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#REZ 2024 0009

BILL NO. Z-24-02-14

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-38 (Sec. 15 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 I

Part of the Southeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana more particularly described as follows, to wit:

Commencing at the center of said Section 15; thence South 89 degrees 10 minutes West (bearings in this description are based on the Indiana Department of Highways bearing for State Road #3), on and along the North line of said Southwest Quarter of said Section 15, being within the right- of-way of Ludwig Road, a distance of 779.98 feet to the point of intersection of said North line with the Northerly projection of the Westerly right-of-way line of Cross Creek Boulevard as dedicated under Document #93-53454 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 50 minutes East, on and along said Northerly projection and said Westerly right-of-way line, a distance of 560.0 feet to the point of curvature of a regular curve to the left having a radius of 679.72 feet; thence Southerly, continuing along said Westerly right-of-way line, as defined by the arc of said curve, an arc distance of 308.45 feet, being subtended by a long chord having a length of 305.81 feet and a bearing of South 13 degrees 50 minutes East to the point of tangency; thence South 26 degrees 50 minutes East, continuing along said Westerly right-ofway line and tangent to said curve, a distance of 98.53 feet to the point of curvature of a regular curve to the right having a radius of 332.85 feet; thence Southerly, continuing along said Westerly right- of-way line, as defined by the arc of said curve, an arc distance of 135.69 feet, being subtended by a long chord having a length of 134.75 feet and a bearing of South 15 degrees 09 minutes 18 seconds East to the

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point of tangency; thence South 03 degrees 28 minutes 37 seconds East, continuing along said Westerly right-of-way line and tangent to said curve, a distance of 68.39 feet; thence North 89 degrees 46 minutes 36 seconds East, a distance of 1063.93 feet; thence North 80 degrees 54 minutes East, a distance of 402.10 feet to a point on the West right-of-way line of Lima Road (State Road #3) as established under Ind. Project No. S-419(4) 1959; thence North 09 degrees 06 minutes West, on and along said West right-of-way line, being situated parallel to and 75.0 feet normally distant Westward from plan line "A", a distance of 60.0 feet to the true point of beginning; thence South 80 degrees 54 minutes West, a distance of 251.33 feet; thence North 33 degrees 35 minutes 44 seconds West, a distance of 42.55 feet; thence North 04 degrees 29 minutes 02 seconds West, a distance of 31.87 feet to the point of curvature of a regular curve to the right having a radius of 275.00 feet; thence Northerly, on and along the arc of said curve, an arc distance of 74.92 feet, being subtended by a long chord having a length of 74.68 feet and a bearing of North 03 degrees 19 minutes 13 seconds East to the point of tangency; thence North 11 degrees 07 minutes 28 seconds East and tangent to said curve, a distance of 7.01 feet; thence North 80 degrees 54 minutes East, a distance of 247.93 feet to a point on the West right-of-way line of said Lima Road; thence South 09 degrees 06 minutes East, on and along said West right-of-way line, being situated parallel to and 75.0 feet normally distant Westward from said plan line "A", a distance of 150.0 feet to the true point of beginning, containing 0.900 acres of land.

PARCEL II

Non-exclusive easements for ingress and egress for the benefit of above Parcel I granted in Reciprocal Easement And Operating Agreement by and between KSKM, an Indiana general partnership, and Meijer Realty Company, a Michigan corporation, dated February 6, 1991 and recorded February 6, 1991 as Document Number 91-4687, as modified by First Amendment thereto dated August 5, 1993 and recorded August 6, 1993 as Document Number 93-45088, and Second Amendment thereto dated December 10, 1993 and recorded December 28, 1993 as Document Number 93-78437, over the roads described in Exhibit D Re-amended and Exhibit E thereto.

and the symbols of the City of Fort Wayne Zoning Map No. K-38 (Sec. 15 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.

1	SECTION 2. If a written commitment is a condition of the Pla	n Commission's			
2	recommendation for the adoption of the rezoning, or if a written comn	nitment is modified and			
3	approved by the Common Council as part of the zone map amendment, that written				
4	commitment is hereby approved and is hereby incorporated by refere	ence.			
5	SECTION 3. That this Ordinance shall be in full force and effe	ect from and after its			
6	passage and approval by the Mayor.				
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8	Council	Member			
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11	APPROVED AS TO FORM AND LEGALITY:	- E			
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13	Malak Heiny, City Attorney				
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City of Fort Wayne Common Council **DIGEST SHEET**

Department of Planning Services

Title of Ordinance: Zoning Map Amendment

Case Number: REZ-2024-0009 Bill Number: Z-24-02-14

Council District: 3 – Nathan Hartman

Introduction Date: February 27, 2024

Plan Commission

Public Hearing Date: March 11, 2024 (not heard by Council)

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

Plan Commission

Synopsis of Ordinance: To rezone approximately 1.28 acres from SC/Shopping Center to

C3/General Commercial

Location: 6313 Lima Road (Section 15 of Washington Township)

Reason for Request: To conform an existing automobile washing facility

Applicant: Mike's Carwash, Inc.

Property Owner: Mikes Highway 3 LLC

Related Petitions: None

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district,

which will allow for an existing automobile washing facility and

similar uses.

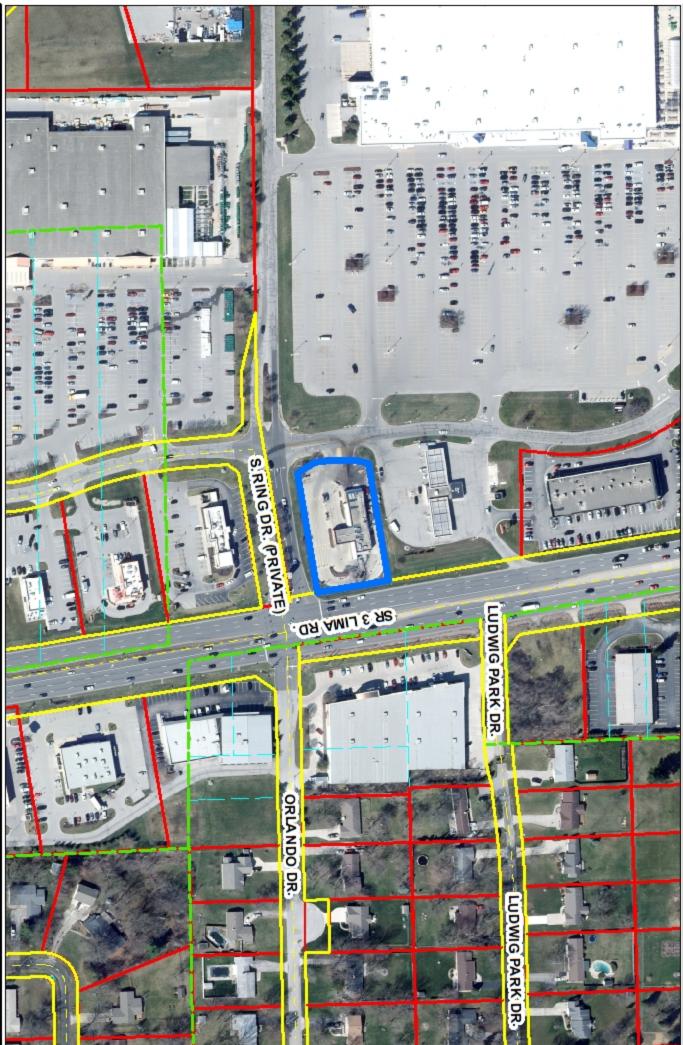
Effect of Non-Passage: The property will remain zoned SC/Shopping Center, which does not

permit car washes. The site will continue with existing uses, and may be redeveloped with moderate intensity business, community, office, personal service, and limited retail uses, along with certain residential

uses.

Rezoning Petition REZ-2024-0009 - Mike's Carwash





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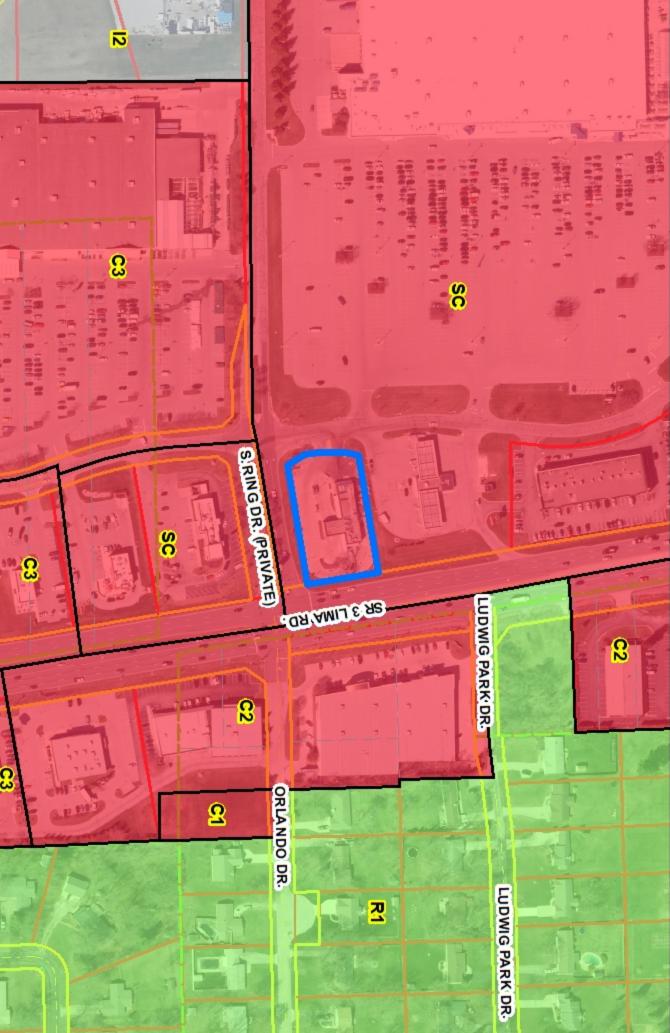
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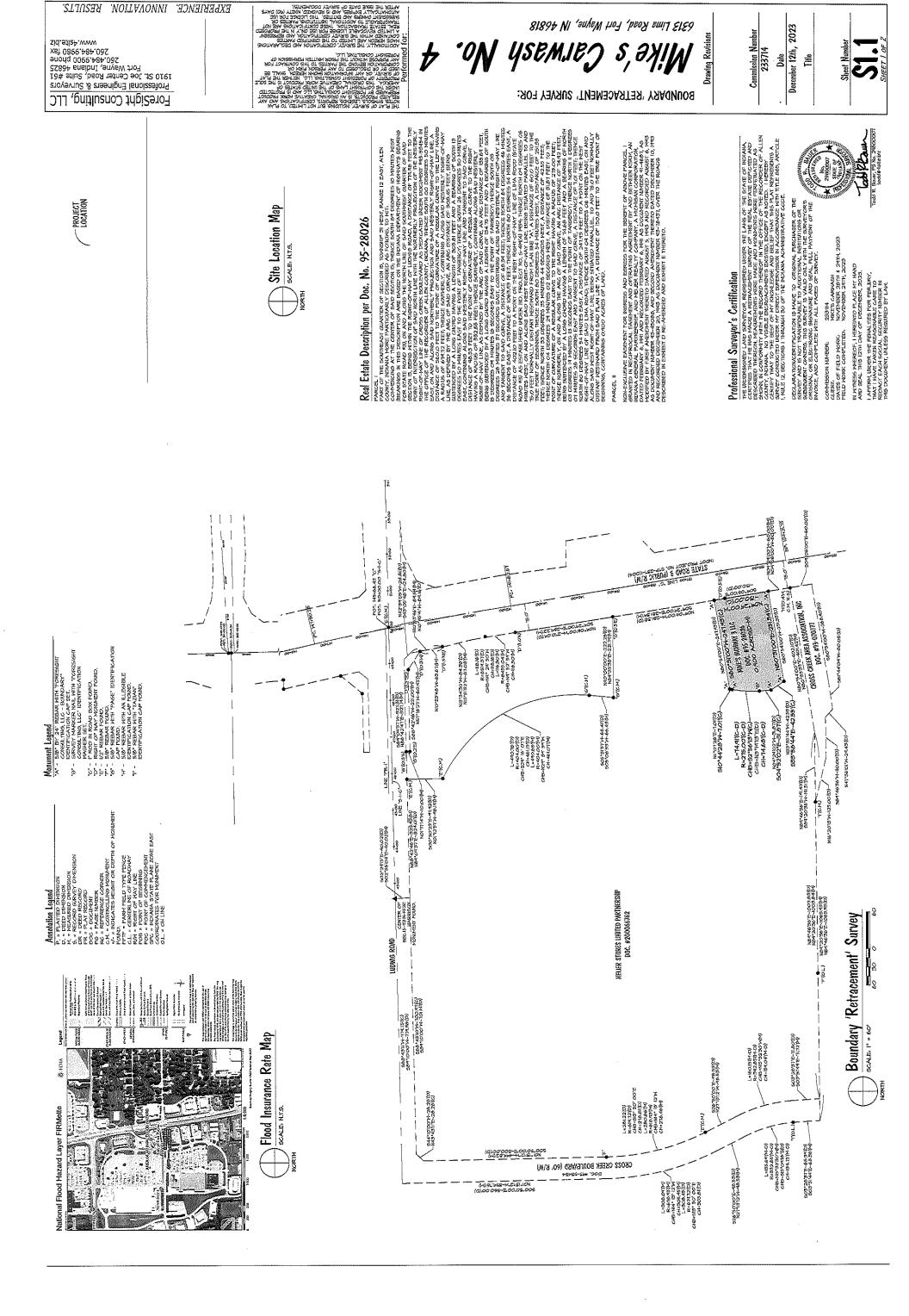
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Department of Planning Services Rezoning Petition Application

	Applicant Mike's Carwash, In	c.			
ant	Address 100 Northeast Drive				
Applicant	City Loveland	State OH	Zip <u>45140</u>)	
Ap]	Telephone (513) 677-4700		rieger@mikescarwash.c	com	
	Property Owner Mike's No. 4 l	LLC			
rt. Ship	Address 100 Northeast Drive				
Property Ownership	City Loveland	State OH	Zip <u>45140</u>		
Pr Ow	Telephone (513) 677-4700	E-mail <u>ekr</u>	ieger@mikescarwash.c	com	
-	Contact Person Joshua C. Nea	l, Barreit McNagny Ll	LP		
act	Address 215 E. Berry Street				
Contact Person	City Fort Wayne				
OH	Telephone (260) 423-9551	E-mail <u>jer</u>	@barrettlaw.com		
	All staff correspo	ndence will be sent only t	to the designated contact p	person.	
	☐ Allen County Planning Jurisc	liction 🖸 City of Fort V	Vayne Planning Jurisdictio	on	
	Address of the property 6313 L	ima Road	Township and Secti	ion Washington / Sect. 1:	
ıest	Present Zoning SC Proposed Zoning C-3 Acreage to be rezoned 1.28 Acres				
Request	Purpose of rezoning (attach addi	tional page if necessary)_	The purpose of the rezoning	g is to bring the	
124	zoning classification in line with the existing and long standing use of the property following various				
	revisions to the zoning ordinance.				
	Sewer provider City of Fort Way	yneW	ater provider <u>City of Fort \</u>	Wayne	
	Applications will not be accepted	l unless the following fili	ng requirements are submi	itted with this	
Filing Checklist	application. Filing fee \$1000.00			4	
illin ieck	Surveys showing area to be				
ר ט	Legal Description of parcel				
	Rezoning Criteria (see attacl	•			
the proper	erstand and agree, upon execution and su rty described in this application; that L	we agree to abide by all pr	ovisions of the Allen County	Zoning and Subdivision	
	ordinance as well as all procedures and personance as well as all procedures and policies related to the handling and				
	y/our knowledge; and that	<i></i>	Na		
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Professional Surveyor's Report

Professional Surveyor's Report

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PROFESSIONAL SURYEYOR'S REPORT: GENERAL INFORMATION

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PROFESSIONAL SURVEYOR'S REPORT: SURVEYED PROFERTY REPORT

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6313 Lima Road, Fort Wayne, IN 46818

Drawing Revision BOUNDARY 'RETRACEMENT' SURVEY FOR:

Commission Number 233714

December 12th, 2023

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xid.efite.www Professional Engineers & Surveyors
1910 St. Doe Center Road, Suite #61
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Sp. Does Center Road, 990 Day
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EXPERIENCE, INNOVATION, RESULTS.

Partial Building & Improvements Detail 9

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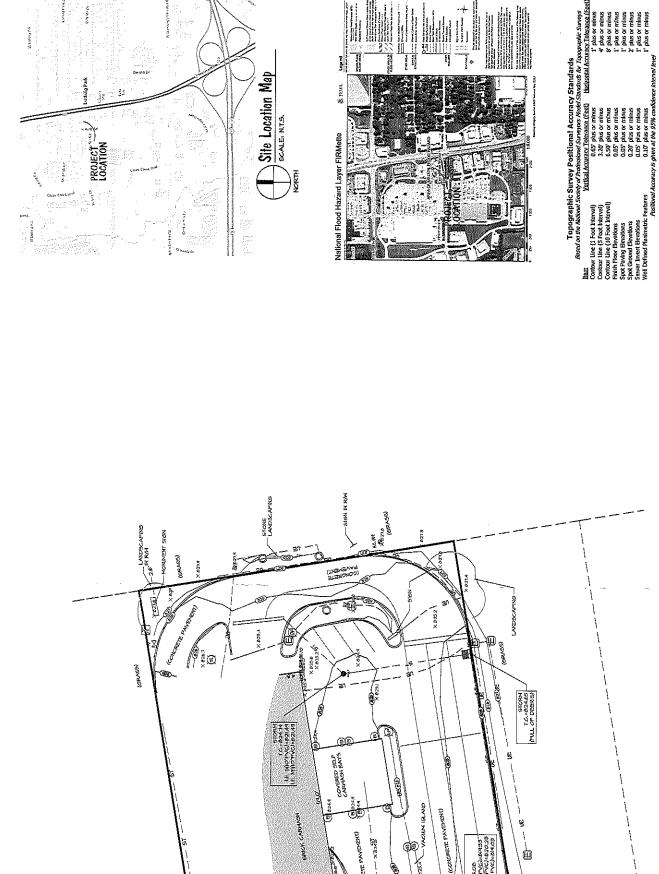
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IN WITNESS WEREOF, I HEREINTO PLACE MY HAND AND SEAL THIS 12TH DAY OF DECEMBER, 2023.

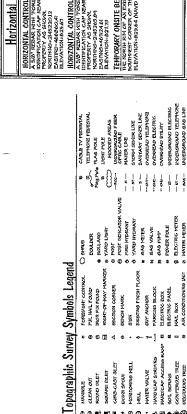
Professional Surveyor's Certification

JJIBNT. DATES OF FIELD WORK, FIELD WORK COMPLETED.

EXPERIENCE, INNOVATION, RESULTS. 8313 Lima Road, Fort Wayne, IN 46818 Commission Number 233714 Professional Engineers & Surveyors
191.0 St. Joe Center Road, Suite #61
Fort Wayne, Indiana 46825
260.484.9960 phone
260.484.9980 fax ON ysemjeg ForeSight Consulting, LLC SITE TOPOGRAPHIC SURVEY FOR: URLINES DEPICIED ON THE MITHIN PLAT OF SURVEY HERE LOCATED FROM ABOVE-GROUND PHYSICAL TOYOBEKE, BAY APPRICANKES, NO UNILITY LOCATION SERVICE ENG RECREDITO FOR THE SURVEY. THE LOCATION AND DIMENSIONS OF ALL BUILDING STRUCTURES ON THE FACE OF SERVEY (IF AFPLICABLE) ARE NOT INTENDED FOR STRUCTURAL DESIGN. THE IDENTIFICATION AND PELIBEATION OF NETLANDS MERE NOT A PART OF THE NEW POWER WITH A PART OF THE NEW POWER WAS THE PROPERTION OF NETLANDS. THE PREPARED NEW PROPERTION OF NETLANDS NEW POWER PROPERTION NOW PROPERTY PROPERTION AND PART OF A VOICE DETAILED BOND NAME OF THE PROPERTION AND TANKS NEW PROPERTION AND TANKS NEW PROPERTION. ELEVATICAS ON THIS SURVEY ARE BASED UPON THE NORTH AMERICAN VERTICAL DATAM 1988. is not intended to be presented as a tracement or ofigin Net, a route sirvet, or a survetor location report



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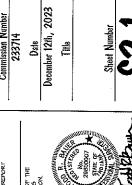
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MIKE'S CARMASH

COMMISSION NAMBER:

General Notes:

Topographic Survey





Mike's Carwash, Inc. Legal Description // 6313 Lima Road

PARCEL I

Part of the Southeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana more particularly described as follows, to wit:

Commencing at the center of said Section 15; thence South 89 degrees 10 minutes West (bearings in this description are based on the Indiana Department of Highways bearing for State Road #3), on and along the North line of said Southwest Quarter of said Section 15, being within the rightof-way of Ludwig Road, a distance of 779.98 feet to the point of intersection of said North line with the Northerly projection of the Westerly right-of-way line of Cross Creek Boulevard as dedicated under Document #93-53454 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 50 minutes East, on and along said Northerly projection and said Westerly right-of-way line, a distance of 560.0 feet to the point of curvature of a regular curve to the left having a radius of 679.72 feet; thence Southerly, continuing along said Westerly right-of-way line, as defined by the arc of said curve, an arc distance of 308.45 feet, being subtended by a long chord having a length of 305.81 feet and a bearing of South 13 degrees 50 minutes East to the point of tangency; thence South 26 degrees 50 minutes East, continuing along said Westerly right-of-way line and tangent to said curve, a distance of 98.53 feet to the point of curvature of a regular curve to the right having a radius of 332.85 feet; thence Southerly, continuing along said Westerly rightof-way line, as defined by the arc of said curve, an arc distance of 135.69 feet, being subtended by a long chord having a length of 134.75 feet and a bearing of South 15 degrees 09 minutes 18 seconds East to the point of tangency; thence South 03 degrees 28 minutes 37 seconds East, continuing along said Westerly right-of-way line and tangent to said curve, a distance of 68.39 feet; thence North 89 degrees 46 minutes 36 seconds East, a distance of 1063.93 feet; thence North 80 degrees 54 minutes East, a distance of 402.10 feet to a point on the West right-of-way line of Lima Road (State Road #3) as established under Ind. Project No. S-419(4) 1959; thence North 09 degrees 06 minutes West, on and along said West right-of-way line, being situated parallel to and 75.0 feet normally distant Westward from plan line "A", a distance of 60.0 feet to the true point of beginning; thence South 80 degrees 54 minutes West, a distance of 251.33 feet; thence North 33 degrees 35 minutes 44 seconds West, a distance of 42.55 feet; thence North 04 degrees 29 minutes 02 seconds West, a distance of 31.87 feet to the point of curvature of a regular curve to the right having a radius of 275.00 feet; thence Northerly, on and along the arc of said curve, an arc distance of 74.92 feet, being subtended by a long chord having a length of 74.68 feet and a bearing of North 03 degrees 19 minutes 13 seconds East to the point of tangency; thence North 11 degrees 07 minutes 28 seconds East and tangent to said curve, a distance of 7.01 feet; thence North 80 degrees 54 minutes East, a distance of 247.93 feet to a point on the West right-of-way line of said Lima Road; thence South 09 degrees 06 minutes East, on and along said West right-of-way line, being

situated parallel to and 75.0 feet normally distant Westward from said plan line "A", a distance of 150.0 feet to the true point of beginning, containing 0.900 acres of land.

PARCEL II

Non-exclusive easements for ingress and egress for the benefit of above Parcel I granted in Reciprocal Easement And Operating Agreement by and between KSKM, an Indiana general partnership, and Meijer Realty Company, a Michigan corporation, dated February 6, 1991 and recorded February 6, 1991 as Document Number 91-4687, as modified by First Amendment thereto dated August 5, 1993 and recorded August 6, 1993 as Document Number 93-45088, and Second Amendment thereto dated December 10, 1993 and recorded December 28, 1993 as Document Number 93-78437, over the roads described in Exhibit D Re-amended and Exhibit E thereto.

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

(1) The Comprehensive Plan;

The instant proposal is consistent with the Comprehensive Plan in the following particulars:

- This voluntary down-zoning of the subject real estate brings the longstanding use of the real estate as an automobile washing facility into compliance with the terms and conditions of the Ordinance. While originally correctly zoned when the automobile washing facility was constructed in the mid-1990s, the site has since fallen out of compliance with the Ordinance as a result of various amendments to the Ordinance. Specifically, whereas the current SC (Shopping Center) zoning designation once permitted an automobile washing facility, that use is now permitted in either the C3 (General Commercial) or C4 (Intensive Commercial). The C3 district is most consistent, though, with the other surrounding and nearby zoning and uses in the area. Having the appropriate zoning in place is consistent with sound planning principles.
- The subject real estate is situated in an area that the Comprehensive Plan identifies as being suitable for infill growth and development, which makes this project compatible with Goal 1 of the Future Growth and Development Goals and Strategies. The subject real estate is particularly well suited for infill development given (a) its access to existing infrastructure; and (b) its minimal environmental constraints, such as floodplains and floodways.
- The Generalized Future Land Use maps included within the Comprehensive Plan identify the subject real estate as being located in a Regional Commercial land use area. This land use category is designated for a diverse range of commercial options, including specialized goods and services and a full spectrum of commercial businesses. Moreover, the Plan specifically notes that this area may include big-box stores, professional uses, entertainment uses, and automobile-related uses.
- The Land Use Compatibility Matrix included within the Comprehensive Plan identifies this project as being "Compatible" with adjacent and nearby Regional Commercial uses.

(2) Current conditions and the character of current structures and uses in the district:

The current conditions of the subject real estate include an existing automobile washing facility that has been in existence since the mid-1990s. It is well maintained and well constructed. In close proximity to the subject real estate are a variety of high intensity commercial and retail uses, including big box retailers, a gas station, a Starbucks, and various fast-food restaurants. No change in the existing use is contemplated in

connection with this proposal; rather, the instant request merely seeks to bring the zoning in line with the existing uses of the real estate.

(3) The most desirable use for which the land in the district is adapted:

- The most desirable use of land within the district continues to be commercial uses, as noted in the Comprehensive Plan and the existence of well maintained and heavily utilized commercial structures in close proximity to the subject real estate.
- In addition, the approximately 40,000 vehicle trips per day along Lima Road suggests that this area continues to be well suited for commercial uses.
- Last, the Comprehensive Plan notes that this particular area is well suited for infill development.

(4) The conservation of property values throughout the jurisdiction:

- As indicated above, the instant proposal merely seeks to bring the zoning in line with the long-standing use of the real estate as an automobile washing facility. No change is contemplated in the use of the real estate. As such, it is not anticipated that there will be any adverse impact on the use or value of the surrounding and nearby real estate.

(5) Responsible growth and development:

The instant proposal is consistent with the mandate for responsible growth and development in that (a) all utility and roadway infrastructure is already present at or near the subject real estate; (b) the proposal is consistent with the Comprehensive Plan's mandate for infill development on this site; (c) the proposal merely seeks to bring the zoning in line with the use of the real estate; and (d) the site has been designed, constructed, and maintained as an automobile washing facility.