

1 **#REZ-2015-0009**

2 **BILL NO. Z-15-02-13**

3 **ZONING MAP ORDINANCE NO. Z-2-15**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. K-46 (Sec. 10 of Washington Township)**

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. That the area described as follows is hereby designated a C3
9 (General Commercial) District under the terms of Chapter 157 Title XV of the Code of the
10 City of Fort Wayne, Indiana:

11 Lots Numbers 1, 2, 26, 27, and 28 in Hollywood Gardens Addition to the City of
12 Fort Wayne, Indiana as recorded in Plat Book 7, page 110 in the Office of the
13 Recorder of Allen County, Indiana, except that part taken for the widening of State
14 Road Number 3 as mentioned in Document #205078439.

15 Also excepting the following as recorded in Document #2008007488:

16 A part of Lots 26 and 27 in Hollywood Gardens Addition to the City of Fort Wayne,
17 Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office of the
18 Recorder of Allen County, Indiana, and being that part of the grantor's land lying
19 within the right of way lines depicted on the attached Right of Way Parcel Plat,
20 marked EXHIBIT "B", described as follows: Beginning at the southeast corner of
21 said Lot 27, designated as point "466" on said parcel plat; thence South 88 degrees
22 21 minutes 27 seconds West 126.32 feet along the south line of Lots 26 and 27 to the
23 northeastern boundary of the intersection of S.R. 3 (Lima Road) and Ashley Avenue;
24 thence North 54 degrees 49 minutes 24 seconds West 38.56 feet along the boundary
25 of the intersection of said S.R. 3 and said Ashley Avenue to the east boundary of said
26 S.R. 3; thence North 1 degree 18 minutes 57 seconds West 58.00 feet along the
27 boundary of said S.R. 3 to point "473" designated on said parcel plat; thence South 7
28 degrees 46 minutes 28 seconds East 53.34 feet to point "472" designated on said
29 parcel plat; thence South 49 degrees 59 minutes 03 seconds East 19.67 feet to point
30 "471" designated on said parcel plat; thence South 81 degrees 26 minutes 18 seconds
East 50.80 feet to point "470" designated on said parcel plat; thence South 87
degrees 40 minutes 22 seconds East 86.67 feet to the point of beginning and
containing 1,073 square feet, more or less.

TOGETHER with the permanent extinguishment of all rights and easements of
ingress and egress to, from, and across the limited access facility (to be known as
S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along
the lines described as follows: The 53.34-foot, and the 19.67-foot courses described

1 above. Also, being at the northern end of the 53.34-foot course described above;
2 thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east
3 boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat
4 an the north line of said Lot 26. This restriction shall be a covenant running with the
land and shall be binding on all successors in title to the said abutting lands.

5 Also excepting the following as recorded in Document #2008006971:

6 A part of Lot 1 in Hollywood Gardens Amended Addition to the City of Fort
7 Wayne, Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office
8 of the Recorder of Allen County, Indiana, and being that part of the grantor's land
9 lying within the right of way lines depicted on the attached Right of Way Parcel Plat,
10 marked EXHIBIT "B", described as follows: Beginning at the northeast corner of
11 said lot; thence South 88 degrees 21 minutes 27 seconds West 26.76 feet along the
12 north line of said lot to the southeastern boundary of the intersection of Ashley
13 Avenue and S.R. 3 (Lima Road); thence South 47 degrees 33 minutes 34 seconds
14 West 32.03 feet along the boundary of the intersection of said Ashley Avenue and
15 said S.R. 3 to point "552" designated on said parcel plat and the POINT OF
16 BEGINNING of this description: thence South 4 degrees 12 minutes 45 seconds
West 71.33 feet to point "550" designated on said parcel plat and the east boundary
of said S.R. 3; thence North 1 degree 18 minutes 57 seconds West 65.00 feet along
the boundary of said S.R. 3 to the boundary of the southeastern boundary of the
intersection of said S.R. 3 and said Ashley Avenue; thence North 47 degrees 33
minutes 34 seconds East 9.12 along the boundary of the intersection of said S.R. 3
and said Ashley Avenue to the point of beginning and containing 223 square feet,
more or less.

17 TOGETHER with the permanent extinguishment of all rights and easements of
18 ingress and egress to, from, and across the limited access facility (to be known as
19 S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along
20 the lines described as follows: The 71.33-foot course described above. Also,
21 beginning at the northern end of the 71.33-foot course described above; thence North
22 47 degrees 33 minutes 34 seconds East 19.01 feet along the southeastern boundary of
23 the intersection of said S.R. 3 and said Ashley Avenue to the terminus at point "553"
as shown on said parcel plat. Also, beginning at the southern end of the 71.33-foot
course described above; thence South 1 degree 18 minutes 57 seconds East 108.11
feet along the east boundary of said S.R. 3 and terminating on the south line of said
lot. This restriction shall be a covenant running with the land and shall be binding on
all successors in title to the said abutting lands.

24 A part of Lots 1 and 2 in Hollywood Gardens Amended Addition to the City of Fort
25 Wayne, Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office
26 of the Recorder of Allen County, Indiana, and being that part of the grantor's land
27 lying within the right of way lines depicted on the attached Right of Way Parcel Plat,
28 marked EXHIBIT "B", described as follows: Beginning at the northwest corner of
29 said Lot 2; thence North 88 degrees 21 minutes 27 seconds East 63.38 feet along the
30

1 north line of said Lot 2 to point "555" designated on said parcel plat; thence South
2 83 degrees 29 minutes 37 seconds West 100.36 feet to point "553" designated on
3 said parcel plat and the southeastern boundary of the intersection of S.R. 3 (Lima
4 Road) and Ashley Avenue; thence North 47 degrees 33 minutes 34 seconds East
5 13.02 feet along the boundary of the intersection of said S.R. 3 and said Ashley
6 Avenue to the north line of said Lot 1; thence North 88 degrees 21 minutes 27
7 seconds East 26.76 feet along said lot line to the point of beginning and containing
8 384 square feet, more or less.



9
10 REMAINDER AFTER EXCEPTIONS OF LOTS 26, 27, 28 CONTAINING 1.16
11 ACRES, MORE OR LESS
12 REMAINDER AFTER EXCEPTIONS FOR LOTS 1 & 2 CONTAINING 0.70
13 ACRES, MORE OR LESS

14 and the symbols of the City of Fort Wayne Zoning Map No. K-46 (Sec. 10 of Washington
15 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
16 Wayne, Indiana is hereby changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force and effect from and after its
18 passage and approval by the Mayor.

19 
20 Council Member

21 APPROVED AS TO FORM AND LEGALITY:

22 
23 Carol T. Helton, City Attorney
24 

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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-2015-0009
Bill Number: Z-15-02-13
Council District:

Introduction Date: February 24, 2015

Plan Commission
Public Hearing Date: March 9, 2015

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

Synopsis of Ordinance: To rezone approximately 1.86 acres of property from R1-Single Family
Residential to C3-General Commercial

Location: Lots 1, 2, 26 and 27 of Hollywood Gardens Amended subdivision (the
northeast and southeast corners of the intersection of Ashley Avenue and
Lima Road, includes 1632 Ashley Avenue)

Reason for Request: To allow the conversion of an existing house to a car sales business with
associated sales lot.

Applicant: Jim Mutton - JRM Realty, LLC

Property Owner: JRM Realty, LLC

Related Petitions: Primary Development Plan, Quick Auto, Inc.

Effect of Passage: Property will be rezoned to C3-General Commercial which will allow a car
sales business on the property.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential and may
continue to be used for single family purposes.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Jim Mutton - JRM Realty LLC
 Address 5612 Illinois Road
 City Fort Wayne State IN Zip 46804
 Telephone 260-432-9438 E-mail jim@muttonpower.com

Contact Person
 Contact Person Kevin McDermit - Lougheed & Associates
 Address 1017 S HADley Road
 City Fort Wayne State IN Zip 46804
 Telephone 260-432-3665 E-mail krmcdermit@comcast.net

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 1632, 1618 & 1631+/- ASHLEY AVENUE
 Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 1.86
 Proposed density NA units per acre
 Township name WASHINGTON Township section # 10
 Purpose of rezoning (attach additional page if necessary) For the development of an automobile sales lot & potential future commercial development
 Sewer provider FORT WAYNE Water provider private well

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezonings Only

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 Allen County Plan Commission 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 I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Jim Mutton [Signature] 2-2-15
 (printed name of applicant) (signature of applicant) (date)

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

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

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

Received	Receipt No.	Hearing Date	Petition No.
2-2-15	117016	3/9/15	Rez-2015-0009



Rezoning Petition REZ-2015-0009 and Primary Development Plan - Quick Auto, Inc.



Project boundaries represented by bold colored lines are for representational purposes only.

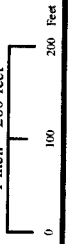
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Although strict 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.

Date: 2/19/2015



1 inch = 200 feet





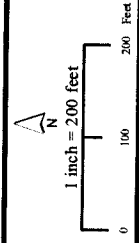
Rezoning Petition REZ-2015-0009 and Primary Development Plan - Quick Auto, Inc.



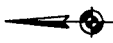
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© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009



Date: 2/18/2015



LEGAL DESCRIPTION

Lots 26 and 27, in Half-section 26, in the City of Fort Wayne, Indiana, as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana, except that part taken for the widening of State Road Number 3 as mentioned in Document #2001048.

Also excepting the following as recorded in Document #2001048:

A part of Lots 26 and 27 in Half-section 26, in the City of Fort Wayne, Indiana, the lot bounded on the north by the center line of the extension of Ashley Avenue, on the east by the center line of the extension of Lima Road, on the south by the center line of the extension of State Road Number 3, and on the west by the center line of the extension of State Road Number 3, as shown on the plat of the extension of Ashley Avenue, State Road Number 3, and State Road Number 3, recorded in Document #2001048.

Section 27, Township 27 North, Range 10 East, in the City of Fort Wayne, Indiana, as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana, except that part taken for the widening of State Road Number 3 as mentioned in Document #2001048.

Section 27, Township 27 North, Range 10 East, in the City of Fort Wayne, Indiana, as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana, except that part taken for the widening of State Road Number 3 as mentioned in Document #2001048.

Section 27, Township 27 North, Range 10 East, in the City of Fort Wayne, Indiana, as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana, except that part taken for the widening of State Road Number 3 as mentioned in Document #2001048.

TOGETHER with the permanent establishment of all rights and interests of the City of Fort Wayne, Indiana, in and to the above described premises, and the permanent establishment of all rights and interests of the City of Fort Wayne, Indiana, in and to the above described premises, as shown on the plat of the extension of Ashley Avenue, State Road Number 3, and State Road Number 3, recorded in Document #2001048.

The 200-foot wide and 100-foot deep easement shown on this plat is for the use of the City of Fort Wayne, Indiana, for the widening of State Road Number 3, and for the use of the City of Fort Wayne, Indiana, for the widening of State Road Number 3, as shown on the plat of the extension of Ashley Avenue, State Road Number 3, and State Road Number 3, recorded in Document #2001048.

The 200-foot wide and 100-foot deep easement shown on this plat is for the use of the City of Fort Wayne, Indiana, for the widening of State Road Number 3, and for the use of the City of Fort Wayne, Indiana, for the widening of State Road Number 3, as shown on the plat of the extension of Ashley Avenue, State Road Number 3, and State Road Number 3, recorded in Document #2001048.

The 200-foot wide and 100-foot deep easement shown on this plat is for the use of the City of Fort Wayne, Indiana, for the widening of State Road Number 3, and for the use of the City of Fort Wayne, Indiana, for the widening of State Road Number 3, as shown on the plat of the extension of Ashley Avenue, State Road Number 3, and State Road Number 3, recorded in Document #2001048.

Area of real estate other than easements being 1320 acres, more or less.

DEVELOPMENT NOTES:

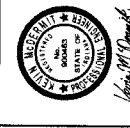
- NO CHANGES ARE PROPOSED TO THE EXISTING ASPHALT APPROACH TO THE EXISTING BUILDING.
- EXISTING ROAD TRAFFIC SIGNAGE IS TO BE REMOVED AS SALES OFFICE WITH NEW ACCESSIBLE ENTRANCE ON WEST SIDE AS SHOWN.
- EXISTING BUILDING IS TO BE RECONSTRUCTED TO CITY SANITARY SEWER.
- EXISTING DRIVEWAY IS TO BE RECONSTRUCTED TO CITY SANITARY SEWER.
- AREA OF CONSTRUCTION SHALL BE APPROXIMATELY EQUAL TO THE EXISTING AREA OF 0.7 ACRES, BEING LESS THAN 1 ACRE, A FULL ACRES PER PERMIT PREVENTION PLAN SUBMITTAL IS NOT REQUIRED.
- STORM WATER EXTENSION IS PROPOSED WITH AN OUTLET TO AN EXISTING INLET NEAR THE SOUTHEAST CORNER OF THE PROPOSED LOT.
- ALL UTILITIES TO BE MAINTAINED AS SHOWN AND EXTENDED IF A WATER IS REQUESTED FOR THE STREET TREES AND PARKING BUFFER ALONG LIMA ROAD TO AVOID BLOCK THE VISIBILITY OF THE VEHICLE DISPLAY.

PROPOSED PAVEMENT: 19,175 SF
 VEHICLE DISPLAY AREA - 32 DISPLAY SPACES
 PARKING SPACES - 15 SPACES
 (AROUND BUILDING)
 TOTAL CARS - 47 SPACE

ZONING DESIGNATIONS:
 EXISTING: R1
 PROPOSED: C3

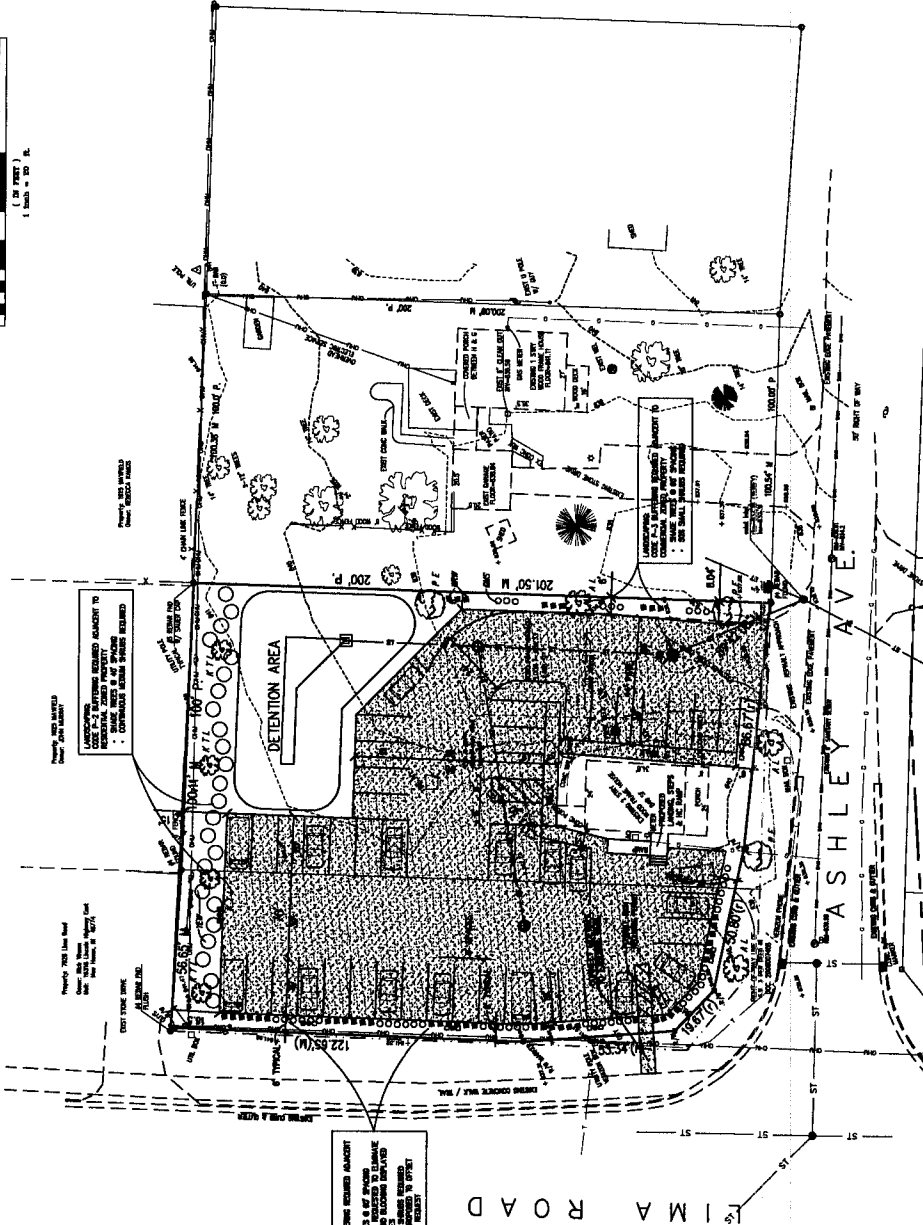
**QUICK AUTO, INC
 CAR LOT
 1632 ASHLEY AVENUE**

OWNER:
 MUTTON REALTY LLC
 JIM MUTTON
 5612 ILLINOIS ROAD
 FORT WAYNE, IN 46804
 432-9438



LOUGHERED & ASSOCIATES, INC.
 CONSULTING ENVIRONMENTAL & CIVIL ENGINEERS
 901 SOUTH HALEY ROAD • FORT WAYNE, INDIANA 46804
 (317) 733-2000 FAX: (317) 733-2000

DATE: 12-2-2015
 SHEET: 1
 PRIMARY DEVELOPMENT PLAN



LANDSCAPE / SCREENING SCHEDULE

SYMBOL	COUNTRY NAME	SCREENING NAME	MIN. SIZE	SPACING	NUMBER
○	USA	Blue River Maple	18"	J OC	45
○	USA	Gold Thread Spire	18"	J OC	45
○	USA	Redbud Elm	2" taller	50'	3
○	USA	American Linden	2" taller	40' or 50'	3
○	USA	Green Tree Lilia	2"	40'	4
○	USA	Green Tree Lilia	18"	6'	24

BOUNDARY & TOPOGRAPHIC BASE BY:
COLLOFF - JORDAN
 SURVEYING AND DESIGN, INC.
 141 WEST GARDNER, FORT WAYNE, INDIANA 46804

PROPOSED 200' WIDE ROAD
 WITH 10' SIDEWALKS
 AND 10' BUFFER ZONE
 TO ADJACENT PROPERTY
 - CONFORMANCE WITH INDIANAS
 STATE ROAD 300

EXISTING
 LOT 27 - EXISTING EXISTING ALIGNED TO
 STATE ROAD 300
 - CONFORMANCE WITH INDIANAS
 STATE ROAD 300
 - CONFORMANCE WITH INDIANAS
 STATE ROAD 300

UTILITY SERVICE PROVIDERS
 NATIONAL GRID
 2000 HALE AVENUE
 FORT WAYNE, IN 46804
 (317) 442-7500
 ELECTRIC: 317-442-7500
 2000 HALE AVENUE
 FORT WAYNE, IN 46804
 (317) 442-7500

ALL UTILITIES SHOWN ARE BASED ON THE LATEST AVAILABLE RECORDS AND FIELD SURVEY. THE USER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

Public Hearing Date, if applicable March 9, 2015

Read the first time in full and on motion by Councilman Mitch Harper,
Read the second time by title and referred to the Regulation
Committee. Read the third time in full and on motion by Councilman
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>
BENDER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
CRAWFORD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
DIDIER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HARPER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HINES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
JEHL	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
PADDOCK	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SHOAFF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>

DATED: 4-14-15 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. Z-2-15 on the 14th day of
April, 2015

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

John N. Crawford
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day
of April, 2015, at the hour of 3:00 O'clock PM. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17th day of April
2015, at the hour of 4:00 O'clock PM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-15-02-13

REPORT OF COMMITTEE ON REGULATIONS

APRIL 14, 2015

*Mitch Harper, Chair
Glynn Hines, Co-Chair
All Council Members*



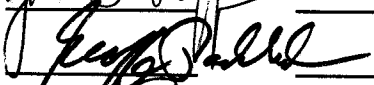
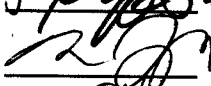
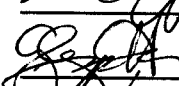
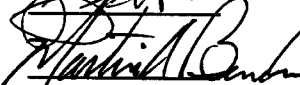
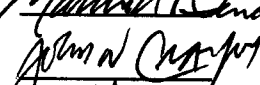

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-46 (Sec. 10 of Washington Township). **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
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**SANDRA E. KENNEDY
CITY CLERK**