

#REZ 2024 0018

BILL NO. Z-24-04-28

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F-31 (Sec. 32 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:

LEGAL DESCRIPTION:

Part of the Northwest Quarter of Section 32, Township 30 North, Range 12 East,
Allen County, Indiana, more particularly described as follows:

Beginning at the northwest corner of the Northwest Quarter of Section 32, Township
30 North, Range 12 East, Allen County, Indiana; thence east along the north line of
the Northwest Quarter of Section 32, Township 30 North, Range 12 East, a distance
of 660 feet; thence south and parallel to the west line of the Northwest Quarter of
Section 32, Township 30 North, Range 12 East a distance of 638 feet to a point on
the south right of way line of Lower Huntington Road; thence southwesterly along
the south right of way line of Lower Huntington Road a distance of 175 feet; thence
southeasterly at right angles to said road, a distance of 141 feet; thence northeasterly
and parallel to the south right of way line of Lower Huntington Road, a distance of
118 feet; thence south and parallel to the west line of the Northwest Quarter of
Section 32, Township 30 North, Range 12 East, a distance of 561 feet; thence West a
distance of 660 feet, more or less, to the west line of the Northwest Quarter of
Section 32, Township 30 North, Range 12 East; thence north along said line a
distance of 1350.4 feet to the point of beginning, containing 19.98 acres more or less.

Excepting therefrom:

Part of the Northwest Quarter of Section 32, Township 30 North, Range 12 East,
Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of Section 32,
Township 30 North, Range 12 East, Allen County, Indiana; thence East along the
North line of the NW 1/4 of Sec. 32- 30-12, a distance of 664.7 feet (660 feet, deed);
thence South with a deflection angle to the right of 91 degrees 19 minutes 10 seconds
a distance of 262.5 feet; thence West with a deflection angle to the right of 88
degrees 40 minutes 50 seconds and parallel to the North line of the NW 1/4 of Sec.

32-30-12, a distance 665.0 feet to a point on the West line of the NW 1/4 of Sec. 32-30-12; thence North with a deflection angle to the right of 91 degrees 23 minutes 20 seconds along said West line, a distance of 262.5 feet to the point of beginning, containing 4.00 acres.

Also Excepting therefrom:

Part of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at an Allen County Surveyor referenced monument at the Northwest corner of the Northwest Quarter of said Section 32; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), on the West line of said Northwest Quarter, 264.10 feet (262.5 feet recorded) to the Point of Beginning; thence North 88 degrees 39 minutes 37 seconds East, on the South line of a 4.00-acre parcel described in Document #93-041098 in the Office of the Recorder of Allen County, Indiana, 660.14 feet to a point on the East line of a 19.98-acre parcel described in Document #71-15379; thence South 00 degrees 00 minutes 00 seconds West, on said East line, being parallel with and 660.0 feet East of the West line of said Northwest Quarter, 357.29 feet to a point on the center line of Lower Huntington Road; thence South 68 degrees 01 minute 45 seconds West, along said center line, 711.64 feet to a mag nail with .FIRM 0026. ID at said center line's intersection with the West line of said Northwest Quarter; thence North 00 degree 00 minutes 00 seconds East, on said West line, 608.10 feet to the Point of Beginning, said by Survey to contain 7.313 acres, more or less.

Commencing at a 5/8" steel rebar at the Northeast corner of said Northwest Quarter; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of bearings to follow), a distance of 30.00 feet along the North line of said Northwest Quarter and within the right-of-way of County Road 500 South to a DuraNail with a "Miller" identification ring set on the West line of an existing tract described in Deed Record 153, Page 278 in the Office of the Recorder of Adams County, Indiana, said point also being the POINT OF BEGINNING of the herein described tract; thence South 01 degrees 39 minutes 14 seconds West, a distance of 2592.43 feet along said West line and being parallel with and 30.00 feet distant from the East line of said Northwest Quarter to a DuraNail with a "Miller" identification cap set on the North line of an existing tract described in Deed Record 189, Page 591 in the Office of the Recorder of Adams County, Indiana; thence South 63 degrees 28 minutes 05 seconds West, a distance of 45.35 feet along said North line to a DuraNail with a "Miller" identification ring set on the South line of said tract, also being on the North right-of-way line of County Road 550 South / Parr Road; thence North 89 degrees 37 minutes 02 seconds East, a distance of 40.00 feet along said South line and said North right-of-way line to a DuraNail with a "Miller" identification ring set on the West line of said tract described in Deed Record 153, Page 278; thence South 01 degrees 39 minutes 14 seconds West, a distance of 20.01 feet along said West line to a DuraNail with a "Miller" identification ring set on the South line of said Northwest Quarter; thence South 89 degrees 37 minutes 02 seconds West, a distance of 494.70 feet along said South line and being within the right-of-way of County Road 550 South / Parr Road to a DuraNail with a "Miller" identification ring set on the East right-of-way

1 line of Swiss Way (Old Penn Central Railroad right-of-way line); thence North 06
2 degrees 28 minutes 34 seconds East, a distance of 20.14 feet along said East right-of-
3 way line to a DuraNail with a "Miller" identification ring set on the South line of an
4 existing tract described in Deed Record 189, Page 591 in the Office of the Recorder
5 of Adams County, Indiana; thence North 89 degrees 37 minutes 02 seconds East, a
6 distance of 40.00 feet along said South line, also being along the North right-of-way
7 line of County Road 550 South / Parr Road to a DuraNail with a "Miller"
8 identification ring set on the North line of said tract described in Deed Record 189,
9 Page 591; thence North 62 degrees 33 minutes 04 seconds West, a distance of 42.53
10 feet along said North line to a 5/8" steel rebar with a "Miller" identification cap set
11 on the East right-of-way line of Swiss Way (Old Penn Central Railroad right-of-way
12 line); thence North 06 degrees 28 minutes 34 seconds East, a distance of 2611.42
13 feet along said East right-of-way line to a point on the North line of said Northwest
14 Quarter, said point being referenced by a railroad spike found 0.21 feet North; thence
15 North 90 degrees 00 minutes 00 seconds East, a distance of 271.61 feet along said
16 North line and being within the right-of-way of County Road 500 South to the Point
17 of Beginning. Containing 23.134 Acres, more or less. Subject to the right-of-way of
18 County Road 500 South, County Road 550 South / Parr Road, Habegger Legal Open
19 Drain and subject to easements of record.

20 and the symbols of the City of Fort Wayne Zoning Map No. F-31 (Sec. 32 of Wayne
21 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
22 Wayne, Indiana is hereby changed accordingly.

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

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

29 _____
30 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-2024-0018
Bill Number: Z-24-04-28
Council District: 4 – Scott Myers

Introduction Date: April 23, 2024

Plan Commission
Public Hearing Date: May 13, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 8.769 acres from R1/Single Family Residential to I2/General Industrial.

Location: 7415 Smith Road, southeast corner of its intersection with Lower Huntington Road (Section 32 of Wayne Township)

Reason for Request: To permit to a primary development plan for a logistics center.

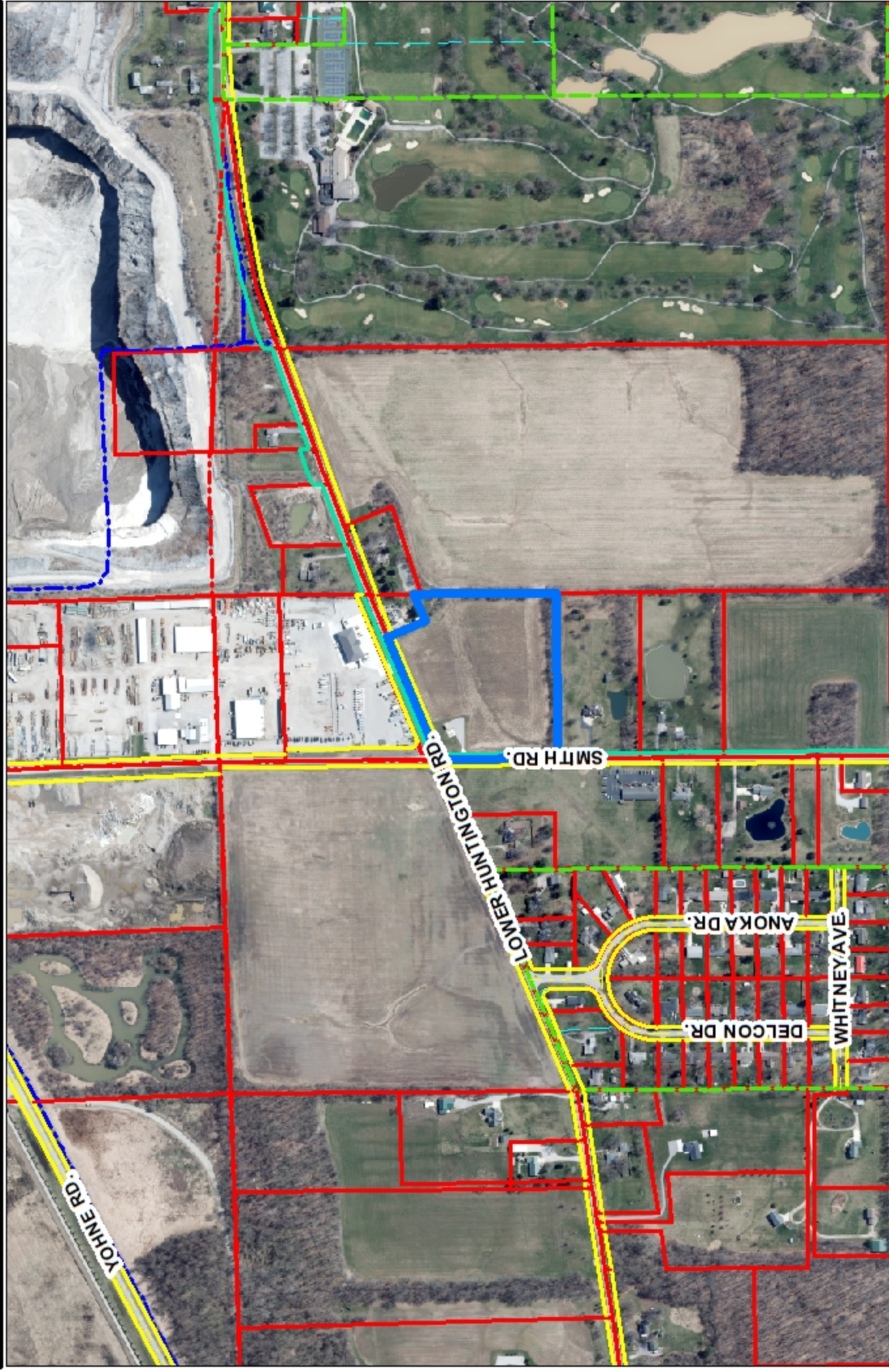
Applicant: Independent Logistics

Property Owner: Realamerica Corp

Related Petitions: Primary Development Plan – Independent Logistics

Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district, which will allow for a logistics center.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential which does not permit a logistics center. The site will continue with existing uses, and may be redeveloped with areas for single family residential uses on individual lots or tracts along with certain additional uses.

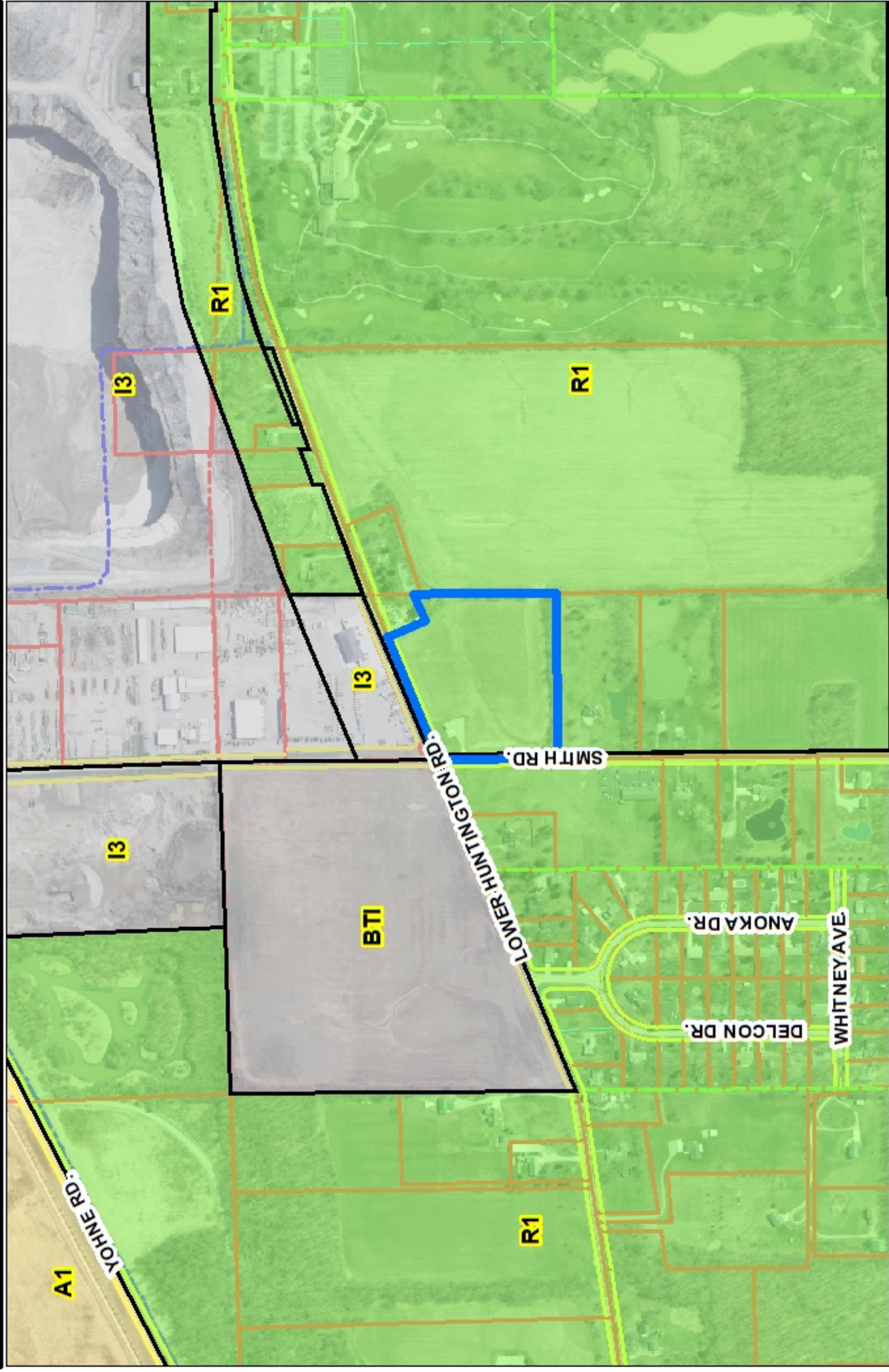


Although every accuracy standard has been followed, the City of Allen, Indiana, and its staff do not warrant the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983
State Plane, Central Indiana System, Indiana East
Photos and Contours: Spring 2009
Date: 4/15/2024



1 inch = 500 feet



Part of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the northwest corner of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana; thence east along the north line of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, a distance of 660 feet; thence south and parallel to the west line of the Northwest Quarter of Section 32, Township 30 North, Range 12 East a distance of 638 feet to a point on the south right of way line of Lower Huntington Road; thence southwesterly along the south right of way line of Lower Huntington Road a distance of 175 feet; thence southeasterly at right angles to said road, a distance of 141 feet; thence northeasterly and parallel to the south right of way line of Lower Huntington Road, a distance of 118 feet; thence south and parallel to the west line of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, a distance of 561 feet; thence West a distance of 660 feet, more or less, to the west line of the Northwest Quarter of Section 32, Township 30 North, Range 12 East; thence north along said line a distance of 1350.4 feet to the point of beginning, containing 19.98 acres more or less.

Excepting therefrom:

Part of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana; thence East along the North line of the NW 1/4 of Sec. 32-30-12, a distance of 664.7 feet (660 feet, deed); thence South with a deflection angle to the right of 91 degrees 19 minutes 10 seconds a distance of 262.5 feet; thence West with a deflection angle to the right of 88 degrees 40 minutes 50 seconds and parallel to the North line of the NW 1/4 of Sec. 32-30-12, a distance 665.0 feet to a point on the West line of the NW 1/4 of Sec. 32-30-12; thence North with a deflection angle to the right of 91 degrees 23 minutes 20 seconds along said West line, a distance of 262.5 feet to the point of beginning, containing 4.00 acres.

Also Excepting therefrom:

Part of the Northwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at an Allen County Surveyor referenced monument at the Northwest corner of the Northwest Quarter of said Section 32; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), on the West line of said Northwest Quarter, 264.10 feet (262.5 feet recorded) to the Point of Beginning; thence North 88 degrees 39 minutes 37 seconds East, on the South line of a 4.00-acre parcel described in Document #93-041098 in the Office of the Recorder of Allen County, Indiana, 660.14 feet to a point on the East line of a 19.98-acre parcel described in Document #71-15379; thence South 00 degrees 00 minutes 00 seconds West, on said East line, being parallel with and 660.0 feet East of the West line of said Northwest Quarter, 357.29 feet to a point on the center line of Lower Huntington Road; thence South 68 degrees 01 minute 45 seconds West, along said center line, 711.64 feet to a mag nail with .FIRM 0026. ID at said center line's intersection with the West line of said Northwest Quarter; thence North 00 degree 00 minutes 00 seconds East, on said West line, 608.10 feet to the Point of Beginning, said by Survey to contain 7.313 acres, more or less.

Commencing at a 5/8" steel rebar at the Northeast corner of said Northwest Quarter; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of bearings to follow), a

distance of 30.00 feet along the North line of said Northwest Quarter and within the right-of-way of County Road 500 South to a DuraNail with a "Miller" identification ring set on the West line of an existing tract described in Deed Record 153, Page 278 in the Office of the Recorder of Adams County, Indiana, said point also being the POINT OF BEGINNING of the herein described tract; thence South 01 degrees 39 minutes 14 seconds West, a distance of 2592.43 feet along said West line and being parallel with and 30.00 feet distant from the East line of said Northwest Quarter to a DuraNail with a "Miller" identification cap set on the North line of an existing tract described in Deed Record 189, Page 591 in the Office of the Recorder of Adams County, Indiana; thence South 63 degrees 28 minutes 05 seconds West, a distance of 45.35 feet along said North line to a DuraNail with a "Miller" identification ring set on the South line of said tract, also being on the North right-of-way line of County Road 550 South / Parr Road; thence North 89 degrees 37 minutes 02 seconds East, a distance of 40.00 feet along said South line and said North right-of-way line to a DuraNail with a "Miller" identification ring set on the West line of said tract described in Deed Record 153, Page 278; thence South 01 degrees 39 minutes 14 seconds West, a distance of 20.01 feet along said West line to a DuraNail with a "Miller" identification ring set on the South line of said Northwest Quarter; thence South 89 degrees 37 minutes 02 seconds West, a distance of 494.70 feet along said South line and being within the right-of-way of County Road 550 South / Parr Road to a DuraNail with a "Miller" identification ring set on the East right-of-way line of Swiss Way (Old Penn Central Railroad right-of-way line); thence North 06 degrees 28 minutes 34 seconds East, a distance of 20.14 feet along said East right-of-way line to a DuraNail with a "Miller" identification ring set on the South line of an existing tract described in Deed Record 189, Page 591 in the Office of the Recorder of Adams County, Indiana; thence North 89 degrees 37 minutes 02 seconds East, a distance of 40.00 feet along said South line, also being along the North right-of-way line of County Road 550 South / Parr Road to a DuraNail with a "Miller" identification ring set on the North line of said tract described in Deed Record 189, Page 591; thence North 62 degrees 33 minutes 04 seconds West, a distance of 42.53 feet along said North line to a 5/8" steel rebar with a "Miller" identification cap set on the East right-of-way line of Swiss Way (Old Penn Central Railroad right-of-way line); thence North 06 degrees 28 minutes 34 seconds East, a distance of 2611.42 feet along said East right-of-way line to a point on the North line of said Northwest Quarter, said point being referenced by a railroad spike found 0.21 feet North; thence North 90 degrees 00 minutes 00 seconds East, a distance of 271.61 feet along said North line and being within the right-of-way of County Road 500 South to the Point of Beginning. Containing 23.134 Acres, more or less. Subject to the right-of-way of County Road 500 South, County Road 550 South / Parr Road, Habegger Legal Open Drain and subject to easements of record.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Brian Bojarb
Address 2250 W. 900 North
City Decatur State IN Zip 46733
Telephone 260-409-6164 E-mail brian@illoads.com

Property Ownership
Property Owner Realamerica Corp
Address 3333 W. Hamilton Road S.
City Fort Wayne State IN Zip 46814-9730
Telephone 260-432-1000 E-mail peterboback@gmail.com

Contact Person
Contact Person Edward Welling
Address 520 S. Calhoun St., Ste 201
City Fort Wayne State IN Zip 46802
Telephone 260-424-5942 E-mail edwelling@grinsfelderarchitects.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 7415 Smith Rd Township and Section Wayne 0323012
Present Zoning R1 Proposed Zoning I 2 Acreage to be rezoned 8.769
Purpose of rezoning (attach additional page if necessary) The applicant desires to build a new building to house the offices and light maintenance facility for their trucking company. There will also be space to park company owned trucks on site.
Sewer provider Fort Wayne City Utilities Water provider Fort Wayne City Utilities

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 (please complete attached document)

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

Brian Bojarb
(printed name of applicant)

Brian Bojarb
(signature of applicant)

4/1/2024
(date)

Peter Bobeck
(printed name of property owner)

P. Bobeck
(signature of property owner)

04-2-24
(date)



Received	Receipt No.	Hearing Date	Petition No.
4.2.24	145148	5.13.24	REF-2024-0018

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



Department of Planning Services Rezoning Questionnaire

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;

This trucking company facility complies with the Comprehensive Plan Economic Development Transitional Area. General industrial is one of the primary uses listed.

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

The site is currently undeveloped except for a City Utilities pumping station in the northwest corner. This development will continue the industrial area that extends several miles north along Smith Rd. There are residential properties east & west of the site which will be screened with landscaping buffers.

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

The development is similar in nature to its neighbors to the north. Due to its proximity to the airport, future residential development is doubtful. The density of the other developed residential properties nearby does not make the site desirable for other types of commercial development.

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

A brand new development will provide economic stimulus in the area both during construction and continuing with the new employees in the completed facility. There will also be additional tax revenue with the new development.

(5) Responsible development and growth.

This site's proximity to the airport and the Airport Expressway makes this an ideal location for a transportation related industry. At the same time, it also makes it less desirable for residential uses due to the noise created by the traffic and aircraft overhead.

COMPLETE FILING TO INCLUDE:

- ☐ Filing Fee
- ☐ Complete application signed by property owner*
- ☐ Legal description (in Word document format)*
- ☐ Boundary/Utility Survey*
- ☐ Rezoning Criteria *
- ☐ Written Commitment (if applicable)*

**All documents may be digital*

