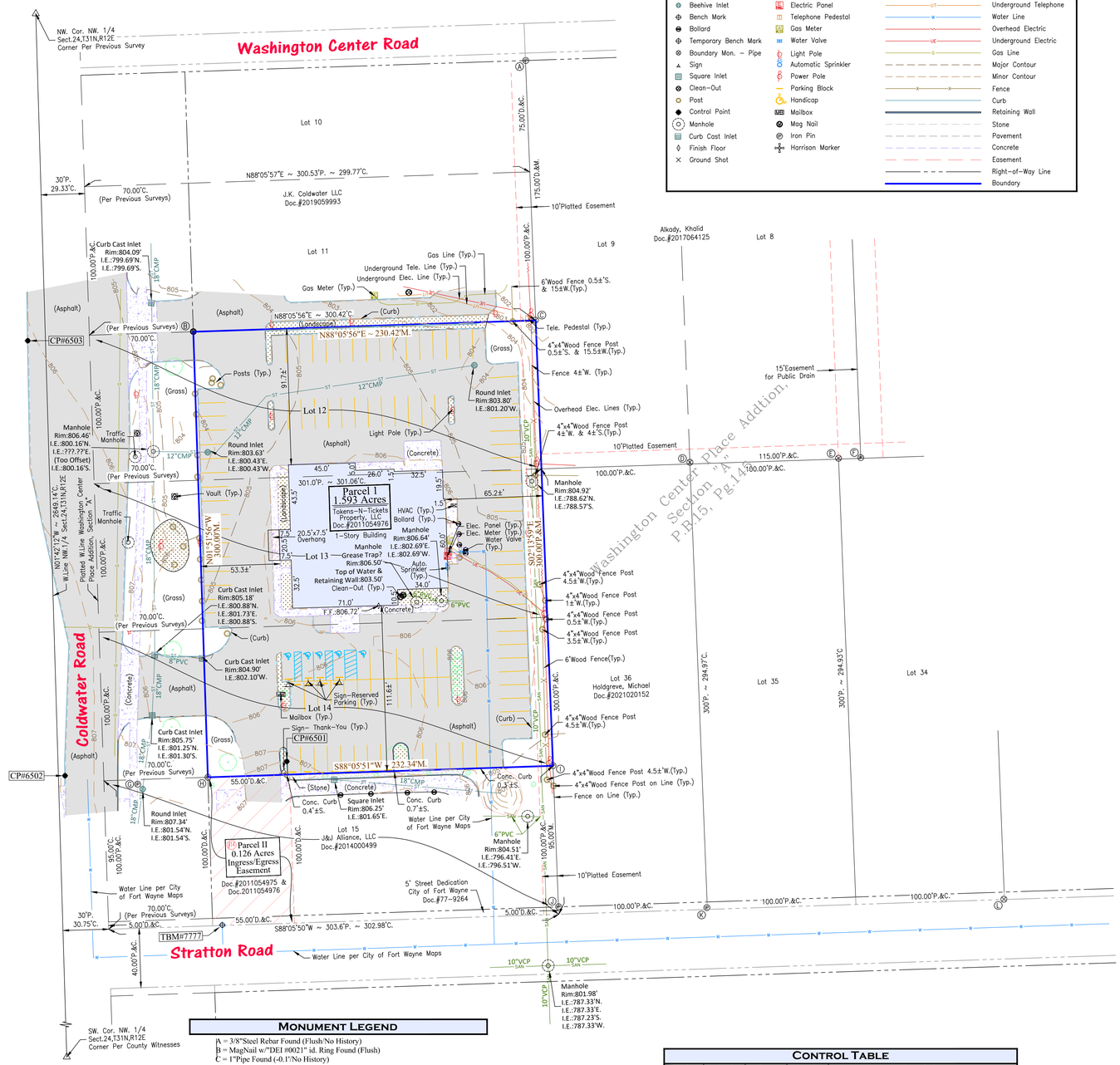
-The platted East right-of-way line of Coldwater Road as shown on the plat of Washington Center Place Addition, Section "A" stated in Plat Book 15, Page 145 is shown to be 30.00 feet East of the West Line of the Northwest Quarter of Section 24,T31N,R13E. The right-of-way for Coldwater Road is shown on City of Fort Wayne Street Engineering Map No. N34 as being 200 feet in total width, and the documents for the subject tract and the North and South adjoining tracts do not mention any additional right-of-way take, and this surveyor could not locate any additional documents verifying any additional right-of-way taking. The Ingress-Egress Easement described in Documents Numbered 2011054975 & 2011054976, Title Commitment File No. 792300140, and the above referenced surveys by Donovan Engineering, Inc., and Anderson Surveying, Inc., all show an additional 70.00 feet for right-of-way, and therefor this surveyor believes said 70.00 feet is the intended additional right-of-way taking from the West portions of Lots Numbered 11 thru 15.

**D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS**
Based on the use of the property (commercial property, industrial property, condominiums, townhouses, apartments, multiunit developments-- single family residential subdivision lots--real estate lying in rural areas) the acceptable relative positional accuracy is urban survey 0.07 feet (21 millimeters) plus 50 ppm.

**THEORY OF LOCATION:**
The West (300.00 feet) line was established per the East right-of-way line of Coldwater Road, which was established per survey geometry as shown in the above referenced Donovan Engineering, Inc., and Anderson Surveying, Inc., surveys, between found monuments labeled "B" and "H". The North (230.42 feet) line of the subject tract was established between found monuments labeled "B" and "C", as shown in the above referenced surveys. The South (232.34 feet) line of the subject tract was established between found monuments labeled "H" and "I", as shown in the above referenced surveys. The East (300.00 feet) line of the subject tract was established along a line of found monuments labeled "A", "C", "I", and "J".

Since the last date of field work of this survey, conditions beyond the knowledge or control of Miller Land Surveying, Inc. may have altered the validity and circumstances shown or noted hereon.

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, Brett R. Miller.




## Symbol and Line Legend

| | | | |
|---|---|---|---|
| Air Conditioning Unit | Tree | SAN | Sanitary Line |
| Vault | Electric Meter | ST | Storm Line |
| Beehive Inlet | Electric Panel | UT | Underground Telephone |
| Bench Mark | Telephone Pedestal | W | Water Line |
| Bollard | Gas Meter | | Overhead Electric |
| Temporary Bench Mark | Water Valve | UE | Underground Electric |
| Boundary Mon. – Pipe | Light Pole | G | Gas Line |
| Sign | Automatic Sprinkler | | Major Contour |
| Square Inlet | Power Pole | | Minor Contour |
| Clean-Out | Parking Block | | Fence |
| Post | Handicap | | Curb |
| Control Point | Mailbox | | Retaining Wall |
| Manhole | Mag Nail | | Stone |
| Curb Cast Inlet | Iron Pin | | Pavement |
| Finish Floor | Harrison Marker | | Concrete |
| Ground Shot | | | Easement |
| | | | Right-of-Way Line |
| | | | Boundary |

Reference Survey
ZK Tazian
Document No. 91-006068
Date: July 10, 1990

Scale 1" = 40 ft
Bearing Basis: IndGCS (Allen Co.)

## Title Commitment - Sch. B - #792300140

Items #1–#11 – Not Survey Items
Item #12 – Covenants, conditions, and restrictions easements, and building lines as shown in the plat of Washington Center Place Addition, Section A, a Subdivision recorded in Plat Book 15, Page 97–98, Re-recorded in Plat Book 15, Page 145, excepting those restrictions removed by the release recorded in Miscellaneous Record 310, pages 187–192.
Item #13 – Not Survey Item
Item #14 – Terms and conditions of Grant of Ingress and Egress Easement, dated November 21, 2011 and recorded November 29, 2011 as Instrument Number 2011054975. (Depicted on Survey)
Item #15–#22 – Not Survey Item

## Flood Plain Certification

This property is within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) as defined by the FIRM (Flood Insurance Rate Map) for City of Fort Wayne, Community No.180003, Panel No.0169G, dated August 03, 2009.

## Notes

Location and sizes of underground utilities are shown from best available record drawings and/or field markings. Utility lines shown hereon are approximate in location and intended for reference only. Call Indiana Underground Plant Protection Services (IUPPS) at 1-800-382-5544 for field marked location of utilities prior to any excavation.

- Indiana Underground Plant Protection Services (IUPPS) Locate Number For This Project: 2306065465

Elevations are based upon a INCORS (Indiana Continuously Operating Reference Station Network) Indiana East. Datum = North American Vertical Datum (NAVD88).

- No evidence of earth moving work
- No observed evidence of site used as soild waste dump, sump or sanitary land fill

## Surveyor's Certification

To:
Tickets-N-Tokens Property, LLC
Grand Mere Development, LLC and/or assigns
Fidelity National Title Company, LLC

File No: 792300140
Effective Date: May 12, 2023 @ 8:00 am

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11(a), 13, 16, 17 and 19 of Table A thereof. The fieldwork was completed on 6/19/2023.

Date: June 21st, 2023
By: Brett R. Miller, P.S. Registration No. 20300059

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 1-12-1 thru 30.

BRETT R. MILLER REGISTERED No.LS20300059 STATE OF INDIANA LAND SURVEYOR

Brett R. Miller, P.S. Registration No. 20300059

## Monument Legend

A = 3/8"Steel Rebar Found (Flush/No History)
B = MagNail w/"DEI #0021" id. Ring Found (Flush)
C = 1"Pipe Found (-0.1'/No History)
D = 1-1/4"Pipe Found 1.14'N. of Actual (-0.1'/No History)
E = 1-1/4"Pipe Found 0.56'N. of Actual (-0.1'/No History
F = 1/2"Bar Found Bent 0.50'N. of Actual (Flush/No History)
G = 5/8"Steel Rebar Found 3.14'S. of Actual (+0.1'/No History)
H = 5/8"Steel Rebar w/"0027" id. Cap Found (-0.1')
I = 5/8"Steel Rebar w/"0027" id. Cap Found (Flush)
J = 5/8"Steel Rebar w/"Anderson" id. Cap Found (-0.3')
K = 5/8"Steel Rebar w/"Sauer" id. Cap Found 0.33'W. & 1.15'N. of Actual (Flush)
L = 1"Pipe Found 0.38'W. & 0.18'N. of Actual (Flush/No History)

## Control Table

| Number | North | East | Elevation | Description |
|---|---|---|---|---|
| CP#6501 | 202438.29 | 763908.53 | 807.82' | MagNail w/"Miller Firm #0095" id. Cap |
| CP#6502 | 202428.69 | 763759.32 | 807.78' | MagNail w/"Miller Firm #0095" id. Cap |
| CP#6503 | 202721.41 | 763734.27 | 806.44' | MagNail w/"Miller Firm #0095" id. Cap |
| TBM#7777 | 202328.14 | 763865.10 | 808.42' | Bonnet Bolt on Fire Hydrant |

The Above Elevations are Based on North American Vertical Datum (NAVD88)

## Zoning Notes

No zoning report or letter provided to the surveyor by the client

## Parking Notes

106 Regular Marked Parking Spaces
5 Handicap Marked Parking Spaces
111 Total Parking Spaces

Legend
POB - Point of Beginning
M. - Measured
R. - Record
C. - Calculated
D. - Deed
- Right of Way (R/W)
- Building Setback Line
- Center Line

| | | | |
|---|---|---|---|
| Drawn By: JRM | Fieldwork Completed: 06/19/2023 | REVISIONS | |
| Date: June 21st, 2023 | Drawing Name: 23056953.dwg | | |
| Survey Number: 23056953 | For: Tokens-N-Tickets Property, LLC | | |
| Approved By: BRM | | | |

Corporate Office
221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

Miller Land Surveying, Inc.
www.mlswebsite.us
*Precision and Professionalism is where we draw the line.*

Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571

Project: Tokens-N-Tickets Property, LLC
5820 Coldwater Road, Fort Wayne, IN 46825
Washington Center Place Addition - Lots 12-14, Allen Co., IN

Description: ALTA/NSPS Land Title Survey

# FACT SHEET

| Case #REZ-2023-0035 | Bill # Z-23-08-02 | Project Start: July 2023 |
|---|---|---|

| | |
|---|---|
| APPLICANT: | Drive and Shine (Haji Tehrani) |
| REQUEST: | Rezone property from C2/Limited Commercial to C3/General Commercial for a car wash. |
| LOCATION: | 5820 Coldwater Road, 225 feet south of its intersection with E Washington Center Road (Section 24 of Washington Township) |
| LAND AREA: | 1.84 acres |
| PRESENT ZONING: | C2/Limited Commercial |
| PROPOSED ZONING: | C3/General Commercial |
| COUNCIL DISTRICT: | 3-Tom Didier |
| SPONSOR: | City of Fort Wayne Plan Commission |

**August 14, 2023 Public Hearing**

- One person spoke with concerns.
- Karen Richards was absent.

**August 21, 2023 Business Meeting**
**Plan Commission Recommendation: DO PASS w/Written Commitment**
A motion was made by Paul Sauerteig and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation with a written commitment to Common Council for their final decision.
**8-0 MOTION PASSED**

- Tom Freistroffer was absent.
- Ryan Neumeister left early.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
August 14, 2023

## PROJECT SUMMARY

- The property consists of a commercial structure previously used as the Tokens-N-Tickets arcade, and a restaurant.

**DISCUSSION**

The petitioner requests a rezoning from C2/Limited Commercial to C3/General Commercial and a primary development plan for a car wash with a waiver to reduce the required north setback from 25 feet to 10 feet. The property is located on the east side of Coldwater Road 225 feet south of its intersection with E Washington Center Road. The surrounding properties consist of commercial uses to the north, south, and west with a subdivision to the east. The property directly to the north is zoned C3/General Commercial and is currently a Marathon Gas Station. The north parcel was rezoned in 2022 to permit the existing gas station use. The property adjacent to the south is a Subway.

The submitted development plan indicates that the existing building will be demolished and replaced by a 19,000 square foot car wash with vacuum stalls. The site has two access points directly to Coldwater Road, both of which are right in right out. Staff understands that a cross access easement with the Subway to the south gives the car wash access to Stratton Road/Coldwater Road intersection. The submitted landscape plan shows A-6 landscaping on the north and south side of the property, A-2 landscaping adjacent to the residentially zoned properties to the east, and P-1 landscaping to the west along Coldwater Road. The A-2 landscaping standard is for drive through lanes adjacent to residential districts and consists of a 15-foot-wide buffer with 1 tree every 30 feet and a continuous 6-foot-high solid fence. The A-6 standard is 1 tree every 30 feet with a continuous medium shrub buffer.

The primary development plan meets all zoning ordinance standards with the exception of the north side setback. Since the kiosk is proposed to be only 10 feet from the north property line a waiver was requested to reduce the setback from 25 feet to 10 feet. This is adjacent to the rear of the Marathon gas station and convenience store.

The Plan Commission determines the validity of waiver requests by considering the following three criteria:

(a) The waiver or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the Comprehensive Plan;
(b) The applicant has submitted adequate evidence to demonstrate that the requested waiver or modification will not have a significant impact on contiguous residential properties; and
(c) The failure to grant the requested waiver would result in practical difficulties in the use of the property for the proposed development.

The applicant responded to the waiver criteria with the following:

*(a) The proposed waiver is consistent with the All in Allen Plan in that it clearly fits within Goal 1; namely, it encourages compatible infill development within areas that are primarily built out (pg. 60). The project promotes Goal 2 (pg. 61) in as much as it promotes appropriate development in areas that are adjacent to existing development. The north setback waiver maximizes the use of the property for its intended commercial purposes. The north setback allows for orderly traffic*

*flow into the automobile washing facility. This enhances safety and convenience for all customers and employees.*

*(b) The waiver will not result in significant impact to adjacent residential properties as the main traffic flow will be directed into the building from the north. The Applicant has included additional landscape buffering for the project along the rear lane.*

*(c) The primary practical difficulty is that the north setback allows traffic to enter the car wash in an orderly and safe manner. Furthermore, it takes into account turning ratios for variously sized personal vehicles. Without the north setback, customers will have great difficulty conveniently and safely accessing the washing facility especially during peak periods. The north setback also provides greater safety for employees.*

Staff is generally supportive of the waiver as the kiosk is small and will be screened from neighboring properties.

**COMPREHENSIVE PLAN REVIEW**

**Future Growth and Development Map, Goals, and Strategies**

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
  LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

**Overall Land Use Policies**

- The following Land Use Policies would be applicable and supportive of this request:
  LUD Policy 7 – Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings.

**Generalized Future Land Use Map**

- The project site is located within the Regional Commercial generalized land use category.
- Similar Primary Land Uses in this category are Moderate- to Large-Format Multiple-User Business, Service, and Retail
- Adjacent properties are categorized as Regional Commercial and Suburban Neighborhood.

**Overall Land Use Related Action Steps**

- LUD Goal 1 Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.
- LUD 1.4 Focus development and redevelopment initiatives and incentives in the Priority Investment Area to address market gaps and build momentum among private sector property owners and developers

**Compatibility Matrix**

- This proposed use is permitted in C3/General Commercial which is considered compatible with Regional Commercial and potentially compatible with Suburban Neighborhood.

**Other Applicable Plans:** none

To date, staff has received no remonstrance against the proposal.

**PUBLIC HEARING SUMMARY:**
Presenter: Susan Trent, representing the applicant, presented the request as outlined above. Drive and Shine is local to Northern Indiana. The facilities use "green" soap in the carwash, which is better for the environment. Landscape plan will include fencing on the northeast corner connecting to existing Marathon gas station fence.

Public Comments:
Julie Glant, Stratton Road: Concerns about lighting on east side.

Closing Comments:
Cody Ward, Engineer for project, lighting will be approximately 20 feet high, with sharp cut-off.

# FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

**Rezoning Petition REZ-2023-0035**

| | |
|---|---|
| APPLICANT: | Drive and Shine (Haji Tehrani) |
| REQUEST: | Rezone property from C2/Limited Commercial to C3/General Commercial for a car wash. |
| LOCATION: | 5820 Coldwater Road, 225 feet south of its intersection with E Washington Center Road (Section 24 of Washington Township) |
| LAND AREA: | 1.84 acres |
| PRESENT ZONING: | C2/Limited Commercial |
| PROPOSED ZONING: | C3/General Commercial |

**The Plan Commission recommends that Rezoning Petition REZ-2023-0035 be returned to Council, with a "Do Pass" recommendation and 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 C3/General Commercial zoning will provide the opportunity to redevelop the site while providing additional commercial options along Coldwater Road. The Comprehensive Plan categorizes this property as Regional Commercial.

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. The property is adjacent to C3/General Commercial zoning directly to the north. The existing building is in poor condition, the proposal would construct an entirely new structure. Coldwater is considered one of the busiest thoroughfares within Fort Wayne.

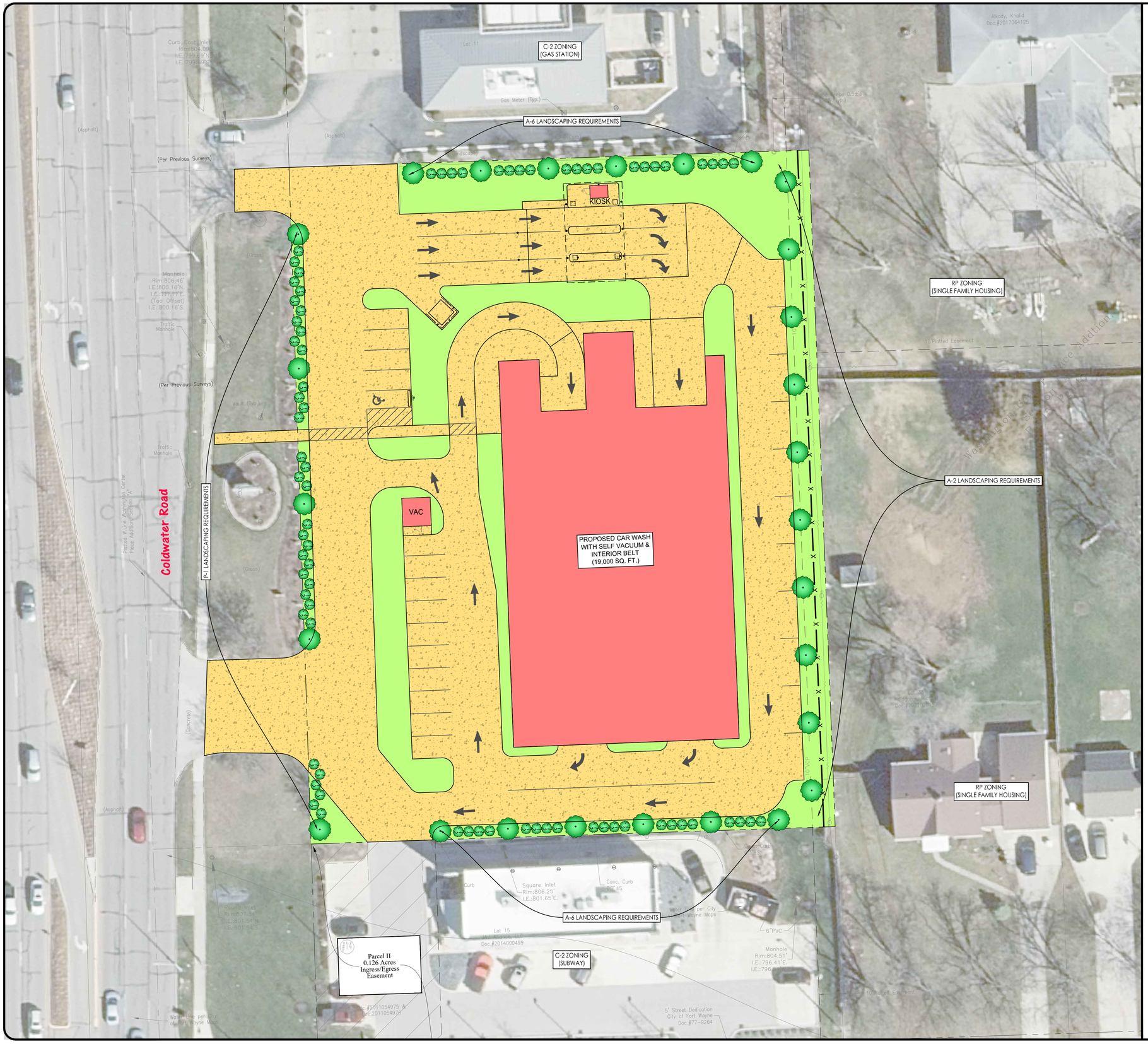
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the area and is adjacent to C3/General Commercial property. The new zoning gives the property owner flexibility to invest in the property commercially.

4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments will ensure the required infrastructure is provided to the site. The rezoning is consistent with existing C3/General Commercial zoning directly to the north.

These findings approved by the Fort Wayne Plan Commission on August 21, 2023.

Benjamin J. Roussel

Benjamin J. Roussel
Executive Director
Secretary to the Commission




PROPOSED FEATURES LEGEND

= BUILDING FOOTPRINT

= CONCRETE SIDEWALK / PAVEMENT

= GRASS

BUILDING SETBACK LINE

6' PRIVACY FENCE

= SHADE TREE

= LARGE SHRUB

N

Scale 1 in. = 20 ft.

DEREK J. SIMON
REGISTERED
NO. PE11500716
STATE OF INDIANA
PROFESSIONAL ENGINEER

Derek J. Simon, PE

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PREPARED FOR:

Drive & Shine, Inc.
16915 Cleveland Rd
Granger, IN 46530
(574) 277-8877

REVISIONS:

# Drive & Shine, Inc.

Car Wash and Auto Detailing Facility (H26)

5820 Coldwater Rd, Fort Wayne, IN 46825

Primary Development Plan

## Landscape Plan

Date: 07-18-2023
Design By: CAW/JJS
Checked By: DJS
Project No.: 23056953

Sheet Number

PDP-2

Parcel Number:

02-07-24-101-002.001-073

**WRITTEN COMMITMENT**

**THIS WRITTEN COMMITMENT** (this "Commitment") is made effective as of ____ day of August, 2023, by **Tokens-n-Tickets Property, LLC**, an Indiana limited liability company ("Declarant") and **Drive and Shine, Inc.**, an Indiana corporation ("Applicant").

**WITNESSETH:**

**WHEREAS**, Declarant is the owner, by virtue of a deed recorded as Instrument No. _____ of the records of the Recorder's Office of Allen County, Indiana, of certain real estate more particularly described in **Exhibit "A"**, attached hereto (the "Real Estate"); and

**WHEREAS**, Applicant filed a Primary Development Plan Application numbered PDP-2023-0029, which Primary Development Plan included a C3 Rezoning Petition Application numbered REZ-2023-0035 (the C3 Rezoning Petition Application numbered REZ-2023-0035, as part of the overall Primary Development Plan, is hereinafter referred to as the "Application"), which Application has been approved by the Fort Wayne Plan Commission (the "Plan Commission") and the Fort Wayne Common Council (the "City Council"); and

**WHEREAS**, pursuant to the Application, the Real Estate has been rezoned from "C2 Limited Commercial" to "C3 General Commercial" pursuant to the Fort Wayne Zoning Ordinance effective as of October 10, 2019 (the "Ordinance"); and

**WHEREAS**, Declarant and Applicant have submitted this Commitment, voluntarily, pursuant to the Ordinance and I.C. 36-7-4-1015 for the purpose of limiting certain off site impacts and certain permitted uses arising from the development of the Real Estate; and

**WHEREAS**, in conjunction with the Application, the Plan Commission has accepted Declarant's offer of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office upon the Plan Commission's and the City Council's approval of the Application.

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

1. **Use Restrictions**. The following uses in the C3 zoning district described in §157.216 of the Ordinance are prohibited: automobile auction, automobile body shop, automobile rental, automobile restoration, automobile sales, and gas station.

2. **Screening and Buffering**. Applicant agrees to (a) conduct routine maintenance to the landscaping shown on the Primary Development Plan, (b) remove any unhealthy or dead landscaping that

represents a danger to public health and safety, and, (c) remove any landscaping that affects any public or private utility infrastructure. Applicant further commits to the repair and/or to the replacement of existing landscaping or fencing, as reasonably necessary, if in a distressed condition or in disrepair.

3. **Lighting**. Applicant agrees to limit lighting on the east wall of its facility directly adjacent to the residential neighborhood to wall pack lighting. Applicant's lighting design will be submitted as part of its site plan approval following photometric study and creation of an appropriate plan that balances safety and security of customers, employees, and emergency personnel and precludes light from crossing the property line.

4. **Permits**. No permits shall be issued under the City of Fort Wayne Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder and a recorded and executed copy of the Commitment is delivered to the Zoning Administrator.

5. **Successors and Assigns**. This Commitment and the restrictions and limitations set forth herein shall be binding upon Declarant and Applicant, and their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of Fort Wayne (the "Zoning Administrator") and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate. 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, Applicant and their successors and assigns as owners of the Real Estate, and shall have an initial term of twenty-five (25) years, with successive terms of ten (10) years each unless terminated pursuant to the provisions of Section 5 below.

6. **Enforcement**. Any violation of this Commitment shall be deemed a violation of the Ordinance. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated by the Ordinance, shall be entitled to enforce this Commitment, at law or in equity, in the event of any breach of the obligations contained herein; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel the enforcement of this Commitment by the Plan Commission or any enforcement official designated by the Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. The Plan Commission, or any enforcement official designated by the Ordinance, shall have the remedies provided for in the Ordinance, or the ordinance covering 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.

7. **Modification and Termination**. Modification and termination of this Commitment may only be made in accordance I.C. §36-7-4-1015, as such statute may be amended and modified from time-to-time.

8. **Effective Date**. This Commitment shall be effective upon being duly recorded in the Office of the Recorder of Allen County, Indiana.

9. **Statutory Authority**. This Commitment is made by Owner and Applicant pursuant to I.C. §36-7-4-1015.

10. **Governing Law**. This Commitment, including the restrictions and covenants contained herein, shall be governed by the laws of the State of Indiana.

11. **Counterparts**. This Commitment may be executed in multiple counterparts, and transmitted via email or facsimile, each of which shall be deemed an original and all of which together shall constitute one instrument.

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

**DECLARANT:**

**TOKENS-N-TICKETS PROPERTY, LLC**

Date: _____ By: _____
Rob Clevenger
Its: Authorized Member

STATE OF INDIANA )
) SS:
COUNTY OF _____ )

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 2023, personally appeared Rob Clevenger, an Authorized Member of Tokens-n-Tickets Property, 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

**APPLICANT:**

**DRIVE AND SHINE, INC.**

Date: _____ By: _____
Haji Tehrani
Its: President

STATE OF INDIANA )
) SS:
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____, 2023, personally appeared Haji Tehrani, the President of Drive and Shine, Inc., 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 Susan E. 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. *Susan E. Trent*

Return to:

RLW Box

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE REAL ESTATE**

PARCEL 1:

LOTS NUMBERED 12, 13 AND 14 IN WASHINGTON CENTER PLACE ADDITION, SECTION "A" AS RECORDED IN PLAT RECORD 15, PAGES 97-98 AND RE-RECORDED IN PLAT RECORD 15, PAGE 145, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.