

1 #REZ-2019-0011

2 BILL NO. Z-19-03-12

3
4 ZONING MAP ORDINANCE NO. Z-Withdrawn

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. E-02 (Sec. 7 of Wayne 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 a C3 (General
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 RECORD DESCRIPTION: (as described in Document Number 2010047770)

13 As described in document #880042357

14 Lot Numbered 2 in Pavey's Subdivision to Fort Wayne, according to the plat thereof,
15 recorded in Plat Record 14 page 124, in the Office of the Recorder, Allen County,
Indiana. except that part taken for highway purposes.

16 TOGETHER with (#91 0020131)

17 A part of Lot #3 in Pavey's Subdivision to Section 7, Township 30 North, Range 12
18 East, as recorded in Plat Rook 14 page 124 in the Allen County Recorder's Office and
19 more particularly described as follows, to wit:

20 Commencing at the intersection of the East line of Lot #3 in said Pavey's Subdivision
21 and the South right-of-way line of Illinois Road; thence South 0 degrees 19 minutes 58
22 seconds East (assumed bearing) along said East line a distance of 145.0 feet to the Point
23 of BEGINNING. BEGINNING at the above described point; thence continuing South 0
24 degrees 19 minutes 58 seconds East on the last described line a distance of 320.96 feet to
25 a point located 100.0 feet North of the Southeast corner of said Lot; thence North 45
degrees 19 minutes 58 seconds West a distance of 33.94 feet; thence North 0 degrees 19
26 minutes 58 seconds West and parallel to said East line a distance of 239.36 feet; thence
27 North 22 degrees 17 minutes 14 seconds East a distance of 62.4 feet to the Point of
28 BEGINNING, containing 0.154 acres of land more or less.

29 EXCEPTING (#910020126)

30 The South 100 feet of Lot #2 in Pavey's Subdivision to the City of Fort Wayne as
recorded in Plat Record 14, page 124, in the Office of the Recorder of Allen County,
Indiana.

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ALSO EXCEPTING (#950002068)

A part of Lot #2 in Pavey's Subdivision to Section 7, Township 30 North, Range 12 East, as recorded in Plat Book 14, Page 124, in the Allen County Recorder's Office, and more particularly described as follows:

Beginning at the intersection of the West line of Lot#2 in said Pavey's Subdivision and the South right-of-way line of Illinois Road; thence North 89°52'32" East (assumed bearing) along said south right-of-way line a distance of 30.0 feet; thence South 0°13'58" East parallel to the West line of said Lot a distance of 40.0 feet; thence South 6°01 '21" West a distance of 45.17 feet; thence South 22°17'14" West a distance of 68.0 feet to a point on said West line; thence North 0°19'58" West along said West line a distance of 145.0 feet to the point of beginning. Containing 0.073 acres, more or less.


and the symbols of the City of Fort Wayne Zoning Map No. E-02 (Sec. 7 of Wayne 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 O'Daniel Family, LLC
 Address 5611 Illinois Road
 City Fort Wayne State IN Zip 46804
 Telephone (260) 435-5300 E-mail rodaniel@odanielauto.com

Contact Person
 Contact Person Stephen L. Fink, Esq., Barnes & Thornburg LLP
 Address 868 S. Harrison Street, Suite 600
 City Fort Wayne State IN Zip 46802
 Telephone (260) 425-4664 E-mail sfink@btlaw.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 5809 Illinois Road, Fort Wayne, IN 46804
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.538
 Proposed density N/A units per acre
 Township name Wayne Township section # 7
 Purpose of rezoning (attach additional page if necessary) See attached.

Sewer provider Fort Wayne Water provider Fort Wayne

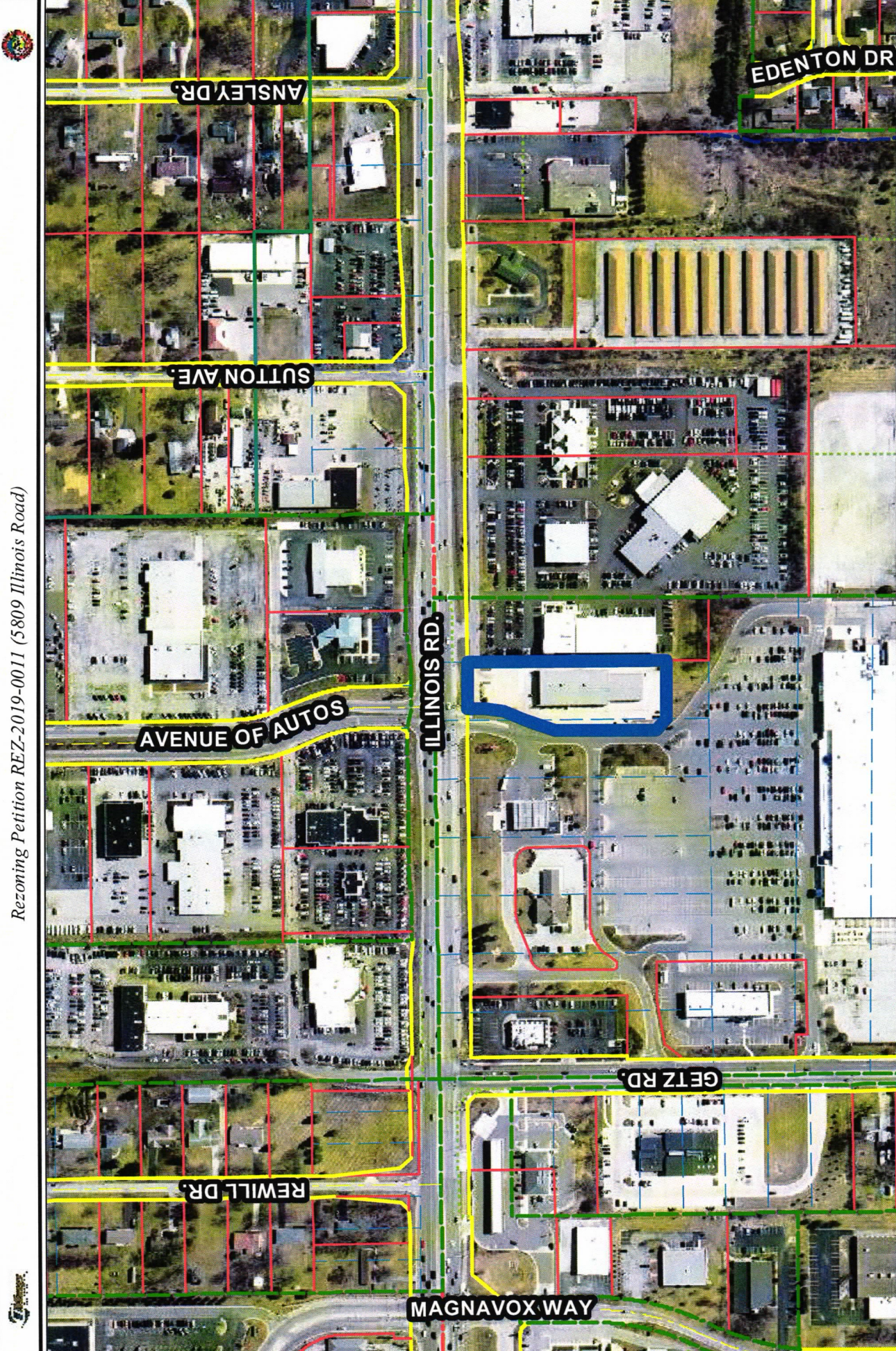
Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- 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.

RANDY O'DANIEL [Signature] 3/4/19
 (printed name of applicant) (signature of applicant) (date)
RANDY O'DANIEL [Signature] 3/4/19
 (printed name of property owner) (signature of property owner) (date)
O'DANIEL FAMILY, LLC
 (printed name of property owner) (signature of property owner) (date)
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
3-5-19	129586	4-8-19	RCZ-2019-0011



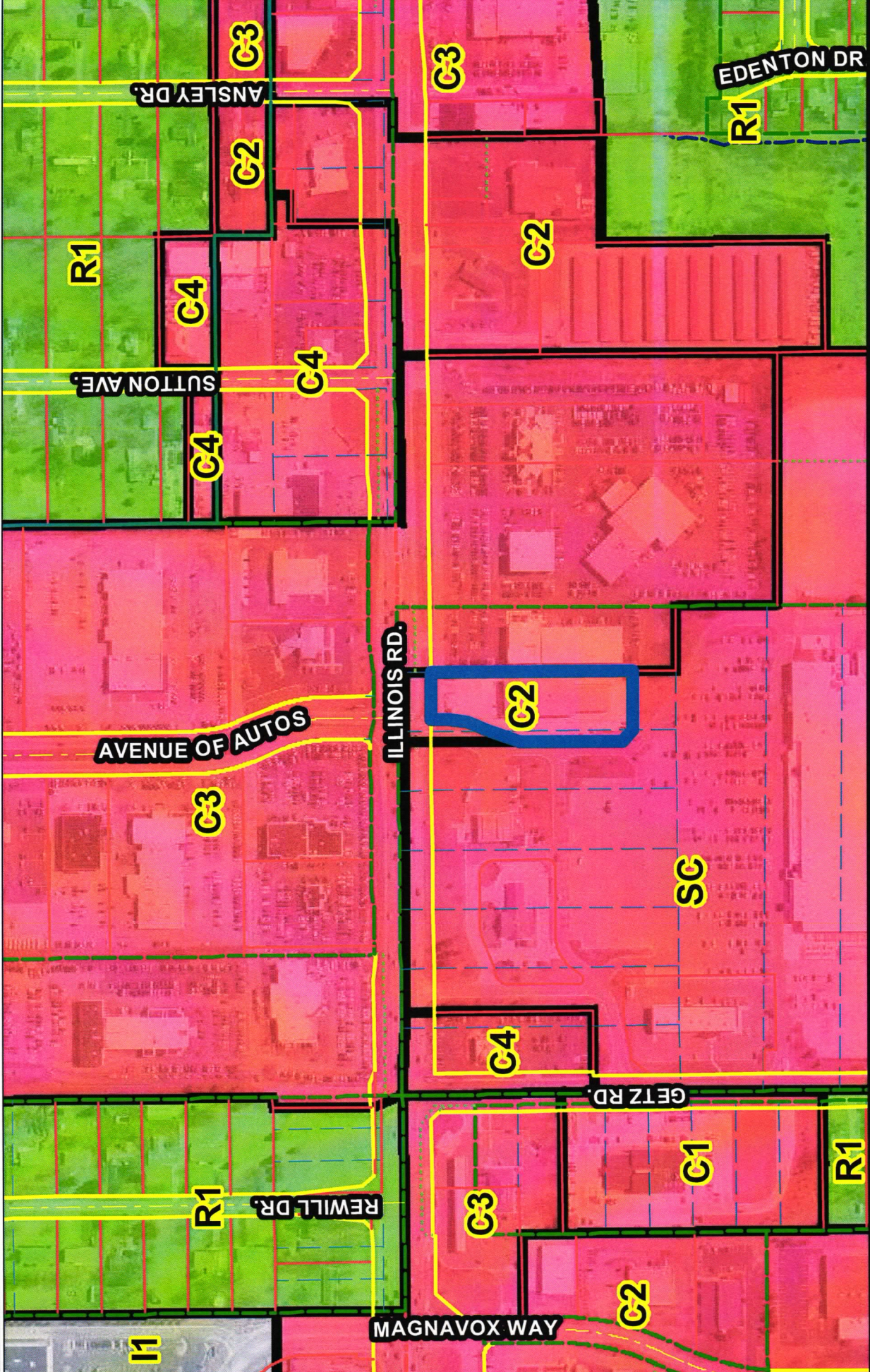
Rezoning Petition REZ-2019-0011 (5809 Illinois Road)



1 inch = 300 feet



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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours, Spring 2009
 Date: 3/20/2019

1 inch = 300 feet
 0 150 300 feet

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0011
Bill Number: Z-19-03-12
Council District: 4-Jason Arp

Introduction Date: March 26, 2018

Plan Commission
Public Hearing Date: April 8, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 1.54 acres of property from C2/Limited
Commercial to C3/General Commercial

Location: 5809 Illinois Road

Reason for Request: To rezone property to bring the existing Hires Auto sales and service into
compliance with the zoning ordinance.

Applicant: O'Daniel Family, LLC

Property Owner: O'Daniel Family, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district,
which will bring the existing automotive uses into compliance with the
ordinance.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial, which does not
permit some of the automotive uses currently provided on the property.
Some uses are non-conforming, and without the zoning change, issues
could arise with future expansion, financing and title work.