

#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-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 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

1 point of tangency; thence South 03 degrees 28 minutes 37 seconds East, continuing
2 along said Westerly right-of-way line and tangent to said curve, a distance of 68.39
3 feet; thence North 89 degrees 46 minutes 36 seconds East, a distance of 1063.93 feet;
4 thence North 80 degrees 54 minutes East, a distance of 402.10 feet to a point on the
5 West right-of-way line of Lima Road (State Road #3) as established under Ind.
6 Project No. S-419(4) 1959; thence North 09 degrees 06 minutes West, on and along
7 said West right-of-way line, being situated parallel to and 75.0 feet normally distant
8 Westward from plan line "A", a distance of 60.0 feet to the true point of beginning;
9 thence South 80 degrees 54 minutes West, a distance of 251.33 feet; thence North 33
10 degrees 35 minutes 44 seconds West, a distance of 42.55 feet; thence North 04 degrees
11 29 minutes 02 seconds West, a distance of 31.87 feet to the point of curvature of a
12 regular curve to the right having a radius of 275.00 feet; thence Northerly, on and
13 along the arc of said curve, an arc distance of 74.92 feet, being subtended by a long
14 chord having a length of 74.68 feet and a bearing of North 03 degrees 19 minutes 13
15 seconds East to the point of tangency; thence North 11 degrees 07 minutes 28
16 seconds East and tangent to said curve, a distance of 7.01 feet; thence North 80 degrees
17 54 minutes East, a distance of 247.93 feet to a point on the West right-of-way line
18 of said Lima Road; thence South 09 degrees 06 minutes East, on and along said West
19 right-of-way line, being situated parallel to and 75.0 feet normally distant Westward
20 from said plan line "A", a distance of 150.0 feet to the true point of beginning,
21 containing 0.900 acres of land.

22 PARCEL II

23 Non-exclusive easements for ingress and egress for the benefit of above Parcel I
24 granted in Reciprocal Easement And Operating Agreement by and between
25 KSKM, an Indiana general partnership, and Meijer Realty Company, a Michigan
26 corporation, dated February 6, 1991 and recorded February 6, 1991 as Document
27 Number 91-4687, as modified by First Amendment thereto dated August 5, 1993
28 and recorded August 6, 1993 as Document Number 93-45088, and Second
29 Amendment thereto dated December 10, 1993 and recorded December 28, 1993
30 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.

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-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

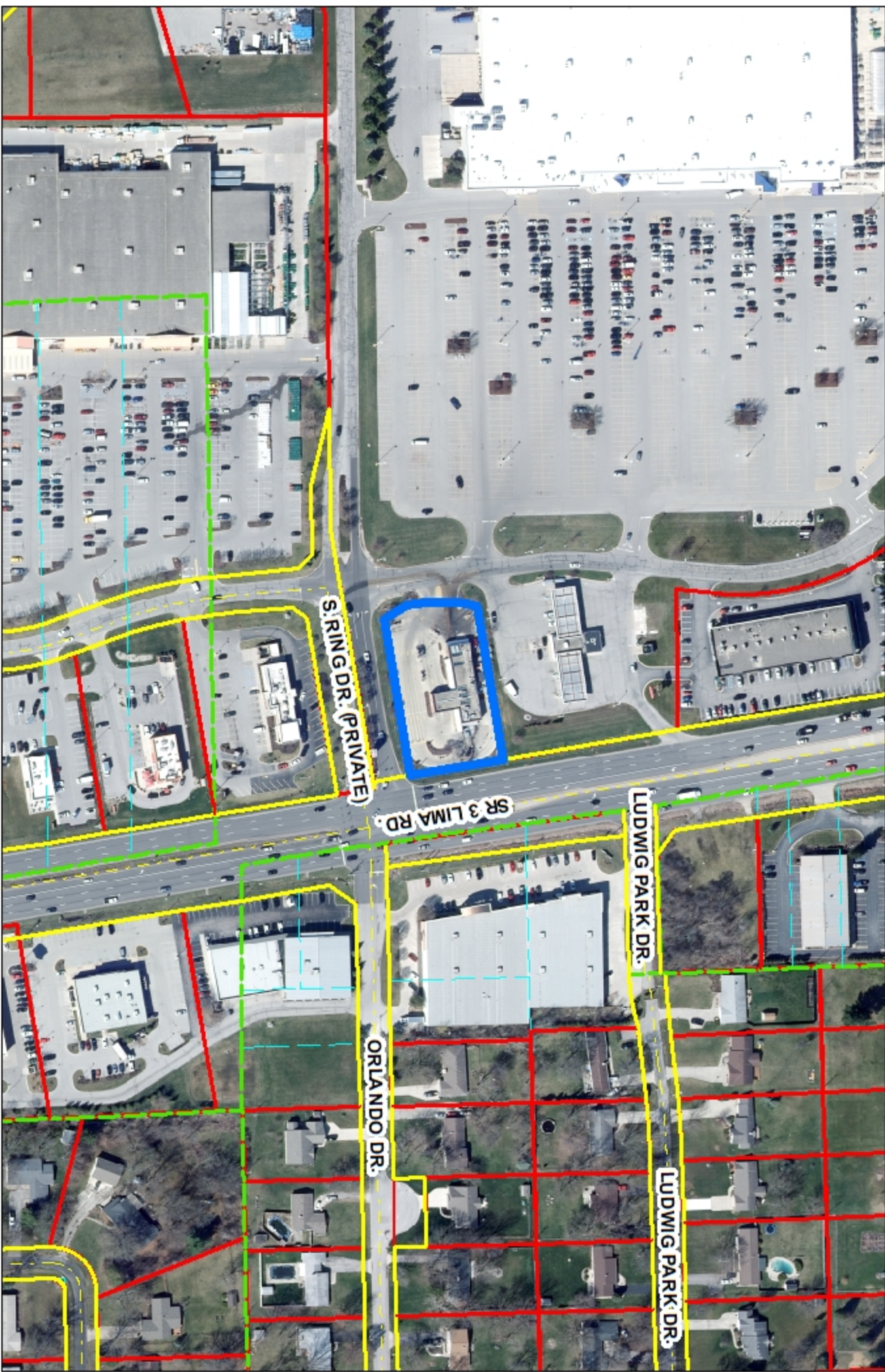
Applicant: Mike's Carwash, Inc.

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.



As shown on this map, the subject property is located within the City of Orlando, Florida.

Any use of the subject property that is not permitted by the City of Orlando, Florida, shall be considered a violation of the City of Orlando, Florida, Ordinance.

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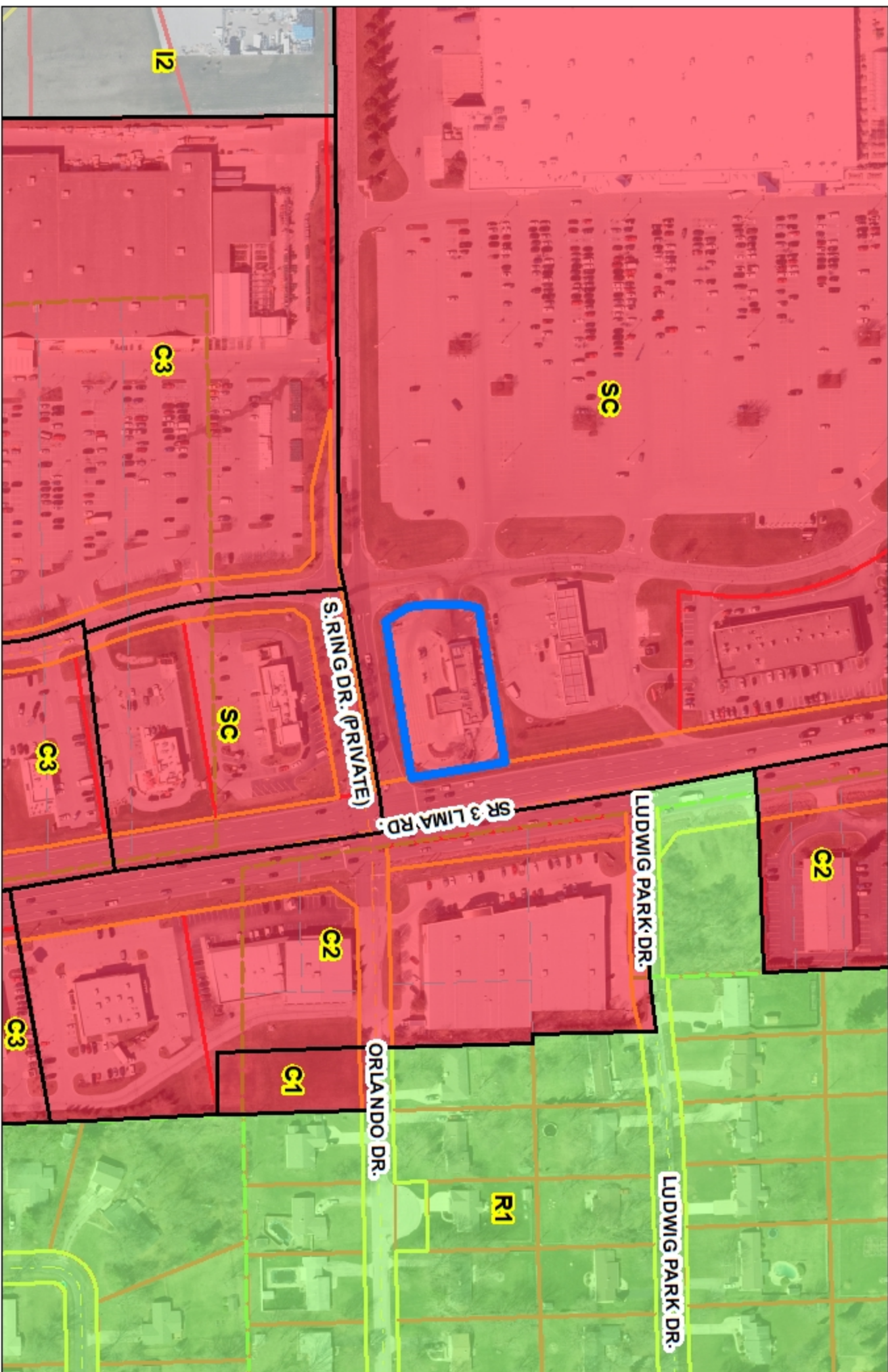
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1 inch = 200 feet



Although every reasonable effort has been made to ensure the accuracy of the information contained herein, the City of Orlando does not warrant 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 City Commissioners of the County of Alameda
 State Plane Coordinate System, NAD83
 North American Datum 1983
 Date: 2/14/2024

0 200 500 Feet
 1 inch = 200 feet

N

Department of Planning Services
Rezoning Petition Application

Applicant Mike's Carwash, Inc.
Address 100 Northeast Drive
City Loveland State OH Zip 45140
Telephone (513) 677-4700 E-mail ekrieger@mikescarwash.com

Property Owner Mike's No. 4 LLC
Address 100 Northeast Drive
City Loveland State OH Zip 45140
Telephone (513) 677-4700 E-mail ekrieger@mikescarwash.com

Contact Person Joshua C. Neal, Barrett McNagny LLP
Address 215 E. Berry Street
City Fort Wayne State IN Zip 46802
Telephone (260) 423-9551 E-mail jcn@barrettllaw.com

All staff correspondence will be sent only to the designated contact person.

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 6313 Lima Road Township and Section Washington / Sect. 15
Present Zoning SC Proposed Zoning C-3 Acreage to be rezoned 1.28 Acres
Purpose of rezoning (attach additional page if necessary) The purpose of the rezoning is to bring the 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 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

Michael E. Dotm
(printed name of applicant)

[Signature]
(signature of applicant)

2/6/24
(date)

(printed name of property owner)

(signature of property owner)

(date)



Received	Receipt No.	Hearing Date	Petition No.
2-5-24	144799	3-11-24	REZ-2024-0069

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



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 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-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 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 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.

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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.