

#REZ-2025-0037

BILL NO. Z-25-07-20

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. F35 (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

Parcel I:

A part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East of the Second Principal Meridian, more particularly described as follows:

Commencing at the West Quarter corner of said Section 32, being marked by a stone found; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 32, a distance of 326.00 feet to the point of beginning, being marked by a P. K. nail set; thence South 89 degrees 37 minutes 08 seconds East, a distance of 660.00 feet to a standard corner marker (5/8" x 12" rebar with an aluminum cap stamped "Stoody, S-0144") set; thence North 00 degrees 00 minutes 06 seconds East, a distance of 328.00 feet to a standard corner marker set on the North line of said Southwest Quarter; thence South 89 degrees 47 minutes 33 seconds East along said North line a distance of 815.48 feet to an iron fence post found on an existing line fence; thence South 00 degrees 05 minutes 15 seconds West along said line fence, a distance of 1317.36 feet to an iron fence post found on the South line of the North Half of said Southwest Quarter; thence North 89 degrees 59 minutes 04 seconds West along said South line, a distance of 1473.45 feet to a P. K. nail set on the West line of said Section 32; thence North 00 degrees 00 minutes 00 seconds East along said West line, a distance of 996.3 feet to the place of beginning.

EXCEPTING THEREFROM:

A part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township, Allen County, Indiana, more particularly described as follows:

Commencing at the West Quarter corner of said Section 32, being marked by a stone found; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 32, a distance of 526.00 feet to the point of beginning, being marked by a P. K. nail set; thence North 90 degrees 00 minutes 00 seconds East, a distance of 594.00 feet to a standard corner marker (5/8" x 12" rebar with an aluminum cap

1 stamped "Stoody, S-0144") set; thence South 00 degrees 00 minutes 00 seconds West and parallel with said
2 West line, a distance of 220.00 feet to a standard corner marker set; thence South 90 degrees 00 minutes 00
3 seconds West, a distance of 594.00 feet to a P. K. nail set on said West line; thence North 00 degrees 00
4 minutes 00 seconds East along said West line, a distance of 220.00 feet to the point of beginning, containing
3.00 acres, more or less.

5 ALSO EXCEPTING THEREFROM that part conveyed to Old Dominion Freight Line, Inc. by Corporate Deed
6 recorded as Document Number 2012065012, being more particularly described as follows:

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

8 COMMENCING at a cast iron monument found and accepted as marking the Southwest corner of the
9 Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 00 degrees 00
10 minutes 00 seconds East (assumed bearing and is used as the basis for the bearings in this description) along
the West line of said Southwest Quarter and within the right-of-way of Smith Road, a distance of 1323.21 feet
11 to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set at the Northwest corner of a tract of land
conveyed to Hondo Incorporated by deed recorded in Document Number 201051044 in the Office of the
12 Recorder of Allen County, Indiana; thence South 89 degrees 56 minutes 30 seconds East, along the North line
of said Hondo Incorporated tract of land, a distance of 1474.00 feet to a 5/8-inch rod found at the Northeast
13 corner thereof; thence North 00 degrees 08 minutes 20 seconds East, a distance of 500.00 feet to a set 5/8-
inch rod with "Tazian Assoc. Firm #0020" cap; thence North 89 degrees 56 minutes 30 seconds West, a
14 distance of 1475.21 feet to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set on the West line of
said Southwest Quarter; thence South 00 degrees 00 minutes 00 seconds West, along said West line and
15 within the right-of-way of Smith Road, a distance of 500.00 feet to the Point of Beginning, containing 16.93
16 acres of land.

17 Parcel II:

18 A part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East of the Second Principal
Meridian, Wayne Township, Allen County, Indiana, more particularly described as follows:

19 Commencing at the West Quarter corner of said Section 32, being marked by a stone found; thence South 00
20 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 32, a distance of
526.00 feet to the point of beginning, being marked by a P. K. nail set; thence North 90 degrees 00 minutes 00
21 seconds East, a distance of 594.00 feet to a standard corner marker (5/8" x 12" rebar with an aluminum cap
stamped "Stoody, S-0144") set; thence South 00 degrees 00 minutes 00 seconds West and parallel with said
22 West line, a distance of 220.00 feet to a standard corner marker set; thence South 90 degrees 00 minutes 00
seconds West, a distance of 594.00 feet to a P. K. nail set on said West line; thence North 00 degrees 00
23 minutes 00 seconds East along said West line, a distance of 220.00 feet to the point of beginning, containing
24 3.00 acres, more or less.

25 EXCEPTING THEREFROM FROM PARCELS I AND II ABOVE:

26 That part conveyed to Old Dominion Freight Line, Inc. by Limited Warranty Deed recorded as Document
Number 2018021449, being more particularly described as follows:

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

1
2 COMMENCING at a cast iron monument found and accepted as marking the Southwest corner of the
3 Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 00 degrees 17
4 minutes 31 seconds West (Grid North and the basis of the bearings in this description) along the West line of
5 said Southwest Quarter and within the right-of-way of Smith Road, a distance of 1823.21 feet to a mag nail
6 and disk stamped "Tazian Assoc. Firm #0020" found at the Northwest corner of a 16.93 acre tract of land
7 conveyed to Old Dominion Freight Line, Inc. by deed recorded in Document Number 2012065012 in the Office
8 of the Recorder of Allen County, Indiana, tParcel I:

9
10 A part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East of the Second Principal
11 Meridian, more particularly described as follows:

12 Commencing at the West Quarter corner of said Section 32, being marked by a stone found; thence South 00
13 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 32, a distance of
14 326.00 feet to the point of beginning, being marked by a P. K. nail set; thence South 89 degrees 37 minutes 08
15 seconds East, a distance of 660.00 feet to a standard corner marker (5/8" x 12" rebar with an aluminum cap
16 stamped "Stoody, S-0144") set; thence North 00 degrees 00 minutes 06 seconds East, a distance of 328.00
17 feet to a standard corner marker set on the North line of said Southwest Quarter; thence South 89 degrees 47
18 minutes 33 seconds East along said North line a distance of 815.48 feet to an iron fence post found on an
19 existing line fence; thence South 00 degrees 05 minutes 15 seconds West along said line fence, a distance of
20 1317.36 feet to an iron fence post found on the South line of the North Half of said Southwest Quarter;
21 thence North 89 degrees 59 minutes 04 seconds West along said South line, a distance of 1473.45 feet to a P.
22 K. nail set on the West line of said Section 32; thence North 00 degrees 00 minutes 00 seconds East along said
23 West line, a distance of 996.3 feet to the place of beginning.

24 EXCEPTING THEREFROM:

25 A part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East of the Second Principal
26 Meridian, Wayne Township, Allen County, Indiana, more particularly described as follows:

27 Commencing at the West Quarter corner of said Section 32, being marked by a stone found; thence South 00
28 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 32, a distance of
29 526.00 feet to the point of beginning, being marked by a P. K. nail set; thence North 90 degrees 00 minutes 00
30 seconds East, a distance of 594.00 feet to a standard corner marker (5/8" x 12" rebar with an aluminum cap
stamped "Stoody, S-0144") set; thence South 00 degrees 00 minutes 00 seconds West and parallel with said
West line, a distance of 220.00 feet to a standard corner marker set; thence South 90 degrees 00 minutes 00
seconds West, a distance of 594.00 feet to a P. K. nail set on said West line; thence North 00 degrees 00
minutes 00 seconds East along said West line, a distance of 220.00 feet to the point of beginning, containing
3.00 acres, more or less.

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particularly described as follows:

COMMENCING at a cast iron monument found and accepted as marking the Southwest corner of the
Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 00 degrees 00
minutes 00 seconds East (assumed bearing and is used as the basis for the bearings in this description) along
the West line of said Southwest Quarter and within the right-of-way of Smith Road, a distance of 1323.21 feet

1 to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set at the Northwest corner of a tract of land
2 conveyed to Hondo Incorporated by deed recorded in Document Number 201051044 in the Office of the
3 Recorder of Allen County, Indiana; thence South 89 degrees 56 minutes 30 seconds East, along the North line
4 of said Hondo Incorporated tract of land, a distance of 1474.00 feet to a 5/8-inch rod found at the Northeast
5 corner thereof; thence North 00 degrees 08 minutes 20 seconds East, a distance of 500.00 feet to a set 5/8-
6 inch rod with "Tazian Assoc. Firm #0020" cap; thence North 89 degrees 56 minutes 30 seconds West, a
7 distance of 1475.21 feet to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set on the West line of
8 said Southwest Quarter; thence South 00 degrees 00 minutes 00 seconds West, along said West line and
9 within the right-of-way of Smith Road, a distance of 500.00 feet to the Point of Beginning, containing 16.93
10 acres of land.

11 Parcel II:

12 A part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East of the Second Principal
13 Meridian, Wayne Township, Allen County, Indiana, more particularly described as follows:

14 Commencing at the West Quarter corner of said Section 32, being marked by a stone found; thence South 00
15 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 32, a distance of
16 526.00 feet to the point of beginning, being marked by a P. K. nail set; thence North 90 degrees 00 minutes 00
17 seconds East, a distance of 594.00 feet to a standard corner marker (5/8" x 12" rebar with an aluminum cap
18 stamped "Stoody, S-0144") set; thence South 00 degrees 00 minutes 00 seconds West and parallel with said
19 West line, a distance of 220.00 feet to a standard corner marker set; thence South 90 degrees 00 minutes 00
20 seconds West, a distance of 594.00 feet to a P. K. nail set on said West line; thence North 00 degrees 00
21 minutes 00 seconds East along said West line, a distance of 220.00 feet to the point of beginning, containing
22 3.00 acres, more or less.

23 EXCEPTING THEREFROM FROM PARCELS I AND II ABOVE:

24 That part conveyed to Old Dominion Freight Line, Inc. by Limited Warranty Deed recorded as Document
25 Number 2018021449, being more particularly described as follows:

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

28 COMMENCING at a cast iron monument found and accepted as marking the Southwest corner of the
29 Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 00 degrees 17
30 minutes 31 seconds West (Grid North and the basis of the bearings in this description) along the West line of
said Southwest Quarter and within the right-of-way of Smith Road, a distance of 1823.21 feet to a mag nail
and disk stamped "Tazian Assoc. Firm #0020" found at the Northwest corner of a 16.93 acre tract of land
conveyed to Old Dominion Freight Line, Inc. by deed recorded in Document Number 2012065012 in the Office
of the Recorder of Allen County, Indiana, this being the POINT OF BEGINNING; thence North 00 degrees 17
minutes 31 seconds West, continuing along the West line of said Southwest Quarter and within the right-of-
way of Smith Road, a distance of 208.12 feet to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set at
the Southwest corner of an AEP Indiana Michigan Transmission Company easement recorded in Document
Number 2017014326; thence North 88 degrees 35 minutes 48 seconds East, along the South line of said
easement and the South line of an AEP Indiana Michigan Transmission Company easement recorded in
Document Number 017014327, a distance of 1476.07 to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap
set on the Northerly extension of the Easterly line of said 16.93 acre tract; thence South 00 degrees 09
minutes 11 seconds East, along said Easterly extension, a distance of 238.25 feet to a 5/8-inch rod with

1 "Tazian Assoc. Firm #0020" cap found at the Northeast corner of the aforesaid 16.93 acre tract; thence South
2 89 degrees 45 minutes 59 seconds West, along the North line of said 16.93 acre tract, a distance of 1475.21
3 feet to the Point of Beginning, containing 7.56 acres of land.

4 his being the POINT OF BEGINNING; thence North 00 degrees 17 minutes 31 seconds West, continuing along
5 the West line of said Southwest Quarter and within the right-of-way of Smith Road, a distance of 208.12 feet
6 to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set at the Southwest corner of an AEP Indiana
7 Michigan Transmission Company easement recorded in Document Number 2017014326; thence North 88
8 degrees 35 minutes 48 seconds East, along the South line of said easement and the South line of an AEP
9 Indiana Michigan Transmission Company easement recorded in Document Number 017014327, a distance of
10 1476.07 to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap set on the Northerly extension of the Easterly
11 line of said 16.93 acre tract; thence South 00 degrees 09 minutes 11 seconds East, along said Easterly
12 extension, a distance of 238.25 feet to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap found at the
13 Northeast corner of the aforesaid 16.93 acre tract; thence South 89 degrees 45 minutes 59 seconds West,
14 along the North line of said 16.93 acre tract, a distance of 1475.21 feet to the Point of Beginning, containing
15 7.56 acres of land.

16 and the symbols of the City of Fort Wayne Zoning Map No. F35 (Sec. 32 of Wayne Township), as
17 established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby
18 changed accordingly.

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

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

25 _____
26 Council Member

27 APPROVED AS TO FORM AND LEGALITY:

28 _____
29 Malak Heiny, City Attorney
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2025-0037
Bill Number: Z-25-07-20
Council District: 4 – Dr. Scott Myers

Introduction Date: July 22, 2025

Plan Commission
Public Hearing Date: August 11, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 15.27 acres from RP/Planned Residential, I1/Limited Industrial, and I2/General Industrial to I2/General Industrial

Location: Immediately north of 8231 Smith Rd (Section 32 of Wayne Township)

Reason for Request: To permit a landscape contracting service

Applicant: Clounie Landscaping, Inc.

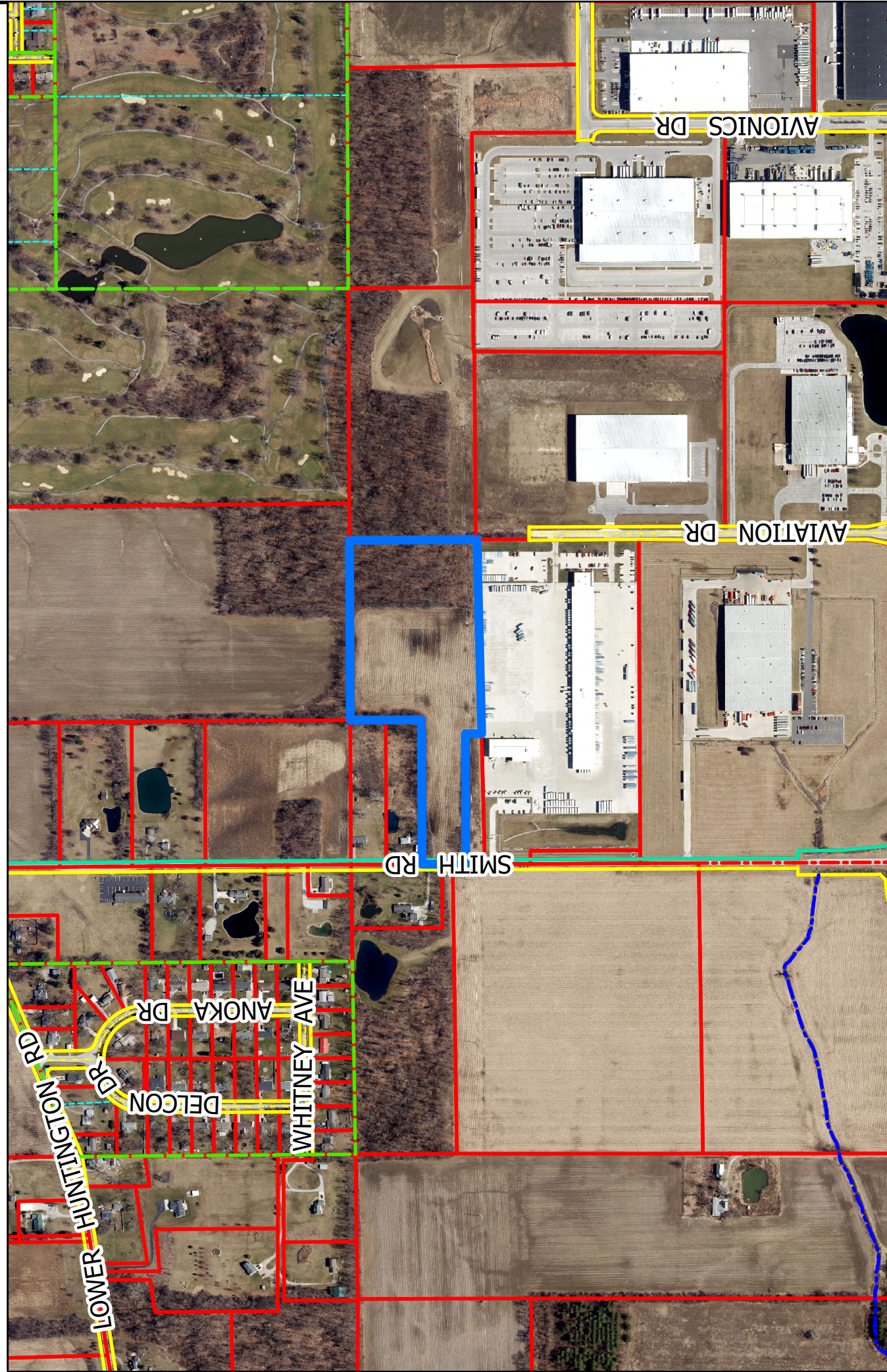
Property Owner: HBC Realty Corporation

Related Petitions: Primary Development Plan – Clounie Landscaping, Inc.

Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district, which would permit a landscape contracting service.

Effect of Non-Passage: Property will remain zoned RP/Planned Residential, I1/Limited Industrial, and I2/General Industrial, which does not permit a landscape contracting service. The site may be developed with mixed residential and compatible nonresidential uses, low intensity industrial or manufacturing uses, or wholesale and/or storage activities, and similar uses.

Rezoning Petition REZ-2025-0037 and Primary Development Plan PDP-2025-0026 - Clounie Landscaping

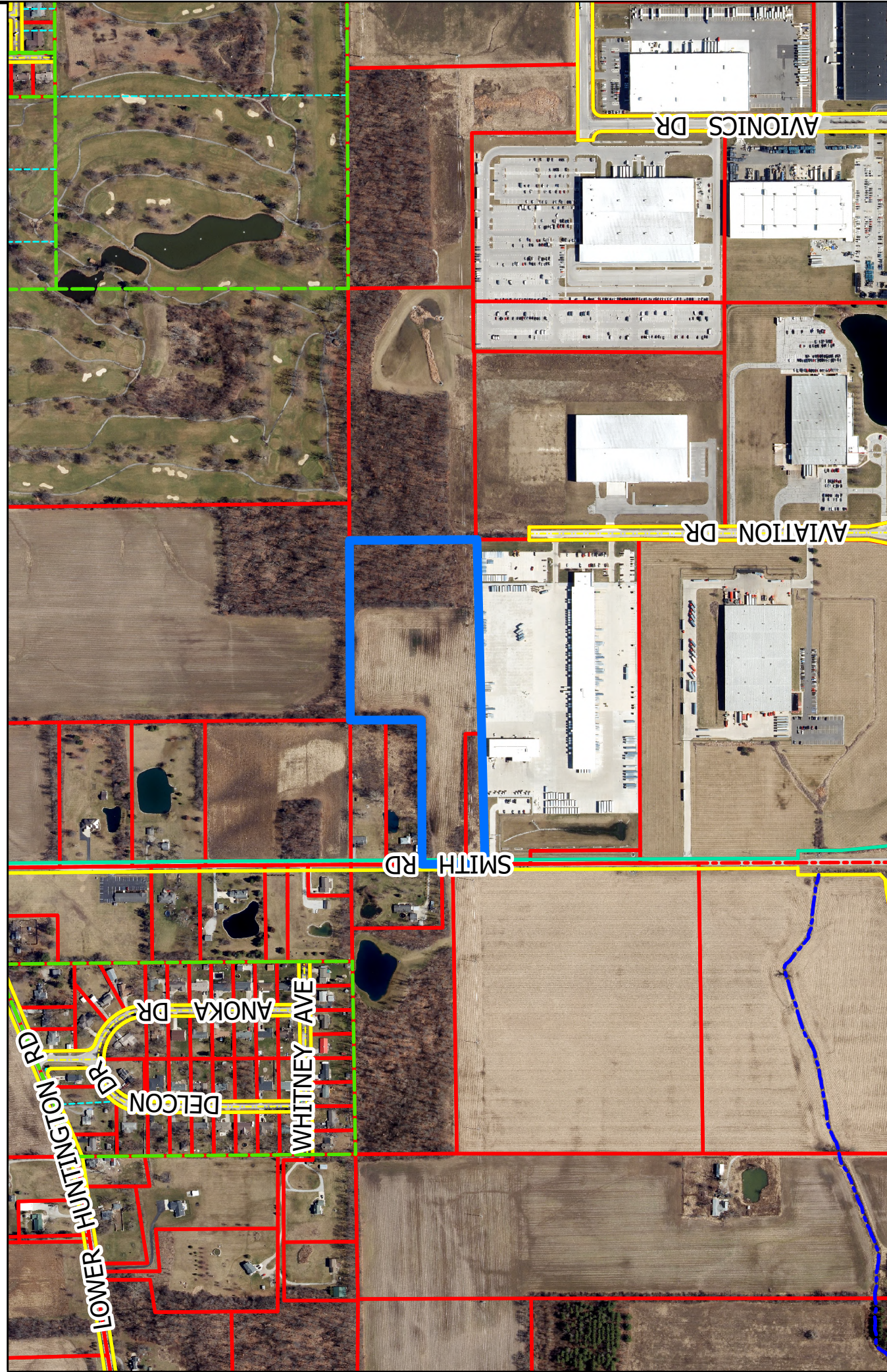


Although our accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 7/15/2025

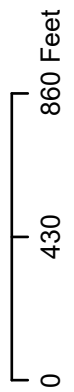


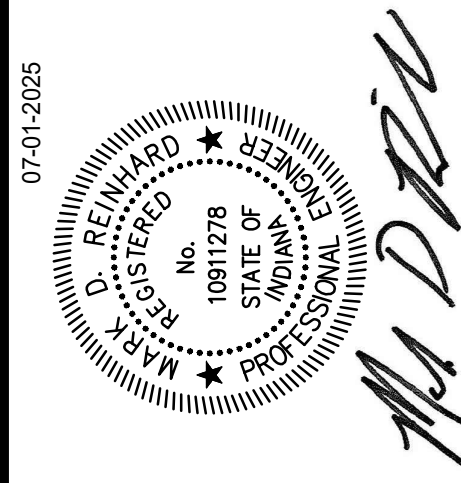
Rezoning Petition REZ-2025-0037 and Primary Development Plan PDP-2025-0026 - Clouvie Landscaping



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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 7/15/2025





Smith Rd
Fort Wayne, IN 46809

**PRIMARY
DEVELOPMENT PLAN**

C1.0



LOT INFORMATION	
CURRENT ZONING	RP, 11, 12
PROPOSED ZONING	12
CURRENT USE	VACANT
PROPOSED USE	LANDSCAPE CONTRACTING SERVICE


FLOOD INSURANCE RATE MAP (FIRM):
ALLEN COUNTY, INDIANA AND INCORPORATED AREAS
FIRM MAP NUMBER: 18003C0290G
PANEL 290 OF 495
DATED AUGUST 3, 2009
FLOODWAY AREAS IN ZONE AE

PARKING SUMMARY		
1 SPACE PER 1,000 SF	TOTAL PARKING REQUIRED	PROPOSED PARKING COUNT
15,264 SF	16 PAVED SPACES	17 PAVED SPACES

ENGINEER

ENGINEERING RESOURCES, INC.
4175 NEW VISION DR.
FORT WAYNE, IN 46845
PH: (260) 490-1025
CONTACT: MARK REINHARD
EMAIL: mark@eri consulting




 NORTH

EXISTING TREELINE (A)

SCALE: NOT TO SCALE



 NORTH

EXISTING TREELINE (B)

SCALE: NOT TO SCALE

Department of Planning Services Rezoning Petition Application

Applicant

Applicant Clounie Landscaping, Inc.

Address 6492 N U.S. 24 E Business

City Huntington State Indiana Zip 46750

Telephone (260)672-8580 E-mail zach@clounieland.com

Property Ownership

Property Owner HBC Realty Corporation

Address 510 W Washington, P.O. Box 10690

City Fort Wayne State Indiana Zip 46853

Telephone _____ E-mail _____

Contact Person

Contact Person Rothberg Law Firm, c/o Jordan S. Huttenlocker

Address 505 E. Washington Blvd.

City Fort Wayne State Indiana Zip 46802

Telephone (260)422-9454 E-mail jhuttenlocker@rothberg.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 Smith Road, Fort Wayne, Indiana 46809 Township and Section Wayne, 12

Present Zoning RP, I1, I2 Proposed Zoning I2 Acreage to be rezoned 14.41 acres

Purpose of rezoning (attach additional page if necessary) To permit a landscape contracting service business

Sewer provider Fort Wayne Water provider 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

Clounie Landscaping, Inc.

(printed name of applicant)

Signed by Eade Kessie
(signature of applicant)

7/1/2025

(date)

HBC Realty Corporation

(printed name of property owner)

(signature of property owner)

(date)



Received	Receipt No.	Hearing Date	Petition No.
7-1-25	147853		REZ-2025-

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

- 0037



1. The Comprehensive Plan;

The Applicant's proposed rezoning is consistent with the objectives of the *All in Allen Comprehensive Plan* (the "Plan"). Namely, the property is located in an Urban Infill Area according to the Future Growth and Development map incorporated into the Plan. Goal 1 of the Comprehensive Plan encourages compatible infill development and directs development to underutilized parcels already served by utilities and roadways. The property is undeveloped land located on Smith Road, just north of I-2 zoning districts. Moreover, the property is located in an area categorized as a Production Center in the Generalized Future Land Use Map, the goal of which is to include a mix of limited, general, and intensive industrial uses, as well as commercial and warehousing uses alike. Primary uses in this area include general and intensive industrial land uses. Ideally, Production Center land uses should be buffered by less intensive industrial or commercial uses. Rezoning the property to an I-2 zoning district to allow for a landscape contracting service is precisely what the Plan contemplates in a Production Center. Overall, the Applicant's proposed use of the Property would fit squarely with the goals of the Plan.

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

Properties located along Smith Road, south of the property, are primarily zoned I-2. While properties to the north are zoned R-1, the current uses include agricultural purposes and a private golf course. This area just north of Fort Wayne International Airport supports a mix of assembly, distribution, fabricating, and trucking industries. There are a few residential homes located just north and west of the property, but the area is decidedly an industrial corridor with consistent, heavy traffic and signalized intersections.

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

The most desirable use for the land in question is industrial. The Applicant currently operates a residential and commercial landscaping business outside of Allen County. The property is presently zoned RP, I-1, and I-2. Rezoning the property to I-2 will be consistent with the surrounding uses.

4. The conservation property values throughout the jurisdiction;

The conservation of property values throughout the jurisdiction is accomplished by granting this rezoning request in as much as this is an established industrial corridor and the use proposed is consistent and complementary to existing uses in the nearby area.

5. Responsible development and growth.

This project will enhance a decidedly industrial area and is designed to fit squarely with the neighboring uses and businesses. By preserving and installing adequate landscaping, the Applicant desires to ensure that its proposed use is respectful of all its neighbors. The

existing woods to the east will be kept generally intact. Moreover, there is nothing offensive about a private landscaping business with normal business hours. The Applicant will be moving its business from outside Allen County to Fort Wayne, thereby bringing jobs, tax dollars and other opportunities to Fort Wayne, Indiana that would otherwise be directed to other counties. The project will, in fact, repurpose real estate that is underutilized given its present zoning classification.