

1 #REZ-2019-0076

2 BILL NO. Z-19-11-19

3  
4 ZONING MAP ORDINANCE NO. Z- 1-20

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. O-31 (Sec. 36 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 Part of the S 1/2, S 1/2, NE 1/4, section 36, T30N, R12E, 2<sup>nd</sup> P.M., Allen County, Indiana, and  
13 also being a part of the land of Come As You Are Community Church, of Allen County,  
14 State of Indiana (Document Number 202074319, Office of the Allen County Recorder)  
containing 2.329 acres more particularly described as follows:

15 Commencing at the southeast corner of said NE 1/4, said corner being marked by a MAG  
16 Nail with shiner found in place; thence N00°36'00"E (bearing assumed from Document  
17 Number 202074319, Office of the Allen County Recorder) along the east line of said NE 1/4  
18 a distance of 330.00 feet to a 5/8-inch rebar with Russell i.d. cap found in place and being  
19 the point of beginning; thence S90°00'00"W parallel with the north line of the S 1/2, S 1/2 of  
20 said NE1/4 and along the north boundary of the land of Anthony Payton International  
21 Ministries (Document Number 2016069371, Office of the Allen County Recorder) a  
22 distance of 465.00 feet to a 5/8-inch rebar found in place; thence S00°36'00"W parallel with  
23 the east line of said NE 1/4 and along the west boundary of the land of Anthony Payton  
24 International Ministries a distance of 330.00 feet to a 5/8-inch rebar found in place; thence  
25 S90°00'00"W parallel with the north line of the S1/2, S1/2 of said NE 1/4 and along the north  
26 boundary of the land of Jonathon R. Bickel and Angela M. Bickel (Document Number:  
27 2013059805, Office of the Allen County Recorder) a distance of 253.00 feet; thence  
28 N00°36'00"E parallel with the east line of said N E1/4 a distance of 355.00 feet; thence  
29 N90°00'00"E parallel with the north line of the S 1/2, S 1/2 of said NE 1/4 and through the  
30 land of Come As You Are Community Church a distance of 718.00 feet to a survey spike set  
on the east line of said NE 1/4; thence S00°36'00"W along the east line of said NE 1/4 a  
distance of 25.00 feet to the point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. O-31 (Sec. 36 of Wayne  
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort

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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 COME AS YOU ARE COMMUNITY CHURCH  
 Address 7910 S. ANTHONY BLVD.  
 City ELWAYNE State IN Zip 46806  
 Telephone 260-4476036 E-mail ASUR@ME.COM

**Contact Person**  
 Contact Person ANTHONY PAPPAS  
 Address 7910 S. ANTHONY BLVD.  
 City ELWAYNE State IN Zip 46806  
 Telephone 260-312-7936 E-mail ASUR@ME.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 7920 S Anthony Blvd  
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned \_\_\_\_\_  
 Proposed density \_\_\_\_\_ units per acre  
 Township name \_\_\_\_\_ Township section # \_\_\_\_\_  
 Purpose of rezoning (attach additional page if necessary) PUBLIC STORAGE  
W/A WRITTEN COMMENT.  
 Sewer provider \_\_\_\_\_ Water provider \_\_\_\_\_

**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.

Anthony Pappas [Signature] 10-03-2019  
 (printed name of applicant) (signature of applicant) (date)

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

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

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

Received	Receipt No.	Hearing Date	Petition No.
10-7-19	132211	12-9-19	REZ-2019-0076

## INGRESS-EGRESS EASEMENT DESCRIPTION

A 25-foot easement for Ingress and Egress over, under, and across the land of Come As You Are Community Church, of Allen County, State of Indiana (Document Number 202074319, Office of the Allen County Recorder) and being in the S1/2, S1/2, NE1/4, section 36. T30N, R12E, 2<sup>nd</sup> P.M., Allen County, Indiana more particularly described as follows:

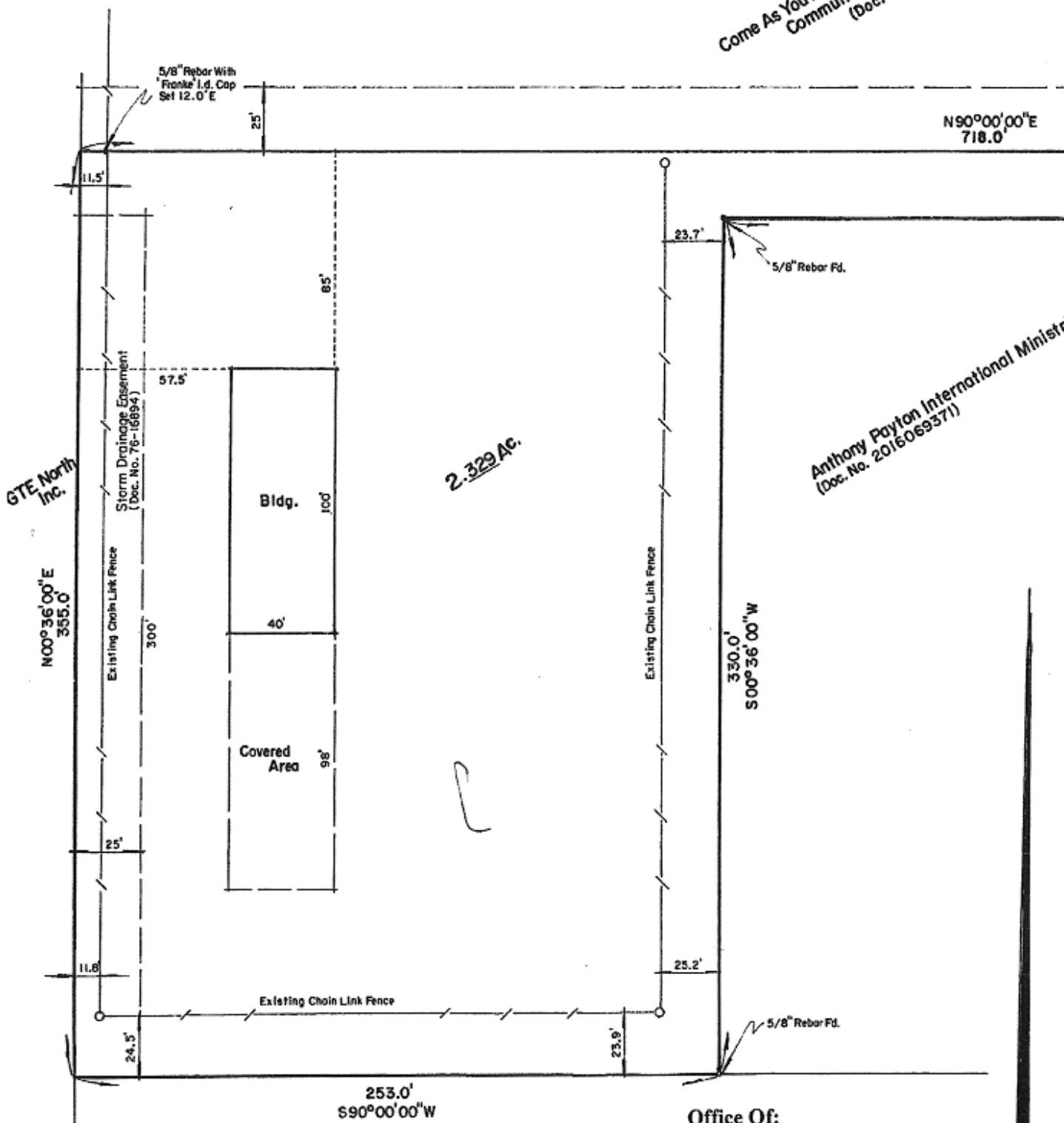
Commencing at the southeast corner of said NE1/4, said corner being marked by a MAG Nail with shiner found in place; thence N00°36'00"E (bearing assumed from Document Number 202074319, Office of the Allen County Recorder) along the east line of said NE1/4 a distance of 355.00 feet to the point of beginning; thence S90°00'00"W parallel with the north line of the S1/2, S1/2 of said NE1/4 a distance of 718.00 feet; thence N00°36'00"E parallel with east line of said NE1/4 a distance of 25.00 feet; thence N90°00'00"E parallel with the north line of the S1/2, S1/2 of said NE1/4 through the land of Come As You Are Community Church a distance of 718.00 feet to the east line of said NE1/4; thence S00°36'00"W along the east line of said NE1/4 a distance of 25.00 feet to the point of beginning.

## REAL ESTATE DESCRIPTION

Part of the S1/2, S1/2, NE1/4, section 36, T30N, R12E, 2<sup>nd</sup> P.M., Allen County, Indiana, and also being a part of the land of Come As You Are Community Church, of Allen County, State of Indiana (Document Number 202074319, Office of the Allen County Recorder) containing 2.329 acres more particularly described as follows:

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Come As You Are  
Community Church  
(Doc. No. 202074319)



GTE North Inc.

2.329 Ac.

Anthony Payton International Ministries  
(Doc. No. 2016069371)

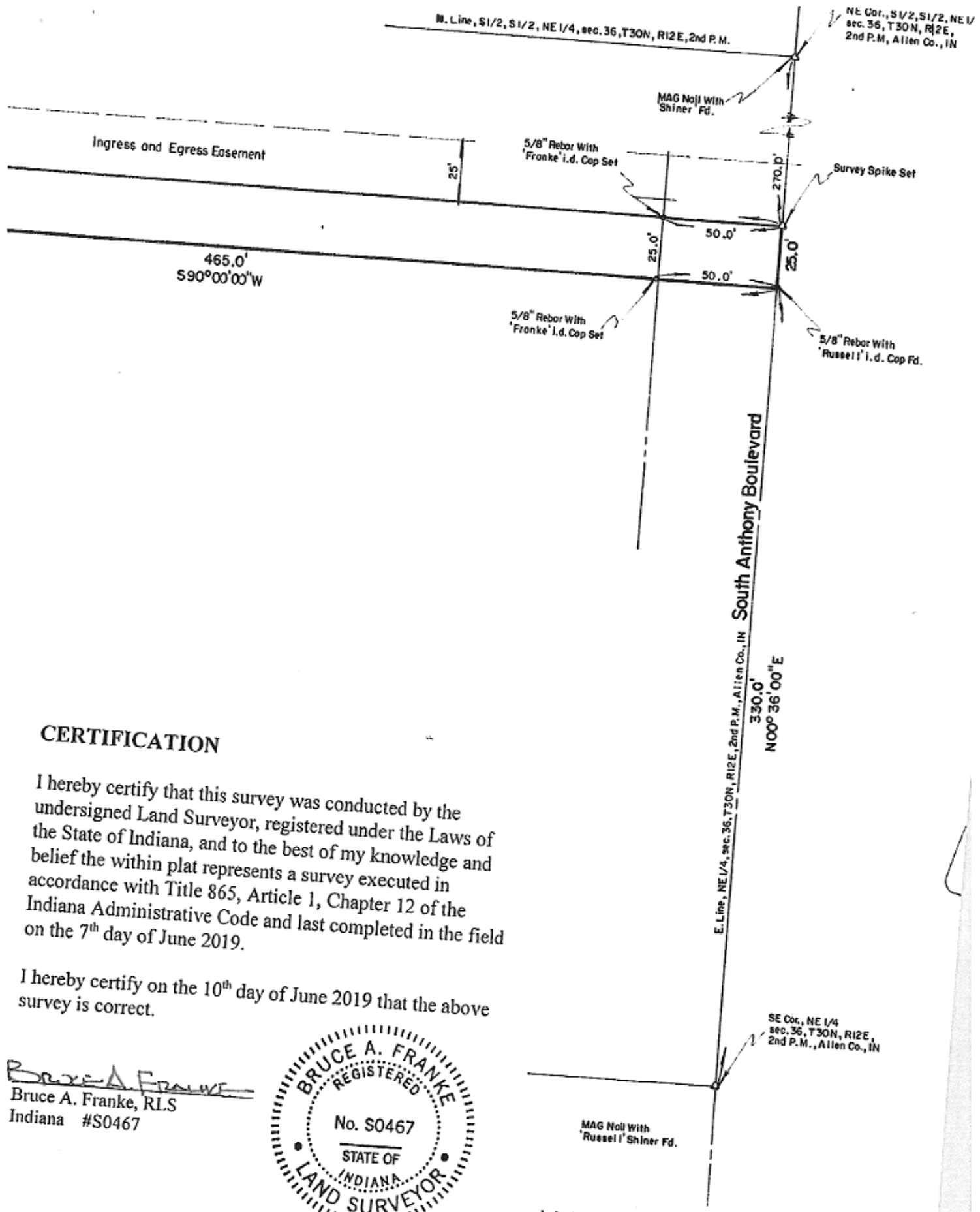
Jonathan R. and Angela M. Bickel  
(Doc. No. 2013059809)

Office Of:  
Allen County Survey Consultants  
Bruce A. Franke, RLS  
8215 Cardinal Court  
Fort Wayne, Indiana 46804-7880

Phone: (260) 486-1068  
e-Mail: frankeb@pfw.edu



Scale



**CERTIFICATION**

I hereby certify that this survey was conducted by the undersigned Land Surveyor, registered under the Laws of the State of Indiana, and to the best of my knowledge and belief the within plat represents a survey executed in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code and last completed in the field on the 7<sup>th</sup> day of June 2019.

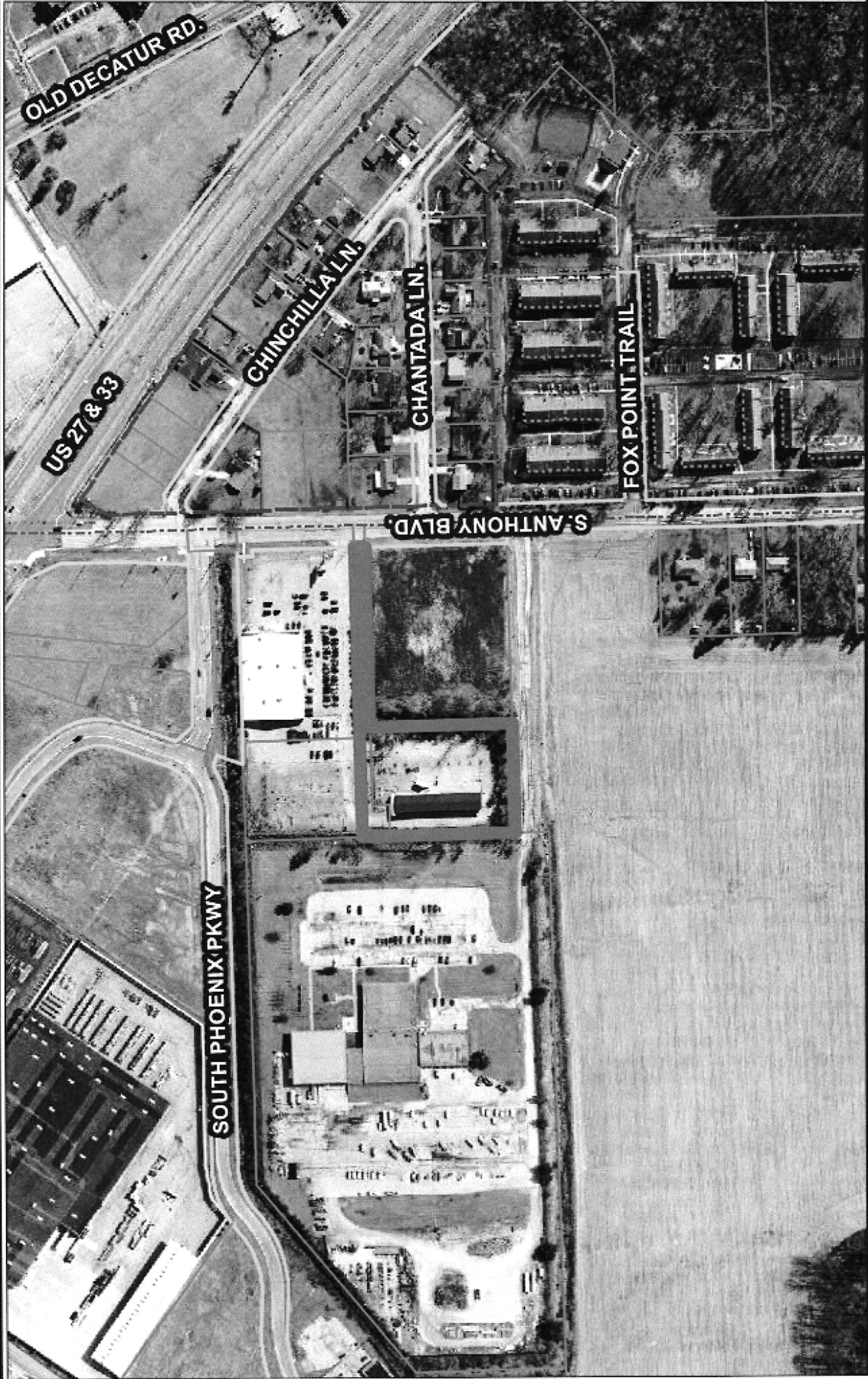
I hereby certify on the 10<sup>th</sup> day of June 2019 that the above survey is correct.

Bruce A. Franke  
 Bruce A. Franke, RLS  
 Indiana #S0467

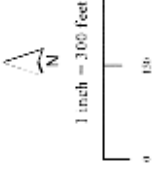




Rezoning Petition REZ-2019-0076 - 7920 S. Anthony Blvd

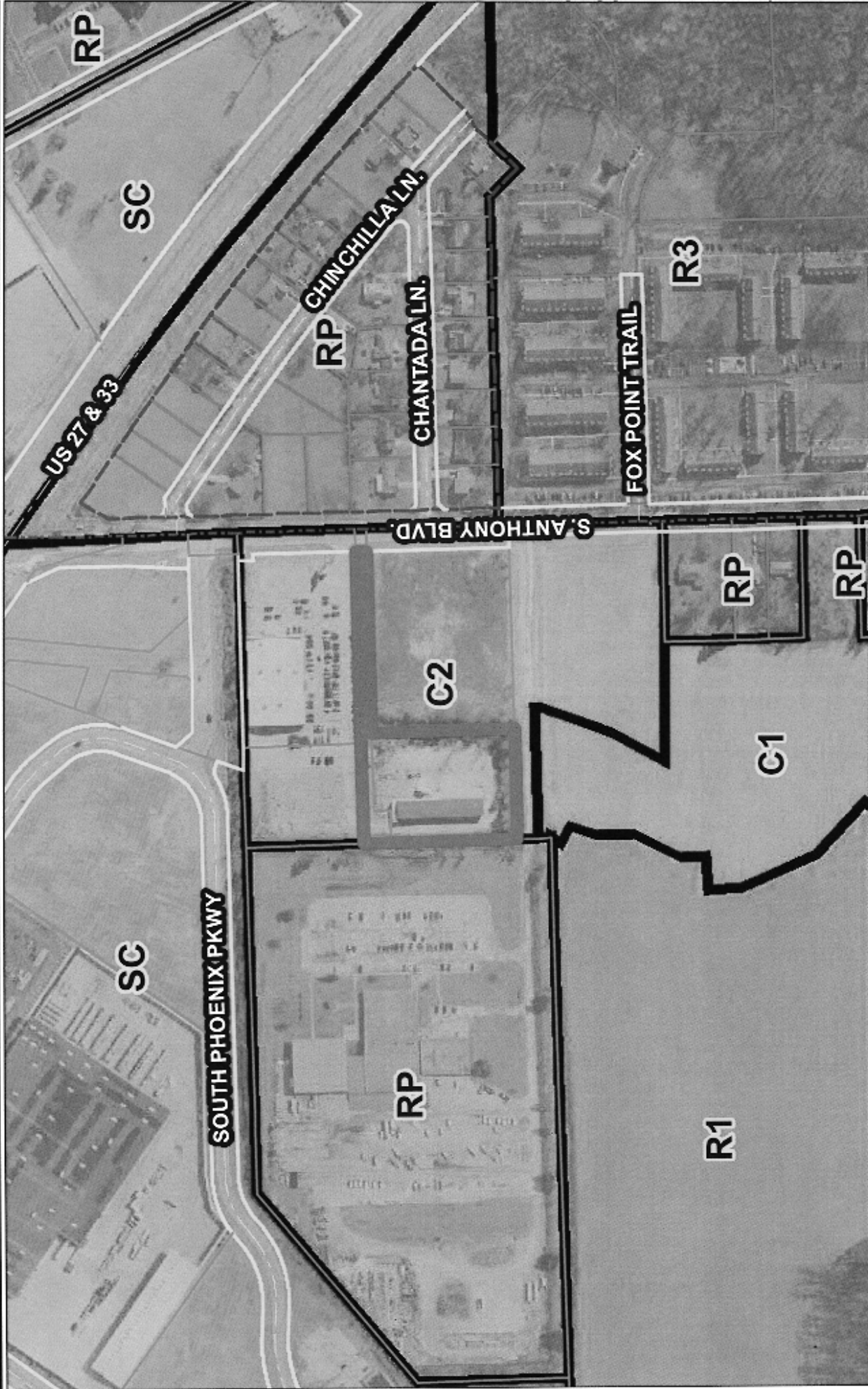


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© 2019 Board of Commissioners of the County of Allen  
State Plane Coordinate System, NAD83  
Drawn and Checked: Spring 2019  
Date: 11/19/2019



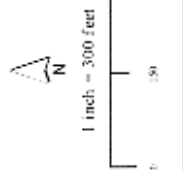


Rezoning Petition REZ-2019-0076 - 7920 S Anthony Blvd



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 San Jose, California  
 Phoenix, Arizona  
 Date: 11/15/2019



## FORT WAYNE ZONING ORDINANCE

### § 157.216 C3 GENERAL COMMERCIAL

(A) Purpose

The General Commercial district is intended to provide areas for a variety of commercial uses including certain high intensity uses not permitted in C1 and C2 districts. Uses typically found within this district include moderate intensity general business, community, office, personal service, and retail uses, along with certain residential facilities. Commercial uses in this district often serve the general public and therefore are usually located along arterial or collector roadways.

(B) Permitted Uses

The following uses are permitted as a matter of right in a C3 district; unless otherwise noted, primary uses shall be permitted to have outdoor components. In C3 districts, except for automobile, boat, and similar vehicle sales uses, outdoor display shall meet the building setback standards; display area shall be limited to a maximum of 10% of the primary structure or tenant space; outdoor storage shall: be located behind the primary structure, or on the internal side of a corner lot; meet primary building setback standards; and be located on a paved or permitted gravel surface.

C3 GENERAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Appraiser	Automobile detailing or trim shop
Accountant	Arcade	Automobile maintenance (quick service)
Adoption service	Architect	Automobile rental
Adult care center	Arena	Automobile repair
Adult care home	Art gallery	Automobile restoration
Advertising	Art instruction	Automobile rustproofing
Agricultural equipment sales	Artist material and supply store	Automobile sales
Agricultural equipment service	Artist studio	Automobile washing facility
Agricultural supply sales	Assisted living facility	Bait sales
Air conditioning sales	Athletic field	Bakery goods
Air conditioning service	Attorney	Bank
Amusement park <sup>(2)</sup>	Auction hall	Bankruptcy service
Animal grooming	Auction service	Bar or tavern
Animal hospital	Audiologist	Barber shop
Animal kennel	Audio-visual studio	Barber/beauty school
Animal obedience school	Automatic teller machine	Batting cages
Answering service	Automobile accessory store	Beauty shop
Antique shop	Automobile auction	Bed and breakfast
Apparel and accessory store	Automobile body shop	Betting or other gambling facility

## FORT WAYNE ZONING ORDINANCE

<b>C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES</b>		
Bicycle sales and repair shop	Craft studio	Funeral home
Billiard or pool hall	Craft supply store	Furniture refinishing/repair
Bingo establishment	Credit service	Furniture store
Blood bank	Credit union	Furrier
Blood or plasma donor facility	Customer service facility	Garage sales
Boarding/lodging house	Dance instruction	Gas station
Boat/watercraft sales	Data processing facility	Gift shop
Book store	Data storage facility	Glass cutting/glazing shop
Bookkeeping service	Dating service	Go-kart facility <sup>(2)</sup>
Bowling alley	Day care	Golf course, miniature
Brewery (micro)	Day spa	Golf driving range
Broker	Delicatessen	Graphic design service
Business training	Dentist	Greenhouse
Campus housing	Department store	Grocery store or supermarket
Card and stationery store	Diagnostic center	Group residential facility (large) <sup>(2)</sup>
Catalog showroom	Dialysis center	Group residential facility (small)
Caterer	Diaper service facility	Gun sales
Check cashing	Dinner theater	Gymnastics instruction
Child care center	Doctor	Hardware store
Child care home (class I or II)	Dormitory	Haunted house
Chiropractor	Driving instruction	Health center
Cigarette/tobacco/cigar store	Drug store	Health club
Clinic	Dry cleaning store	Heating sales
Clock/watch/jewelry sales/repair	Educational institution	Heating service
Clothing store	Embroidery	Hobby shop
Club, private	Employment agency	Home improvement store
Coffee shop	Engine repair	Homeless/emergency shelter <sup>(2)</sup>
Coin shop	Engineer	Hospice care center
Collection agency	Entertainment facility	Hospital
Community center	Equipment rental (limited)	Hotel
Community garden	Equipment service	Insurance agency
Computer sales and service	Exhibit hall	Interior decorating store
Computer software store	Exterminator	Interior design service
Computer training	Fabric shop	Internet/web site service
Confectionery/ice cream/candy store	Farmers market	Investment service
Consignment shop	Feed store	Laboratory
Consulting service	Finance agency	Land surveyor
Consumer electronics sales/service	Financial planning service	Landscape contracting service
Convenience store	Fireworks sales	Laundromat
Copy or duplicating service	Fitness center	Leather goods or luggage store
Correctional services facility	Flea market	Legal service
Cosmetic store	Floor covering store	Library
Costume and clothing rental	Florist	Live-work unit
Counseling service	Foundation office	Loan office
Country club	Fraternity house	Manufactured home sales
Craft instruction	Fruit/vegetable store	Marketing agency

## FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Martial arts training	Planetarium	Storage shed sales
Massage therapy	Planner	Surgery center
Meat or fish market	Plant nursery	Swim club
Medical training	Plumbing sales	Tailor/alterations service
Model unit	Plumbing service	Tanning salon
Mortgage service	Podiatrist	Tattoo establishment
Motel	Pottery sales	Tax consulting
Motor vehicle rental	Propane/bottled gas sales and service	Taxi service
Motor vehicle sales	Public transportation facility	Taxidermist
Movie and game sales and rental	Radio station	Telephone sales and service
Multiple family complex	Real estate	Television station
Multiple family dwelling	Reception/banquet hall	Tennis club
Museum	Recreation area <sup>(2)</sup>	Theater
Music instruction	Recreation facility	Tire sales
Music store	Rehabilitation facility	Title company
Music/recording studio	Religious institution/school field	Towing service (with no storage yard)
Musical instrument store	Rental and/or leasing store	Townhouse complex
Nail salon	Residential dwelling unit <sup>(1)</sup>	Toy store
Neighborhood facility	Residential facility for homeless individuals <sup>(2)</sup>	Trade show facility
Nursing home	Restaurant, including drive-through	Travel agency
Nutrition service	Retirement facility	Treatment center
Ophthalmologist	Riding stable	Truck fueling station
Optician	Savings and loan	Truck stop
Optometrist	School	Tutoring service
Package liquor store	Seasonal sales	Variety store
Paint store	Security service	Veterinary clinic
Park or recreation area	Shoe store/shoe repair shop	Warehouse/storage facility
Parking area (off-site) <sup>(3)</sup>	Shooting range (indoor)	Water park <sup>(2)</sup>
Parking area <sup>(2)</sup>	Sign sales store	Wedding consultant
Parking structure	Skating rink	Weight loss service
Pawn shop	Sleep disorder facility	Wholesale facility
Pest control	Social service agency	Wind energy conversion system (micro) <sup>(2)</sup>
Pet store	Sorority house	Window repair
Photographic supply store	Sporting goods sales and rentals	Window sales
Photography training	Stadium/racetrack <sup>(2)</sup>	Yoga/Pilates instruction
Physical therapy facility	Stained glass studio	Zipline
Picture framing facility	Stock and bond broker	Zoo
<p>Notes:</p> <p>(1) Above, to the rear of, or attached to a permitted nonresidential use</p> <p>(2) If not adjacent to a residential district</p> <p>(3) See universally permitted use definition for additional standards</p>		

## FACT SHEET

Case #REZ-2019-0076 Bill # Z-19-11-19 Project Start: November 2019

PROPOSAL:	Rezoning Petition REZ-2019-0076
APPLICANT:	Come As You Are Community Church
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial to permit the existing building to be used as storage.
LOCATION:	The address of the subject property is 7920 South Anthony Boulevard (Section 36 of Wayne Township).
LAND AREA:	Approximately 2.4 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	6-Sharon Tucker
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

### 9 December 2019 Public Hearing

- No one spoke at the hearing in support or opposition.
- Billy Davenport was absent.

### 16 December 2019 – Business Meeting

#### Plan Commission Recommendation: DO PASS w/Written Commitment

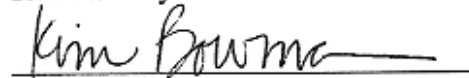
A motion was made by Justin Shurley and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation and Written Commitment to Common Council for their final decision.

#### 8-0 MOTION PASSED

- Judi Wire was absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
January 8, 2020

Reviewed by:



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

## PROJECT SUMMARY

- The site is fully developed with an existing building and parking lot.
- The current structure was built in 1980.

The petitioner requests a rezoning from C2/Limited Commercial to C3/General Commercial to allow the re-use of an existing building as a self-storage facility. The main structure is used as the church and will remain unchanged. The existing secondary building in the southwest corner of the property will be retrofitted within the existing footprint to be utilized for the new use. In 1980 this facility along with what is now Come as You Are church was built as a Lumber Yard. To the north of the church is a shopping center with Menards and Wal-Mart and outlots. The facility to the west of Verizon and the ground to the south is undeveloped. The property to the east is the proposed self-storage building is currently vacant.

No new improvements are proposed to the site. The site will use existing parking and drive lanes.

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. The proposed self-storage building would be a compatible land use to other uses in the area.

The applicant is proposing a written commitment to restrict uses in the C3 district. The applicant is proposing to restrict the following land uses:

- 1) Animal kennel
- 2) Animal obedience school
- 3) Auction hall
- 4) Auction service
- 5) Bar or tavern
- 6) Betting or other gambling facility
- 7) Brewery
- 8) Gas station
- 9) Check cashing
- 10) Stadium
- 11) Tattoo establishment

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: Pastor Anthony Payton presented the proposal to the Plan Commission, as outlined above.

### Public Comments:

none

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

### Rezoning Petition REZ-2019-0076

APPLICANT: Come As You Are Community Church  
REQUEST: To rezone property from C2/Limited Commercial to C3/General Commercial to permit the existing building to be used as storage.  
LOCATION: The address of the subject property is 7920 South Anthony Boulevard (Section 36 of Wayne Township).  
LAND AREA: Approximately 2.4 acres  
PRESENT ZONING: C2/Limited Commercial  
PROPOSED ZONING: C3/General Commercial

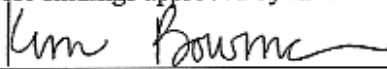
In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The Plan Commission recommends that Rezoning Petition REZ-2019-0076, 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 existing building was developed in 1980 as a lumber yard and has most recently been occupied by the applicant. The rezoning will allow for a compatible re-use of the existing building.
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 proposed rezoning re-use of the building for self-storage will be compatible to surrounding land uses and compatible with other commercial zoning in the immediate area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow an underutilized building to be renovated and occupied providing for property improvements, which should improve property values.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

These findings approved by the Fort Wayne Plan Commission on December 16, 2019.

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

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant LONG AS YOU ARE COMMUNITY CHURCH  
 Address 7910 S. ANTHONY BLVD.  
 City EL WAPANE State IN Zip 46806  
 Telephone 260-4476036 E-mail ASUR@CME.COM

**Contact Person**  
 Contact Person ANTHONY PAYTON  
 Address 7910 S. ANTHONY BLVD.  
 City EL WAPANE State IN Zip 46806  
 Telephone 260-312-7936 E-mail ASUR@CME.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 7920 S ANTHONY BLVD  
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned \_\_\_\_\_  
 Proposed density \_\_\_\_\_ units per acre  
 Township name \_\_\_\_\_ Township section # \_\_\_\_\_  
 Purpose of rezoning (attach additional page if necessary) PUBLIC STORAGE  
W/A WRITTEN COMMITMENT.  
 Sewer provider \_\_\_\_\_ Water provider \_\_\_\_\_

**Filing Requirements**  
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- 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.

Anthony Payton [Signature] 10-03-2019  
 (printed name of applicant) (signature of applicant) (date)

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

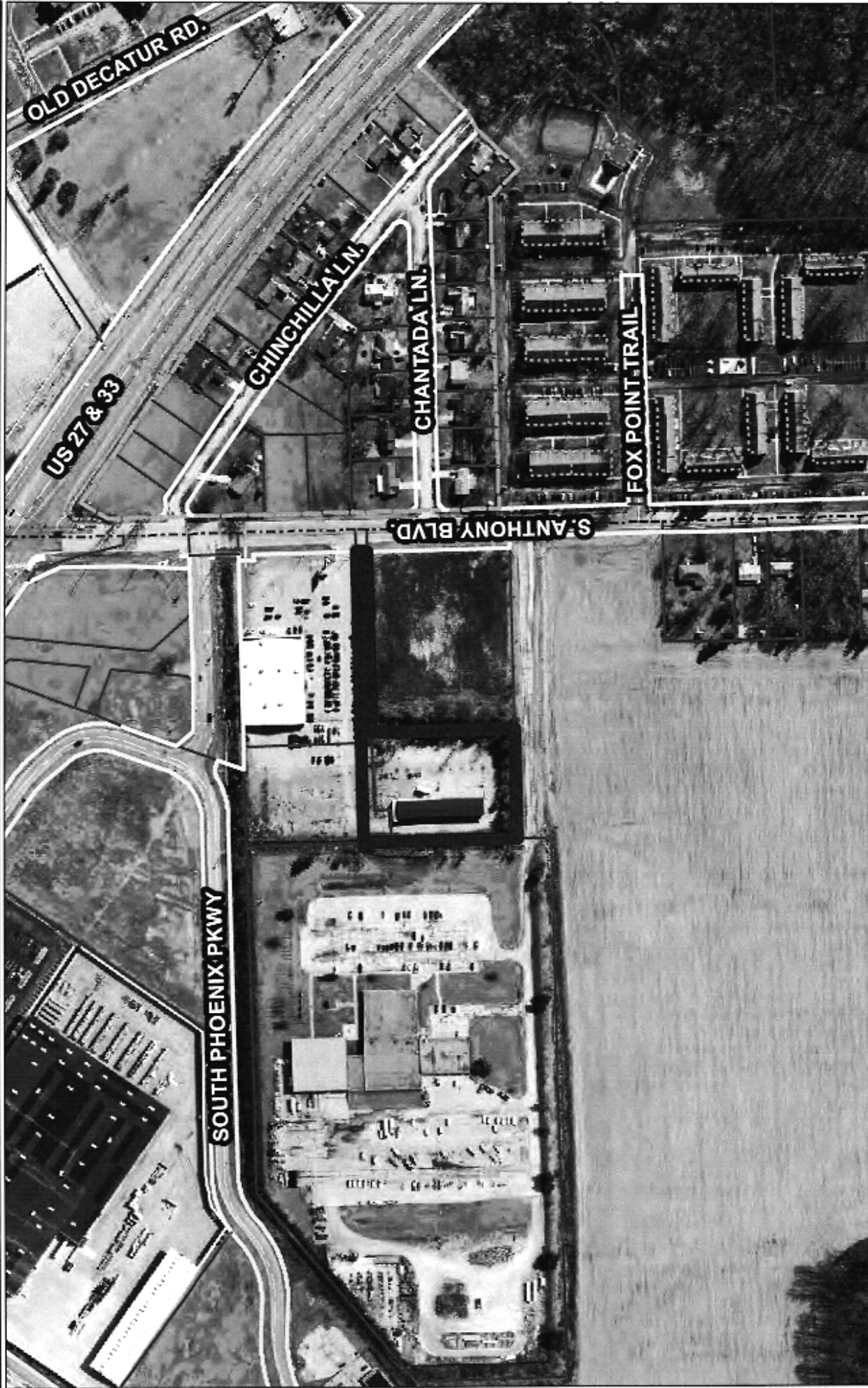
\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

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

Received	Receipt No.	Hearing Date	Petition No.
10-7-19	13221	12-9-19	REZ-2019-0076



Rezoning Petition REZ-2019-0076 - 7920 S. Anthony Blvd

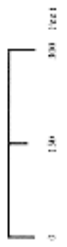


Although every attempt has been made to ensure the accuracy of this map, the City of Phoenix does not warrant or guarantee the accuracy of the information contained herein and its use is at the user's own risk. The City of Phoenix is not responsible for any errors or omissions in this map.

© 2014 Board of Commissioners of the City of Phoenix  
 State Plane Coordinate System, Arizona State Plane  
 North and Central, Spring 2010  
 Date: 11-1-2019

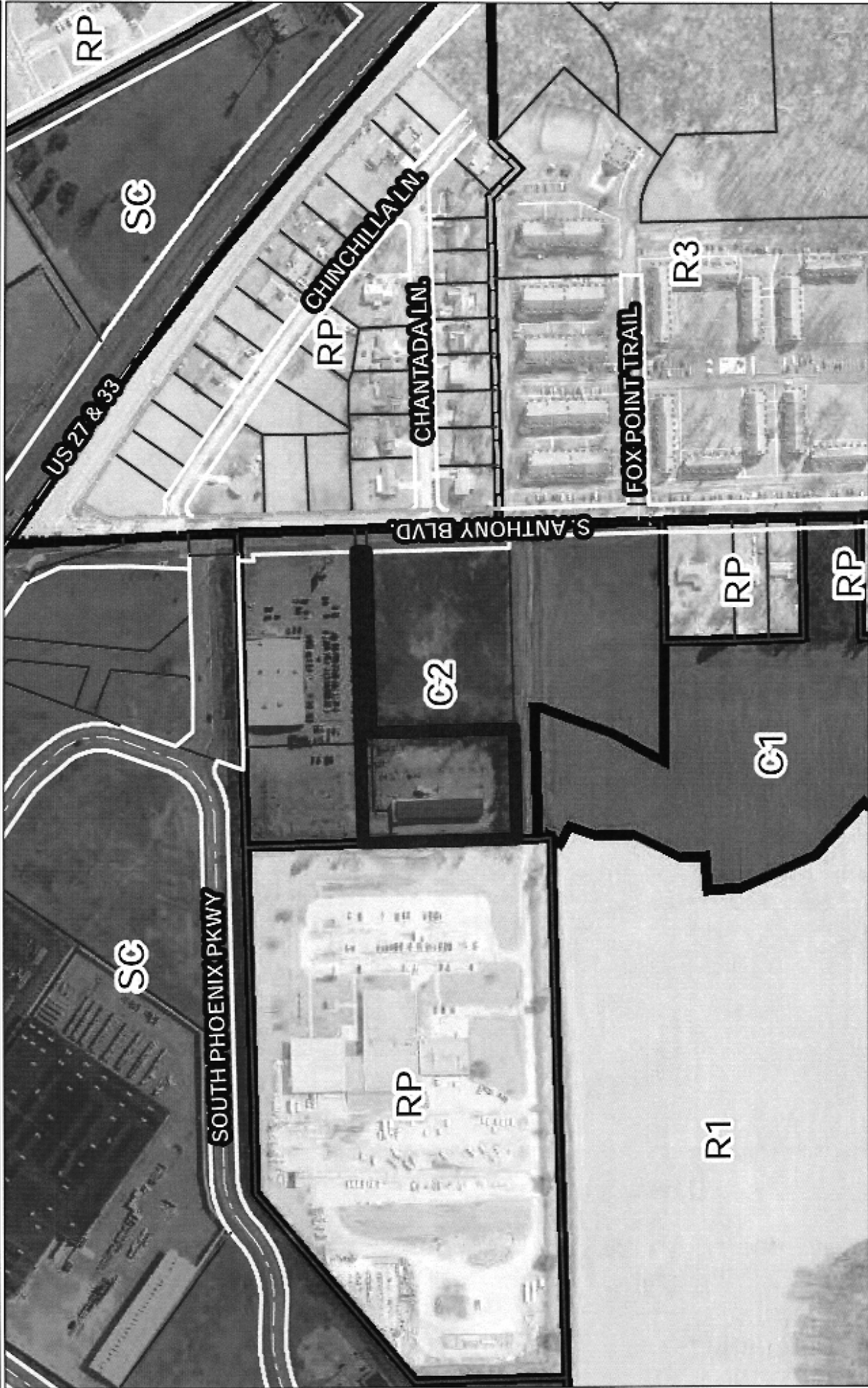


1 inch = 300 feet





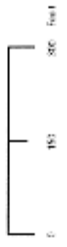
Rezoning Petition REZ-2019-0076 - 7920 S Anthony Blvd



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1 inch = 300 feet



## WRITTEN COMMITMENT

**THIS WRITTEN COMMITMENT** ("Commitment") is made as of this \_\_\_\_\_ day of December, 2019, by Come As You Are Community Church, the property owners ("Declarants"), under the following circumstances:

### WITNESSETH:

**WHEREAS**, Declarant is the owner of approximately 1.014 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-2019-0076 (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 C3 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 C3 zoning district, shall be prohibited upon the Real Estate:

- 1) Animal kennel
- 2) Animal obedience school
- 3) Auction hall
- 4) Auction service
- 5) Bar or tavern
- 6) Betting or other gambling facility
- 7) Brewery
- 8) Gas station

- 9) Check cashing
- 10) Stadium
- 11) Tattoo establishment

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
9. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.
10. 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 \_\_\_\_\_.
11. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

*[SIGNATURE AND EXHIBIT PAGES FOLLOW]*

"DECLARANT"

COME AS YOU ARE COMMUNITY CHURCH

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 \_\_\_\_\_, 2019, 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 Patrick Rew, Department of Planning Services.

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

### **“LEGAL DESCRIPTION”**

Part of the S 1/2, S 1/2, NE 1/4, section 36, T30N, R12E, 2<sup>nd</sup> P.M., Allen County, Indiana, and also being a part of the land of Come As You Are Community Church, of Allen County, State of Indiana (Document Number 202074319, Office of the Allen County Recorder) containing 2.329 acres more particularly described as follows:

Commencing at the southeast corner of said NE 1/4, said corner being marked by a MAG Nail with shiner found in place; thence N00°36'00"E (bearing assumed from Document Number 202074319, Office of the Allen County Recorder) along the east line of said NE 1/4 a distance of 330.00 feet to a 5/8-inch rebar with Russell i.d. cap found in place and being the point of beginning; thence S90°00'00"W parallel with the north line of the S 1/2, S 1/2 of said NE 1/4 and along the north boundary of the land of Anthony Payton International Ministries (Document Number 2016069371, Office of the Allen County Recorder) a distance of 465.00 feet to a 5/8-inch rebar found in place; thence S00°36'00"W parallel with the east line of said NE 1/4 and along the west boundary of the land of Anthony Payton International Ministries a distance of 330.00 feet to a 5/8-inch rebar found in place; thence S90°00'00"W parallel with the north line of the S 1/2, S 1/2 of said NE 1/4 and along the north boundary of the land of Jonathon R. Bickel and Angela M. Bickel (Document Number: 2013059805, Office of the Allen County Recorder) a distance of 253.00 feet; thence N00°36'00"E parallel with the east line of said NE 1/4 a distance of 355.00 feet; thence N90°00'00"E parallel with the north line of the S 1/2, S 1/2 of said NE 1/4 and through the land of Come As You Are Community Church a distance of 718.00 feet to a survey spike set on the east line of said NE 1/4; thence S00°36'00"W along the east line of said NE 1/4 a distance of 25.00 feet to the point of beginning.

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-2019-0076  
Bill Number: Z-19-11-19  
Council District: 6-Glynn Hines

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Introduction Date: November 26, 2019  
  
Plan Commission  
Public Hearing Date: December 9, 2019 (not heard by Council)  
  
Next Council Action: Ordinance will return to Council after recommendation by the  
Plan Commission

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Synopsis of Ordinance: To rezone approximately 2.4 acres from C2/Limited Commercial to  
C3/General Commercial, with a Written Commitment to restrict uses.  
  
Location: 7920 South Anthony Boulevard  
  
Reason for Request: To allow storage units in an existing building for Come as You Are  
Church.  
  
Applicant: Come as You Are Community Church  
  
Property Owner: Come as You Are Community Church

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Related Petitions: none

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Effect of Passage: Property will be rezoned to the C3/General Commercial district to allow  
storage. A Written Commitment has been filed which will limit certain  
C3 uses.  
  
Effect of Non-Passage: The property will remain zoned C2/Limited Commercial and may  
develop with those permitted uses. Storage is not permitted in the C2  
district.

**BILL NO. Z-19-11-19**

**REPORT OF COMMITTEE ON REGULATIONS**

**January 14, 2020**

***Tom Freistroffer Chair***




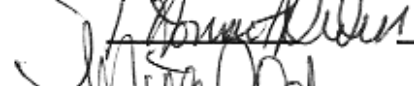
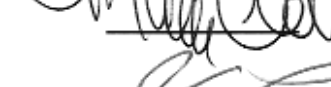




***Glynn Hines Co-Chair***

***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. O-31 (Sec. 36 of Wayne Township)

*To rezone approximately 2.4 acres from C2/Limited Commercial to C3/General Commercial, with a Written Commitment to restrict uses at 7920 South Anthony Boulevard to allow storage units in an existing building for Come as You Are Church*

**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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: December 9, 2019

Read the first time in full and on motion by Councilperson Freistroffer.

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

Read the third time in full and on motion by Councilperson Freistroffer, 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"/>
CHAMBERS	<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 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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: January 14, 2020

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-19-11-19 on the 14th day of January, 2020

ATTEST:


  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of January 2020, at the hour of 9:20 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15<sup>th</sup> day of JANUARY 2020, at the hour of 10:00 o'clock AM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

