

1 #REZ-2018-0048

2 BILL NO. Z-18-11-01

3
4 ZONING MAP ORDINANCE NO. Z- 2-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. M-34 (Sec. 23 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 I1 (Limited
10 Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 Document Number 2017061756:

13 The West 60 feet of the following described parcel, to-wit:
14 Lot Numbered Two (2) of the unrecorded plat of Homewood Addition in Allen
County, Indiana, and more particularly described as follows:

15 Beginning at a point on the North line of Section Twenty-three (23) in Township
16 Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right
17 of way line of the Lake Shore and Michigan Southern Railroad proceed South along
said right of way line a distance of One Hundred Ninety (190) feet; thence parallel to
18 said North line of said Section, a distance of One Hundred Sixty (160) feet; thence
North parallel to said Railroad right of way line, a distance of On Hundred Ninety
19 (190) feet to a point on the North line of said Section Twenty-three (23); thence West
20 along said North line of said Section Twenty-three (23), a distance of One Hundred
Sixty (160) feet to the point of beginning, containing in all 0.7 acres, more or less.

21 EXCEPT that portion dedicated to the City of Fort Wayne by Document Number 75-
22 12669, described as follows:

23 Commencing at a point on the North line of the West half of the Northeast Quarter of
24 Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the
25 Old Lake Shore and Michigan Southern Railroad; thence East along the North line of
26 said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the
27 railroad right-of-way; thence West 334.5 feet parallel with the North line of said
28 Section 23; thence North along the East right-of-way of the railroad 45 feet to the
29 point of beginning.
30

1 TOGETHER WITH

2 Document Number 2017061757:

3 Lot Numbered Two (2) of the unrecorded plat of Homewood Addition in Allen
4 County, Indiana, and more particularly described as follows:

5 Beginning at a point on the North line of Section Twenty-three (23) in Township
6 Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right
7 of way line of the Lake Shore and Michigan Southern Railroad proceed South along
8 said right of way line a distance of One Hundred Ninety (190) feet; thence parallel to
9 said North line of said Section, a distance of One Hundred Sixty (160) feet; thence
10 North parallel to said Railroad right of way line, a distance of One Hundred Ninety
11 (190) feet to a point on the North line of said Section Twenty-three (23); thence West
12 along said North line of said Section Twenty-three (23), a distance of One Hundred
13 Sixty (160) feet to the point of beginning, containing in all 0.7 acres, more or less,
14 EXCEPTING THEREFROM the West 60 feet thereof.

15 ALSO EXCEPT that portion dedicated to the City of Fort Wayne by Document
16 Number 75-12669, described as follows:

17 Commencing at a point on the North line of the West half of the Northeast Quarter of
18 Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the
19 Old Lake Shore and Michigan Southern Railroad; thence East along the North line of
20 said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the
21 railroad right-of-way; thence West 334.5 feet parallel with the North line of said
22 Section 23; thence North along the East right-of-way of the railroad 45 feet to the
23 point of beginning.

24 TOGETHER WITH

25 Document Number 2017061755:

26 Lot Numbered One (1) of the unrecorded plat of Homewood Addition in Allen
27 County, Indiana, and more particularly described as follows:

28 Beginning at a point on the North line of Section Twenty-three (23) in Township
29 Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right
30 of way line of the Lake Shore and Michigan Southern Railroad; thence East along
the North line of said Section Twenty-three (23), a distance of One Hundred Sixty
(160) feet to the point of beginning; thence South parallel to said Railroad right of
way, a distance of One Hundred Ninety (190) feet; thence East and parallel to said
North line of Section Twenty-three (23), a distance of 174.5 feet to a point on the
center line of Homewood Drive; thence North parallel to the said Railroad right of
way line, a distance of One Hundred Ninety (190) feet; thence West on said North
line of Section Twenty-three (23), a distance of One Hundred Seventy-four and five
tenths (174.5) feet to the point of beginning, containing in all 0.76 acres, more or
less, EXCEPTING THEREFROM the East 95 feet thereof.

1
2 ALSO EXCEPT that portion dedicated to the City of Fort Wayne by Document
3 Number 75-12669, described as follows:

4 Commencing at a point on the North line of the West half of the Northeast Quarter of
5 Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the
6 Old Lake Shore and Michigan Southern Railroad; thence East along the North line of
7 said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the
8 railroad right-of-way; thence West 334.5 feet parallel with the North line of said
9 Section 23; thence North along the East right-of-way of the railroad 45 feet to the
10 point of beginning.

11 TOGETHER WITH

12 Document Number 2017061758:

13 The East 95 feet of the following described parcel, to-wit:

14 Lot Numbered One (1) of the unrecorded plat of Homewood Addition in Allen
15 County, Indiana, and more particularly described as follows:

16 Beginning at a point on the North line of Section Twenty-three (23) in Township
17 Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right
18 of way line of the Lake Shore and Michigan Southern Railroad; thence East along
19 the North line of said Section Twenty-three (23), a distance of One Hundred Sixty
20 (160) feet to the point of beginning; thence South parallel to said Railroad right of
21 way, a distance of One Hundred Ninety (190) feet; thence East and parallel to said
22 North line of Section Twenty-three (23), a distance of 174.5 feet to a point on the
23 center line of Homewood Drive; thence North parallel to the said Railroad right of
24 way line, a distance of One Hundred Ninety (190) feet; thence West on said North
25 line of Section Twenty-three (23) , a distance of One Hundred Seventy-four and five
26 tenths (174.5) feet to the point of beginning, containing in all 0.76 acres, more or
27 less.

28 EXCEPT that portion dedicated to the City of Fort Wayne by Document Number 75-
29 12669, described as follows:

30 Commencing at a point on the North line of the West half of the Northeast Quarter of
Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the
Old Lake Shore and Michigan Southern Railroad; thence East along the North line of
said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the
railroad right-of-way; thence West 334.5 feet parallel with the North line of said
Section 23; thence North along the East right-of-way of the railroad 45 feet to the
point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. M-34 (Sec. 23 of Washington

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

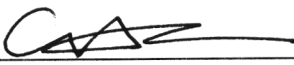
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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


Council Member

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Barry Knoll, LLC. - Kelli Kline
 Address P.O. Box 8169
 City Fort Wayne State IN Zip 46898
 Telephone 260-410-2974 E-mail Kelliptygrl@gmail.com

Contact Person
 Contact Person Graham Lewis
 Address 10060 Bent Creek Boulevard
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-8571 E-mail graham@mlswebsite.us

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 Lot 1 & 2 of unrecorded Homewood Addition Plat, Doc# 2017061756, 2017061757, 2017061755, 2017061758
 Present Zoning RP Proposed Zoning I1 Acreage to be rezoned 1.113
 Proposed density N/A units per acre
 Township name Washington Township section # 23
 Purpose of rezoning (attach additional page if necessary) The applicant is rezoning the property for proposed use of Self Storage buildings. See Primary Development Plan.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

S832
~~S835~~
 Homewood of

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.

- Filing 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

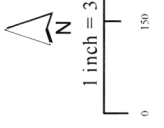
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

Kelli Kline [Signature] 10-02-18
 (printed name of applicant) (signature of applicant) (date)
 Kelli Kline [Signature] 10-02-18
 (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.
10-2-18	1785404	11/2/18 5	Rez-2018-0048



Rezoning Petition REZ-2018-0048 and Primary Development Plan PDP-2018-0041 - Washington Center Road Self Storage



Project Boundaries Represented with Bold Lines are for Representational Purposes Only

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 does not assume any liability for errors or omissions 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: 10/25/2018

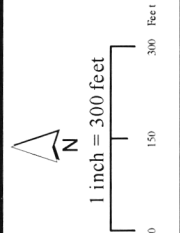


Rezoning Petition REZ-2018-0048 and Primary Development Plan PDP-2018-0041 - Washington Center Road Self Storage



Although other accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy or reliability of the information and data shown, 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: 10/25/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only



FACT SHEET

Case #	REZ-2018-0048	Bill #	Z-18-11-01	Project Start:	5 November 2018
APPLICANT:	Barry Knoll, LLC – Kelli Kline				
REQUEST:	To rezone property from RP/Planned Residential to I1/Limited Industrial; and approve a primary development plan for a three building self-storage development.				
LOCATION:	The site is located on the south side of the 300 block of West Washington Center Road, and on the west side of the 5800 block of Homewood Drive (Section 23 of Washington Township).				
LAND AREA:	Approximately 1.1 acres				
PRESENT ZONING:	RP/Planned Residential				
PROPOSED ZONING:	I1/Limited Industrial				
COUNCIL DISTRICT:	3-Tom Didier				
ASSOCIATED PROJECTS:	Primary Development Plan, Washington Center Self Storage Facility				
SPONSOR:	City of Fort Wayne Plan Commission				

5 November 2018 Public Hearing

- Five residents spoke at the hearing in opposition or with concerns.
- Paul Ensley, Don Schmidt and Rachel Tobin-Smith were absent.

19 November 2018 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

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

6-0 MOTION PASSED

- Connie Haas Zuber, Paul Ensley and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
5 December 2018

Reviewed by:



Kimberly R. Bowman, AICP
Executive Land Use Director

PROJECT SUMMARY

The petitioner is requesting a rezoning to I1/Limited Industrial, for a new three-building self-storage development. The site is currently vacant, and consists of four metes and bounds parcels, all zoned RP/Planned Residential. According to historical imagery, these parcels have been vacant since at least 1938. The property fronts a one-lane, unplatted, single family development along Homewood Drive. The public portion of Homewood Drive extends for four (4) lots, then continues as a private lane for approximately 480 feet to the south; this private portion serves three additional homes. There are five (5) additional vacant parcels along the private lane.

Land uses to the immediate west are exclusively industrial on the south side of Washington Center Road, then change to commercial going west toward Lima Road. Coldwater Crossing shopping center is located just east of Homewood Drive, and the industrial park wraps around the southern end of Homewood Drive. An apartment complex dominates the north side of Washington Center across from the site, and commercial uses extend to the east and west toward Lima Road and Coldwater Road. There are two homes remaining on Washington Center Road, immediately east of the site, the nearest being used as a hair salon through a Board of Zoning Appeals approval.

There are varied non-residential uses in the general area and very little residential use, other than apartments, along the Washington Center Road corridor. The development parcel has remained undeveloped, although 11 homes occupy Homewood Drive to the south. Since the Homewood development is not platted, it does not appear that there are restrictive covenants governing uses on the property, but the applicant should search for private use restrictions. The property is likely undesirable for residential uses, given the Washington Center Road frontage, and the proximity to existing industrial uses. Self-storage is permitted in C3/General Commercial and higher commercial districts, and I1/Limited Industrial and higher industrial districts. Of the available districts to permit the desired use, the I1 district allows lesser intensive uses. C3 allows most automobile uses, gas stations, outdoor uses and outdoor storage. The I1 district focuses on indoor uses that have minimal outside impacts and limits outdoor storage. The ordinance states that the I1 district may serve as a buffer between heavier industrial districts and business or residential districts. Self-storage can be considered a low-impact use, depending on the site plan, lighting, landscaping, etc. However, given the size of the property and the proximity to the single family neighbor, there may be uses within the I1/Limited Industrial district that would be considered incompatible on this site. A voluntary Written Commitment can address these uses, and restrict the ability to seek a Special Use approval from the Board of Zoning Appeals for even more commercial uses or other incompatible uses.

The development plan consists of three (3) independent storage buildings served by a paved drive off Homewood Drive. The south side of the property (adjacent to the residential use) consists of a 25-foot wide buffer area between the south property line and the façade of the south building. There is no drive or access along the southern portion of the property. The north building runs parallel with Washington Center Road, and the west building runs north-south, adjacent to an industrial property. The required landscape buffer is a minimum width of 20 feet, evergreen trees planted every 20 feet, and large shrubs in groupings along at least 50% of the buffer yard. The applicant is proposing to meet this requirement.

Access to the site is proposed from Homewood Drive. Primary review shows that Transportation Engineering has approved the proposal, with necessary improvements, including a concrete approach, new and improved sidewalk facilities, and improvements to Homewood Drive to the southern property line. The Pufferbelly Trail is planned to run along the western edge of this property, and the applicant has agreed to an easement to help facilitate the trail.

The applicant was encouraged to meet with the immediate neighbors. Also recommended for the public hearing were additional visual aids and a Written Commitment.

PUBLIC HEARING SUMMARY:

Presenter: Josh Pranger, representing the property owner and developer, presented the proposal to the Plan Commission, as outlined above.

Public Comments in Support:

none

Public Comments in Opposition or with Concern:

Stephanie Davis, 5811 Homewood Drive – Concerned about traffic on Washington Center Road, emergency services potentially being blocked, trucks blocking her driveway, stormwater, lighting, and requested 8-foot fence.

Christopher Ganz, 5072 Homewood Drive – Concerned about traffic, Homewood doesn't get plowed in the winter.

Michael Nagel, 5725 Homewood Drive – There is no room to turn around on Homewood, driveways have to be used.

Melanie Lotzinger – 109 West Essex Lane - What would be the impact on neighbors if they expanded the storage facility.

Virginia Lopez, 5711 Homewood Drive.

Rebuttal:

Will agree to Written Commitment (attached), will agree to install 8-foot fence between building openings and install landscaping. The traffic is very low-impact, biggest unit is 10 by 16 or 10 by 20, not likely to get large trucks, will omit lighting on the south side.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

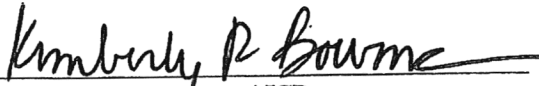
Rezoning Petition REZ-2018-0048

APPLICANT:	Barry Knoll, LLC – Kelli Kline
REQUEST:	To rezone property from RP/Planned Residential to I1/Limited Industrial for a three building self-storage development.
LOCATION:	The site is located on the south side of the 300 block of West Washington Center Road, and on the west side of the 5800 block of Homewood Drive (Section 23 of Washington Township).
LAND AREA:	Approximately 1.1 acres
PRESENT ZONING:	RP/Planned Residential
PROPOSED ZONING:	I1/Limited Industrial

The Plan Commission recommends that Rezoning Petition REZ-2018-0048, with a Written Commitment, 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 property is adjacent to an established industrial park. The general area surrounding the site is a mixture of residential, commercial and industrial zoned property.
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 development plan accounts for screening and buffering, limited lighting and low profile structures to minimize impacts on the adjacent properties.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for development of the site, which has always been vacant. A Written Commitment will protect the neighborhood from more intensive uses, and require design standards to increase compatibility.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. City departments require improvements to street and sidewalk infrastructure, creating a safer entrance and exit from the site.

These findings approved by the Fort Wayne Plan Commission on November 19, 2018.


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

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made as of this ___ day of November, 2018, by Barry Knoll LLC, the property owner (“Declarant”), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 1.113 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit A (the “Real Estate”); and

WHEREAS, Declarant’s Zoning Map Amendment Application, filed with the City of Fort Wayne Plan Commission (the “Plan Commission”), bearing number REZ-2018-0048 (the “Application”), respecting the Real Estate, has been approved by the City of Fort Wayne, Indiana Common Council and the Mayor of the City of Fort Wayne; and

WHEREAS, pursuant to the Application, the Real Estate has been rezoned to I1/Limited Industrial pursuant to the City of Fort Wayne Zoning Ordinance (the “Ordinance”) which permits development upon the Real Estate of certain professional office and personal service uses and limited and retail commercial uses; and

WHEREAS, the Declarant’s have submitted this Commitment, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015 for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate; and

WHEREAS, in conjunction with said Application, the Plan Commission has required the execution of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office prior to the commencement of any building improvements for uses permitted pursuant to the Application.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the Declarant’s hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in the I1/Limited Industrial zoning district, shall be prohibited upon the Real Estate:

- 1) Air freight service
- 2) Apparel fabrication and processing
- 3) Aquaculture
- 4) Aquaponics
- 5) Boat dry dock facility
- 6) Correctional services facility
- 7) Cosmetic product compounding
- 8) Crematory

- 9) Dairy/creamery
- 10) Distribution facility for:
 - a. Batteries
 - b. Beer
 - c. Building materials
 - d. Electrical parts
 - e. Food
 - f. Janitorial supplies
 - g. Lubrication
 - h. Machines
 - i. Medical supplies
 - j. Oil
 - k. Paint
 - l. Petroleum products
 - m. Pipe
 - n. Plumbing fixtures
 - o. Soft drinks
 - p. Steel
 - q. Tires (new)
 - r. Truck bodies
 - s. Vending machines
 - t. Windows
- 11) Dry cleaning/laundry facility (central)
- 12) Equipment rental (limited and general)
- 13) Equipment supply facility for:
 - a. Air purification
 - b. Electrical
 - c. Electric wire and cable
 - d. Fire protection
 - e. Food service
 - f. Heating, ventilation, or air conditioning
 - g. Industrial
 - h. Maintenance
 - i. Mechanical
 - j. Medical
 - k. Power transmission
 - l. Radio/communication
 - m. Restaurant
 - n. Telecommunication
 - o. Trade show/exhibit
 - p. Truck
 - q. Water softening/purification
 - r. Welding
- 14) Freight service
- 15) Furniture production
- 16) Group residential facility (large) (1)
- 17) Group residential facility (small)
- 18) Homeless/emergency shelter
- 19) Information technology

- 20) Lathe/screw machine products
- 21) Limited assembly and fabrication of:
 - a. Bio-medical/orthopedic products
 - b. Communication and computation equipment
 - c. Computers and electronics
 - d. Computer hardware products
 - e. Industrial controls
 - f. Medical devices
 - g. Orthopedic devices
 - h. Optical instruments
 - i. Scientific and precision instruments
 - j. Service industry machines
 - k. Specialty equipment
- 22) Machine design facility
- 23) Machine tool shop
- 24) Parking area (1)
- 25) Printing press
- 26) Recreation area
- 27) Residential facility for homeless individuals (1)
- 28) Technology use or service
- 29) Tool and die facility
- 30) Utility facility (private)
- 31) Vehicle technology (advanced)
- 32) Welding service
- 33) Wind energy conversion system (micro) (1)
- 34) Wind energy conversion system (standard) (2)
- 35) Woodworking/carpentry

(1) *If not adjacent to a residential district*

(2) *If on land of over two acres not adjacent to a residential district*

The following special uses are also prohibited on the real estate:

- 1) Automobile service, general
- 2) Gas station
- 3) The Board may consider the gas station size, building/canopy orientation, general design standards, and specific primary building orientation design requirements set forth for gas stations in §157.219(C)(7) (Downtown Edge district).
- 4) Wind energy conversion system, micro (on land adjacent to a residential district, or to erect an additional micro system or systems)
- 5) Wind energy conversion (WEC) system, standard (on land of under two acres, or on land adjacent to a residential district)

2. Maintenance. The Real Estate, and any parking lot or landscaping located thereon, shall be maintained in good order and repair so as to cause the least amount of interference, inconvenience or annoyance to any adjacent owner of residential property.

3. Outside Storage. Outside storage of trash and trash receptacles must be visually screened on three sides with a wood or vinyl fence or masonry structure, with a gate enclosure on the fourth side, or located within a larger fenced area, so long as the fence is a minimum of six (6) feet in height and solid board construction.

4. Landscaping and Buffering. A buffer area will be maintained along the southern boundary of the Real Estate and will include: Evergreen trees, spaced a minimum of 15-20 feet apart and large deciduous shrubs, in groups of five (5) staggered between the evergreen trees, all as shown on the primary development plan, dated November 1, 2018. Additionally, the fence sections located between buildings on the southern property line shall be eight (8) feet in height and solid board construction.

5. Signage. There may be located upon the Real Estate (a) one (1) ground mounted sign as illustrated on the site plan, as well as building signage in accordance with the Ordinance.

6. Lighting. Site lighting shall be of a type to minimize light pollution onto any adjacent property by utilizing only full cut-off wall-pack style fixtures and be completely downward directed. No wall pack lighting shall be used on the southern façade of the southern-most buildings.

7. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

8. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the “Zoning Administrator”) and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

9. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.

10. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this

Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

11. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

12. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

13. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

14. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

15. Last Deed of Record. The last deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number _____.

16. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[SIGNATURE AND EXHIBIT PAGES FOLLOW]

“DECLARANT”

BARRY KNOLL, LLC

By: _____

Name: _____

Its: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2018, personally appeared _____ as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by _____

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. _____

When recorded, return to: the Department of Planning Services

EXHIBIT A

Document Number 2017061756:

The West 60 feet of the following described parcel, to-wit:

Lot Numbered Two (2) of the unrecorded plat of Homewood Addition in Allen County, Indiana, and more particularly described as follows:

Beginning at a point on the North line of Section Twenty-three (23) in Township Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right of way line of the Lake Shore and Michigan Southern Railroad proceed South along said right of way line a distance of One Hundred Ninety (190) feet; thence parallel to said North line of said Section, a distance of One Hundred Sixty (160) feet; thence North parallel to said Railroad right of way line, a distance of One Hundred Ninety (190) feet to a point on the North line of said Section Twenty-three (23); thence West along said North line of said Section Twenty-three (23), a distance of One Hundred Sixty (160) feet to the point of beginning, containing in all 0.7 acres, more or less.

EXCEPT that portion dedicated to the City of Fort Wayne by Document Number 75-12669, described as follows:

Commencing at a point on the North line of the West half of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the Old Lake Shore and Michigan Southern Railroad; thence East along the North line of said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the railroad right-of-way; thence West 334.5 feet parallel with the North line of said Section 23; thence North along the East right-of-way of the railroad 45 feet to the point of beginning.

TOGETHER WITH

Document Number 2017061757:

Lot Numbered Two (2) of the unrecorded plat of Homewood Addition in Allen County, Indiana, and more particularly described as follows:

Beginning at a point on the North line of Section Twenty-three (23) in Township Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right of way line of the Lake Shore and Michigan Southern Railroad proceed South along said right of way line a distance of One Hundred Ninety (190) feet; thence parallel to said North line of said Section, a distance of One Hundred Sixty (160) feet; thence North parallel to said Railroad right of way line, a distance of One Hundred Ninety (190) feet to a point on the North line of said Section Twenty-three (23); thence West along said North line of said Section Twenty-three (23), a distance of One Hundred Sixty (160) feet to the point of beginning, containing in all 0.7 acres, more or less, EXCEPTING THEREFROM the West 60 feet thereof.

ALSO EXCEPT that portion dedicated to the City of Fort Wayne by Document Number 75-12669, described as follows:

Commencing at a point on the North line of the West half of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the Old Lake Shore and Michigan Southern Railroad; thence East along the North line of said Section 23, a distance of

334.5 feet; thence South 45 feet parallel with the railroad right-of-way; thence West 334.5 feet parallel with the North line of said Section 23; thence North along the East right-of-way of the railroad 45 feet to the point of beginning.

TOGETHER WITH

Document Number 2017061755:

Lot Numbered One (1) of the unrecorded plat of Homewood Addition in Allen County, Indiana, and more particularly described as follows:

Beginning at a point on the North line of Section Twenty-three (23) in Township Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right of way line of the Lake Shore and Michigan Southern Railroad; thence East along the North line of said Section Twenty-three (23), a distance of One Hundred Sixty (160) feet to the point of beginning; thence South parallel to said Railroad right of way, a distance of One Hundred Ninety (190) feet; thence East and parallel to said North line of Section Twenty-three (23), a distance of 174.5 feet to a point on the center line of Homewood Drive; thence North parallel to the said Railroad right of way line, a distance of One Hundred Ninety (190) feet; thence West on said North line of Section Twenty-three (23), a distance of One Hundred Seventy-four and five tenths (174.5) feet to the point of beginning, containing in all 0.76 acres, more or less, EXCEPTING THEREFROM the East 95 feet thereof.

ALSO EXCEPT that portion dedicated to the City of Fort Wayne by Document Number 75-12669, described as follows:

Commencing at a point on the North line of the West half of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the Old Lake Shore and Michigan Southern Railroad; thence East along the North line of said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the railroad right-of-way; thence West 334.5 feet parallel with the North line of said Section 23; thence North along the East right-of-way of the railroad 45 feet to the point of beginning.

TOGETHER WITH

Document Number 2017061758:

The East 95 feet of the following described parcel, to-wit:

Lot Numbered One (1) of the unrecorded plat of Homewood Addition in Allen County, Indiana, and more particularly described as follows:

Beginning at a point on the North line of Section Twenty-three (23) in Township Thirty-one (31) North, Range Twelve (12) East at its intersection with the East right of way line of the Lake Shore and Michigan Southern Railroad; thence East along the North line of said Section Twenty-three (23), a distance of One Hundred Sixty (160) feet to the point of beginning; thence South parallel to said Railroad right of way, a distance of One Hundred Ninety (190) feet; thence East and parallel to said North line of Section Twenty-three (23), a distance of 174.5 feet to a point on the

center line of Homewood Drive; thence North parallel to the said Railroad right of way line, a distance of One Hundred Ninety (190) feet; thence West on said North line of Section Twenty-three (23) , a distance of One Hundred Seventy-four and five tenths (174.5) feet to the point of beginning, containing in all 0.76 acres, more or less.

EXCEPT that portion dedicated to the City of Fort Wayne by Document Number 75-12669, described as follows:

Commencing at a point on the North line of the West half of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, at the East right-of-way line of the Old Lake Shore and Michigan Southern Railroad; thence East along the North line of said Section 23, a distance of 334.5 feet; thence South 45 feet parallel with the railroad right-of-way; thence West 334.5 feet parallel with the North line of said Section 23; thence North along the East right-of-way of the railroad 45 feet to the point of beginning.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Barry Knoll, LLC. - Kelli Kline
 Address P.O. Box 8169
 City Fort Wayne State IN Zip 46898
 Telephone 260-410-2974 E-mail Kelliprtygrl@gmail.com

Contact Person
 Contact Person Graham Lewis
 Address 10060 Bent Creek Boulevard
 City Fort Wayne State IN Zip 46825
 Telephone 260-489-8571 E-mail graham@mlswebsite.us

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 Lot 1 & 2 of unrecorded Homewood Addition Plat, Doc# 2017061756, 2017061757, 2017061755, 2017061758
 Present Zoning RP Proposed Zoning I1 Acreage to be rezoned 1.113
 Proposed density N/A units per acre
 Township name Washington Township section # 23
 Purpose of rezoning (attach additional page if necessary) The applicant is rezoning the property for proposed use of Self Storage buildings. See Primary Development Plan.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

SB32
~~SB32~~
 Homewood 2

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.

Kelli Kline [Signature] 10-02-18
 (printed name of applicant) (signature of applicant) (date)
 Kelli Kline [Signature] 10-02-18
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 (printed name of property owner) (signature of property owner) (date)

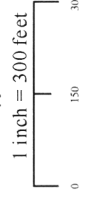
Received	Receipt No.	Hearing Date	Petition No.
10-2-18	128540#	11/2/18 5	202-2018-0048



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
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contour Mapping 2009
 Date: 10/23/2018

Project Boundaries Represented with Bold Lines are for Representational Purposes Only





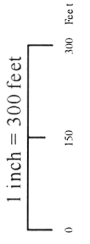
Rezoning Petition REZ-2018-0048 and Primary Development Plan PDP-2018-0041 - Washington Center Road Self Storage



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 Contours: Spring 2009
 Date: 10/25/2018

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-2018-0048
Bill Number: Z-18-11-01
Council District: 3-Tom Didier

Introduction Date: November 13, 2018

Plan Commission
Public Hearing Date: November 5, 2018 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission (on or after November 19, 2018)

Synopsis of Ordinance: To rezone approximately 1.11 acres of property from RP/Planned Residential
to I1/Limited Industrial

Location: 5833 Homewood Drive, also the 300 block of East Washington Center Road.

Reason for Request: To allow for a 3-building self-storage development.

Applicant: Barry Knoll, LLC

Property Owner: Pony Express Investments, LLC

Related Petitions: Primary Development Plan, Washington Center Self Storage

Effect of Passage: Property will be rezoned to the I1/Limited Industrial district with a
Written Commitment to restrict certain uses. Property may develop with
a self-storage facility.

Effect of Non-Passage: The property will remain zoned RP/Planned Residential and may develop
with single-family, two-family or multiple-family uses.

BILL NO. Z-18-11-01

REPORT OF COMMITTEE ON REGULATIONS

February 12, 2019

Michael Barranda Chair

Tom Freistroffer Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. M-34 (Sec. 23 of Washington Township)

To rezone approximately 1.11 acres of property from RP/Planned Residential to I1/Limited

5833 Homewood Drive, also the 300 block of East Washington Center Road







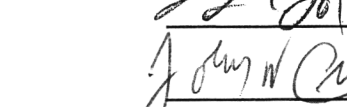


COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

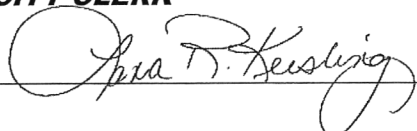
DO NOT PASS

ABSTAIN

NO REC

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

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 11/05/18

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

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

Read the third time in full and on motion by Councilman Barranda, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

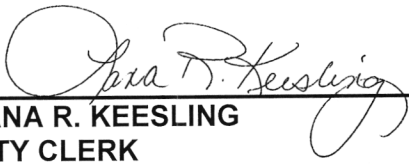
DATED: February 12, 2019




 LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-18-11-01 on the 12th day of February, 2019



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

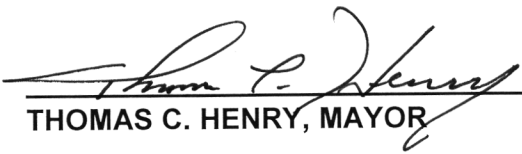
FORT WAYNE, INDIANA
RECEIVED
 Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th
 of February 2019, at the hour of 10:05 o'clock A.M. E.S.T.
FEB 15 2019
 LANA R. KEESLING
 CITY CLERK



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14TH day of FEBRUARY

2019, at the hour of 10:00 o'clock Am . E.S.T.



 THOMAS C. HENRY, MAYOR