

1 #REZ-2016-0010

2 BILL NO. Z-16-04-17

3 ZONING MAP ORDINANCE NO. Z-8-16

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map No. I-26 (Sec. 28 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 an I2  
9 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City  
10 of Fort Wayne, Indiana:

11 RECORD DESCRIPTION: (as described in Title Commitment File Number  
12 1116105)

13 Part of the Northeast Quarter of the Northeast Quarter of Section 28, Township  
14 31 North, Range 12 East, Allen County, Indiana, more particularly described as  
15 follows:

16 COMMENCING at a point on the West line of the Northeast Quarter of the  
17 Northeast Quarter of Section 28, Township 31 North, Range 12 East, in Allen  
18 County, Indiana, said point being 107.56 feet South of the Northwest corner of  
19 the Northeast Quarter of the Northeast Quarter of Section 28, Township 31  
20 North, Range 12 East and located on the South right-of-way line of U.S.  
21 Highway #30 By-Pass; thence Easterly by a deflection angle to the left of 85  
22 degrees 33 minutes 02 seconds, from the West line of the Northeast Quarter of  
23 the Northeast Quarter of Section 28, Township 31 North, Range 12 East and  
24 along the South right-of-way line of U.S. #30 By-Pass, a distance of 520.57  
25 feet; thence continuing Easterly, by a deflection angle to the left of 06 degrees  
26 10 minutes 01 seconds, and along the South right-of-way line of U.S. #30 By-  
27 Pass, a distance of 12.6 feet to a point situated 654.3 feet West of the West  
28 right-of-way line of the Penn Central Railroad; thence Southerly and parallel to  
29 said railroad right-of-way line by a deflection angle to the right of 91 degrees 42  
30 minutes 08 seconds, a distance of 805.1 feet to the True Point of Beginning;  
thence South and parallel to the West right-of-way line of the Penn Central  
Railroad, a distance of 250.0 feet; thence Westerly by a deflection angle to the  
right of 90 degrees 11 minutes 20 seconds, (recorded 90 degrees 05 minutes  
20 seconds), a distance of 304.1 feet, to a point on the Easterly right-of-way  
line of Goshen Road; thence Northwesterly, along said line, by a deflection  
angle to the right of 49 degrees 07 minutes 00 seconds, a distance of 150.0 feet;  
thence Northeasterly, by a deflection angle to the right of 76 degrees 21  
minutes 40 seconds, a distance of 167.74 feet; thence Easterly with a deflection

1 angle to the right of 54 degrees 31 minutes 20 seconds (recorded 54 degrees 25  
2 minutes 20 seconds), a distance of 304.1 feet to the True Point of Beginning,  
3 containing 2.03 acres of land.

4 **EXCEPTING THEREFROM:**

5 Part of the Northeast Quarter of the Northeast Quarter of Section 28, Township  
6 31 North, Range 12 East, Allen County, Indiana, more particularly described as  
7 follows:

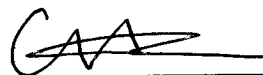
8 **COMMENCING** at a point on the West line of the Northeast Quarter of the  
9 Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen  
10 County, Indiana, said point being 596.6 feet South of the Northwest corner  
11 of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31  
12 North, Range 12 East; thence Easterly by a deflection angle to the left of 89  
13 degrees 55 minutes 30 seconds (89 degrees 00 minutes 25 seconds, deed) from  
14 the West line of the Northeast Quarter of the Northeast Quarter of Section 28,  
15 Township 31 North, Range 12 East, a distance of 531.72 feet to a point situated  
16 654.3 feet West of the West right-of-way line of the Penn Central Railroad;  
17 thence Southerly and parallel to said railroad right-of-way line by a deflection  
18 angle to the right of 90 degrees 01 minutes 30 seconds (89 degrees 58 minutes  
19 40 seconds, deed), a distance of 356.0 feet; thence Westerly by a deflection  
20 angle to the right of 90 degrees 05 minutes 20 seconds, a distance of 245.90  
21 feet to the True Point of Beginning; thence continuing West along said line, a  
22 distance of 58.20 feet; thence Southwesterly by a deflection angle to the left  
23 of 54 degrees 31 minutes (54 degrees 24 minutes, deed), a distance of 166.64  
24 feet (167.99 feet, deed) to a point on the Easterly right-of-way line of Goshen  
25 Road; thence Northeasterly with a deflection angle to the left of 166 degrees 41  
26 minutes 50 seconds, a distance of 205.95 feet to the Point of Beginning,  
27 containing 0.091 acres.

28 and the symbols of the City of Fort Wayne Zoning Map No. I-26 (Sec. 28 of Washington  
29 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
30 Wayne, Indiana is hereby changed accordingly.

SECTION 2. 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:

  
Carol T. Helton, City Attorney

Patrick Pew  
260-449-7607

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
Applicant Pomp's Tire Service  
Address 2720 Goshen Rd  
City Ft Wayne State In Zip 46808  
Telephone 260.489.5252 E-mail mwilliams@pompstire.com

**Contact Person**  
Contact Person Mike Williams  
Address 2120 S Harding St  
City Indianapolis State In Zip 46221  
Telephone 317.869.8025 E-mail mwilliams@pompstire.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 2720 Goshen Rd  
Present Zoning I-1 Proposed Zoning I-2 Acreage to be rezoned All  
Proposed density \_\_\_\_\_ units per acre  
Township name \_\_\_\_\_ Township section # \_\_\_\_\_  
Purpose of rezoning (attach additional page if necessary) Add Additional 4800 sq ft building  
Sewer provider City Water provider City

**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 Rezoning 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.

Mike Williams  \_\_\_\_\_  
(printed name of applicant) (signature of applicant) (date)  
WOCHINSKI INVESTMENT \_\_\_\_\_  
(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 <u>4/5/16</u>	Receipt No. <u>120429</u>	Hearing Date <u>5/9/16</u>	Petition No. <u>PEZ-2016-0010</u>
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## FACT SHEET

Case #REZ-2016-0010		Bill # Z-16-04-17	Project Start: 26 April 2016
APPLICANT:	Pomp's Tire Service		
REQUEST:	To rezone property to allow for a tire service business.		
LOCATION:	2720 Goshen Road		
LAND AREA:	Approximately 1.9		
PRESENT ZONING:	I1-Limited Industrial		
PROPOSED ZONING:	I2-General Industrial		
NEIGHBORHOOD			
ASSOCIATIONS:	Community Liaison, Northwest Area Partnership		
COUNCIL DISTRICT:	3-Tom Didier		
ASSOCIATED PROJECTS:	Site Plan Routing for addition, Pomp's Tire Service		
SPONSOR:	City of Fort Wayne Plan Commission		

### 9 May 2016 Public Hearing

- No one spoke in support or opposition at the hearing.
- Mike Bynum and Mike Bultemeier were absent.
- Staff recommended Do Pass

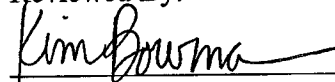
### 16 May 2016 – Business Meeting

#### Plan Commission Recommendation: Do Pass

- A motion was made by Judi Wire and seconded by Justin Shirley to return the ordinance to Common Council for their final decision. 5-0 MOTION PASSED
- Mike Bynum, Mike Bultemeier, Justin Shirley and Tom Friestroffer were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
19 May 2016

Reviewed By:



Kim Bowman, Executive Land Use Director

## **PROJECT SUMMARY**

The petitioner and property owner, Pomp's Tire Sales and Service, occupies the existing building. They would like to build an addition for tire services, which requires the I2/General Industrial zoning classification. This petition is a rezoning petition only, and does not include a development plan at this time. A future addition can go through the site plan review process.

### **REZONING:**

The Goshen Road corridor has developed over the years into a mixture of industrial and commercial uses. In the immediate area, warehousing and distribution type industrial uses are prevalent. Also, on the south side of Goshen Road is Centennial and Congressional Industrial Parks. Some commercial uses (permitted within IN1) such as car lots and gas stations have developed along this corridor as well. Traffic along Goshen Road would not necessarily increase, as this is an existing business. The proposal can be supported by the following goals and policies of the Comprehensive Plan:

**LU3.** Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

**LU6.** Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

**LU6.C** Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

**LU6.D** Support carefully planned, coordinated, compatible mixed-use development.

**LU8.** Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

### **PUBLIC HEARING SUMMARY:**

#### Presenter:

Mike Williams, Pomp's Tire Service, presented the request as outlined above in the project summary. Mr. Williams added that the new building will allow the large truck tires to be stored out of the weather and make for a more attractive site.

#### Comments in Favor:

None

#### Comments of Concern:

None

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2016-0010

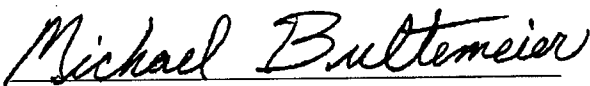
APPLICANT: Pump's Tire Service  
REQUEST: To rezone property from I1/Limited Industrial to I2/General Industrial to permit tire services.  
LOCATION: The address of the subject property is 2720 Goshen Road (Section 28 of Washington Township).  
LAND AREA: Approximately 1.93 acres  
PRESENT ZONING: I1/Limited Industrial  
PROPOSED ZONING: I2/General Industrial

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**The Plan Commission recommends that Rezoning Petition REZ-2016-0010, be returned to Council with a "Do Pass" recommendation for the following reasons:**

1. Approval of the rezoning request will not establish an undesirable precedent in the area. This property is adjacent to industrial zoning districts in an area that is becoming less desirable as a residential area due to high traffic volumes and adjacent industrial growth.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The use has existed for a number of years and the impact at this point would be minimal.
3. Approval is intended to conserve property values in the area through compatible development. Many of the properties along the Goshen Road corridor are already industrial. Any site improvements offered by the applicant may increase the aesthetic appeal of the site.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Sewer, water, stormwater management, and adequate access are in place. The proposed development does not require new structures or infrastructure.

These findings approved by the Fort Wayne Plan Commission on May 16, 2016.



Michael Bultemeier  
Secretary to the Commission

Patrick Pew  
260-449-7607

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
Applicant Pomp's Tire Service  
Address 2720 Goshen Rd  
City Ft Wayne State In Zip 46808  
Telephone 260.489.5252 E-mail mwilliams@pompstire.com


**Contact Person**  
Contact Person Mike Williams  
Address 2120 S Harding St  
City Indianapolis State In Zip 46221  
Telephone 317.869.8025 E-mail mwilliams@pompstire.com

*All staff correspondence will be sent only to the designated contact person.*

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Township name \_\_\_\_\_ Township section # \_\_\_\_\_  
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Sewer provider City Water provider City

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Mike Williams  \_\_\_\_\_  
(printed name of applicant) (signature of applicant) (date)  
Wochinske Investment \_\_\_\_\_  
(printed name of property owner) (signature of property owner) (date)  
\_\_\_\_\_  
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\_\_\_\_\_  
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Received <u>4/5/16</u>	Receipt No. <u>120429</u>	Hearing Date <u>5/9/16</u>	Petition No. <u>PEZ-2016-0010</u>
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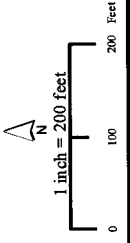
Rezoning Petition REZ-2016-0010



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

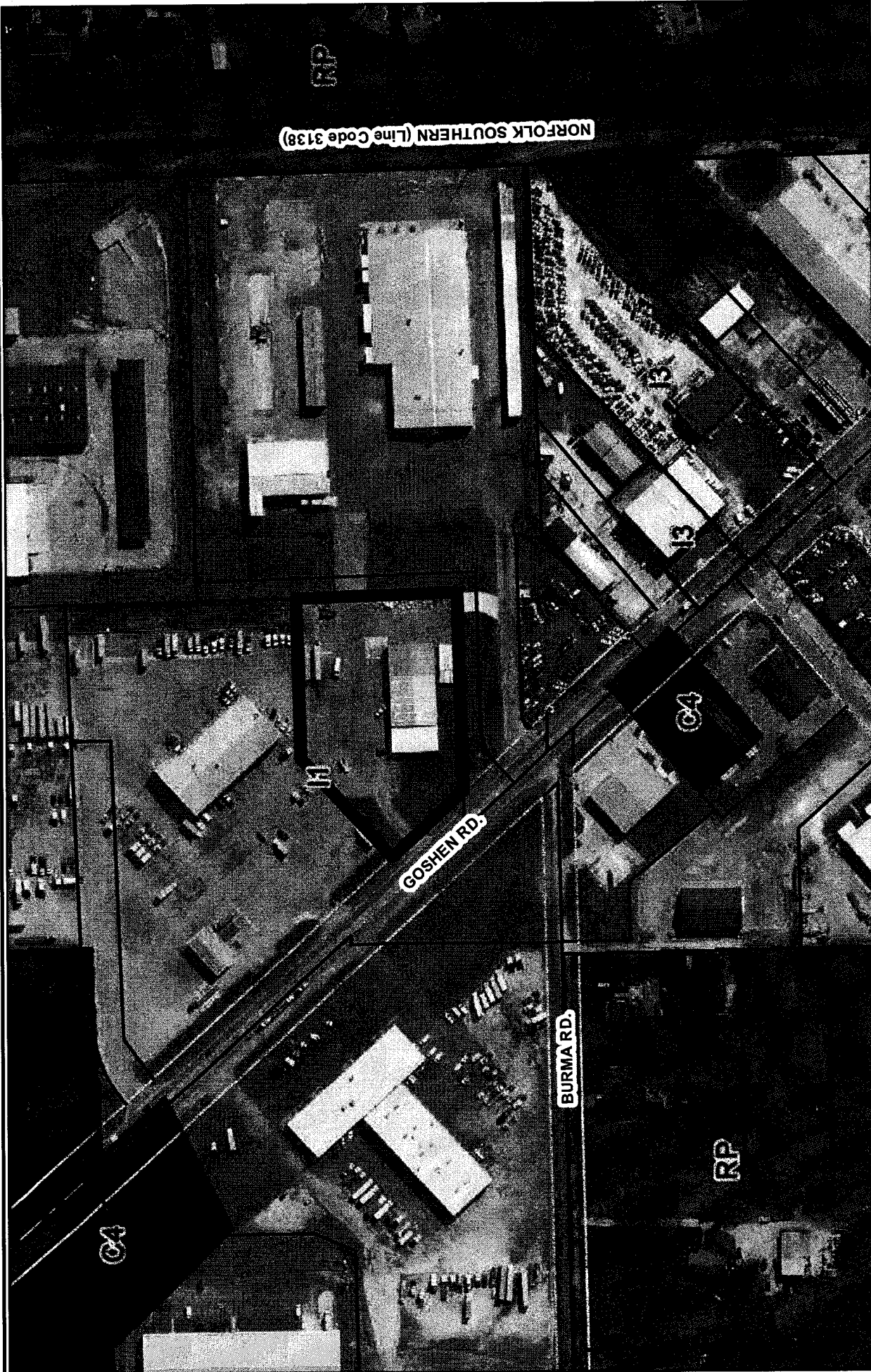
© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009

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: 4/19/2016

Rezoning Petition REZ-2016-0010



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

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Date: 4/19/2016



**City of Fort Wayne Common Council  
DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2016-0010  
Bill Number: Z-16-04-17  
Council District: 3-Tom Didier

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Introduction Date: April 26, 2016

Plan Commission  
Public Hearing Date: May 9, 2016

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

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Synopsis of Ordinance: To rezone approximately 1.9 acres of property from I1-Limited Industrial to  
I2-General Industrial

Location: 2720 Goshen Road

Reason for Request: To allow for tire sales and service at an existing business.

Applicant: Pomp's Tire Service

Property Owner: Wochinske Invenstments

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Related Petitions: Site Plan Routing for addition, Pomp's Tire Service

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Effect of Passage: Property will be rezoned to the I2-General Industrial zoning district which  
will allow the tire service portion of the business.

Effect of Non-Passage: Under the current zoning, only tire sales may take place on the property, not  
tire service.

Public Hearing Date, if applicable May 9, 2016


Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: May 24, 2016

  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning No. Z-16-04-17 on the 24th day of May, 2016

ATTEST:

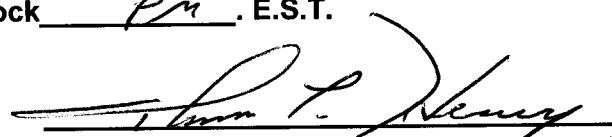
  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th  
of May 2016, at the hour of 10:00 o'clock A.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 25<sup>TH</sup> day of MAY  
2016, at the hour of 12:00 O'clock PM . E.S.T.

  
THOMAS C. HENRY, MAYOR

BILL NO. Z-16-04-17



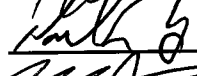

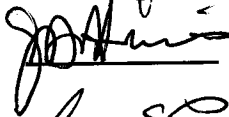

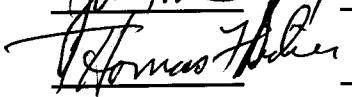

REPORT OF COMMITTEE ON REGULATIONS

MAY 24, 2016

Tom Didier, Chair  
Tom Freistroffer, Co-Chair  
All Council Members

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-26  
(Sec. 28 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

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
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LANA R. KEESLING  
CITY CLERK  
