

#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.

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-2024-0029
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

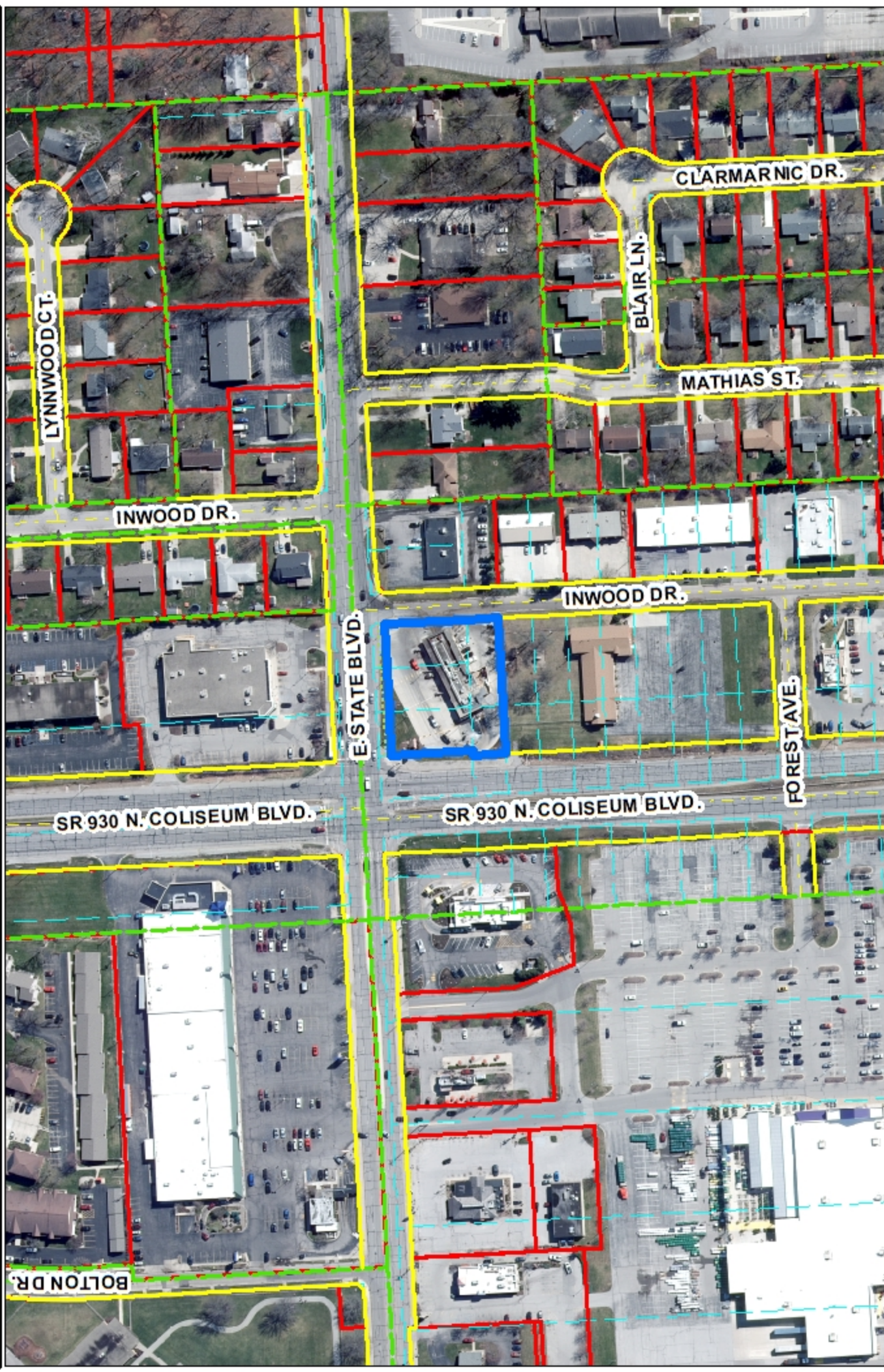
Related Petitions: None

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.



Rezoning Petition REZ-2024-0029 - 4020 East State Boulevard Mike's Carwash



Although every effort has been made to ensure the accuracy of the information contained herein, the City of Ellettsburg, Iowa, and its officials assume no liability for any errors or omissions in this map.

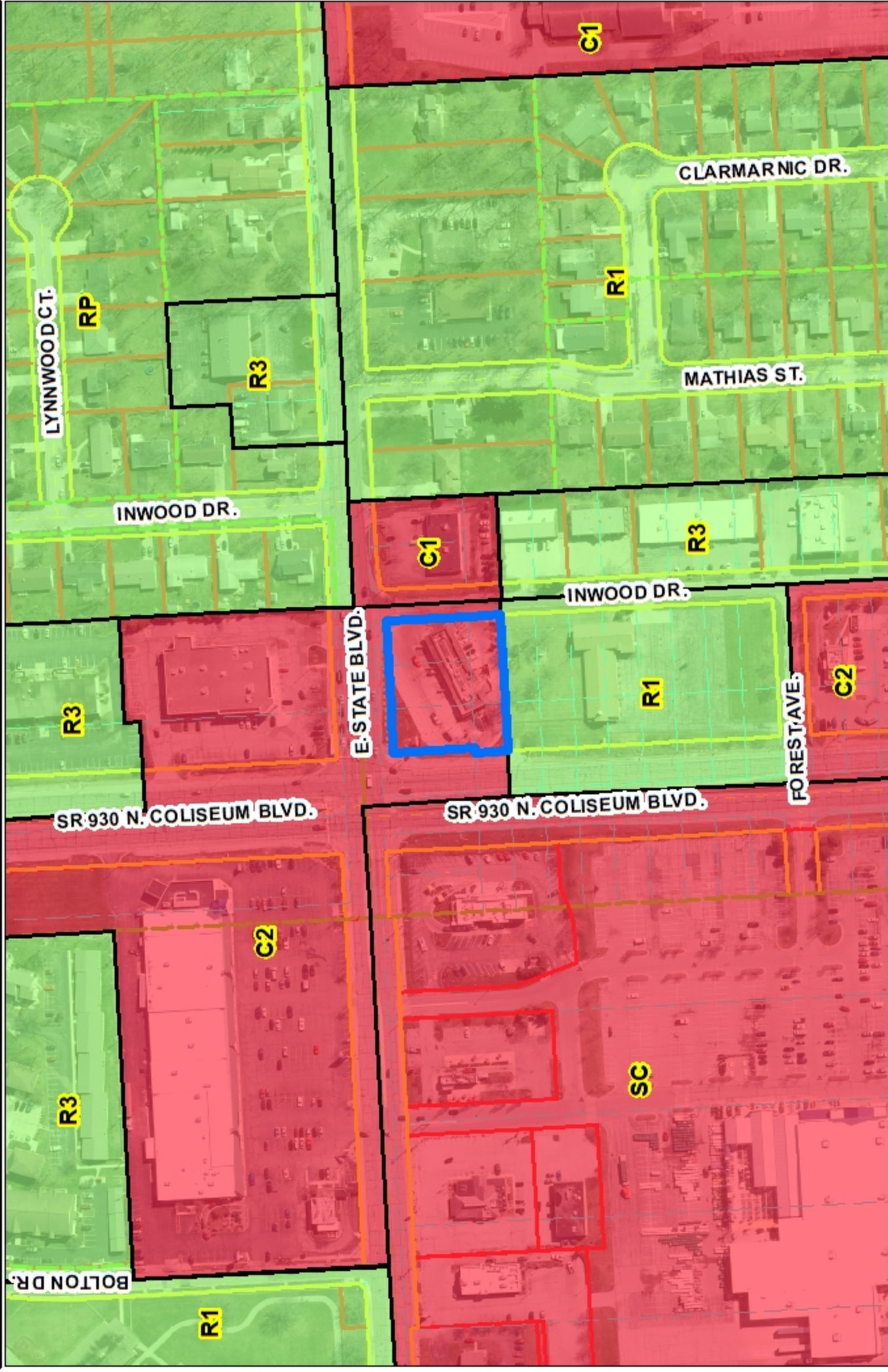
North American Datum 1983
State Plane, Central Indiana System, Indiana East
Photos and Contours: Spring 2009
Date: 6/17/2024



1 inch = 200 feet



Rezoning Petition REZ-2024-0029 - 4020 East State Boulevard Mike's Carwash



Although every effort has been made to ensure the accuracy of the information contained herein, the City of Allen 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.

North American Datum 1983
State Plane, Central Indiana System, Indiana East
Photos and Contours: Spring 2009
Date: 6/17/2024



1 inch = 200 feet

Department of Planning Services Rezoning Petition Application

Applicant

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 Ownership

Property Owner Mike's No. 2, LLC
Address 100 Northeast Drive
City Loveland State OH Zip 45140
Telephone (513) 677-4700 E-mail ekrieger@mikescarwash.com

Contact Person

Contact Person Joshua C. Neal, Barrett McNaghy, 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.

Request

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 4020 E. State Boulevard Township and Section St. Joseph / Sec. 32
Present Zoning C-2 Proposed Zoning C-3 Acreage to be rezoned 0.90 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 (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

See attached Exhibit A

(printed name of applicant) (signature of applicant) (date)

See attached Exhibit A

(printed name of property owner) (signature of property owner) (date)



Received	Receipt No.	Hearing Date	Petition No.
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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



Exhibit A
Rezoning Application
Signature Page

"APPLICANT"

Mike's Carwash, Inc.

By: Joe Dahm
Name: Joe I
Its: President

Date: June 7, 2024

"PROPERTY OWNER"

Mike's No. 2, LLC

By: Joe Dahm
Name: Joe I
Its: President

Date: June 7, 2024

THE PLAT OF SURVEY INCLUDING, BUT NOT LIMITED TO, PLANS, NOTES, SYMBOLS, LEGENDS, REPORTS, CERTIFICATIONS AND ANY RELATED RECORDS IS AN ORIGINAL CREATIVE WORK PRODUCT PREPARED BY FORESIGHT CONSULTING, LLC AND IS PROTECTED UNDER THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA. NO PART OF THIS WORK PRODUCT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION SYSTEM, WITHOUT THE PRIOR WRITTEN PERMISSION OF FORESIGHT CONSULTING, LLC.

ADDITIONALLY, THE SURVEY CERTIFICATION AND DECLARATION OF FORESIGHT CONSULTING, LLC, IS A PROFESSIONAL SERVICE PROVIDED BY FORESIGHT CONSULTING, LLC, AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PROVIDED. ANY REUSE OF THIS SERVICE FOR ANY OTHER PURPOSES IS AT THE USER'S SOLE RISK AND WITHOUT THE LIABILITY OF FORESIGHT CONSULTING, LLC.

AFTER THE ISSUE DATE OF SURVEY DOCUMENTS, THE SURVEYOR'S LIABILITY FOR NEGLIGENCE SHALL BE LIMITED TO THE EXTENT OF THE SURVEYOR'S NEGLIGENCE. THE SURVEYOR'S LIABILITY FOR NEGLIGENCE SHALL BE LIMITED TO THE EXTENT OF THE SURVEYOR'S NEGLIGENCE. THE SURVEYOR'S LIABILITY FOR NEGLIGENCE SHALL BE LIMITED TO THE EXTENT OF THE SURVEYOR'S NEGLIGENCE.

BOUNDARY 'RETRACEMENT' SURVEY FOR:

Mike's Carwash No. 2

4020 East State Boulevard, Fort Wayne, IN 46815

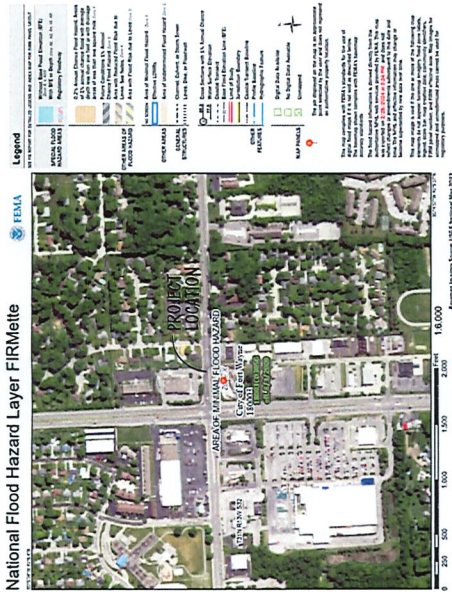
Drawing Revisions	
Commission Number	243781
Date	March 8th, 2024
Title	
Sheet Number	S1.1
	Sheet 1 of 2



Site Location Map

SCALE: N.T.S.

NORTH



Flood Insurance Rate Map

SCALE: N.T.S.

NORTH

Real Estate Description per Doc. No. 2008029102

PARCELS 1 & II:
SOUTHEAST CORNER OF LOT 48 IN DELTA HEIGHTS ADDITION TO THE CITY OF FORT WAYNE, INDIANA, 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 PURPOSES.

ALSO:
SOUTHEAST CORNER OF LOT 48 IN DELTA HEIGHTS ADDITION TO THE CITY OF FORT WAYNE, INDIANA, 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 SHOWN IN PLAT RECORD IN, PAGES 84-85, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

Professional Surveyor's Certification

THE UNDERSIGNED, A SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF INDIANA, HAVE CONDUCTED A BOUNDARY 'RETRACEMENT' SURVEY OF THE REAL ESTATE DESCRIBED AND DESCRIBED THEREON. MEASUREMENTS WERE MADE AND MONUMENTS WERE PERPETUATED AS SHOWN IN CONFORMITY WITH THE RECORD THEREOF IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA. NO VISIBLE ENCROACHMENTS EXISTED EXCEPT AS NOTED THEREIN. CERTIFICATION THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, INDIANA, THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE.

DECLARATION/CERTIFICATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS SURVEY IS VALID ONLY WITH THE SURVEYOR'S ORIGINAL OR ELECTRONIC SIGNATURE AND SEAL, FULL PAYMENT OF THE INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY.

COMMISSION NUMBER: 243781

CLIENT: MIKE'S CARWASH

DATES OF FIELD WORKS: FEBRUARY 26TH, 2024

DATE OF FIELD WORKS COMPLETED: FEBRUARY 26TH, 2024

IN WITNESS WHEREOF, I HEREUNTO PLACE MY HAND

I AFFIRM, UNDER THE PENALTIES FOR PERJURY,

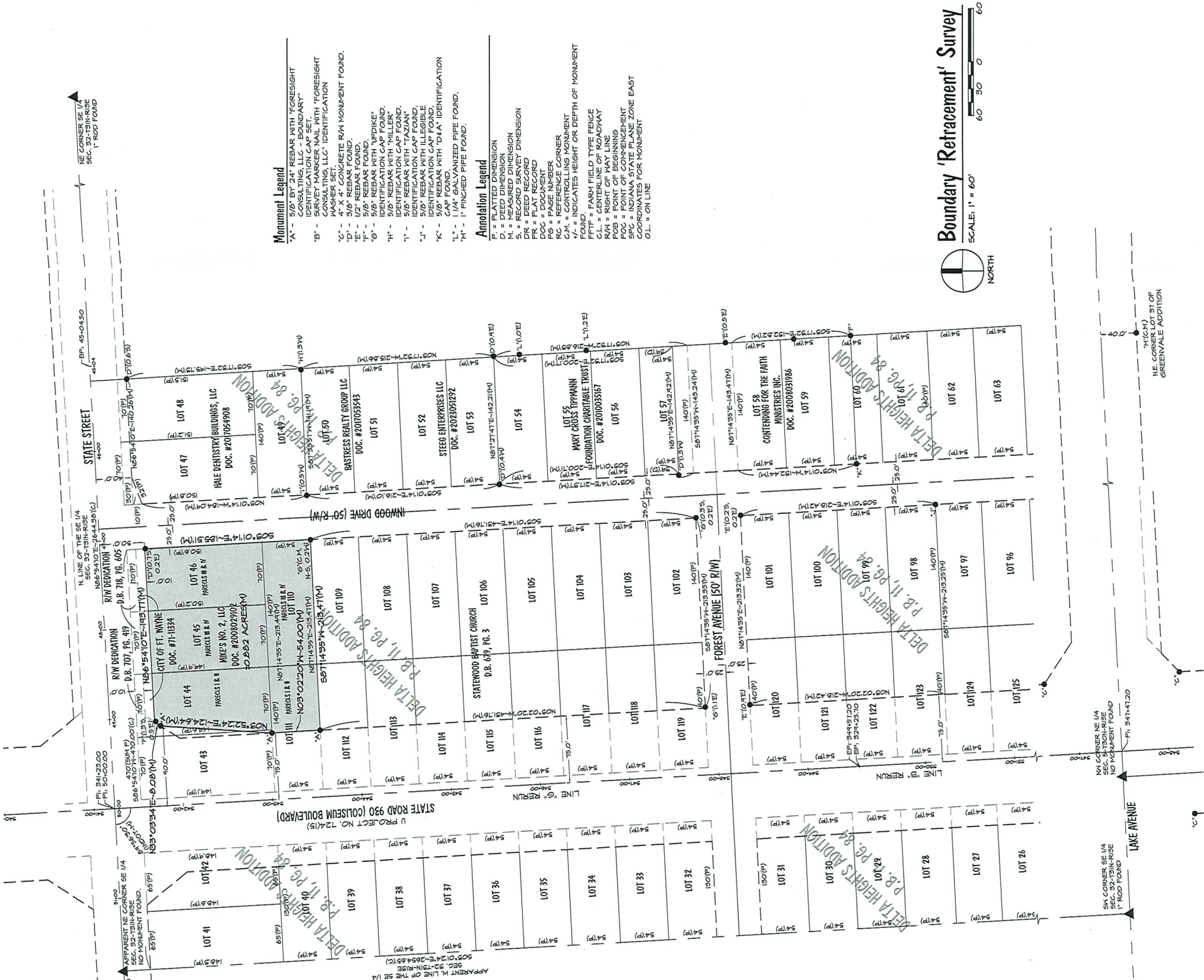
THAT I HAVE TAKEN REASONABLE CARE TO

RECORD THIS DOCUMENT IN ACCORDANCE WITH

THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Rob Blumer
Todd R. Blumer, P.E., S.D.
10224412.02



Legal Description of Real Estate

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

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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

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*

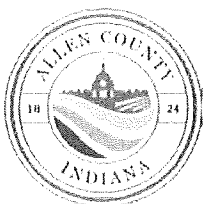


Exhibit B Zoning Criteria

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.