

1 #REZ-2018-0021

2 BILL NO. Z-18-05-03

3
4 ZONING MAP ORDINANCE NO. Z-17-18

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. I-26 (Sec. 28 of Washington Township)

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

9 SECTION 1. That the area described as follows is hereby designated an I2
10 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12 Part of the East 19 feet of the North Half of the Southwest Quarter of the Northeast
13 Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana,
more particularly described as follows, to-wit:

14 Beginning on the East line of the Southwest Quarter of the Northeast Quarter of said
15 Section 28 at a point situated 369.26 feet South of the Northeast corner of the
16 Southwest Quarter of said Northeast Quarter; thence South, on and along said East
17 line, a distance of 293.25 feet to the Southeast corner of the North Half of the
18 Southwest Quarter of said Northeast Quarter; thence Westerly, by a deflection angle
19 right of 90 degrees, 02 minutes, 30 seconds, on and along the South line of said
20 North Half, a distance of 19.0 feet; thence North and parallel to said East line, a
21 distance of 293.20 feet; thence East, by a deflection angle right of 90 degrees, 00
22 minutes, a distance of 19.0 feet to the point of beginning.

23 Also:

24 Part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31
25 North, Range 12 East, Allen County, Indiana, more particularly described as follows,
26 to-wit:

27 Beginning on the West line of the Southeast Quarter of said Northeast Quarter at a
28 point situated 369.26 feet South of the Northwest corner of the Southeast Quarter of
29 said Northeast Quarter; thence South, on and along said West line, a distance of
30 365.0 feet to the point of intersection of said West line with the Northwesterly right-
of-way line of Congressional Parkway as dedicated in Document Number 79-20351
in the Office of the Recorder of Allen County, Indiana; thence Northeasterly, by a
deflection angle left of 128 degrees 41 minutes on and along said Northwesterly
right-of-way line, a distance of 369.67 feet; thence Northwesterly, by a deflection

1 angle left of 92 degrees 36 minutes, a distance of 178.68 feet; thence Westerly, by a
2 deflection angle left of 48 degrees 49 minutes 30 seconds, a distance of 170.68 feet
3 to the point of beginning, containing 1.472 acres of land, more or less.

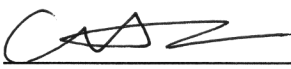
4 and the symbols of the City of Fort Wayne Zoning Map No. I-26 (Sec. 28 of Washington
5 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
6 Wayne, Indiana is hereby changed accordingly.

7
8 SECTION 2. If a written commitment is a condition of the Plan Commission's
9 recommendation for the adoption of the rezoning, or if a written commitment is modified and
10 approved by the Common Council as part of the zone map amendment, that written
11 commitment is hereby approved and is hereby incorporated by reference.

12
13 SECTION 3. That this Ordinance shall be in full force and effect from and after its
14 passage and approval by the Mayor.

15
16 
17 Council Member

18 APPROVED AS TO FORM AND LEGALITY:

19 
20 Carol T. Helton, City Attorney

21
22
23
24
25
26
27
28
29
30

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Krumsick Associates, L.P.
 Address C/o Tara Cupps, 400 N. Woodlawn #210
 City Wichita State KS Zip 67208
 Telephone 316.260.1197 E-mail hik@weigand.com

Contact Person
 Contact Person Vincent D. Heiny & James A. Federoff, Carson LLP
 Address 301 W. Jefferson Blvd., Suite 200
 City Fort Wayne State IN Zip 46802
 Telephone 260.423.9741 E-mail heiny@carsonllp.com and jfederoff@carsonllp.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 2650 Congressional Parkway, Ft. Wayne, IN 468
 Present Zoning I1 Proposed Zoning I2 Acreage to be rezoned 1.6
 Proposed density 1 units per acre
 Township name Washington Township section # 28
 Purpose of rezoning (attach additional page if necessary) To accommodate use of property for maintenance and repair of company trucks of Parker Service, Inc., as tenant.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

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 plans/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 these 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.

Krumsick Associates L.P., By: Herb Krumsick, G.P. [Signature] March 10, 2018
 (printed name of applicant) (signature of applicant) (date)
 Krumsick Associates L.P., By: Herb Krumsick, G.P. [Signature] March 28, 2018
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
4-2-18	126532	5-14-18	REZ-2018-0021

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the East 19 feet of the North Half of the Southwest Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of the Southwest Quarter of the Northeast Quarter of said Section 28 at a point situated 369.26 feet South of the Northeast corner of the Southwest Quarter of said Northeast Quarter; thence South, on and along said East line, a distance of 293.25 feet to the Southeast corner of the North Half of the Southwest Quarter of said Northeast Quarter; thence Westerly, by a deflection angle right of 90 degrees, 02 minutes, 30 seconds, on and along the South line of said North Half, a distance of 19.0 feet; thence North and parallel to said East line, a distance of 293.20 feet; thence East, by a deflection angle right of 90 degrees, 00 minutes, a distance of 19.0 feet to the point of beginning.

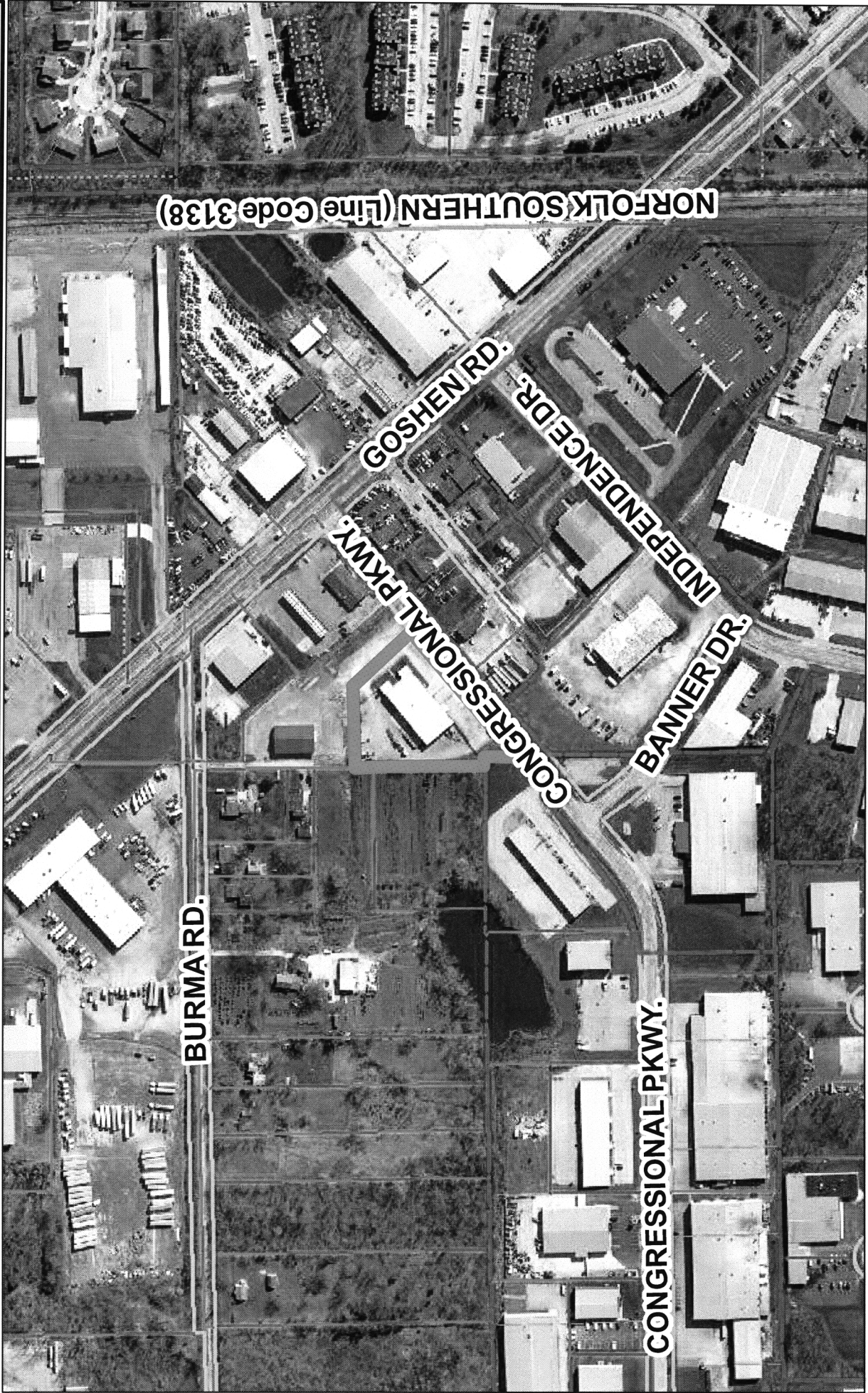
Also:

Part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the West line of the Southeast Quarter of said Northeast Quarter at a point situated 369.26 feet South of the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence South, on and along said West line, a distance of 365.0 feet to the point of intersection of said West line with the Northwesterly right-of-way line of Congressional Parkway as dedicated in Document Number 79-20351 in the Office of the Recorder of Allen County, Indiana; thence Northeasterly, by a deflection angle left of 128 degrees 41 minutes on and along said Northwesterly right-of-way line, a distance of 369.67 feet; thence Northwesterly, by a deflection angle left of 92 degrees 36 minutes, a distance of 178.68 feet; thence Westerly, by a deflection angle left of 48 degrees 49 minutes 30 seconds, a distance of 170.68 feet to the point of beginning, containing 1.472 acres of land, more or less.

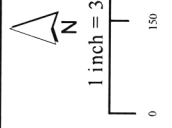


Rezoning Petition REZ-2018-0021 (2650 Congressional Parkway)

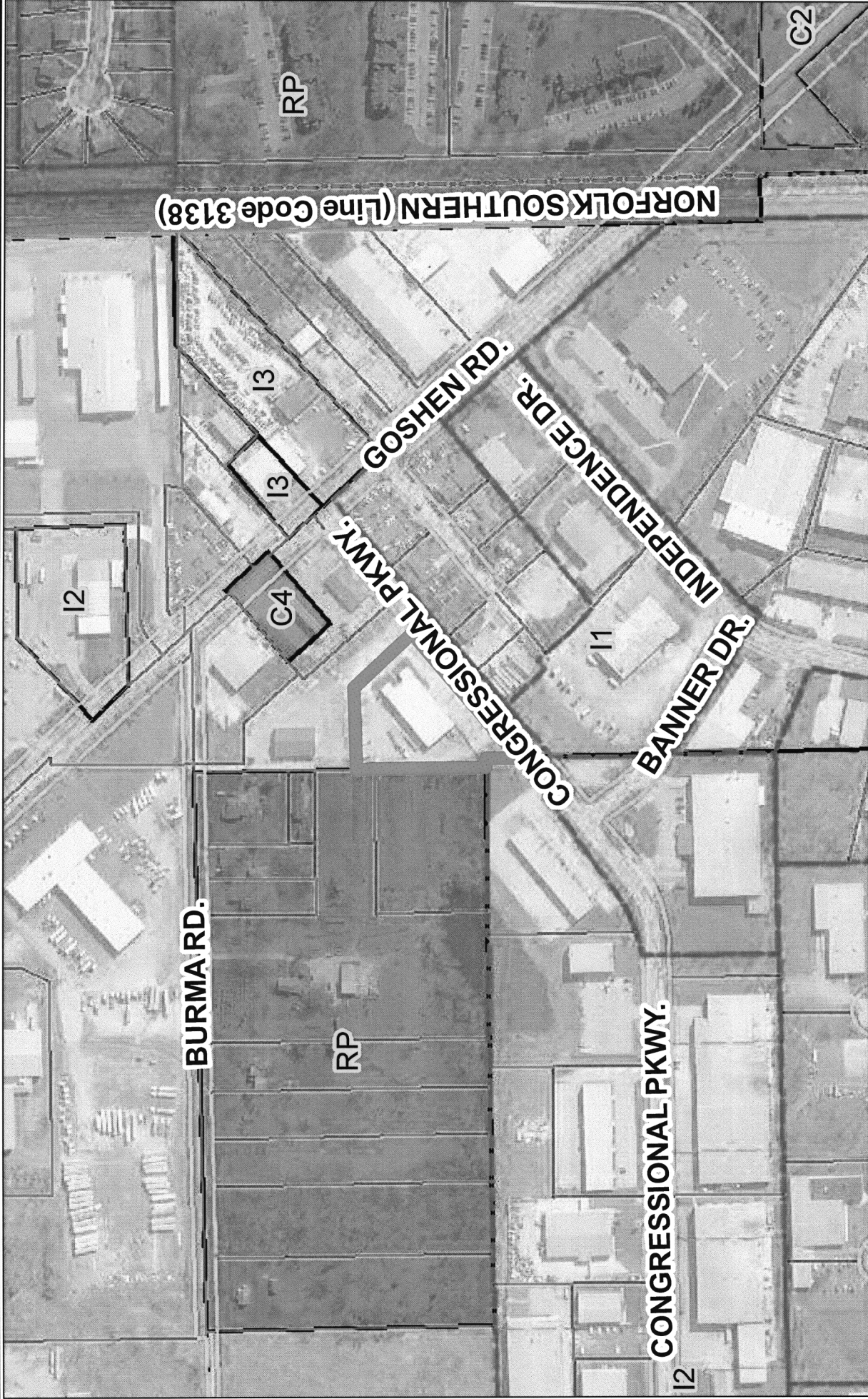


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.
© 2004 Board of Commissioners of the County of Allen
State Plane Coordinate System, Indiana East
Photos and Contour © Spring 2009
Date: 4/23/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



Rezoning Petition REZ-2018-0021 (2650 Congressional Parkway)



Although strict accuracy standards have been employed in the compilation of this map, the Allen County Board of Commissioners or its employees do not warrant the accuracy of the information contained herein and disclaim any and all liability resulting from any error or omission in this map.

©2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contour © Spring 2009
 Date: 4/23/08

Project Boundaries Represented with Bold Lines are for Representational Purposes Only

FACT SHEET

Case #REZ-2018-0021 Bill # Z-18-05-03 Project Start: 8 May 2018	
APPLICANT:	Krumsick Associates, L.P.
REQUEST:	To rezone property from I1/Limited Industrial to I2/General Industrial to allow for maintenance and repair of company trucks.
LOCATION:	The site is located on the north side of the 2600 block of Congressional Parkway, approximately 500 feet west of the intersection of Goshen Road and Congressional Parkway. The address of the subject property is 2650 Congressional Parkway (Section 28 of Washington Township).
LAND AREA:	Approximately 1.6 acres
PRESENT ZONING:	I1/Limited Industrial
PROPOSED ZONING:	I2/General Industrial
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

14 May 2018 Public Hearing

- No one spoke at the hearing, in favor or in opposition.
- All members were present

21 May 2018 – Business Meeting

Plan Commission Recommendation: DO PASS


A motion was made by Billy Davenport and seconded by Judi Wire to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

6-0 MOTION PASSED

- Connie Haas Zuber, Shan Gunawardena, and Paul Sauerteig were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
1 June 2018

Reviewed by:



Kim Bowman
Executive Land Use Director

PROJECT SUMMARY

The petitioner requests a rezoning from I1/General Industrial to I2/Limited Industrial to repurpose the facility into a motor vehicle repair facility for company owned vehicles. Motor vehicle repair with a bullpen is not permitted in the I1 zoning district. The site currently is surrounded by a chain link fence to the side and rear of the building.

The property is surrounded to the north, east and south by I1 zoned property with a mixture of retail and industrial uses. The property to the west is zoned RP and a small portion of the southwest corner of the property is adjacent to I2 zoning. The only residential property abutting this property is predominately vacant immediately west of the site with the closest structure approximately 400 feet from the property line of this site.

The Comprehensive Plan encourages development that will not adversely affect the current conditions of an area or the character of the current structures in the area. This proposal is only changing the zoning to permit a use that is no more or less intensive than the previous tenant of equipment rental. All vehicle repairs will be done inside, the repair will be only on company owned vehicles and the staging of repaired or waiting to be repaired vehicles will cycle quickly because the vehicles are needed for company business.

The comprehensive plan supports this development through the following objectives:

LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

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

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

PUBLIC HEARING SUMMARY:

Presenter: Andy Boxberger, representing Parker Towing, presented the proposal to the Plan Commission, as outlined above.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT


Rezoning Petition REZ-2018-0021

APPLICANT: Krumsick Associates, L.P.
REQUEST: To rezone property from I1/Limited Industrial to I2/General Industrial to allow for maintenance and repair of company trucks.
LOCATION: The site is located on the north side of the 2600 block of Congressional Parkway, approximately 500 feet west of the intersection of Goshen Road and Congressional Parkway. The address of the subject property is 2650 Congressional Parkway (Section 28 of Washington Township).
LAND AREA: Approximately 1.6 acres
PRESENT ZONING: I1/Limited Industrial
PROPOSED ZONING: I2/General Industrial

The Plan Commission recommends that Rezoning Petition REZ-2018-0021 be returned to Council with a "Do Pass" recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is a mixture of commercial and industrial uses. Adjacent properties allow equally or more intensive commercial and industrial uses.
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. Historical aerial imagery showed outdoor storage and uses in the fenced area, so the proposed use should not increase the impact on adjacent properties.
3. Approval is consistent with the preservation of property values in the area. This proposal is consistent with surrounding zoning classifications and the commercial/industrial character of the area.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is to allow an expansion of similar uses not add any uses that require new infrastructure or change traffic patterns.

These findings approved by the Fort Wayne Plan Commission on May 21, 2018.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Krumsick Associates, L.P.
 Address C/o Tara Cupps, 400 N. Woodlawn #210
 City Wichita State KS Zip 67208
 Telephone 316.260.1197 E-mail hik@weigand.com

Contact Person
 Contact Person Vincent D. Heiny & James A. Federoff, Carson LLP
 Address 301 W. Jefferson Blvd., Suite 200
 City Fort Wayne State IN Zip 46802
 Telephone 260.423.9741 E-mail heiny@carsonllp.com and jfederoff@carsonllp.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 2650 Congressional Parkway, Ft. Wayne, IN 468
 Present Zoning I1 Proposed Zoning I2 Acreage to be rezoned 1.6
 Proposed density 1 units per acre
 Township name Washington Township section # 28
 Purpose of rezoning (attach additional page if necessary) To accommodate use of property for maintenance and repair of company trucks of Parker Service, Inc., as tenant.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklists for applicable filing fees and plans/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 these 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.

Krumsick Associates L.P., By: Herb Krumsick, G.P. [Signature] March 10, 2018
 (printed name of applicant) (signature of applicant) (date)
 Krumsick Associates L.P., By: Herb Krumsick, G.P. [Signature] March 20, 2018
 (printed name of property owner) (signature of property owner) (date)
 _____ (date)
 _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
4-2-18	126532	5-14-18	REZ-2018-0021

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the East 19 feet of the North Half of the Southwest Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

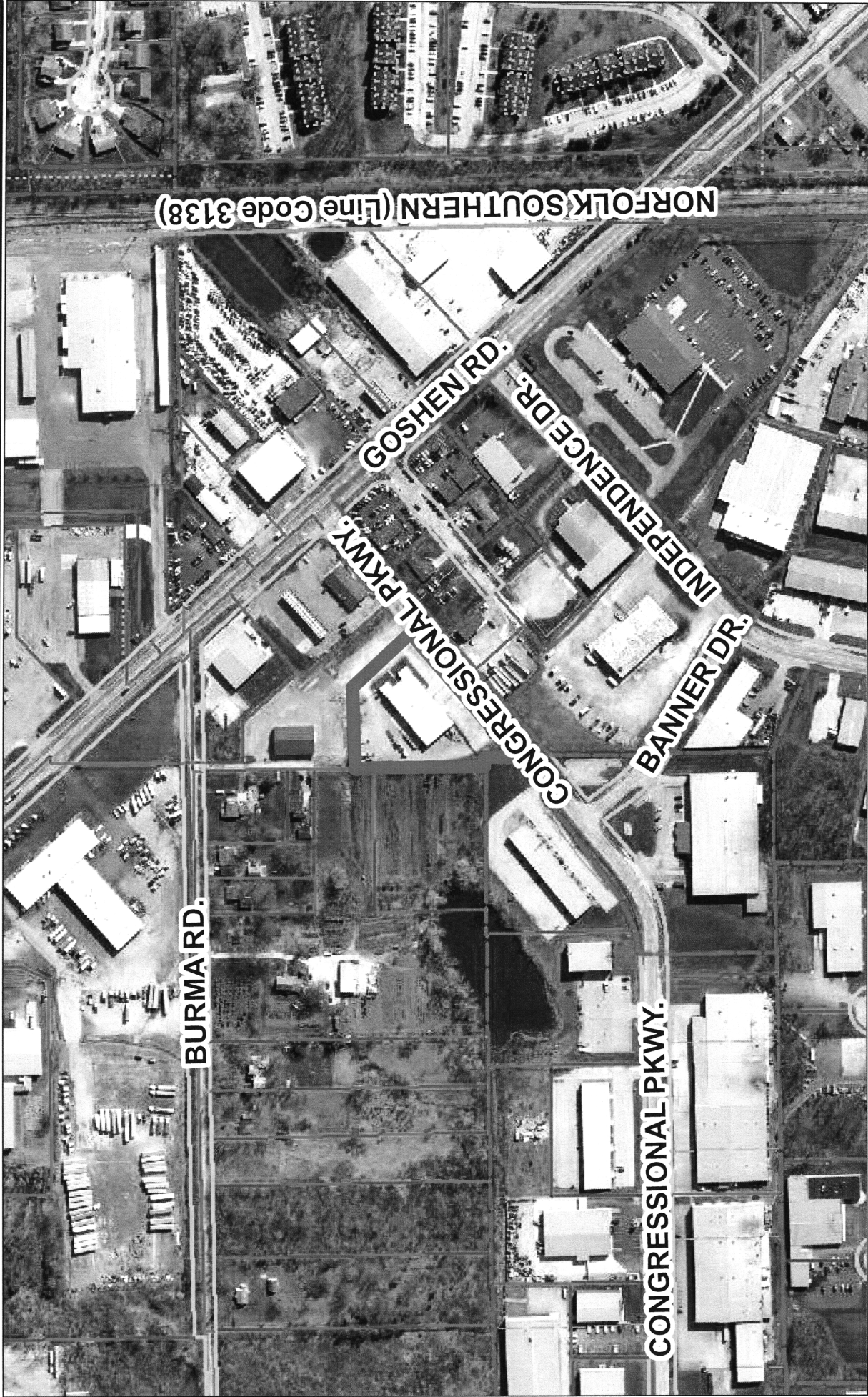
Beginning on the East line of the Southwest Quarter of the Northeast Quarter of said Section 28 at a point situated 369.26 feet South of the Northeast corner of the Southwest Quarter of said Northeast Quarter; thence South, on and along said East line, a distance of 293.25 feet to the Southeast corner of the North Half of the Southwest Quarter of said Northeast Quarter; thence Westerly, by a deflection angle right of 90 degrees, 02 minutes, 30 seconds, on and along the South line of said North Half, a distance of 19.0 feet; thence North and parallel to said East line, a distance of 293.20 feet; thence East, by a deflection angle right of 90 degrees, 00 minutes, a distance of 19.0 feet to the point of beginning.

Also:

Part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

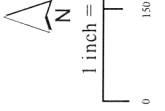
Beginning on the West line of the Southeast Quarter of said Northeast Quarter at a point situated 369.26 feet South of the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence South, on and along said West line, a distance of 365.0 feet to the point of intersection of said West line with the Northwesterly right-of-way line of Congressional Parkway as dedicated in Document Number 79-20351 in the Office of the Recorder of Allen County, Indiana; thence Northeasterly, by a deflection angle left of 128 degrees 41 minutes on and along said Northwesterly right-of-way line, a distance of 369.67 feet; thence Northwesterly, by a deflection angle left of 92 degrees 36 minutes, a distance of 178.68 feet; thence Westerly, by a deflection angle left of 48 degrees 49 minutes 30 seconds, a distance of 170.68 feet to the point of beginning, containing 1.472 acres of land, more or less.

Rezoning Petition REZ-2018-0021 (2650 Congressional Parkway)



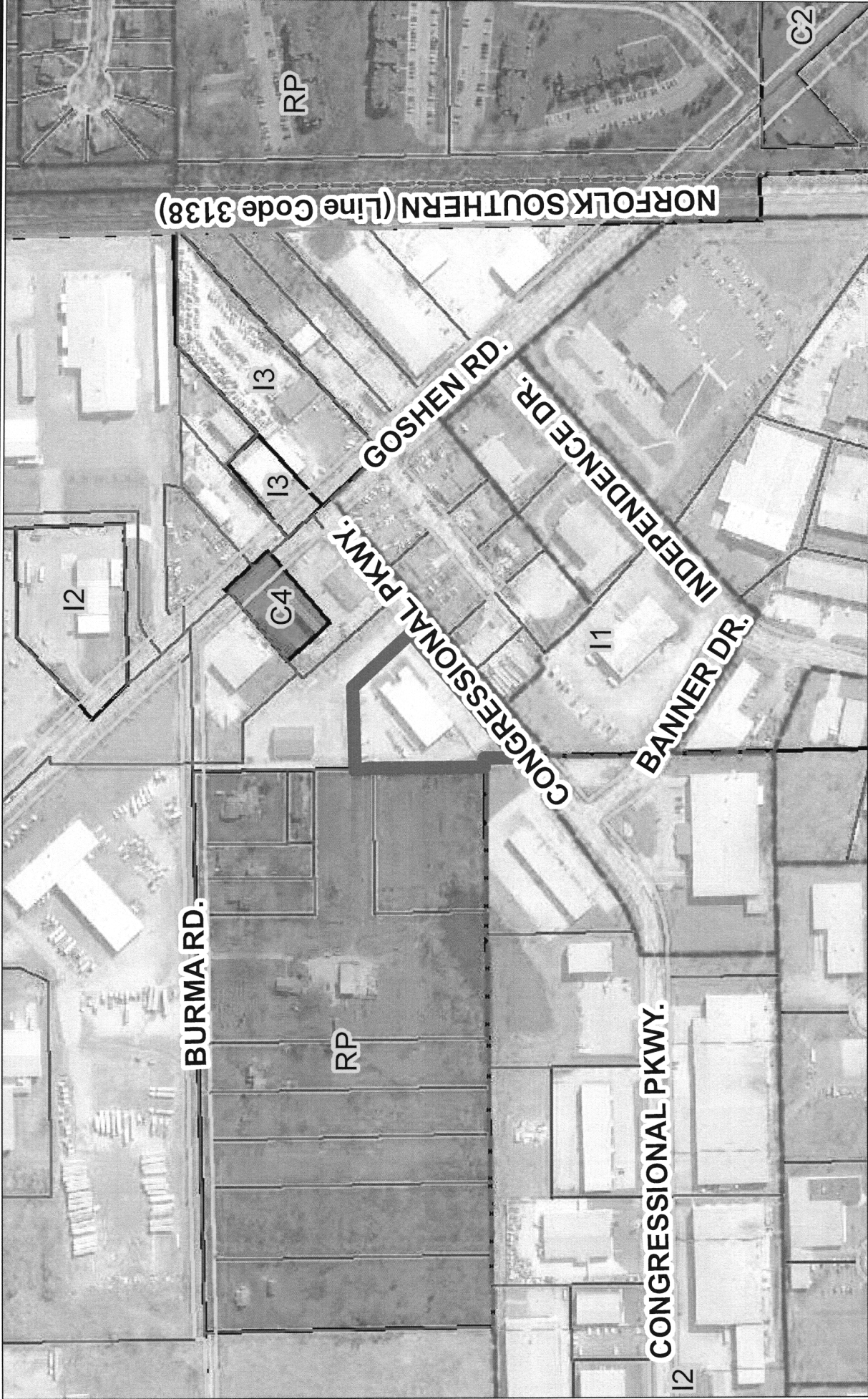
Although every effort has been made to ensure the accuracy of the information contained herein, the County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4/23/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only





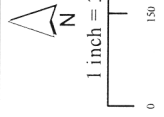
Rezoning Petition REZ-2018-0021 (2650 Congressional Parkway)



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

© 2004 Board of Commissioners of the County of Allen
 State Plane Coordinate System, Indiana, East
 Photos and Contours: Spring 2009
 Date: 4/23/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0021
Bill Number: Z-18-05-03
Council District: 3-Tom Didier

Introduction Date: May 8, 2018

Plan Commission
Public Hearing Date: May 14, 2018 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 1.6 acres of property from I1-Limited Industrial to
I2-General Industrial.

Location: 2650 Congressional Parkway

Reason for Request: To allow the maintenance and repair of company trucks for Parker Service,
Inc.

Applicant: Krumsick Associates, L.P.

Property Owner: Krumsick Associates, L.P.

Related Petitions: none

Effect of Passage: Property will be rezoned to the I2-General Industrial district which will
allow company truck maintenance.

Effect of Non-Passage: The property will remain zoned I1-Limited Industrial, which would not
allow the maintenance and repair of company trucks onsite.

BILL NO. Z-18-05-03

REPORT OF COMMITTEE ON REGULATIONS

June 12, 2018

Thomas Didier Chair

Paul Ensley Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. I-26 (Sec. 28 of Washington Township)

2650 Congressional Parkway from I1-Limited Industrial to I2 – General Industrial

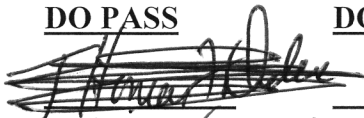

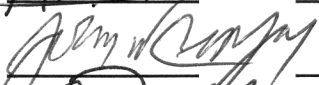
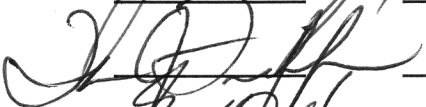




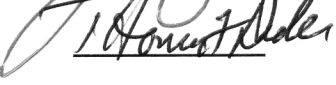
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

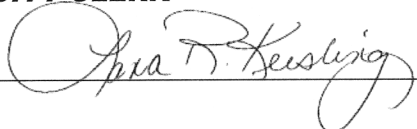
DO NOT PASS

ABSTAIN

NO REC

	_____		_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: MAY 14, 2018

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: June 12, 2018



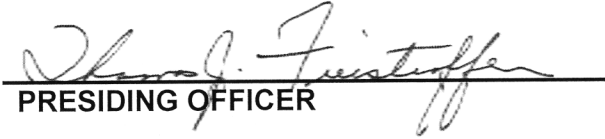
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Zoning Ordinance No. Z-18-05-03 on the 12th day of June, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th
 of June 2018, at the hour of 10:15 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13TH day of June
 2017, at the hour of 1:00 O'clock Pm. E.S.T.



 THOMAS C. HENRY, MAYOR