

1 #REZ-2020-0003

2 BILL NO. Z-20-01-33

3
4 ZONING MAP ORDINANCE NO. Z-12-20

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. K-46 (Sec. 10 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 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 LEGAL DESCRIPTION FOR ROSENOGLE PROPERTY
13 FOR 2020 REZONING PETITION

14 Lots Number 29 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana
15 as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County,
16 Indiana.

16 LEGAL DESCRIPTION OF 1632 THROUGH 1606 ASHLEY
17 FOR 2020 DEVELOPMENT PLAN

18 Lots Numbers 26, 27, 28, AND 29 in Hollywood Gardens Addition to the City of
19 Fort Wayne, Indiana as recorded in Plat Book 7, page 110 in the Office of the
20 Recorder of Allen County, Indiana, except that part taken for the widening of State
21 Road Number 3 as mentioned in Document #205078439.

22 Also excepting the following as recorded in Document #2008007488:

23 A part of Lots 26 and 27 in Hollywood Gardens Addition to the City of Fort Wayne,
24 Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office of the
25 Recorder of Allen County, Indiana, and being that part of the grantor's land lying
26 within the right of way lines depicted on the attached Right of Way Parcel Plat,
27 marked EXHIBIT "B", described as follows: Beginning at the southeast corner of
28 said Lot 27, designated as point "466" on said parcel plat; thence South 88 degrees
29 21 minutes 27 seconds West 126.32 feet along the south line of Lots 26 and 27 to the
30 northeastern boundary of the intersection of S.R. 3 (Lima Road) and Ashley Avenue;
thence North 54 degrees 49 minutes 24 seconds West 38.56 feet along the boundary
of the intersection of said S.R. 3 and said Ashley Avenue to the east boundary of said
S.R. 3; thence North 1 degree 18 minutes 57 seconds West 58.00 feet along the
boundary of said S.R. 3 to point "473" designated on said parcel plat; thence South 7
degrees 46 minutes 28 seconds East 53.34 feet to point "472" designated on said
parcel plat; thence South 49 degrees 59 minutes 03 seconds East 19.67 feet to point

1 "471" designated on said parcel plat; thence South 81 degrees 26 minutes 18 seconds
2 East 50.80 feet to point "470" designated on said parcel plat; thence South 87
3 degrees 40 minutes 22 seconds East 86.67 feet to the point of beginning and
4 containing 1,073 square feet, more or less.

5 TOGETHER with the permanent extinguishment of all rights and easements of
6 ingress and egress to, from, and across the limited access facility (to be known as
7 S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along
8 the lines described as follows: The 53.34-foot, and the 19.67-foot courses described
9 above. Also, being at the northern end of the 53.34-foot course described above;
10 thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east
11 boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat
12 an the north line of said Lot 26. This restriction shall be a covenant running with the
13 land and shall be binding on all successors in title to the said abutting lands.
14 Area of real estate after all exceptions being 1.61 acres, more or less.

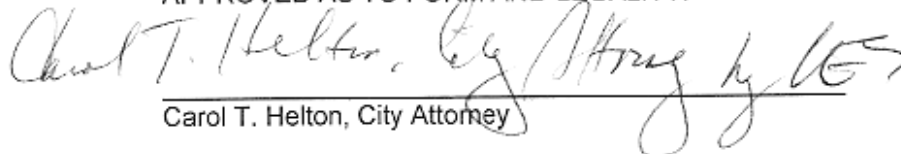
15 and the symbols of the City of Fort Wayne Zoning Map No. K-46 (Sec. 10 of Washington
16 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
17 Wayne, Indiana is hereby changed accordingly.

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

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

24 
25 Council Member

26 APPROVED AS TO FORM AND LEGALITY:

27 
28 Carol T. Helton, City Attorney

29
30

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant WAYNE ROSENOGLE
 Address 1606 ASHLEY AVE
 City Fort Wayne State IN Zip 46825
 Telephone _____ E-mail _____

Contact Person
 Contact Person Kevin McDermit - Loughheed & Associates
 Address 1017 S Hadley Road
 City Fort Wayne State IN Zip 46804
 Telephone 260-432-3665 E-mail krmcdermit@comcast.net

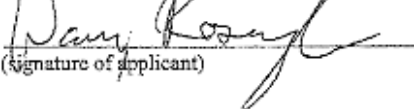
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 1606 ASHLEY AVE
 Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 20,000 SF
 Proposed density NA units per acre
 Township name WASHINGTON Township section # 1
 Purpose of rezoning (attach additional page if necessary) For the expansion of buyer's existing car sale lot.
 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 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.

WAYNE ROSENOGLE  12-23-19
 (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)

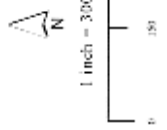
Received	Receipt No.	Hearing Date	Petition No.
<u>1/16/2020</u>	<u>133024</u>	<u>2-10-2020</u>	<u>REZ-2020-0003</u>

Rezoning Petition REZ-2020-0003 and Primary Development Plan PDP-2020-0003 - JRM Realty Car Lot



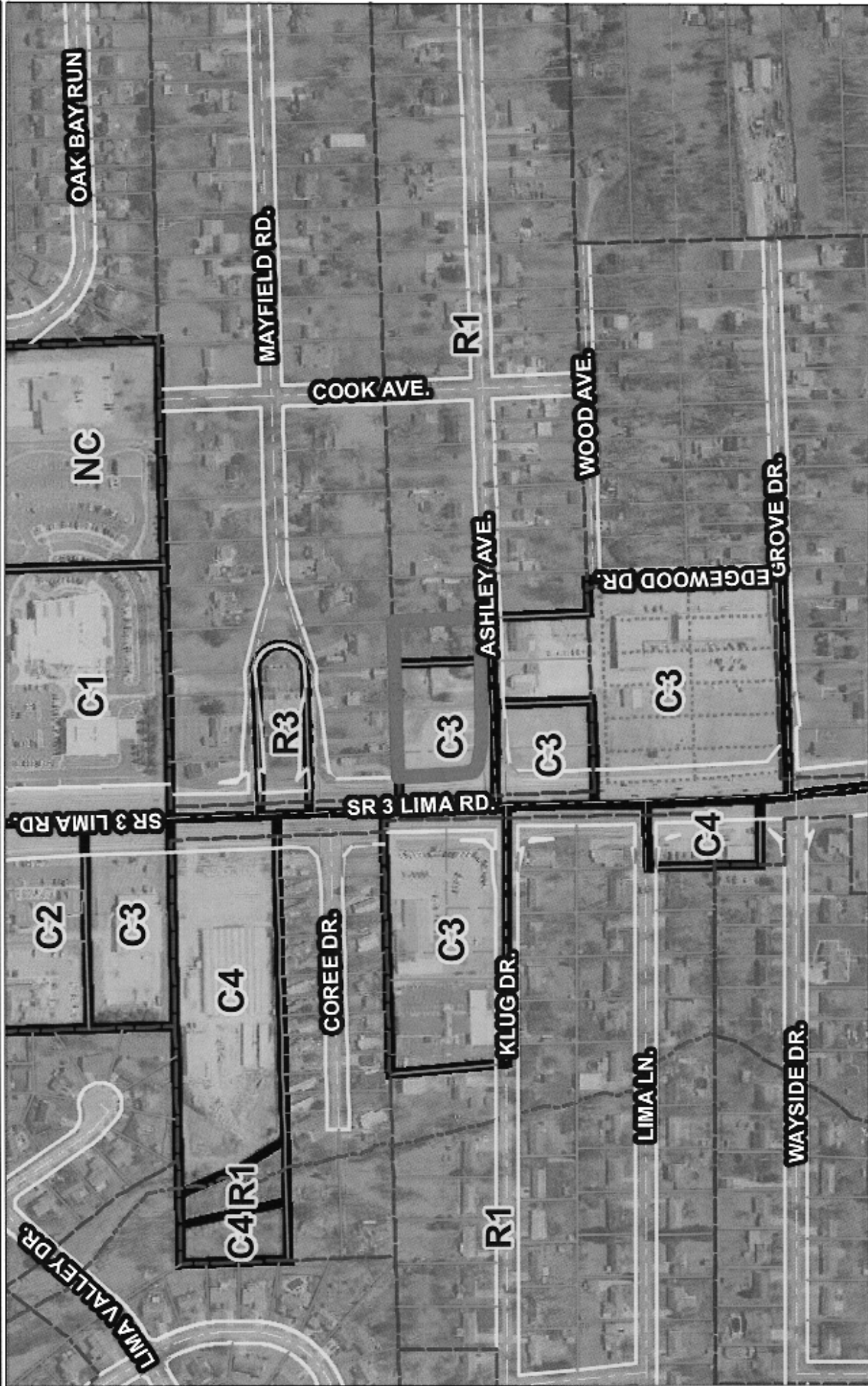
Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of its information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum: 1983
 State Plane Coordinate System, Indiana East
 Printed and Generated on 07/27/2020
 Date: 1/22/2020

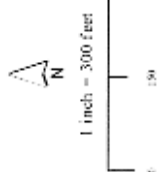




Rezoning Petition REZ-2020-0003 and Primary Development Plan PDP-2020-0003 - JRM Realty Car Lot



Although every accuracy standard has been included in this copy, please note that the map is not a guarantee of accuracy. The information contained herein is for informational purposes only and does not constitute an offer of any financial product or service. It is subject to change without notice. © 2020 Board of Commissioners of the County of Allen. State Planning System, 10/2019. Date: 1/25/2020





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



Date: 4/30/2015 1" = 200'

LEGAL DESCRIPTION FOR ROSENOGLE PROPERTY
FOR 2020 REZONING PETITION

Lots Number 29 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana.

LEGAL DESCRIPTION OF 1632 THROUGH 1606 ASHLEY
FOR 2020 DEVELOPMENT PLAN

Lots Numbers 26, 27, 28, AND 29 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana, except that part taken for the widening of State Road Number 3 as mentioned in Document #205078439.

Also excepting the following as recorded in Document #2008007488:

A part of Lots 26 and 27 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at the southeast corner of said Lot 27, designated as point "466" on said parcel plat; thence South 88 degrees 21 minutes 27 seconds West 126.32 feet along the south line of Lots 26 and 27 to the northeastern boundary of the intersection of S.R. 3 (Lima Road) and Ashley Avenue; thence North 54 degrees 49 minutes 24 seconds West 38.56 feet along the boundary of the intersection of said S.R. 3 and said Ashley Avenue to the east boundary of said S.R. 3; thence North 1 degree 18 minutes 57 seconds West 58.00 feet along the boundary of said S.R. 3 to point "473" designated on said parcel plat; thence South 7 degrees 46 minutes 28 seconds East 53.34 feet to point "472" designated on said parcel plat; thence South 49 degrees 59 minutes 03 seconds East 19.67 feet to point "471" designated on said parcel plat; thence South 81 degrees 26 minutes 18 seconds East 50.80 feet to point "470" designated on said parcel plat; thence South 87 degrees 40 minutes 22 seconds East 86.67 feet to the point of beginning and containing 1,073 square feet, more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as S.R. 3 and as Project STP-237-1(004)) to and from the grantor's abutting lands along the lines described as follows: The 53.34-foot, and the 19.67-foot courses described above. Also, being at the northern end of the 53.34-foot course described above; thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat on the north line of said Lot 26. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Area of real estate after all exceptions being 1.61 acres, more or less.

FACT SHEET

Case #REZ-2020-0003 Bill # Z-20-01-33 Project Start: January 2020

APPLICANTS:	JRM Realty, LLC- Jim Mutton and Wayne Rosenogle
REQUEST:	To rezone a portion of property from R1/Single Family Residential to C3/General Commercial; and approve a primary development plan for an expansion of the auto sales facility.
LOCATION:	The overall site is located at the northeast corner of the intersection of State Road 3/Lima Road and Ashley Avenue. The subject property proposed to be rezoned is 1606 Ashley Avenue (Section 10 of Washington Township).
LAND AREA:	Approximately 1.61 acres – total site Approximately .5 acre for rezoning
PRESENT ZONING:	C3/General Commercial and R1/Single Family Residential
PROPOSED ZONING:	C3/General Commercial

10 February 2020 Public Hearing

- No one spoke at the hearing in support or opposition.
- Patrick Zaharako was absent.

17 February – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment


A motion was made by Don Schmidt and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation with a Written Commitment to Common Council for their final decision.

7-0 MOTION PASSED

- Paul Sauerteig and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
February 19, 2020

Reviewed by:



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

PROJECT SUMMARY

The petitioner is proposing to rezone property for a new auto sales facility. In 2015 the applicant rezoned the western half of the proposed development plan and converted the home to a sales office. The eastern half of the proposed development plan includes two single family homes, one which was included in the original 2015 rezoning and one on the R1 property.

The proposal is to rezone the property to C3/General Commercial to allow for the expansion of the car lot with a new building. The Lima Road (State Road 3) corridor has seen a mix of uses develop. Lima Road has continued to develop as an auto-related corridor from Cook Road, north to just beyond Till Road. Automobile sales, automobile repair, and auto parts stores are prevalent in this particular stretch of the Lima Road corridor. Residential subdivision plats developed decades ago have continued to be redeveloped in areas with visibility along Lima Road. Other retail, office, and multi-family residential developments have also occurred in the immediate area. The parcel to the north of the site at Lima Road and South Mayfield is zoned residential, but has approval from the Board of Zoning Appeals to exist as a flower, produce and metal art sales facility. Areas to the east have continued to exist as single family residential uses. Similar mixtures of commercial and residential uses exist on the west side of Lima Road, including an automobile sales lot immediately to the west of the properties in question. The 2015 rezoning was approved with a written commitment. Staff encouraged a new written commitment be submitted to replace the commitment recorded in 2015.

The development plan application is for an automobile sales lot, with a new 6,400 square foot building. Access to the site will be gained from the existing improved entrance on Ashley Avenue. No further access points are proposed. A trail was installed along the Lima Road frontage of the site, with INDOT's recent improvements to the roadway. A sidewalk along Ashley Avenue is required by the Zoning Ordinance to the extent of the primary development plan's boundaries. Lighting is proposed to meet the Ordinance standards for pole light fixture height, and location. The applicant has stated that no light spill will occur onto neighboring properties. The applicant is proposing to meet all required screening and buffering requirements of the Ordinance.

PUBLIC HEARING SUMMARY:

Presenter: Kevin McDermitt, Lougheed and Associates, represented the applicant and presented the proposal as outlined above. Mr. McDermitt explained that the existing sales office would be removed when the new structure is complete. There are plans to have additional tenant space in the new structure, in addition to the auto sales and maintenance.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2020-0003

APPLICANTS: JRM Realty, LLC- Jim Mutton and Wayne Rosenogle
REQUEST: To rezone a portion of property from R1/Single Family Residential to C3/General Commercial; and approve a primary development plan for an expansion of the auto sales facility.
LOCATION: The overall site is located at the northeast corner of the intersection of State Road 3/Lima Road and Ashley Avenue. The subject property proposed to be rezoned is 1606 Ashley Avenue (Section 10 of Washington Township).
LAND AREA: Approximately 1.61 acres – total site
Approximately .5 acre for rezoning
PRESENT ZONING: C3/General Commercial and R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2020-0003, 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 the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area has seen a mixture of auto-related and general commercial developments. Automobile sales facilities currently exist in the immediate area, and C3 zoning is adjacent to a portion of the site.
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. Site plan review from the Plan Commission and staff will ensure a compatible development that complements the commercial and residential development in the area. The immediate area has developed with a mixture of commercial uses along Lima Road, and transitions to more residential type uses set back off Lima Road.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow for an automobile sales facility, and perhaps further commercial uses in the area. A written commitment has been proposed to confirm that the properties will meet outdoor display and storage standards, lighting standards, and trash refuse standards.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for commercial uses and adequate infrastructure is available to service the proposed development.

These findings approved by the Fort Wayne Plan Commission on February 17, 2020.



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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant WAYNE ROSENOGLE
 Address 1606 ASHLEY AVE
 City Fort Wayne State IN Zip 46825
 Telephone _____ E-mail _____

Contact Person
 Contact Person Kevin McDermitt - Loughheed & Associates
 Address 1017 S Hadley Road
 City Fort Wayne State IN Zip 46804
 Telephone 260-432-3665 E-mail krmcdermitt@comcast.net

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 1606 ASHLEY AVE
 Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 20,000 SF
 Proposed density NA units per acre
 Township name WASHINGTON Township section # 1
 Purpose of rezoning (attach additional page if necessary) For the expansion of buyer's existing car sale lot.
 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.

WAYNE ROSENOGLE Wayne Rosengle 12-23-19
 (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)

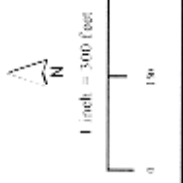
Received	Receipt No.	Hearing Date	Petition No.
<u>1/16/2020</u>	<u>133024</u>	<u>2-10-2020</u>	<u>REZ-2020-0003</u>



Rezoning Petition REZ-2020-0003 and Primary Development Plan PDP-2020-0003 - JRM Realty Car Lot



Alling provided to the public as shown for the use of this map. All other data is for informational purposes only. No warranty is made for accuracy or reliability of data shown on this map. © 2004 Board of Geographic Information of the State of Indiana. State of Indiana, Indiana Dept. of Natural Resources, Indianapolis, IN. 1-800-455-2222

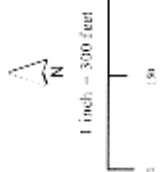


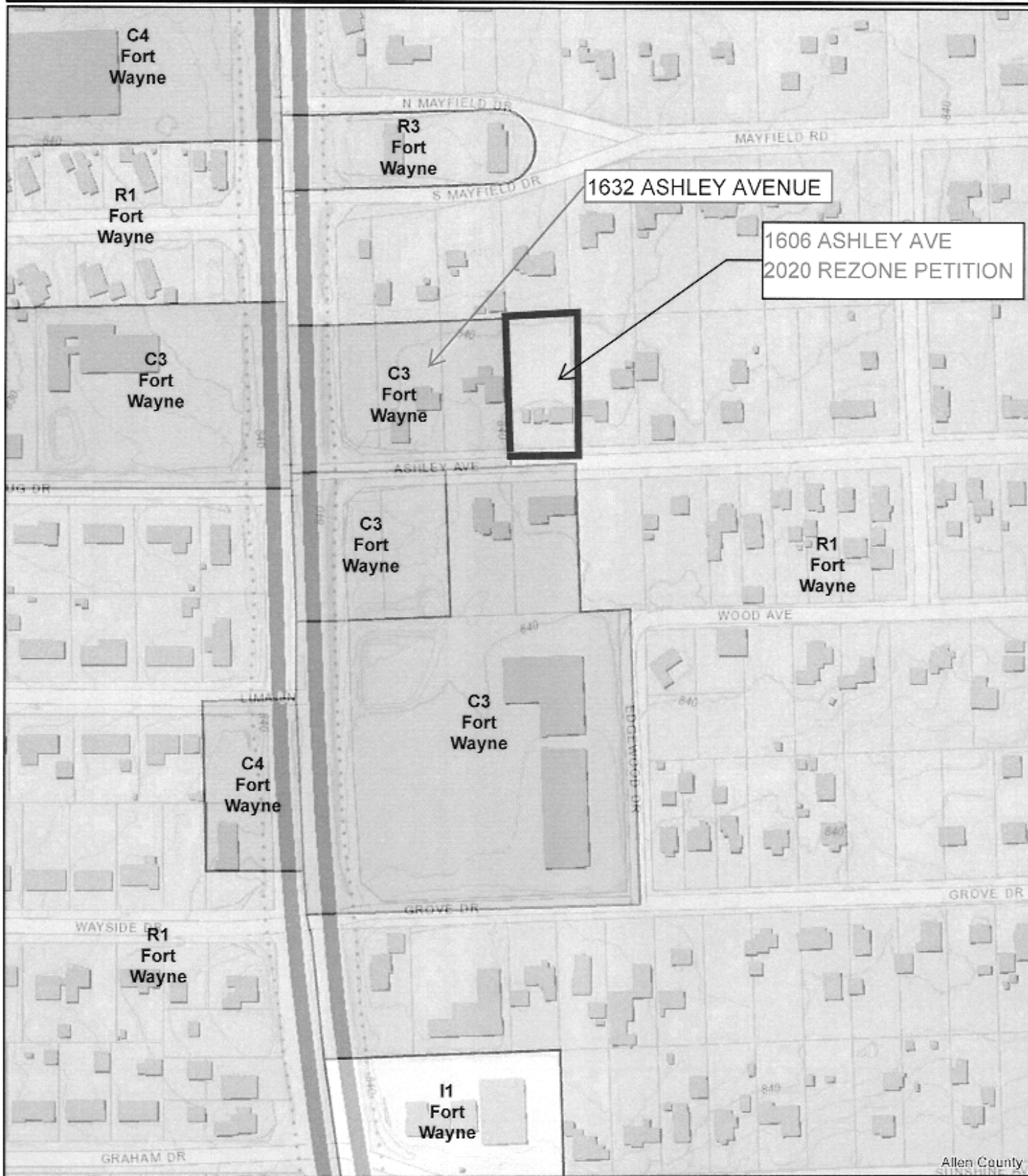


Rezoning Petition REZ-2020-0003 and Primary Development Plan PDP-2020-0003 - JRM Realty Car Lot



All rights reserved by the holder.
 Not to be used for any other purpose.
 All other rights reserved by the holder.
 © 2020 JRM Realty, Inc. All rights reserved.
 8000 East Colfax Avenue, Suite 100
 Denver, Colorado 80231
 Phone: 303.733.2200





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



Date: 4/30/2015 1" = 200'

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made by JRM Realty (the "Declarant"), and is made effective as of the date of the approval of the Rezoning Petition REZ-2020-0003 and Primary Development Plan PDP-2020-0003.

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 1.61 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 has applied for rezoning and development plan approval with the Plan Commission, bearing number REZ-2020-0003 and PDP-2020-0003 (the "Petitions"), on a portion of the Real Estate, which Petition has been approved by the Plan Commission and City Council; and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant's offer of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office upon Plan Commission's and City Council approval of the Petition.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant 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 any portion of the Real Estate.

1. Outdoor Storage and Display. Any items stored or displayed outside for sale shall meet the Zoning Ordinance standards.
2. Freestanding Pole Lighting. Freestanding pole lighting will meet the Zoning Ordinance standards for height and location. All fixtures will be full cut-off, and there will be no light spill at the property lines.
3. Screening of Trash Receptacle. No trash receptacles shall be stored outside. All trash receptacles shall be fully screened by solid wood fencing or masonry wall of a height at least one foot (1') greater than the height of the receptacle(s) being screened.
4. Landscape. Landscaping will be installed as approved by the Fort Wayne Plan Commission, as shown on the Primary Development Plan of JRM Realty LLC Car Lot (PDP-2020-0003).
5. Buildings. Prior to certificate of compliance for the new building, the existing sales office will be removed.
6. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator of City of Fort Wayne ("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. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.
7. Enforcement. Any violation of this Commitment shall be deemed a violation of the Zoning Ordinance; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the Zoning Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated in the Zoning Ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The Plan Commission enforcement rights are cumulative, not exclusive.
8. Amendment or Termination. This Commitment may be modified or terminated in accordance with the Zoning Ordinance and I.C. 36-7-4-1015, as they may be amended from time-to-time.
9. Effective Date. This Commitment shall be deemed effective upon the Commitment being duly recorded in the Office of the Recorder of Allen County, Indiana.
10. Statutory Authority. This Commitment is pursuant to I.C. 36-7-4-1015.
11. 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.
12. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

“DECLARANT”

JRM REALTY LLC

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ___ day of _____ 2020, personally appeared _____ of JRM Realty and acknowledged the execution of the foregoing.

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

Notary Public

My Commission Expires: _____

My County of Residence: _____

Pursuant to IC 36-2-11-15(d): 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.

Prepared by: Patrick D Rew
When recorded, return to: Patrick D Rew, Department of Planning Services

EXHIBIT "A"
LEGAL DESCRIPTION

Lots Numbers 26, 27, 28, AND 29 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana as recorded in Plat Book 7, page 110 in the Office of the Recorder of Allen County, Indiana, except that part taken for the widening of State Road Number 3 as mentioned in Document #205078439.

Also excepting the following as recorded in Document #2008007488:

A part of Lots 26 and 27 in Hollywood Gardens Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 7, Page 110, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at the southeast corner of said Lot 27, designated as point "466" on said parcel plat; thence South 88 degrees 21 minutes 27 seconds West 126.32 feet along the south line of Lots 26 and 27 to the northeastern boundary of the intersection of S.R. 3 (Lima Road) and Ashley Avenue; thence North 54 degrees 49 minutes 24 seconds West 38.56 feet along the boundary of the intersection of said S.R. 3 and said Ashley Avenue to the east boundary of said S.R. 3; thence North 1 degree 18 minutes 57 seconds West 58.00 feet along the boundary of said S.R. 3 to point "473" designated on said parcel plat; thence South 7 degrees 46 minutes 28 seconds East 53.34 feet to point "472" designated on said parcel plat; thence South 49 degrees 59 minutes 03 seconds East 19.67 feet to point "471" designated on said parcel plat; thence South 81 degrees 26 minutes 18 seconds East 50.80 feet to point "470" designated on said parcel plat; thence South 87 degrees 40 minutes 22 seconds East 86.67 feet to the point of beginning and containing 1,073 square feet, more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as S.R. 3 and as Project S'IP-237-1(004)) to and from the grantor's abutting lands along the lines described as follows: The 53.34-foot, and the 19.67-foot courses described above. Also, being at the northern end of the 53.34-foot course described above; thence North 1 degree 18 minutes 57 seconds West 121.10 feet along the east boundary of said S.R. 3 to the terminus at point "474" as shown on said parcel plat on the north line of said Lot 26. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Area of real estate after all exceptions being 1.61 acres, more or less.

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0003
Bill Number: Z-20-01-33
Council District: 3-Tom Didier

Introduction Date: January 28, 2020
Plan Commission
Public Hearing Date: February 10, 2020 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 20,000 square feet from R1/Single Family Residential to C3/General Commercial.
Location: 1606 Ashley Avenue
Reason for Request: To allow redevelopment of the property by expanding the existing car lot.
Applicant: Wayne Rosenogle
Property Owner: Wayne Rosenogle

Related Petitions: Primary Development Plan, PDP-2020-0003 (JRM Realty Car Lot)

Effect of Passage: Property will be rezoned to the C3/General Commercial district which will allow the existing car lot to expand onto 1606 Ashley Avenue.
Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and may be used for residential purposes.

BILL NO. Z-20-01-33

REPORT OF COMMITTEE ON REGULATIONS
February 25, 2020

Tom Freistroffer Chair

Glynn Hines Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. K-46 (Sec. 10 of Washington Township)

To rezone approximately 20,000 square feet from R1/Single Family Residential to C3/General Commercial at 1606 Ashley Avenue




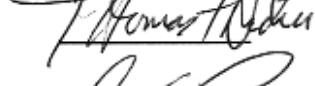
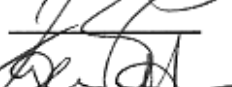

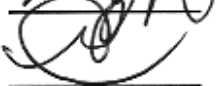


COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

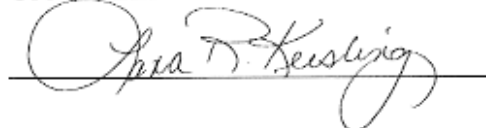
DO NOT PASS

ABSTAIN

NO REC

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

LANA R. KEESLING
CITY CLERK



Public Hearing Date: February 10, 2020

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: February 25, 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-20-01-33 on the 25th day of February, 2020

ATTEST:



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

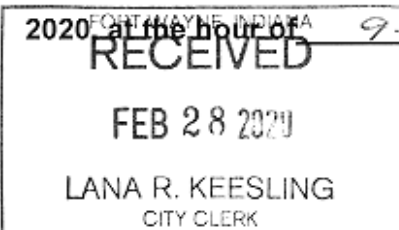
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th of February 2020, at the hour of 10:30 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28th day of FEBRUARY

2020 at the hour of 9:00 o'clock AM E.S.T.




THOMAS C. HENRY, MAYOR