#REZ 2024 0029

BILL NO. Z-24-06-18

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14 (Sec. 32 of Saint Joseph 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:

LEGAL DESCRIPTION:

The land is situated in the County of Allen, State of Indiana, and described as follows:

PARCELS I & II: Lots Numbered Forty-Four (44) and One Hundred Eleven (111) in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, excepting that part thereof which has been heretofore conveyed to the State of Indiana for right-of-way lands and highway purpose.

Also:

Southeast corner of Lot 43 in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, per Survey prepared by Donovan Engineering, Inc., 2020 Inwood Drive, Fort Wayne, Indiana 46815 for Mike's Carwash, dated March 17, 2006.

PARCELS III-IV:

Lots Numbered 45, 46 and 110, except that part of Lots 45 and 46 appropriated for the widening of State Street, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, pages 84-85, in the Office of the Recorder of Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. S-14 (Sec. 32 of Saint Joseph 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.

1	SECTION 3. That this Ordinance shall be in full force and effect from and after its	
2	passage and approval by the Mayor.	
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5	Council Member	_
6	Council Member	
7	APPROVED AS TO FORM AND LEGALITY:	
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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-2024-0029
Bill Number: Z-24-06-18
Council District: 1 – Paul Ensley

Introduction Date: June 25, 2024

Plan Commission

Public Hearing Date: July 8, 2024 (not heard by Council)

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

Plan Commission

Synopsis of Ordinance: To rezone 0.90 acres from C2/Limited Commercial to C3/General

Commercial

Location: 4020 E State Blvd (Section 32 of Saint Joseph Township)

Reason for Request: To permit an existing carwash.

Applicant: Mike's Carwash, Inc.

Property Owner: Mike's No 2 LLC

Related Petitions: None

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

which permits car washes.

Effect of Non-Passage: Property will remain zoned C2/Limited Commercial, 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

facilities.









1 inch = 200 feet

Department of Planning Services Rezoning Petition Application

	Applicant Mike's Carwash, Inc.							
ant	Address 100) Northeast Driv	<i>т</i> е					
Applicant	City <u>Lovelar</u>	nd	State	ОН	Zip <u>45140</u>			
Ap	Telephone _(513) 677-4700		E-mail <u>ekriege</u>	r@mikescarwash.co	m		
_	Property Owner Mike's No. 2, LLC							
Property Ownership	Address 100 Northeast Drive							
	City <u>Lovela</u>	nd	State	ОН	Zip <u>45140</u>			
	Telephone <u>(</u> 5	513) 677-4700		E-mail <u>ekrieg</u> e	er@mikescarwash.co	om		
	Contact Person _Joshua C. Neal, Barrett McNagny, LLP							
Contact Person	Address 215	5 E. Berry Street	-					
	•				Zip <u>46802</u>			
C	Telephone <u>(2</u>	260) 423-9551		_E-mail_ <u>jcn@ba</u> ı	rrettlaw.com			
		All staff corres _l	pondence will i	be sent only to the	designated contact per	son.		
	☐ Allen Cou	ınty Planning Juri	sdiction 🖸 C	City of Fort Wayne	Planning Jurisdiction			
	Address of th	e property 4020	E. State Boul	evard	Township and Section	n <u>St. Joseph / Sec.</u> 32		
est	Present Zonir	ng <u>C-2</u> P	roposed Zonin	g_C-3	Acreage to be rezoned	d0.90 Acres		
Request	Purpose of re	Purpose of rezoning (attach additional page if necessary) The purpose of the rezoning is to bring the						
×	zoning class	zoning classification in line with the existing and long standing use of the property following						
	various revi	various revisions to the Zoning Ordinance.						
	Sewer provid	er City of Fort V	Vayne	Water p	rovider <u>City of Fort \</u>	<i>W</i> ayne		
	Applications will not be accepted unless the following filing requirements are submitted with this							
g Iist	application. Filing fee \$1000.00							
Filing hecklist		e \$1000.00 showing area to b	e rezoned					
Ch Ch	Legal Description of parcel to be rezoned							
	Rezoning Criteria (please complete attached document)							
					m/we are the owner(s) of			
Control O	ordinance as well a	as all procedures an	d policies of the	Fort Wayne and Alle	ns of the Allen County Z on County Plan Commission	ons as those provisions,		
	s and policies rela y/our knowledge; a		and disposition o	fthis application; tha	t the above information is	true and accurate to the		
·	ched Exhibit A							
(printed n	ame of applicant)		(signat	ure of applicant)	-	(date)		
See atta	ched Exhibit A							
(printed n	ame of property or	wner)	(signa	ure of property owner	er)	(date)		
1		Paggings	Dogsint N-	Hagring D-4-	Petition No.	ATORA		
		Received	Receipt No.	Hearing Date	rention No.	O UNION CO		
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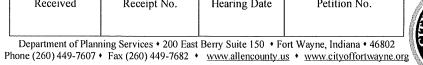




Exhibit A Rezoning Application Signature Page

"APPLICANT"

Mike's Carwash, Inc.

By: Jue, Dahn

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Name!

Its: President

Date: Jue 7, 2024

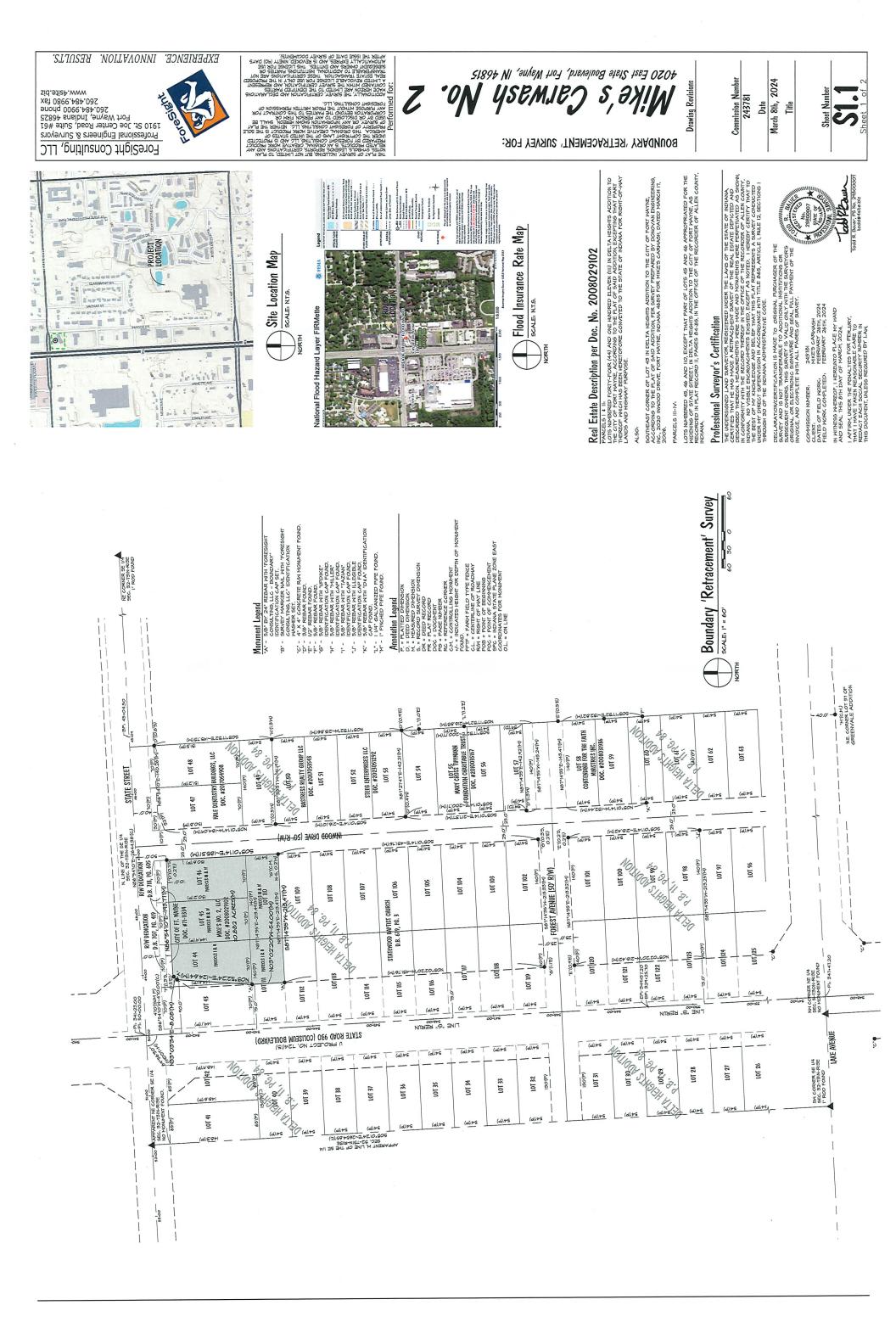
"PROPERTY OWNER"

Mike's No. 2, LLC

·

Its: President

Date: June 7, 2024



IN ACCORDANCE MITH TITLE 865, ARTICLE I, RULE I2, SECTIONS I THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE; THE POLLOMINE REPORT IS SUBMITTED REGARDING THE VARIOUS INCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORREGE ESTABLISHED ON THIS PARCEL AS A RESULT OF:

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PROFESSIONAL SURVEYOR'S REPORT: GENERAL INFORMATION

COPTRIGHT, ONREGHIP OF DOCUMENTS, AND LIMITED REVOCABLE LICENSE FOR THE USE OF THIS FLAT OF SURVEY. THE PLAT OF SURVEY, THE PLAT OF SURVEY, REPOSTING, SERVING/ATTORS AND ANY PELATED PERODUCTS, IS AN ORIGINAL, CREATIVE WORK PRODUCT PERPARED BY FOREIGHT CONSULTING, AND IS PRODUCTS IS AN ORIGINAL, CREATIVE WORK PRODUCT PERPARED BY FOREIGHT CONSULTING, AND IS PRODUCTS THE COPPURENT AND OF THE WIND STATE OF AVERTICAL. THE TAIL OF THE WIND STATE OF AVERTICAL SHOWN OF THE CASH THE PLAT OF SURVEY, OR ANY INFORMATION SHOWN HEREON SHALL BE REED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION BEYOND THE PARTIES TO THIS CONTRACT AND EXPLICITLY REPRESENTED HEREON, FOR ANY USE OR PURPOSE WITHOUT THE ENPRESS WRITTEN PERMISSION OF FORESIGHT CONSULTING. LICE.

EXPERIENCE, INNOVATION,

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Professional Engineers & Surveyors 1910 St. Joe Center Road, Suite #61

ForeSight Consulting, LLC

ADDITIONALLY, THE SIRVEY, CERTIFICATION AND DECLARATIONS MADE HEREON ARE LIMITED TO THE IDENTIFIED PARTIES CONTAINED WITHIN THE SIRVEY EXPERIENCE AND REFRESSION A LIMITED TO THE IDENTIFIED ONLY IN THE PROPOSED REAL EIGHNES FOR USE ONLY IN THE PROPOSED REAL EIGHNES TOWN HERE COSTIFICATIONS WAR INVESTED WAS REPORTED AND ADDITIONAL INSTITUTIONS PARTIES OF SUBSEQUENT ONLY THESE AND THESE THE THIRES. WHICH LOSE FOR USE AUTOMATICALLY EXPIRES, AND IS REVOKED, INNEY (FOR DAYS OF SURFICE OF SURFICE OF SURFICE).

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4020 East State Boulevard, Fort Wayne, IN 46815 Drawing Revision

BOUNDARY 'RETRACEMENT' SURVEY FOR:

Building & Improvements Detail

'rofessional Surveyor's Certification

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Date March 8th, Tiffe

2024

Legal Description of Real Estate

The land is situated in the County of Allen, State of Indiana, and described as follows:

PARCELS I & II: Lots Numbered Forty-Four (44) and One Hundred Eleven (111) in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, excepting that part thereof which has been heretofore conveyed to the State of Indiana for right-of-way lands and highway purpose.

Also:

Southeast corner of Lot 43 in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, per Survey prepared by Donovan Engineering, Inc., 2020 Inwood Drive, Fort Wayne, Indiana 46815 for Mike's Carwash, dated March 17, 2006.

PARCELS III-IV:

Lots Numbered 45, 46 and 110, except that part of Lots 45 and 46 appropriated for the widening of State Street, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, pages 84-85, in the Office of the Recorder of Allen County, Indiana

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;
	See attached Exhibit B
(2)	Current conditions and the character of current structures and uses in the district;
	See attached Exhibit B
(3)	The most desirable use for which the land in the district is adapted;
	See attached Exhibit B
(4)	The conservation of property values throughout the jurisdiction;
	See attached Exhibit B
(5)	Responsible development and growth.
	See attached Exhibit B
СО	MPLETE 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



Exhibit B Zoning Criteria

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 rezoning 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 early 1970s, the site has since fallen out of compliance with the Ordinance as a result of various amendments to the Ordinance. Specifically, although we believe that the current C2 (Limited Commercial) 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 Community Commercial land use area. This land use category is designated for a diverse range of commercial options, including local and national retailers, 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 Community 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 approximately 1971. 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 McDonalds, a Walgreens, a church, and various professional office uses. 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, this particular stretch of East State Boulevard experiences nearly 19,000 vehicle trips per day, while traffic on Coliseum Boulevard near this intersection is estimated at nearly 23,000 trips per day. As such, 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.