

#REZ-2023-0044

BILL NO. Z-23-09-11

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. H-11 (Sec. 16 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 I2 (General
Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

A PART OF THE NORTH WEST ¼ OF THE SOUTH WEST ¼ OF SECTION 16,
TOWNSHIP 30 NORTH, RANGE 12 EAST AS FOLLOWS, BEGINNING AT
THE WEST ¼ CORNER OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 12
EAST RUNNING ALONG THE ¼ LINE OF SAID SECTION 12 - 766 CHAINS
TO A STONE; THENCE SOUTH 11-60 CHAINS TO A STONE; THENCE WEST
12.86 CHAINS TO A STONE; ON THE WEST LINE OF SAID SECTION;
THENCE NORTH 11.57 CHAINS ALONG THE WEST LINE OF SAID SECTION
TO THE PLACE OF BEGINNING. THE ABOVE DESCRIBED TRACT TO
CONTAIN 14.84 ACRES. EXCEPT THAT PART THEREOF CONVEYED FOR
RIGHT OF WAY PURPOSES IN DOCUMENT NUMBER 70-05322.

and the symbols of the City of Fort Wayne Zoning Map No. H-11 (Sec. 16 of Wayne
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

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

FACT SHEET

Case #REZ-2023-0044		Bill # Z-23-09-11	Project Start: August 2023
APPLICANT:	Murray Property Management, LLC		
REQUEST:	To rezone property from R1/Single Family Residential to I2/General Industrial for machining, metal fabrication, and warehousing industrial building.		
LOCATION:	3633 Nuttman Avenue, southeast corner of its intersection with Ardmore Road (Section 16 of Wayne Township)		
LAND AREA:	14.84 acres		
PRESENT ZONING:	R1/Single Family Residential		
PROPOSED ZONING:	I2/General Industrial		
COUNCIL DISTRICT:	5-Geoff Paddock		
SPONSOR:	City of Fort Wayne Plan Commission		

September 11, 2023 Public Hearing

- One neighbor spoke with concerns.
- Staff received a letter of support from a neighbor.
- Tom Freistroffer, Ryan Neumeister, Karen Richards and Rachel Tobin-Smith were absent.

September 18, 2023 Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

A motion was made by Rachel Tobin-Smith and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation and a written commitment to Common Council for their final decision.

8-0 MOTION PASSED

- Ryan Neumeister was absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
September 20, 2023

PROJECT SUMMARY

- The property consists of a single-family home surrounded by an ag field on 14.84 acres.

The petitioner requested a rezoning from R1/Single Family Residential to I2/General Industrial and approval of a primary development plan for a proposed 100,000 square foot building intended for machining, metal fabrication, and warehousing. The project is located on the southeast corner of the intersection of Ardmore and Nuttman Avenue. The immediate properties are zoned residential in every direction. A broader view the area shows a significant amount of industrial zoning and development. The properties north and west of the site have floodplain and are developed as sports fields and vegetable farming.

The site plan includes one proposed 100,000 square foot industrial building near the southeast corner of the site. The plan includes wide drives for semi-truck traffic as well as 50 parking spaces on the north side of the building. Landscaping is proposed throughout the site that appear to meet all zoning ordinance standards. Detention is located on the northwest corner of the site. Access is shown off Nuttman and Ardmore Avenue as well as improvements to the intersection. The applicant has not requested any waivers and will meet all zoning ordinance requirements.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Municipal infill areas benefit from existing infrastructure and adjacency to other community amenities. These second-tier infill areas are a focus for reinvestment and for filling in gaps within established neighborhoods. 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:
LUDI. 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 Rural Agriculture generalized land use category.
- Adjacent properties are categorized as Rural Agricultural and Production Center.

Overall Land Use Related Action Steps

- There are no specific Land Use Policies supportive of this request.

Compatibility Matrix

- This proposed use is permitted in I2/General Industrial which is considered potentially compatible with Rural Agriculture and compatible with Production Center.

Other Applicable Plans: Southeast Strategy 2021

Presenter:

Pat Hess, representing the applicant, presented the request as outlined above. Based on comments from staff and the public, the applicant has agreed to a Written Commitment to enhance landscaping along the northern portion of the project, adjacent to the McNeal farm. Mr. Hess stated that the

majority of truck traffic will use Ardmore Avenue, and storage would be on the rear of the building, and this is a first shift operation.

Public Comments:

Joshua and Lindsey McNeal, Nuttman Avenue – Feel the proposal does not meet the comprehensive plan. They are concerned about property values, quality of life and how this will affect their business.

John Haifley, Ardmore Avenue – Submitted a letter of support.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

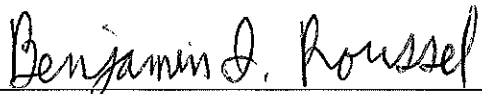
Rezoning Petition REZ-2023-0044

APPLICANT: Murray Property Management, LLC
REQUEST: Rezone property from R1/Single Family Residential to I2/General Industrial for a machining, metal fabrication, and warehousing industrial building.
LOCATION: 3633 Nuttman Avenue, southeast corner of its intersection with Ardmore Road (Section 16 of Wayne Township)
LAND AREA: 14.84 acres
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: I2/General Industrial

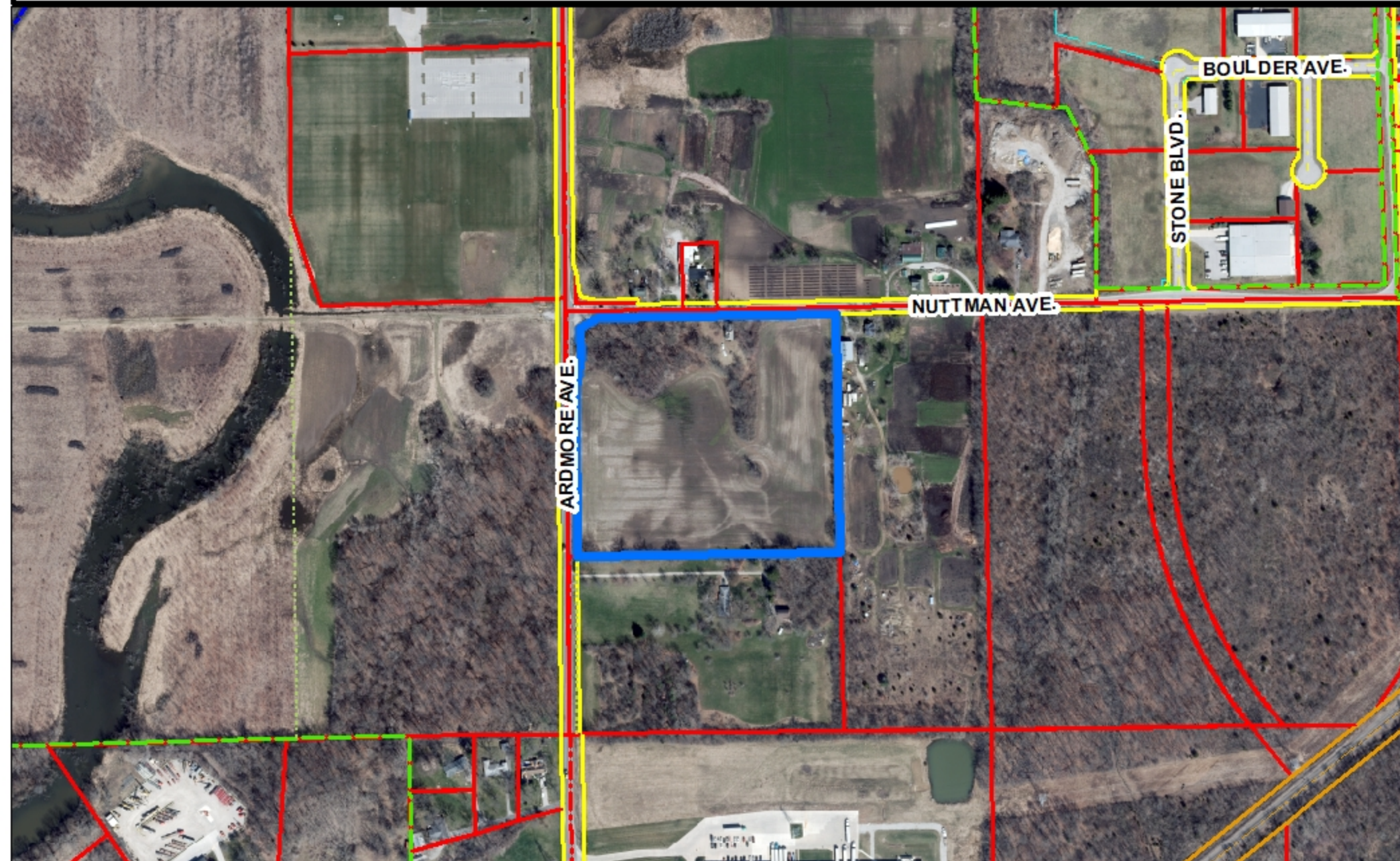
The Plan Commission recommends that Rezoning Petition REZ-2023-0044 be returned to Council, with a “Do Pass” recommendation and a Written Commitment, after considering the following:

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 I2/General Industrial zoning will provide the opportunity to redevelop the site while providing additional industrial options along Ardmore Road.
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 near industrial zoning and uses further to the east and south. The proposal would construct an entirely new structure. Ardmore is considered one of the busiest industrial 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 near I2/General Industrial property to the east and south. The new zoning gives the property owner flexibility to invest in the property industrially.
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 I2/General Industrial zoning near the property to the east and south.

These findings approved by the Fort Wayne Plan Commission on September 18, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



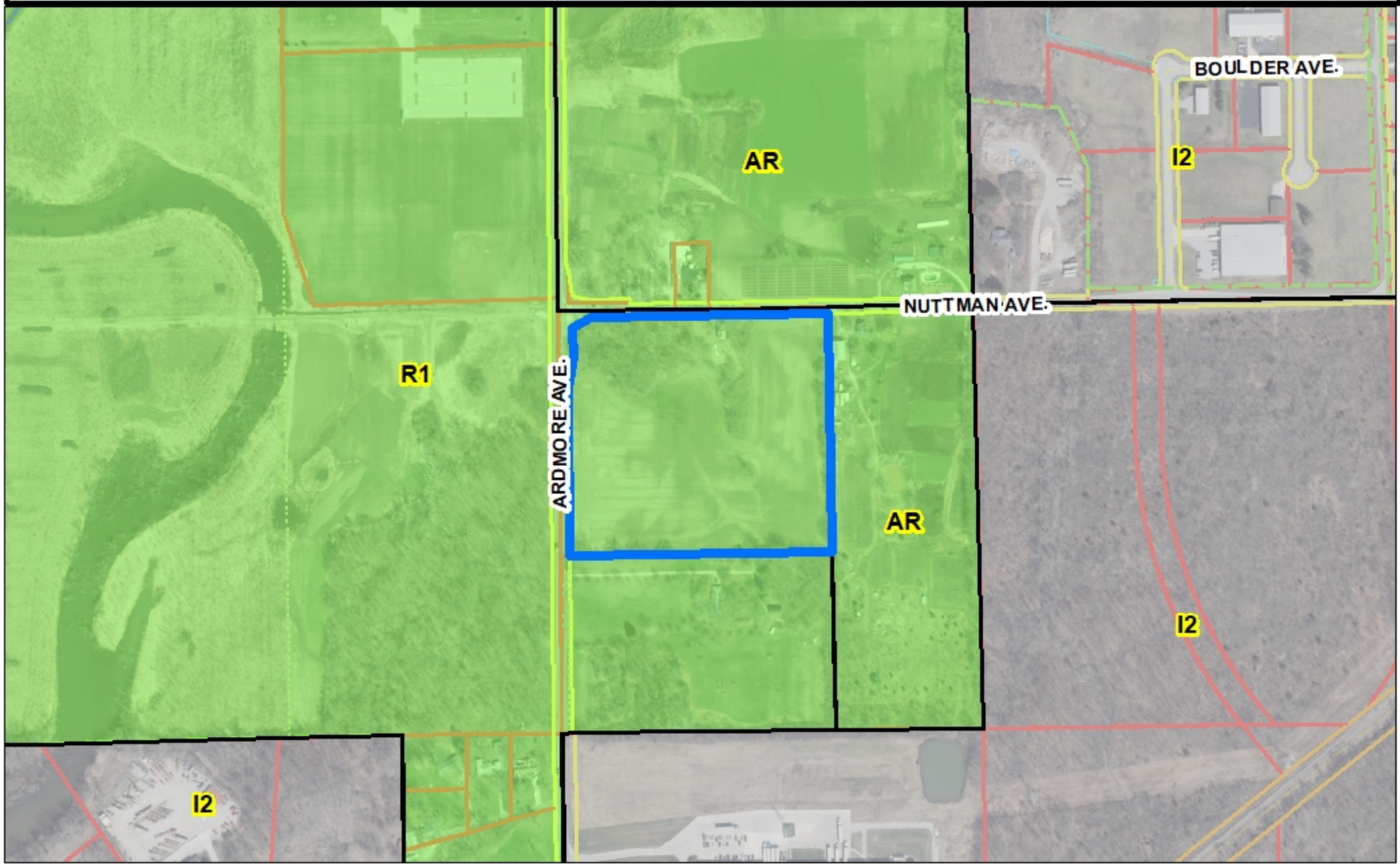
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 8/10/2023

0 125 250 Feet

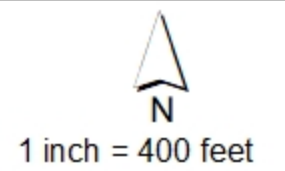
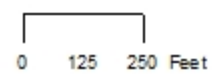


1 inch = 400 feet

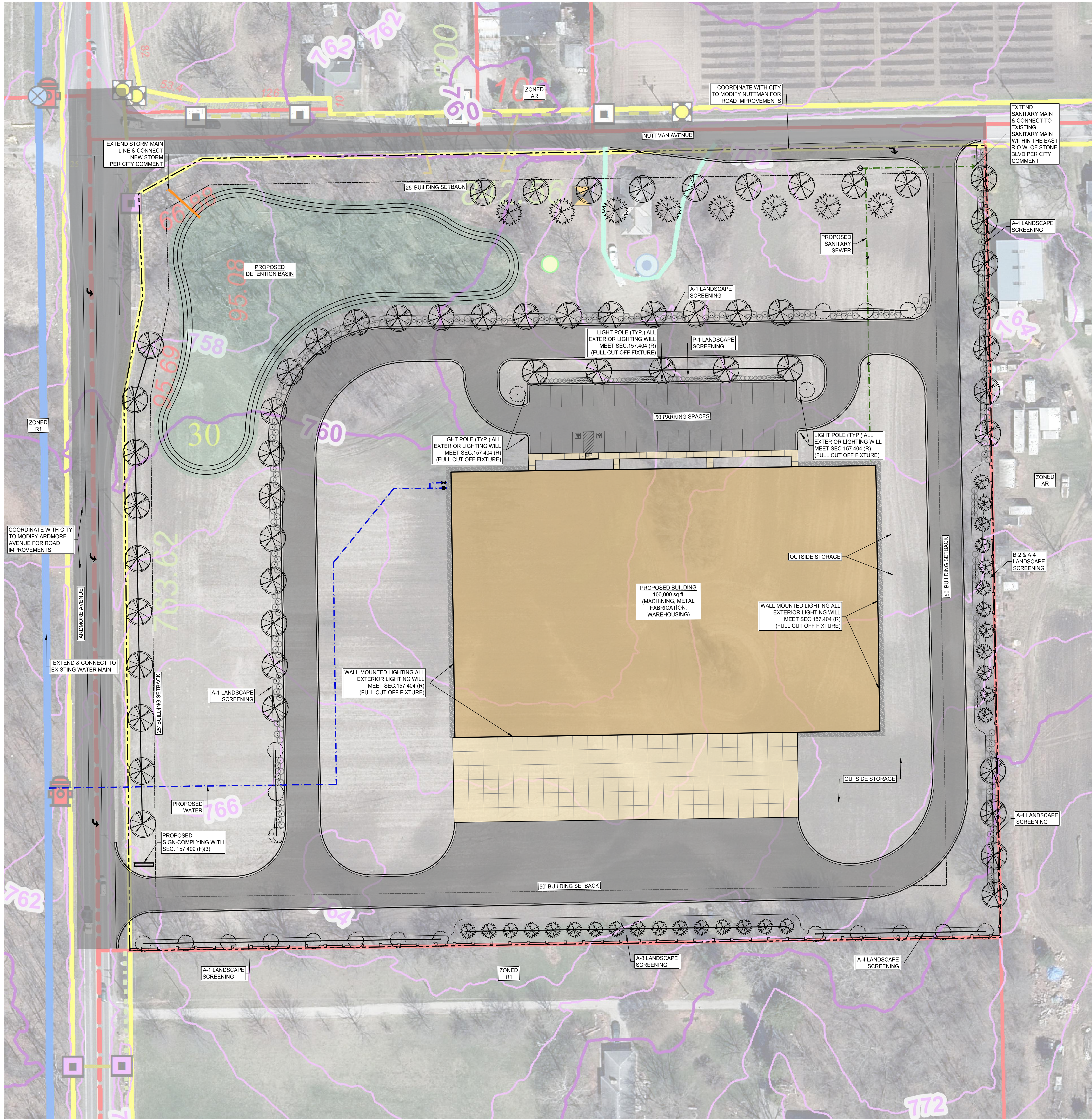


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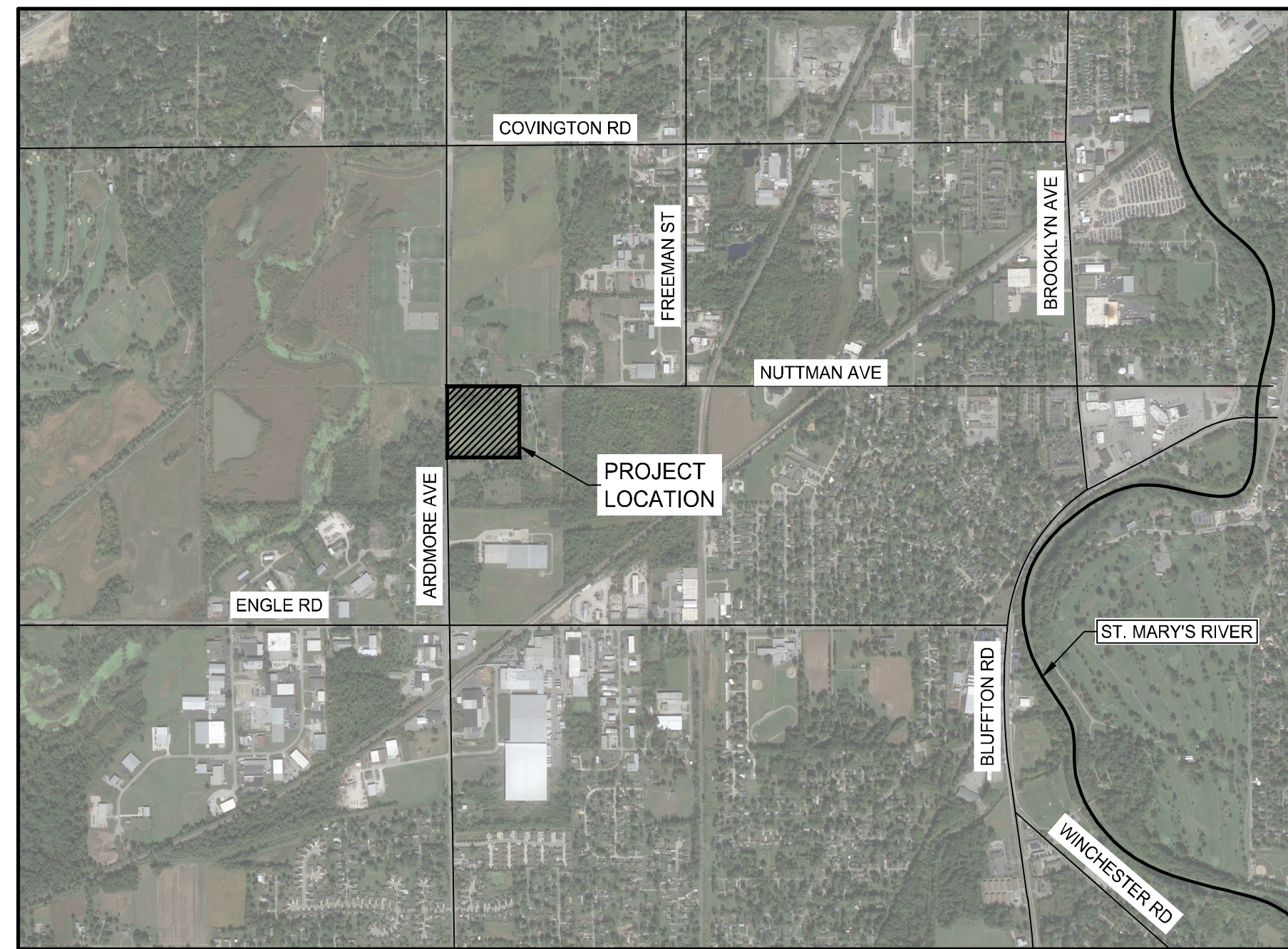
© 2004 Board of Commissioners of the County of Allen
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September 13, 2023 11:03 AM
S:\Clients\Feldman\Murray Equipment\Primary Development\Primary Development - rev.dwg



Primary Development Plan
1"=40.0'



LOCATION MAP
SCALE: NOT TO SCALE

PROPOSED LEGEND:

	STORM INLET / MANHOLE		STORM SEWER
	STORM END SECTION		WATER LINE
	STORM TRASH RACK		SANITARY SEWER
	SANITARY MANHOLE		OVERALL DEVELOPMENT PARCEL
	SANITARY CLEANOUT		
	GATE VALVE		
	PIV		
	FIRE HYDRANT		
	SIGN		
	HANDICAP SYMBOL		

OWNER

MURRAY EQUIPMENT INC.
2515 CHARLESTON PLACE
FORT WAYNE, IN 46808
PH: (260) 484-0382
CONTACT: Dan Murray

CONTRACTOR

FELDERMAN DESIGN-BUILD
5620 COVENTRY LANE
FORT WAYNE, IN 46804
PH: (260) 434-4000
CONTACT: Todd Adams

ENGINEER - CIVIL

ENGINEERING RESOURCES
4175 NEW VISION DRIVE
FORT WAYNE, IN 46845
PH: (260) 451-9740
CONTACT: MARK REINHARD
EMAIL: mark@eri.consulting

LAYOUT LEGEND:

	PROPOSED ASPHALT PAVEMENT
	EXISTING ROAD
	PROPOSED CONCRETE PAVING
	PROPOSED BUILDING
	PROPOSED DETENTION BASIN
	STONE

LOT INFORMATION

CURRENT ZONING	R1
PROPOSED ZONING	I2
CURRENT USE	UNDEVELOPED
DEVELOPMENT PLAN AREA	14.84

BUILDING SETBACKS

	NORTH PROPERTY LINE	EAST PROPERTY LINE	SOUTH PROPERTY LINE	WEST PROPERTY LINE
REQUIRED	25'-0"	50'-0"	50'-0"	25'-0"

FLOOD INSURANCE RATE MAP (FIRM):

ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
FIRM MAP NUMBERS: 18003C02806
PANEL 290 OF 495
DATED AUGUST 3, 2009
ZONE "X"

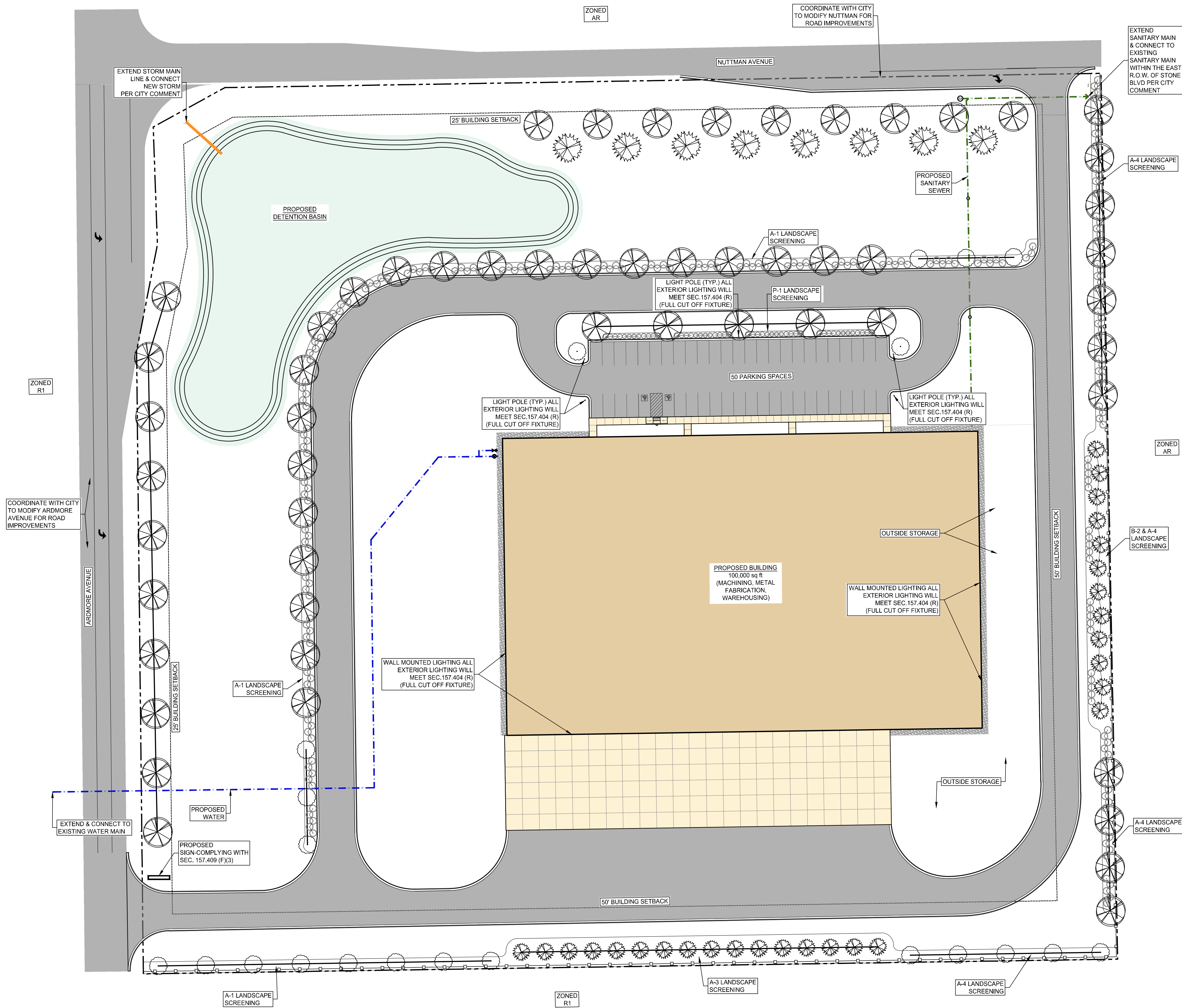
BUILDING INFORMATION - PARCEL #1

PROPOSED SINGLE STORY BUILDING FLOOR SQUARE FOOTAGE	APPROX. 100,000 SF	
BUILDING HEIGHT	30'+/-	REQUIRED: 50' MAX PER SEC 157.223 (E)1)

PARKING SUMMARY - PARCEL #1

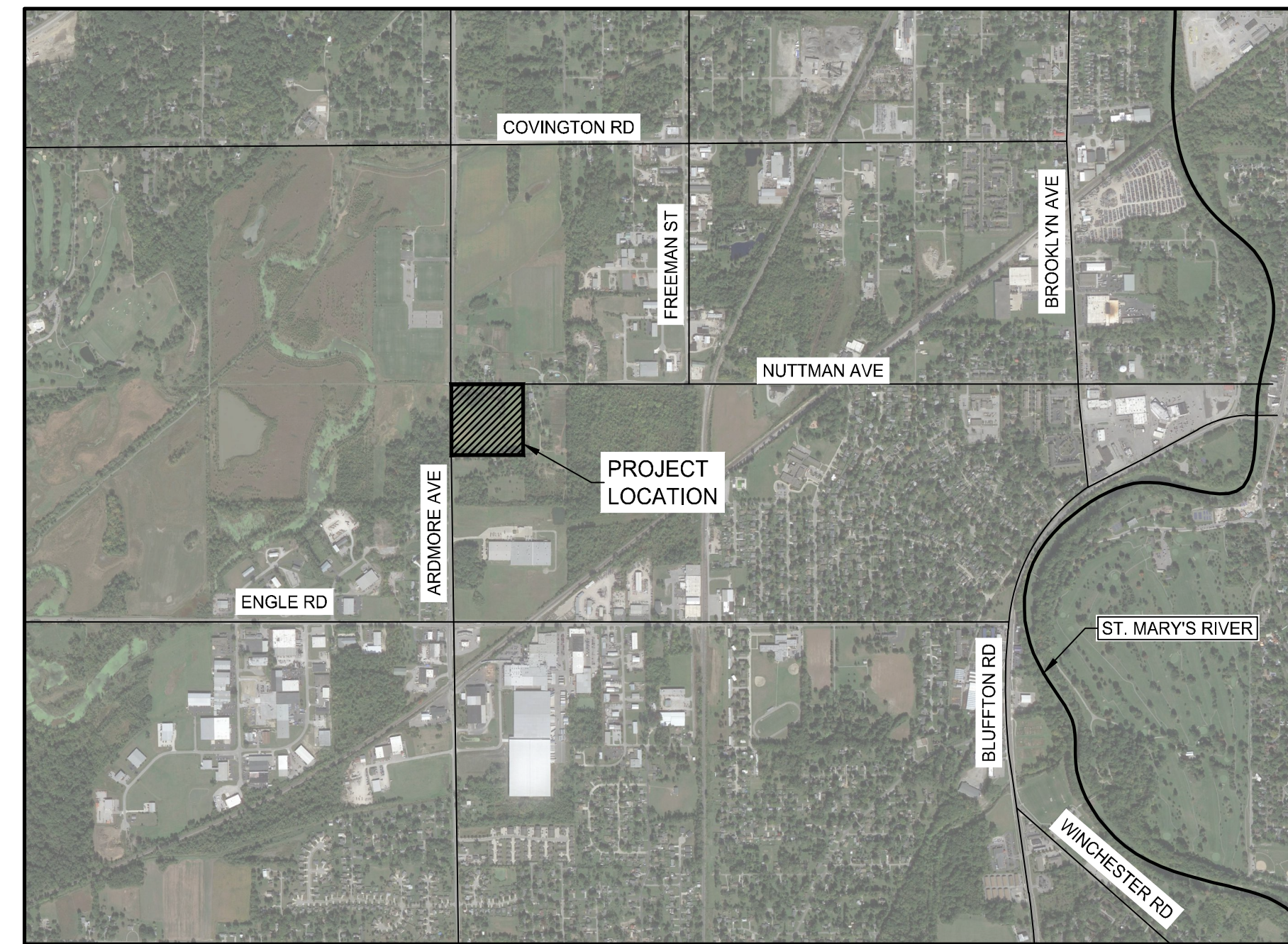
	REQUIRED PARKING COUNT	PROPOSED PARKING COUNT
APPROX. 100,000 SQ. FT.	1 PER LARGEST SHIFT (40 EMPLOYEE)	50 SPACES





Primary Development Plan

1"=40.0'



LOCATION MAP

SCALE: NOT TO SCALE

PROPOSED LEGEND:

	STORM INLET / MANHOLE		STORM SEWER
	STORM END SECTION		WATER LINE
	STORM TRASH RACK		SANITARY SEWER
	SANITARY MANHOLE		OVERALL DEVELOPMENT PARCEL
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	GATE VALVE		
	PIV		
	FIRE HYDRANT		
	SIGN		
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OWNER

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2515 CHARLESTON PLACE
FORT WAYNE, IN 46808
PH: (260) 484-0362
CONTACT: Dan Murray

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BUILDING SETBACKS

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REQUIRED	25'-0"	50'-0"	50'-0"	25'-0"

FLOOD INSURANCE RATE MAP (FIRM):

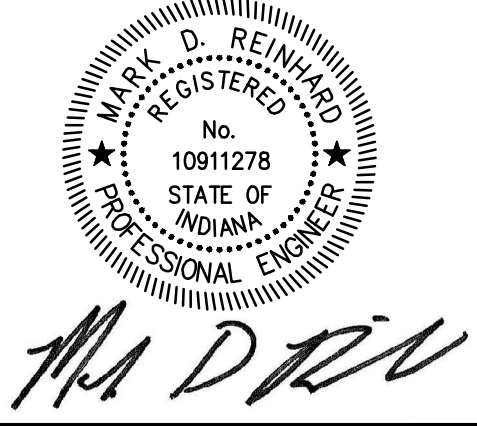
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PANEL 290 OF 495
DATED AUGUST 3, 2009
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APPROX. 100,000 SQ. FT.	1 PER LARGEST SHIFT (40 EMPLOYEE)	50 SPACES



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Murray Equipment, Inc.

3633 Nuttman Avenue,
Fort Wayne, IN 46802



ERI PROJECT NUMBER: 6008

ISSUE DATE: 07.31.2023

REVISIONS
NO. DATE DESCRIPTION

PRIMARY DEVELOPMENT PLAN

PD1

Karen Couture

From: Pat Hess <phess@beckmanlawson.com>
Sent: Wednesday, September 13, 2023 9:55 AM
To: Jacob Rose; Mark Reinhard; Michelle Wood
Cc: Nathan W. Schall; Daniel Murray
Subject: RE: Murray PDP and REZ
Attachments: 2023-09-13 Amended Primary Development 4.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jacob:

Attached is a revised site plan that incorporates enhanced landscaping in the area between the detention basin on the west and the proposed Nuttman Ave driveway entrance on the east. My client believes this will go a long way to allaying the concerns of the neighbor to the north about having to see a building across the street. My client will be willing to put this into a written commitment. A couple of other points:

1. ERI reduced the size of the detention basin. As you know, primary development plans are to show the general scheme of development. Nothing is engineered to the tenth of a foot, but the first plan probably showed a bigger detention area than was needed. This may very well allow my client to save existing trees in the detention area. Unfortunately, the trees and the detention area occupy the same low spot. This is probably why this corner was never farmed and trees were allowed to grow instead of being clear cut to allow for crops as was done on the rest of the property.
2. The enhanced landscaping to the north of the site includes evergreen trees to provide year-round screening.
3. I should have noted at the public hearing that all of the loading and unloading will occur on the south side of the building, away from the neighbors to the north.
4. The building is planned to be approximately 30 feet high. The max. in I2 is 50 feet. The max. in R1 – the existing district - is 40 feet.
5. So much was discussed about AR zoning at the hearing that I think it was lost that the actual zoning of the property is R1 and not AR. As R1 with sewer and water available, these 14 acres could be developed into single family, with no screening, and no requirement or expectation that the existing treed would be saved. In fact, the detention basin would likely be larger with all the streets that would be necessary for a subdivision, thus jeopardizing more existing trees.
6. Finally, and while this is a bit indelicate, it should be noted that the existing owner could have harvested the trees at any time in the last 50 years, and nothing could have been said. We are glad they didn't. Murray Equipment will do its best to be good stewards of the land, and good neighbors.

Thank you, Jacob. Let me know if you have any questions.

Patrick R. Hess
Lawyer
Beckman Lawson, LLP
201 West Wayne Street
Fort Wayne, IN 46802

Direct 260 425 1636

DRAFT WRITTEN COMMITMENT

[Cross reference to: Doc. No. 76-32244]

This Written Commitment ("Commitment"), dated as of the date recorded on the signature page, is made by the Estate of Garrett E. Lloyd ("Owner") and Murray Property Management, LLC, an Indiana limited liability company ("Developer").

RECITALS

A. By virtue of that certain Warranty Deed dated December 16, 1976, and recorded on December 22, 1976, as Document Number 76-32244, in the Office of the Recorder of Allen County, Indiana, Owner is the owner in fee simple of certain real estate located in Allen County, Indiana, which is legally described in Exhibit "A" attached to this Commitment ("Real Estate").

B. Murray Property Management, LLC, an Indiana limited liability company ("Developer") is under contract with Owner to purchase the Real Estate and develop it into an industrial facility for operations maintained by Murray Equipment, Inc, an Indiana corporation.

C. Owner and Developer petitioned the Fort Wayne Plan Commission (the "Commission") for approval of Rezoning Petition REZ 2023-0044 (the "Rezoning") to rezone the Real Estate from R1 Single Family Residential to I2 General Industrial. Simultaneously, Developer applied to the Commission for approval of Primary Development Plan PDP-2023-0034 (the "Primary Development Plan") to allow an industrial facility to be constructed on the Real Estate.

D. On September 24, 2023, the Commission recommended approval of the Rezoning to the Common Council of the City of Fort Wayne ("Council"), and conditionally approved the Development Plan.

E. On _____, 2023, the Council approved the Rezoning, subject to this Written Commitment.

F. As part of the Commission's conditional approval of the Primary Development Plan, the Commission required and or accepted this Commitment concerning the use and development of the Real Estate, and further, Owner consent and agree to the terms and restrictions contained in this Commitment.

G. Pursuant to IC 36-7-4-1015, the Commission and Council may accept or require an owner of real property to make a written commitment concerning the use or development of property as a part of a rezoning or development plan.

COMMITMENT

Owner and Developer agree and consent to the following written commitments which shall govern the Real Estate:

1. **STATEMENT OF COMMITMENTS.** The Owner and Developer shall abide by the following commitments:

1.1. **Enhanced screening:** The Owner and Developer commit to installing additional landscape screening along the north property line of the Real Estate, from the proposed detention area eastward to the proposed entrance to the Real Estate off Nuttman Avenue, as depicted on the Primary Development Plan attached as Exhibit B to this Commitment

1.2. **Alternative Storm Detention.** The Owner and Developer commit to investigating whether a bio swale could be used along the frontage of Nuttman and Ardmore Avenues instead of the dry detention basin as shown on the Primary Development Plan, subject to the review and approval of staff and other reviewing agencies as a part of the site plan routing review.

2. **BINDING EFFECT, MODIFICATION, TERMINATION.** This Commitment shall run with the Real Estate, and shall be binding upon Owner and Developer, each subsequent owner and developer of the Real Estate and upon each other person acquiring an interest in the Real Estate (including a leasehold interest), unless this Commitment is modified or terminated. The Recitals are incorporated by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Commission following a public hearing held by the Commission wherein notice has been given as provided by the Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment.

3. **RECORDING.** Owner or Developer shall, at their own expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.

4. **ENFORCEMENT RIGHTS.** 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.

5. **GOVERNING LAW.** This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

6. **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.

7. ***EFFECTIVE DATE.*** This Commitment shall be effective upon the following events, whichever occurs last:

7.1. The Commission's approval of the Development Plan when same shall become a final and non-appealable zoning decision;

7.2. The Council's approval of the Rezoning; and

7.3. The recording of this Commitment in the Office of the Recorder of Allen County, Indiana.

8. ***STATUTORY AUTHORITY.*** This Commitment is made pursuant to IC 36-7-4-1015.

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed the day and year first written above.

Signature Page(s) to Follow

OWNER:

Signature

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this ____ day of _____, 2023, personally appeared _____, the _____ of the above named Owner and applicant, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

My Commission expires:

_____, Notary Public
(Printed Name)
Resident of _____ County, Indiana

DEVELOPER: MURRAY PROPERTY MANAGEMENT, LLC

Signature

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this ____ day of _____, 2023, personally appeared _____, the _____ of the above named Developer, and acknowledged the execution of the foregoing Commitment.

WITNESS my hand and Notarial Seal.

My Commission expires:

_____, Notary Public
(Printed Name)
Resident of _____ County, Indiana

This instrument prepared by: Patrick. R. Hess, 201 W. Wayne St. Ft. Wayne, IN 46802

EXHIBIT "A"
Description of the Real Estate

Record Description:

A part of the North West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of Section 16, Township 30 North, Range 12 East, as follows:

Beginning at the West $\frac{1}{4}$ Corner of Section 16, Township 30 North, Range 12 East, running along the $\frac{1}{4}$ line of said Section 12.766 chains to a stone; thence south 11.60 chains to a stone; then west 12.86 chains to a stone; on the west line of said Section; thence North 11.57 chains along the west line of said Section to the place of beginning. The above described tract to contain 14.84 acres. EXCEPT that part thereof conveyed for right of way purposes in Document Number 70-05322.

Description based on modern survey:

PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER LS21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 23.0010.5, DATED MONTH AUGUST 5, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER AS MONUMENT BY A HARRISON MONUMENT FOUND 0.2 FEET BELOW GRADE;
THENCE NORTH 89 DEGREES 20 MINUTES 28 SECONDS EAST 839.21 FEET ALONG SAID NORTH LINE TO A MAG NAIL
WITH "MARK LS21900003" IDENTIFICATION WASHER SET FLUSH AT THE WEST LINE OF AN EXISTING 13.82 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 990018123 AS RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA;
THENCE SOUTH 0 DEGREES 42 MINUTES 49 SECONDS EAST 764.71 FEET ALONG SAID WEST LINE TO A 5/8 INCH REBAR WITH "WAI 0145" IDENTIFICATION CAP FOUND 0.5 FEET ABOVE GRADE AT THE NORTH LINE OF AN EXISTING 10.82 ACRE TRACT OF LAND AS DESCRIBED IN DEED BOOK 607 PAGE 422;
THENCE SOUTH 89 DEGREES 24 MINUTES 23 SECONDS WEST 816.91 FEET ALONG SAID NORTH LINE TO A 5/8 INCH REBAR WITH "WAI 0145" IDENTIFICATION CAP FOUND FLUSH AT THE EAST LINE OF AN EXISTING 0.085 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 70-05322;
THENCE NORTH 0 DEGREES 08 MINUTES 08 SECONDS WEST 518.53 FEET ALONG SAID EAST LINE TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH AT THE EAST LINE OF AN EXISTING 0.075 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 20052533;
THENCE NORTH 6 DEGREES 46 MINUTES 00 SECONDS EAST 95.69 FEET ALONG SAID EAST LINE TO A 5/8 INCH REBAR
WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;

THENCE NORTH 2 DEGREES 16 MINUTES 32 SECONDS EAST 95.08 FEET ALONG SAID EAST LINE TO A 5/8 INCH REBAR
WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;
THENCE NORTH 62 DEGREES 16 MINUTES 42 SECONDS EAST 66.88 FEET ALONG SAID EAST LINE TO A 5/8 INCH
REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;
THENCE SOUTH 89 DEGREES 20 MINUTES 28 SECONDS WEST 79.78 FEET ALONG THE NORTH LINES
OF SAID 0.085
ACRE TRACT OF LAND A 0.075 ACRE TRACT OF LAND TO A MAG NAIL WITH "MARK LS21900003"
IDENTIFICATION
WASHER SET FLUSH AT THE WEST LINE OF SAID 0.085 ACRE TRACT OF LAND;

THENCE SOUTH 0 DEGREES 08 MINUTES 08 SECONDS EAST 738.80 FEET ALONG SAID WEST LINE TO A 5/8 INCH
REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH AT THE NORTH LINE OF SAID
10.82 ACRE TRACT
OF LAND;
THENCE SOUTH 89 DEGREES 24 MINUTES 23 SECONDS WEST 25.00 FEET ALONG SAID NORTH LINE
TO A MAG NAIL
WITH "MARK LS21900003" IDENTIFICATION WASHER SET FLUSH AT THE WEST LINE OF SAID
SOUTHWEST QUARTER;
THENCE NORTH 0 DEGREES 08 MINUTES 08 SECONDS WEST 763.78 FEET ALONG THE WEST LINE OF
SAID
SOUTHWEST QUARTER TO THE POINT OF BEGINNING, SAID IN SURVEY TO CONTAIN 14.633 ACRES,
MORE OR LESS.
SUBJECT TO THE RIGHT-OF-WAY OF NUTTMAN AVENUE, ARDMORE AVENUE.

END OF EXHIBIT "A"

EXHIBIT B
PRIMARY DEVELOPMENT PLAN

On following page

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-2023-0044
Bill Number: Z-23-09-11
Council District: 5 -Geoff Paddock

Introduction Date: September 12, 2023

Plan Commission
Public Hearing Date: September 11, 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 R1/Single Family Residential to I2/General Industrial

Location: 3633 Nuttman Avenue

Reason for Request: To allow for a machining, metal fabrication, and warehousing industrial building.

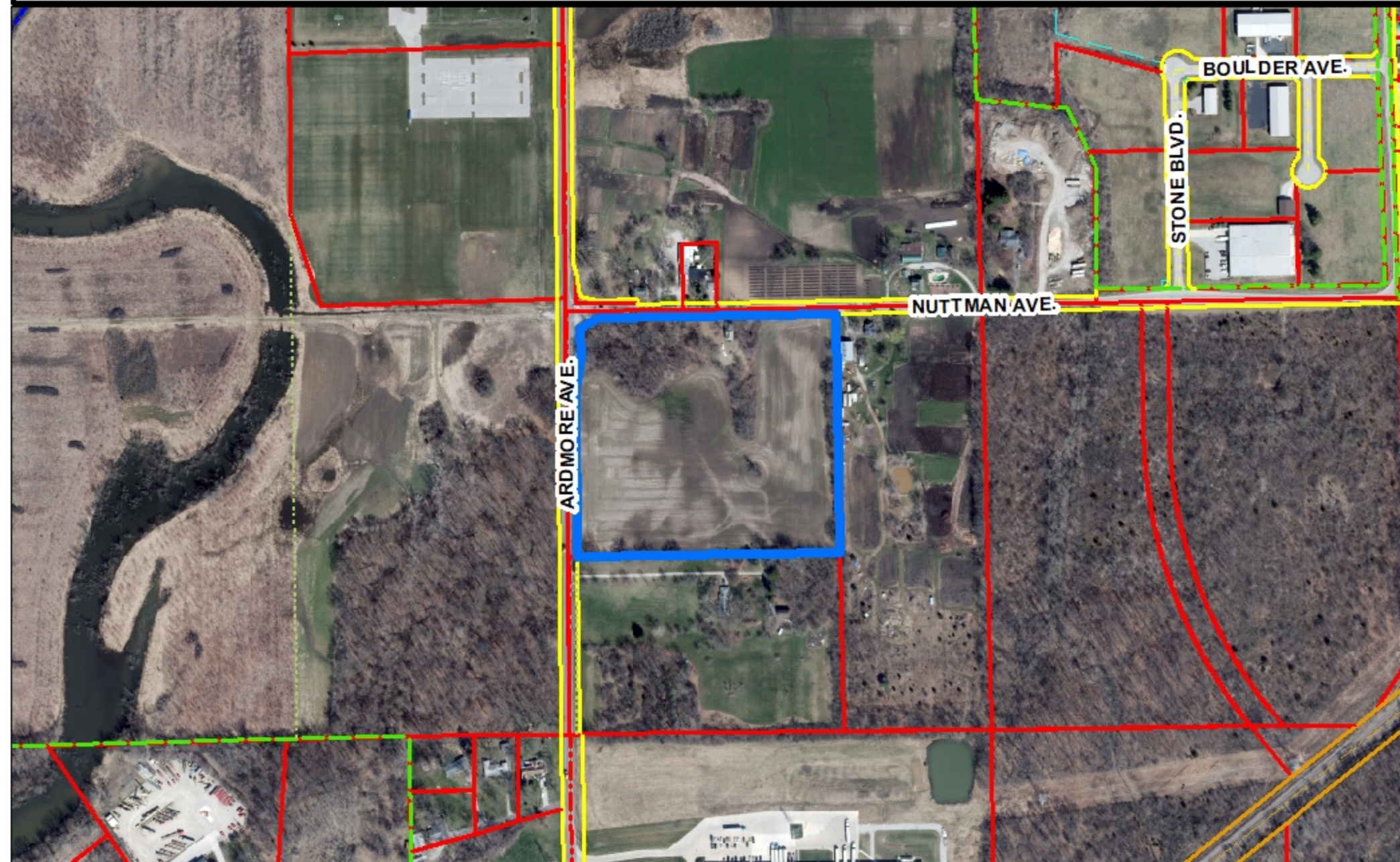
Applicant: Murray Property Management, LLC

Property Owner: Lloyd Garrett E & Marilyn J c/o Patricia Snyder

Related Petitions: Primary Development Plan – Murray Equipment Building

Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district, which allows for a machining, metal fabrication, and warehousing industrial building.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential, which supports single family development.



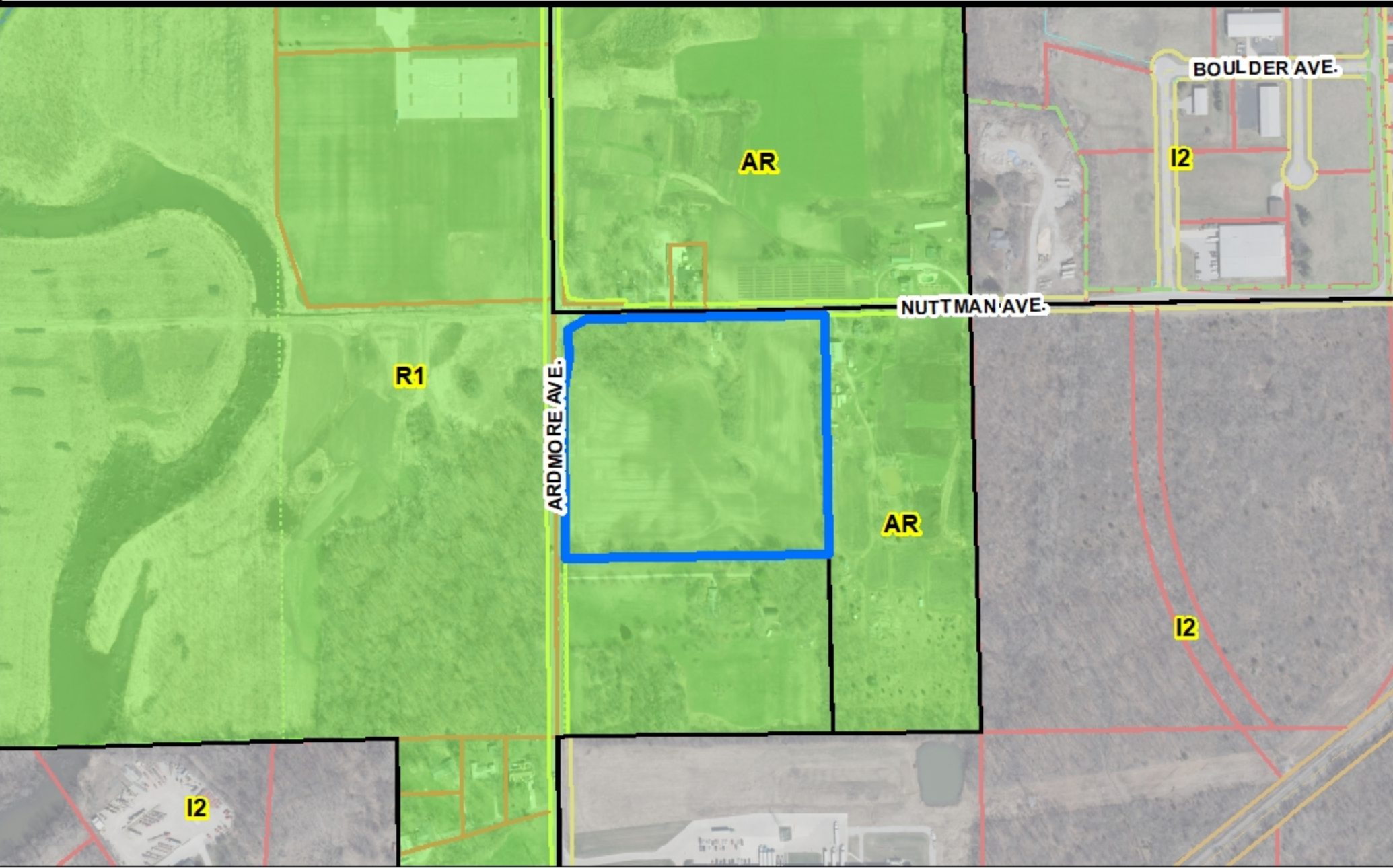
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 8/10/2023

0 125 250 Feet

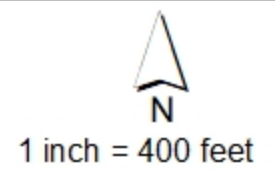
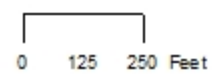


1 inch = 400 feet



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Photos and Contours: Spring 2009
Date: 8/10/2023



Department of Planning Services

Rezoning Petition Application

Applicant
 Applicant Murray Property Management, LLC
 Address 2515 Charleston Place
 City Fort Wayne State IN Zip 46808
 Telephone 260-484-0382 E-mail dmurray@murrayequipment.com

Property Ownership
 Property Owner Garrett E. Lloyd Estate, Patricia Snyder, Personal Representative
 Address 1360 W. Sheckler Road
 City Columbia City State IN Zip 46725
 Telephone 260-609-2011 E-mail cpsnyder1360@gmail.com

Contact Person
 Contact Person Patrick R. Hess, Beckman Lawson, LLP
 Address 201 W. Wayne St.
 City Fort Wayne State IN Zip 46802
 Telephone 260-422-0800 E-mail phess@beckmanlawson.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 3633 Nuttman Ave. Township and Section Wayne 16
 Present Zoning AR R1 Proposed Zoning I2 Acreage to be rezoned 14.84
 Purpose of rezoning (attach additional page if necessary) to allow for the construction of a building for machining, metal fabrication and warehousing for Murray Equipment, Inc.
 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

Murray Property Management, LLC
 (printed name of applicant)

(signature of applicant)
 DocuSigned by:

7/19/2023
 (date)

Garrett E. Lloyd Estate
 (printed name of property owner)

Patricia J. Snyder
 (signature of property owner)

7/20/2023
 (date)



Received	Receipt No.	Hearing Date	Petition No.
8-1-23	143772	9-11-23	REZ-2023-0044

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



Rezoning Petition REZ-2023-_____; R1 to I2
Fort Wayne Plan Commission
September 17, 2023 Public Hearing
14.84 acres at southeast corner of Nuttman Ave. and Ardmore Ave.
Section 16, Wayne Township

Rezoning Criteria:

1. The Comprehensive Plan

The current comprehensive plan for Fort Wayne, *All In Allen: Moving Forward Together*, effective March 13, 2023 (the “Comprehensive Plan”), incorporates the policy of adjacent growth expressed in the two previous Comprehensive Plans for the jurisdiction. The subject parcel is 530 feet north of and 450 feet west of a large area currently zoned I2. Additionally, $\frac{3}{4}$ of Section 16 of Wayne Township (120 out of a total of 160 acres) where this property is located is zoned I2. The subject property is within the Urban Infill Area noted on the Future Growth and Development Map in the Comprehensive Plan (p. 53). Finally, the subject parcel is served by public sewer and water infrastructure is available, further supporting the policy of sustainable growth in area where such services are available.

2. Current conditions and the character of current structures and uses in the district

The overriding character of this area is a mixture of agricultural, residential and industrial zoning and uses, along with recreational uses to the west. The proposed zoning and use are in keeping with that character. The proposal does not seek to create a new “footprint” of industrial zoning in an area where little or no industrial zoning exists.

3. The most desirable use for which the land in the district is adapted

The area within a half mile radius of the intersection of Nuttman and Ardmore avenues features considerable industrial zoning and uses. For example, there are the Stonewall and Engle Ridge Industrial parks to the south, and various industrial developments along Freeman Street north of Nuttman Avenue, east of this site. The subject property is within a corridor of industrial zoning that projects southwest from Fort Wayne along the railroad lines to the Fort Wayne International Airport. Existing development patterns show that industrial uses are desirable on and around the subject property.

4. The conservation of property values throughout the jurisdiction

Property values throughout the jurisdiction are maintained when growth occurs in areas like this where neighboring properties are developed in a like manner, public sewer and water are available, and development plans are provided to ensure the proposed development is compatible with the area.

5. Responsible development and growth

Responsible development and growth occurs when growth is adjacent to similar uses and is served by existing utility infrastructure, as this site is. Responsible development and growth is shown when it conforms to the Comprehensive Plan, is consistent with current growth patterns, and represents the highest and best use of the property, as described in the responses to the criteria in Items 1 through 4 above.



	STORM INLET / MANHOLE		STORM SEWER
	STORM END SECTION		WATER LINE
	STORM TRASH RACK		SANITARY SEWER
	SANITARY MANHOLE		OVERALL DEVELOPMENT PARCEL
	SANITARY CLEANOUT		
	GATE VALVE		
	PIV		
	FIRE HYDRANT		
	SIGN		
	HANDICAP SYMBOL		

MURRAY EQUIPMENT INC.
2515 CHARLESTON PLACE
FORT WAYNE, IN 46808
PH: (260) 454-0382
CONTACT: Dan Murray

CONTRACTOR

FELDERMAN DESIGN-BUILD
9320 COVENTRY LANE
FORT WAYNE, IN 46804
PH: (260)434-4000
CONTACT: Todd Adams

ENGINEER - CIVIL

ENGINEERING RESOURCES
4175 NEW VISION DRIVE
FORT WAYNE, IN 46845
PH: (260) 451-9740
CONTACT: MARK REINHARD
EMAIL: mark@eri.consulting

	PROPOSED ASPHALT PAVING
	EXISTING ROAD
	PROPOSED CONCRETE PAVING
	PROPOSED BUILDING
	PROPOSED DETENTION BASIN
	STONE

LOT INFORMATION	
CURRENT ZONING	R1
PROPOSED ZONING	I2
CURRENT USE	UNDEVELOPED
DEVELOPMENT PLAN AREA	14.84

BUILDING SETBACKS				
	NORTH PROPERTY LINE	EAST PROPERTY LINE	SOUTH PROPERTY LINE	WEST PROPERTY LINE
REQUIRED	25'-0"	50'-0"	50'-0"	25'-0"

ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
FIRM MAP NUMBERS: 18003C0290G
PANEL 290 OF 495
DATED AUGUST 3, 2009
ZONE "Y"

BUILDING INFORMATION - PARCEL #1		
PROPOSED SINGLE STORY BUILDING FLOOR SQUARE FOOTAGE	APPROX. 100,000 SF	
BUILDING HEIGHT	30' +/-	REQUIRED: 50' MAX PER SEC. 157.221.(F)(1)

PARKING SUMMARY - PARCEL #1		
	REQUIRED PARKING COUNT	PROPOSED PARKING COUNT
APPROX. 100,000 SQ. FT.	1 PER LARGEST SHIFT (40 EMPLOYEE)	50 SPACES

Murray Equipment, Inc.

33633 Nuttman Avenue,
Fort Wayne, IN 46802



ERI PROJECT NUMBER: 6008

ISSUE DATE: 07.31.2023

REVISIONS		
NO.	DATE	DESCRIPTION

PRIMARY DEVELOPMENT PLAN

PD1

Mail Tax Bill to:
~~511~~ 508 Nuttman Avenue
 Fort Wayne, Ind. 46804

This Indenture witnesseth that Letha A. Falls, unmarried and over the full age of majority

of Allen County in the State of Indiana

Convey and warrant to Garrett E. Lloyd and Marilyn J. Lloyd, husband and wife, and each over the full age of majority,

of Allen County in the State of Indiana
for and in consideration of One Dollar and other good and valuable consideration
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County
in the State of Indiana, to wit:

A part of the North West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of Section 16, Township 30 North, Range 12 East, as follows, beginning at the West $\frac{1}{4}$ Corner of Section 16, Township 30 North, Range 12 East running along the $\frac{1}{4}$ line of said Section 12.766 chains to a stone; thence south 11.60 chains to a stone; thence west 12.86 chains to a stone; on the west line of said Section; thence North 11.57 chains along the west line of said Section to the place of beginning. The above described tract to contain 14.84 acres.

EXCEPT that part thereof conveyed for right of way purposes in Document Number 70-05322.

Subject to 1976 Fall taxes due and payable in November 1977, and all subsequent taxes and assessments.

1976 DEC 22 AM 9:28
ALLEN COUNTY RECORDER

State of Indiana, Allen County, ss:
Before me, the undersigned, a Notary Public in and for said County
and State, this 16th day of December 19 76
personally appeared:

Letha A. Falls, unmarried and over the full age of majority,

Dated this 10th Day of December 1976

Letha A. Falls Sea

DULY ENTERED FOR TAXATION
DEC 21 1976

Jan D. Hebecker
AUDITOR OF ALLEN COUNTY

Instrument J. 11,250

Witness my hand and seal of office at the City of New York, this 7th day of April, 1978.

Julia M. Perry
Julia M. Perry, Notary Public

This instrument prepared by J. Robert Arnold

Attorney at Law

NAME: YOS

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