

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-2021-0065  
Bill Number: Z-22-01-05  
Council District: 5-Geoff Paddock

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Introduction Date: January 11, 2022

Plan Commission  
Public Hearing Date: January 10, 2022 (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 1.4 acres from C3/General Commercial to  
I1/Limited Industrial with a Written Commitment to limit certain uses.

Location: 520 Spring Street

Reason for Request: To permit the existing uses on the site.

Applicant: Jerad Harlow

Property Owner: Jerad Harlow

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Related Petitions: Primary Development Plan, 520 Spring Street

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Effect of Passage: Property will be rezoned to the I1/Limited Industrial zoning district,  
which will bring the existing businesses into compliance with the zoning  
ordinance. All uses are preformed indoors.

Effect of Non-Passage: The property will remain zoned C3/General Commercial which permits a  
variety of commercial uses, including outdoor uses.

1 #REZ-2021-0065

2 BILL NO. Z-22-01-05

3  
4 ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. L-14 (Sec. 35 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 Parcel I:

13 A space in the City of Fort Wayne, Allen County, Indiana, which lies south of Huffman's  
14 Addition and north of Lots Numbered 9 and 12 in Feeder Addition, more particularly  
15 described as follows, to-wit:

16 Beginning at the point of intersection of the North line of said Lot Number 12 with the East  
17 line of an alley; thence Northerly, on and along said alley East line, a distance of 156.0 feet  
18 to a 5/8 inch diameter rebar found; thence Easterly, by a deflection angle right of 89  
19 degrees 48 minutes, on and along the South line of an alley, a distance of 222.0 feet to the  
20 point of intersection of said alley South line with the West right-of-way line of Beach Street  
21 as dedicated in Document Number 80-2467 in the Office of the Recorder of Allen County,  
22 Indiana, thence Southerly, by a deflection angle right of 91 degrees 01 minutes, on and  
23 along said West right-of-way line, a distance of 60 feet to the Northeast corner of Lot  
24 Number 9 in said Feeder Addition; thence Southerly, by a deflection angle right of 65  
25 degrees 33 minutes, on and along the Northerly line of Lots Numbered 9 and 12 in said  
26 Feeder Addition, a distance of 241.4 feet (recorded 240 feet) to the point of beginning,  
27 containing 0.55 acres of land, more or less.

28 Parcel II:

29 The West 50 feet of Lot Number 11 and the East 100 feet of Lot Number 11, the West 50  
30 feet of Lot Number 12, the East 100 feet of Lot Number 12, the West 50 feet of the North  
10 feet of Lot Number 13, the East 100 feet of the North 10 feet of Lot Number 13, the  
North Fractional part of Lot Number 14, together with vacated alley adjacent to Lot  
Number 11, Number 12, Number 13, Number 14 and the East 15 feet of Fractional Lot  
Number 15, except the West 5.5 feet for ally purposes all in Beck's Homestead Amended  
Addition, together with Lot Number 9 and Lot Number 10 in Feeder Addition, parts of Lot  
Number 11 and part of Lot Number 12 in Feeder Addition lying East of alley, together with  
vacated alley adjacent to Lots Number 9, 10, 11 and 12.

1 **#REZ-2021-0065**

2 **BILL NO. Z-22-01-05**

3 **ZONING MAP ORDINANCE NO. Z- 3-22**

4 **AN ORDINANCE amending the City of Fort Wayne**  
5 **Zoning Map No. L-14 (Sec. 35 of Washington Township)**

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

8 SECTION 1. That the area described as follows is hereby designated an I1 (Limited  
9 Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort  
10 Wayne, Indiana:

11 **Parcel I:**

12 A space in the City of Fort Wayne, Allen County, Indiana, which lies south of Huffman's  
13 Addition and north of Lots Numbered 9 and 12 in Feeder Addition, more particularly  
described as follows, to-wit:

14 Beginning at the point of intersection of the North line of said Lot Number 12 with the East  
15 line of an alley; thence Northerly, on and along said alley East line, a distance of 156.0 feet  
16 to a 5/8 inch diameter rebar found; thence Easterly, by a deflection angle right of 89  
17 degrees 48 minutes, on and along the South line of an alley, a distance of 222.0 feet to the  
18 point of intersection of said alley South line with the West right-of-way line of Beach Street  
as dedicated in Document Number 80-2467 in the Office of the Recorder of Allen County,  
19 Indiana, thence Southerly, by a deflection angle right of 91 degrees 01 minutes, on and  
20 along said West right-of-way line, a distance of 60 feet to the Northeast corner of Lot  
Number 9 in said Feeder Addition; thence Southerly, by a deflection angle right of 65  
21 degrees 33 minutes, on and along the Northerly line of Lots Numbered 9 and 12 in said  
Feeder Addition, a distance of 241.4 feet (recorded 240 feet) to the point of beginning,  
containing 0.55 acres of land, more or less.

22 **Parcel II:**

23 The West 50 feet of Lot Number 11 and the East 100 feet of Lot Number 11, the West 50  
24 feet of Lot Number 12, the East 100 feet of Lot Number 12, the West 50 feet of the North  
25 10 feet of Lot Number 13, the East 100 feet of the North 10 feet of Lot Number 13, the  
26 North Fractional part of Lot Number 14, together with vacated alley adjacent to Lot  
27 Number 11, Number 12, Number 13, Number 14 and the East 15 feet of Fractional Lot  
28 Number 15, except the West 5.5 feet for ally purposes all in Beck's Homestead Amended  
29 Addition, together with Lot Number 9 and Lot Number 10 in Feeder Addition, parts of Lot  
30 Number 11 and part of Lot Number 12 in Feeder Addition lying East of alley, together with  
vacated alley adjacent to Lots Number 9, 10, 11 and 12.

1 Also described as follows pursuant to a survey of Donovan Engineering dated as of  
2 September 29, 1994:

3 The following parcels of real estate in F.J. Beck's Homestead Addition amended to the City  
4 of Fort Wayne:

5 Lots Numbered 11 and 12 and 13, except the East 100 feet thereof and except that part of  
6 said Lot Number 13 appropriated for the widening of Spring Street; also Lot Number 14 and  
7 that part of Lot Number 15 lying East of the alley heretofore opened through said Lot  
8 Number 15, excepting from said Lot Number 14 and partial Lot Number 15 portions thereof  
9 appropriated for the opening of Spring Street; also the vacated alley adjoining said Lot  
10 Number 14 on the East, excepting the part appropriated for the widening of Spring Street,  
11 all according to the plat thereof, recorded in Deed Record 104, Page 622.

12 Also:

13 Lot Number 12 in Feeder Addition to the City of Fort Wayne, in Allen County, Indiana,  
14 according to the plat thereof, recorded in Plat Record 3, Page 2, in the Office of the  
15 Recorder of Allen County, Indiana, except that part thereof lying West of the East line of  
16 the first alley east of Short Street, in the City of Fort Wayne, Indiana, as opened and  
17 established under Declaratory Resolution No. 162-1908 and the West half of that part of  
18 the vacated alley adjoining said lot on the East, vacated under Declaratory Resolution 168-  
19 1908, adopted and confirmed by the Board of Public Works of the City of Fort Wayne,  
20 Indiana.

21 Also:

22 Lot Number 11 in Feeder Addition to the City of Fort Wayne, in Allen County, Indiana,  
23 according to the plat thereof, recorded in Plat Record 3, Page 2, in the Office of the  
24 Recorder of Allen County, Indiana, except that part thereof lying West of the East line of  
25 the first alley east of Short Street, in the City of Fort Wayne, Indiana, as opened and  
26 established under Declaratory Resolution No. 162-1908 and to the West half of that part of  
27 the vacated alley adjoining said lot on the East, vacated under Declaratory Resolution No  
28 168-1908, adopted and confirmed by the Board of Public Works of the City of Fort Wayne,  
29 Indiana.

30 Also known as:

Commencing at a point on the North Boundary of Spring Street, 100 feet West of the West  
line of what is now known as Beach Street; thence North 77.6 feet to a point also located  
100 feet West of the West boundary of Beach Street; thence Southwesterly 70.96 feet to a  
point located 96.52 feet North of the North line of Spring Street and on the East line of a 10  
foot alley; thence South along the East line of said 10 foot alley to the North boundary of  
Spring Street; thence East along the North Boundary of Spring Street, 122.5 feet to the  
place of Beginning.

Also:

Lots Numbered 9 and 10 in Feeder Addition to the City of Fort Wayne, according to the Plat  
thereof, recorded in Plat Record 3, Page 2, in the Office of the Recorder of Allen County,  
Indiana, and one-half of the vacated alley adjoining these lots.

1 And also:

2 The East 100 feet of Lots Numbered 11 and 12 and the East 100 feet of the North 10 feet of  
3 Lot Number 13 in F.J. Beck's Homestead Addition Amended, according to the Plat thereof,  
4 recorded in Deed Record 104, Page 622, in the Office of the Recorder of Allen County,  
5 Indiana.

6 This real estate is also described as follows:

7 The West 50 feet of Lot Number 11 and the East 100 feet of Lot Number 11, the West 50  
8 feet of Lot Number 12, and the East 100 feet of Lot Number 12, the West 50 feet of the  
9 North 10 feet of Lot Number 13, the East 100 feet of the North 10 feet of Lot Number 13,  
10 the North Fractional part of Lot Number 14, together with vacated alley adjacent to Lot  
11 Number 11, Number 12, Number 13, Number 14 and the East 15 feet of Fractional Lot  
12 Number 15, except the West 5.5 feet for alley purposes, all in Beck's Homestead Amended  
13 Addition, together with Lot Number 9 and Lot Number 10 in Feeder Addition, parts of Lot  
14 Number 11 and part of Lot Number 12 in Feeder Addition lying East of alley, together with  
15 vacated alley adjacent to Lot Number 9, 10, 11 and 12.

16 The above described rea estate is more particularly described as follows:

17 A tract of land lying South of Huffman's Addition as recorded in the plat thereof in the  
18 Office of the Recorder of Allen County, Indiana, more particularly described as follows:

19 Beginning at the intersection of the North right-of-way line of Spring Street and the West  
20 right-of-way of Beach Street in the City of Fort Wayne, Indiana, said point being 10 feet  
21 South of the Northeast corner of Lot 13 in F.J. Beck's Homestead addition Amended,  
22 according to the plat thereof, recorded in Deed Record 104, page 622 in the Office of the  
23 Recorder of Allen County, Indiana; thence South 88 degrees 08 minutes 09 seconds West  
24 (assumed bearing and basis for this description) along the North right-of-way of Spring  
25 Street a distance of 222.0 feet to a point on the East line of a public alley; thence North 01  
26 degrees 58 minutes 06 seconds West along the East line of a public alley a distance of 251.6  
27 feet to a point on the South line of a public alley, said point being 10 feet South of the  
28 South line of Huffman's Addition; thence North 87 degrees 38 minutes 40 seconds East  
29 along the South line of the public alley a distance of 222.0 feet to a point on the West right  
30 of way line of Beach Street; thence South 01 degrees 58 minutes 06 seconds East along the  
West right-of-way of Beach Street and the East line of Lot 9 and Lot 10 in Feeder Addition  
as recorded in Plat Record 3, page 2 and along the East line of Lots 11, 12 and 13 in F.J.  
Beck's Homestead Addition amended a distance of 253.51 feet to the point of beginning,  
containing 1.287 acres.

and the symbols of the City of Fort Wayne Zoning Map No. L-14 (Sec. 35 of Washington  
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
Wayne, Indiana is hereby changed accordingly.


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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

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

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Related Petitions: Primary Development Plan, 520 Spring Street

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variety of commercial uses, including outdoor uses.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Jerad Harlow  
 Address 3108 Lower Huntington Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-747-3939 Fax \_\_\_\_\_ E-mail jerad@propxllc.com

**Property Ownership**  
 Property Owner Waynedale Ventures LLC  
 Address 3108 Lower Huntington Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-747-3939 Fax \_\_\_\_\_ E-mail jerad@propxllc.com

**Contact Person**  
 Contact Person Jerad Harlow  
 Address 3108 Lower Huntington Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-747-3939 Fax \_\_\_\_\_ E-mail jerad@propxllc.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 520 Spring Street/1629 Beach Street  
 Present Zoning C3 Proposed Zoning I1 Acreage to be rezoned 1.36  
 Proposed density \_\_\_\_\_ units per acre  
 Township name Wayne Township section # 0035  
 Purpose of rezoning (attach additional page if necessary) To be bring building up to city standards for existintg tenets and future tenets.  
 Sewer provider FW Water provider FW

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff 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.

Jerad Harlow [Signature] 10/18/21  
 (printed name of applicant) (signature of applicant) (date)

Jerad Harlow [Signature] 10/18/21  
 (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 <u>11/29/21</u>	Receipt No. <u>138961</u>	Hearing Date <u>1-10-22</u>	Petition No. <u>REZ2021-0065</u>
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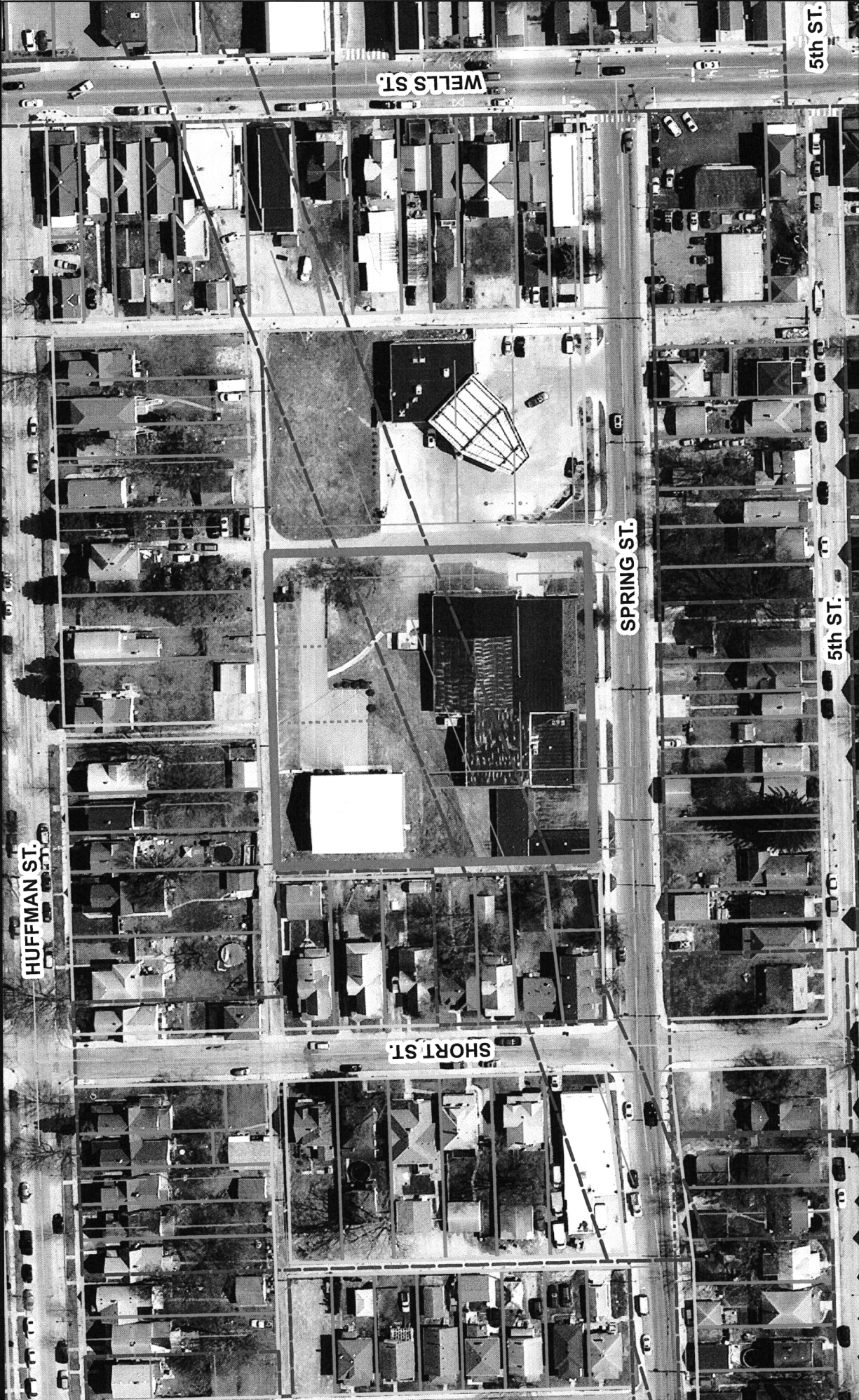
I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

Jerad Harlow [Signature] 10/18/21  
 (printed name of applicant) (signature of applicant) (date)  
Jerad Harlow [Signature] 10/18/21  
 (printed name of property owner) (signature of property owner) (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

Received <u>11/29/21</u>	Receipt No. <u>138961</u>	Hearing Date <u>1-10-22</u>	Petition No. <u>REZ2021-0065</u>
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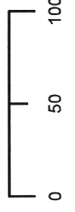


REZ-2021-0065 PDP-2021-0046 - 520 Spring Street



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 Contours: Spring 2009  
Date: 12/30/2021



1 inch = 100 feet



Prohibited Uses:

- Air Freight Service
- Aquaculture
- Aquaponics
- Boat Dry Dock Facility
- Correctional Services Facility
- Cosmetic Product Compounding
- Crematory
- Dairy/Creamery
- **Distribution Facility for:**
  - Batteries
  - Petroleum Products
- Dry Cleaning/Laundry Facility (Central)
- **Equipment Supply Facility for:**
  - Restaurant
- Freight Service
- Group Residential Facility (Large)
- Group Residential Facility (Small)
- Homeless/Emergency Shelter
- Hydroponics
- **Limited Assembly and Fabrication of:**
  - Service Industry Machines
- Recreation Facility
- Residential Facility for Homeless Individuals
- Vehicle Technology (Advanced)
- Wind Energy Conversion System (Micro)
- Wind Energy Conversion System (Standard)
- Animal Service, Indoor
- Community Facility
- Recreation/Tourism, Limited

- Residential Facility, General

1. **Commitment language.**

2. **Successors and Assigns.** This Commitment and the restrictions and limitations set forth herein shall be binding upon Declarant, and its successors and assigns, and shall also inure to the benefit of the Zoning Administrator of Allen County (the "Zoning Administrator") and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate. 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, and shall have an initial term of twenty-five (25) years, with successive terms of ten (10) years each unless terminated pursuant to the provisions of Section 8 below.

3. **Enforcement.** Any violation of this Commitment shall be deemed a violation of the Ordinance. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated by the Ordinance, shall be entitled to enforce this Commitment, at law or in equity, in the event of any breach of the obligations contained herein; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel the enforcement of this Commitment by the Plan Commission or any enforcement official designated by the Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. The Plan Commission, or any enforcement official designated by the Ordinance, shall have the remedies provided for in the Ordinance, or the ordinance covering 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.

4. **Modification and Termination.** This Commitment may be amended or terminated upon application by any persons who own the Real Estate, or any portion thereof, and only with the prior written consent of the Plan Commission, following a public hearing to consider said amendment or termination. Written notice of the public hearing shall be given by the applicant for said amendment or termination to the highest ranking officer of Windsor Woods Association, Inc. (the "Neighborhood Association"), with said notice being based on the then available records of the Indiana Secretary of State and being mailed no later than the date application is made to the Plan Commission for said amendment or termination. This Commitment shall not be amended or terminated unless, after the public hearing, the Plan Commission makes the following determinations as part of its consent: (i) implementation of the amendment or termination will not be injurious to the public health, safety and general welfare of the owners of real property in the Neighborhood Association and (ii) the use and value of the real property adjacent to the Real Estate will not be affected in a substantially adverse manner by implementation of the 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 in the Neighborhood Association, the Zoning Administrator of the City of Fort Wayne and the Plan Commission. As a condition precedent to the bringing of any lawsuit or initiating any action for temporary, preliminary and permanent injunctive relief as provided herein, the party desiring to bring said action shall first provide Declarant, or the then existing owner(s) of the Real Estate, thirty (30) days prior written notice of the breach or violation, or threatened breach or violation, of the terms, restrictions or covenants of this Commitment.

6. **Acknowledgment and Effect.** Declarant acknowledges that this Commitment is the product of a negotiation between the Applicant and the Neighborhood Association. The Neighborhood Association agreed not to remonstrate against the Application **only** because the Neighborhood Association deemed this Commitment to be acceptable in terms of the restrictions imposed upon the Real Estate.

7. **Effective Date.** This Commitment shall be effective upon being duly recorded in the Office of the Recorder of Allen County, Indiana.

8. **Statutory Authority.** This Commitment is made by Declarant pursuant to I.C. 36-7-4-1015.

9. **Governing Law.** This Commitment, including the restrictions and covenants contained herein, shall be governed by the laws of the State of Indiana.

10. **Permits.** No permits shall be issued under the City of Fort Wayne Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder and a recorded and executed copy of the Commitment is delivered to the Zoning Administrator.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[SIGNATURE PAGE FOLLOWS]

**BILL NO. Z-22-01-05**

**REPORT OF COMMITTEE ON REGULATIONS  
February 1, 2022**

**Tom Freistroffer Chair**

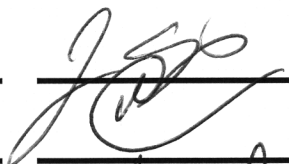
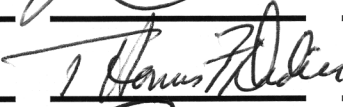

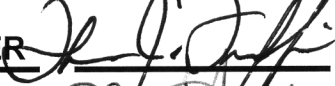
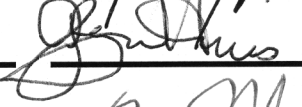
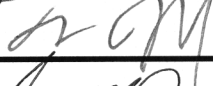

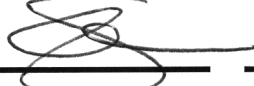
**Paul Ensley Co-Chair**

**All Council Members**

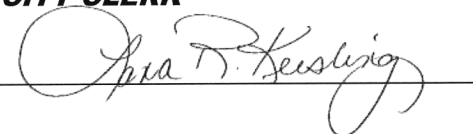
An Ordinance amending the City of Fort Wayne Zoning Map No. L-14 (Sec. 35 of Washington Township)

*To rezone approximately 1.4 acres from C3/General Commercial to I1/Limited Industrial at 520 Spring Street*

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: January 10, 2022

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"/>

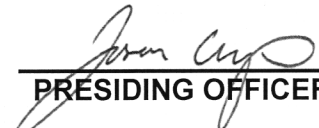
DATED: February 8, 2022

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

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 Zoning Ordinance No. Z-22-01-05 on the 8th day of February, 2022

ATTEST:

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

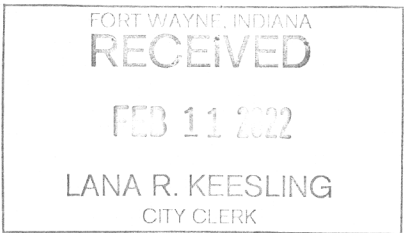
  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th  
 of February 2022, at the hour of 10:25 o'clock A.M. E.S.T.

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

Approved and signed by me this 11<sup>th</sup> day of FEBRUARY 2022, at the  
 hour of 9:00 o'clock AM E.S.T.

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



1 Also described as follows pursuant to a survey of Donovan Engineering dated as of  
2 September 29, 1994:

3 The following parcels of real estate in F.J. Beck's Homestead Addition amended to the City  
4 of Fort Wayne:

5 Lots Numbered 11 and 12 and 13, except the East 100 feet thereof and except that part of  
6 said Lot Number 13 appropriated for the widening of Spring Street; also Lot Number 14 and  
7 that part of Lot Number 15 lying East of the alley heretofore opened through said Lot  
8 Number 15, excepting from said Lot Number 14 and partial Lot Number 15 portions thereof  
9 appropriated for the opening of Spring Street; also the vacated alley adjoining said Lot  
10 Number 14 on the East, excepting the part appropriated for the widening of Spring Street,  
11 all according to the plat thereof, recorded in Deed Record 104, Page 622.

12 Also:

13 Lot Number 12 in Feeder Addition to the City of Fort Wayne, in Allen County, Indiana,  
14 according to the plat thereof, recorded in Plat Record 3, Page 2, in the Office of the  
15 Recorder of Allen County, Indiana, except that part thereof lying West of the East line of  
16 the first alley east of Short Street, in the City of Fort Wayne, Indiana, as opened and  
17 established under Declaratory Resolution No. 162-1908 and the West half of that part of  
18 the vacated alley adjoining said lot on the East, vacated under Declaratory Resolution 168-  
19 1908, adopted and confirmed by the Board of Public Works of the City of Fort Wayne,  
20 Indiana.

21 Also:

22 Lot Number 11 in Feeder Addition to the City of Fort Wayne, in Allen County, Indiana,  
23 according to the plat thereof, recorded in Plat Record 3, Page 2, in the Office of the  
24 Recorder of Allen County, Indiana, except that part thereof lying West of the East line of  
25 the first alley east of Short Street, in the City of Fort Wayne, Indiana, as opened and  
26 established under Declaratory Resolution No. 162-1908 and to the West half of that part of  
27 the vacated alley adjoining said lot on the East, vacated under Declaratory Resolution No  
28 168-1908, adopted and confirmed by the Board of Public Works of the City of Fort Wayne,  
29 Indiana.

30 Also known as:

Commencing at a point on the North Boundary of Spring Street, 100 feet West of the West  
line of what is now known as Beach Street; thence North 77.6 feet to a point also located  
100 feet West of the West boundary of Beach Street; thence Southwesterly 70.96 feet to a  
point located 96.52 feet North of the North line of Spring Street and on the East line of a 10  
foot alley; thence South along the East line of said 10 foot alley to the North boundary of  
Spring Street; thence East along the North Boundary of Spring Street, 122.5 feet to the  
place of Beginning.

Also:

Lots Numbered 9 and 10 in Feeder Addition to the City of Fort Wayne, according to the Plat  
thereof, recorded in Plat Record 3, Page 2, in the Office of the Recorder of Allen County,  
Indiana, and one-half of the vacated alley adjoining these lots.

1 And also:

2 The East 100 feet of Lots Numbered 11 and 12 and the East 100 feet of the North 10 feet of  
3 Lot Number 13 in F.J. Beck's Homestead Addition Amended, according to the Plat thereof,  
4 recorded in Deed Record 104, Page 622, in the Office of the Recorder of Allen County,  
5 Indiana.

6 This real estate is also described as follows:

7 The West 50 feet of Lot Number 11 and the East 100 feet of Lot Number 11, the West 50  
8 feet of Lot Number 12, and the East 100 feet of Lot Number 12, the West 50 feet of the  
9 North 10 feet of Lot Number 13, the East 100 feet of the North 10 feet of Lot Number 13,  
10 the North Fractional part of Lot Number 14, together with vacated alley adjacent to Lot  
11 Number 11, Number 12, Number 13, Number 14 and the East 15 feet of Fractional Lot  
12 Number 15, except the West 5.5 feet for alley purposes, all in Beck's Homestead Amended  
13 Addition, together with Lot Number 9 and Lot Number 10 in Feeder Addition, parts of Lot  
14 Number 11 and part of Lot Number 12 in Feeder Addition lying East of alley, together with  
15 vacated alley adjacent to Lot Number 9, 10, 11 and 12.

16 The above described rea estate is more particularly described as follows:

17 A tract of land lying South of Huffman's Addition as recorded in the plat thereof in the  
18 Office of the Recorder of Allen County, Indiana, more particularly described as follows:

19 Beginning at the intersection of the North right-of-way line of Spring Street and the West  
20 right-of-way of Beach Street in the City of Fort Wayne, Indiana, said point being 10 feet  
21 South of the Northeast corner of Lot 13 in F.J. Beck's Homestead addition Amended,  
22 according to the plat thereof, recorded in Deed Record 104, page 622 in the Office of the  
23 Recorder of Allen County, Indiana; thence South 88 degrees 08 minutes 09 seconds West  
24 (assumed bearing and basis for this description) along the North right-of-way of Spring  
25 Street a distance of 222.0 feet to a point on the East line of a public alley; thence North 01  
26 degrees 58 minutes 06 seconds West along the East line of a public alley a distance of 251.6  
27 feet to a point on the South line of a public alley, said point being 10 feet South of the  
28 South line of Huffman's Addition; thence North 87 degrees 38 minutes 40 seconds East  
29 along the South line of the public alley a distance of 222.0 feet to a point on the West right  
30 of way line of Beach Street; thence South 01 degrees 58 minutes 06 seconds East along the  
West right-of-way of Beach Street and the East line of Lot 9 and Lot 10 in Feeder Addition  
as recorded in Plat Record 3, page 2 and along the East line of Lots 11, 12 and 13 in F.J.  
Beck's Homestead Addition amended a distance of 253.51 feet to the point of beginning,  
containing 1.287 acres.

and the symbols of the City of Fort Wayne Zoning Map No. L-14 (Sec. 35 of Washington  
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
Wayne, Indiana is hereby changed accordingly.

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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 Jerad Harlow  
 Address 3108 Lower Huntington Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-747-3939 Fax \_\_\_\_\_ E-mail jerad@propxllc.com

**Property Ownership**  
 Property Owner Waynedale Ventures LLC  
 Address 3108 Lower Huntington Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-747-3939 Fax \_\_\_\_\_ E-mail jerad@propxllc.com

**Contact Person**  
 Contact Person Jerad Harlow  
 Address 3108 Lower Huntington Road  
 City Fort Wayne State IN Zip 46809  
 Telephone 260-747-3939 Fax \_\_\_\_\_ E-mail jerad@propxllc.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 520 Spring Street/1629 Beach Street  
 Present Zoning C3 Proposed Zoning I1 Acreage to be rezoned 1.36  
 Proposed density \_\_\_\_\_ units per acre  
 Township name Wayne Township section # 0035  
 Purpose of rezoning (attach additional page if necessary) To be bring building up to city standards for existng tenets and future tenets.

Sewer provider FW Water provider FW

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff 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.

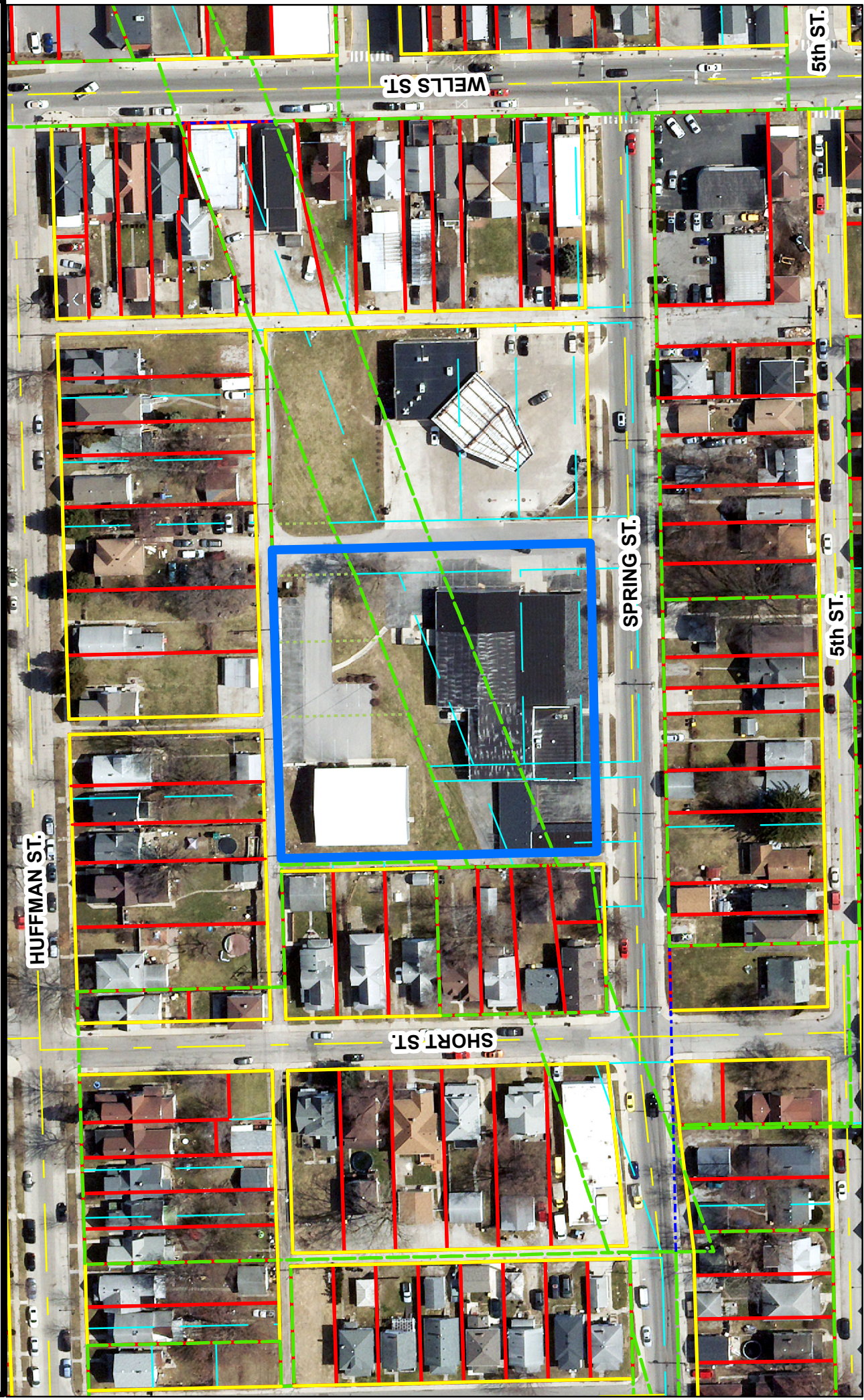
Jerad Harlow [Signature] 10/18/21  
 (printed name of applicant) (signature of applicant) (date)

Jerad Harlow [Signature] 10/18/21  
 (printed name of property owner) (signature of property owner) (date)

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

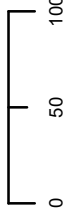
\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
11/29/21	138961	1-10-22	REZ2021-0065



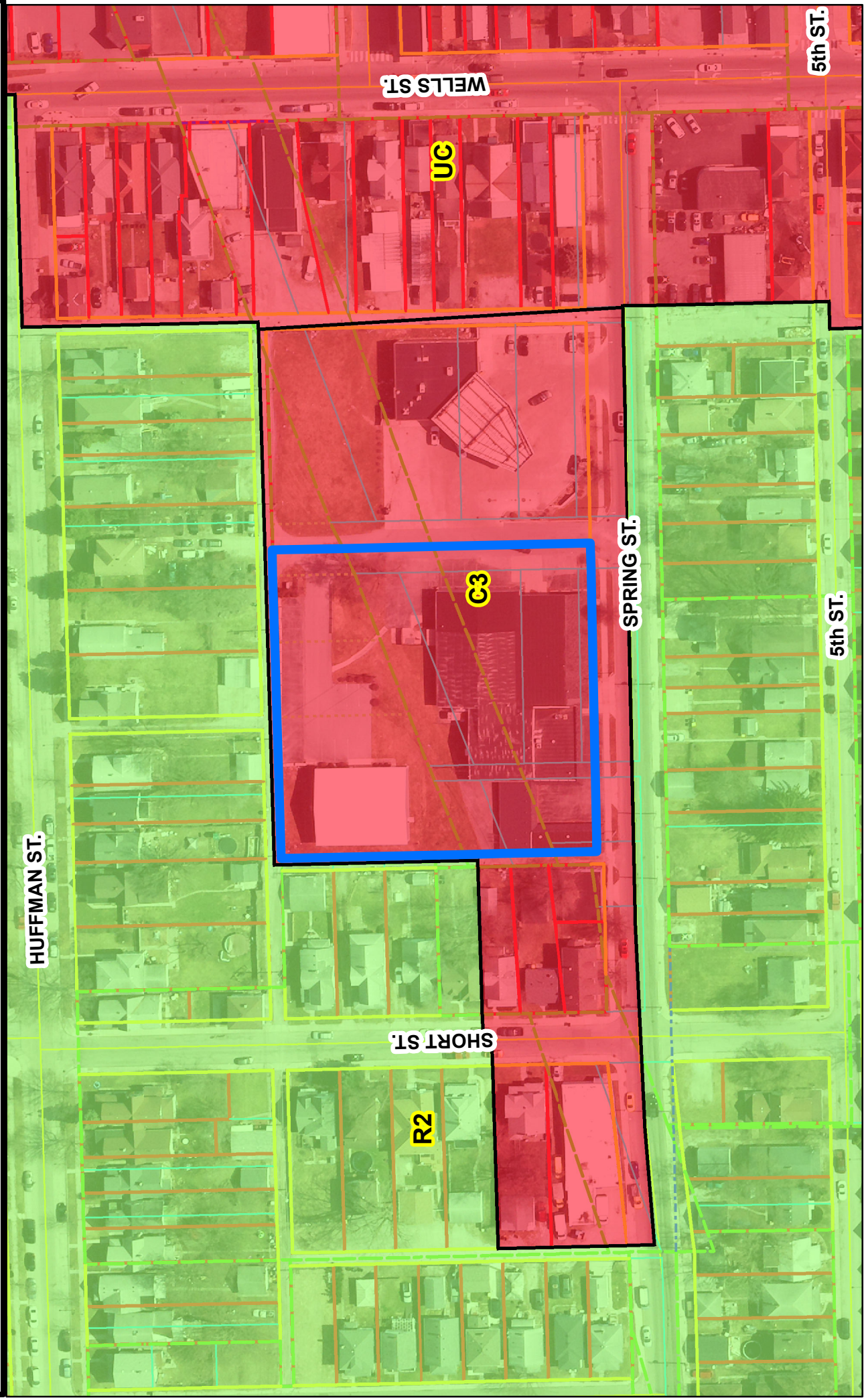
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 12/30/2021



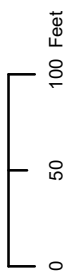
1 inch = 100 feet





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State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 12/30/2021



1 inch = 100 feet





## Prohibited Uses:

- Air Freight Service
- Aquaculture
- Aquaponics
- Boat Dry Dock Facility
- Correctional Services Facility
- Cosmetic Product Compounding
- Crematory
- Dairy/Creamery
- **Distribution Facility for:**
  - Batteries
  - Petroleum Products
- Dry Cleaning/Laundry Facility (Central)
- **Equipment Supply Facility for:**
  - Restaurant
- Freight Service
- Group Residential Facility (Large)
- Group Residential Facility (Small)
- Homeless/Emergency Shelter
- Hydroponics
- **Limited Assembly and Fabrication of:**
  - Service Industry Machines
- Recreation Facility
- Residential Facility for Homeless Individuals
- Vehicle Technology (Advanced)
- Wind Energy Conversion System (Micro)
- Wind Energy Conversion System (Standard)
- Animal Service, Indoor
- Community Facility
- Recreation/Tourism, Limited

- Residential Facility, General

1. **Commitment language.**

2. **Successors and Assigns.** This Commitment and the restrictions and limitations set forth herein shall be binding upon Declarant, and its successors and assigns, and shall also inure to the benefit of the Zoning Administrator of Allen County (the "Zoning Administrator") and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate. 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, and shall have an initial term of twenty-five (25) years, with successive terms of ten (10) years each unless terminated pursuant to the provisions of Section 8 below.

3. **Enforcement.** Any violation of this Commitment shall be deemed a violation of the Ordinance. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated by the Ordinance, shall be entitled to enforce this Commitment, at law or in equity, in the event of any breach of the obligations contained herein; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel the enforcement of this Commitment by the Plan Commission or any enforcement official designated by the Ordinance, or any successor agency having zoning jurisdiction over the Real Estate. The Plan Commission, or any enforcement official designated by the Ordinance, shall have the remedies provided for in the Ordinance, or the ordinance covering 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.

4. **Modification and Termination.** This Commitment may be amended or terminated upon application by any persons who own the Real Estate, or any portion thereof, and only with the prior written consent of the Plan Commission, following a public hearing to consider said amendment or termination. Written notice of the public hearing shall be given by the applicant for said amendment or termination to the highest ranking officer of Windsor Woods Association, Inc. (the "Neighborhood Association"), with said notice being based on the then available records of the Indiana Secretary of State and being mailed no later than the date application is made to the Plan Commission for said amendment or termination. This Commitment shall not be amended or terminated unless, after the public hearing, the Plan Commission makes the following determinations as part of its consent: (i) implementation of the amendment or termination will not be injurious to the public health, safety and general welfare of the owners of real property in the Neighborhood Association and (ii) the use and value of the real property adjacent to the Real Estate will not be affected in a substantially adverse manner by implementation of the 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 in the Neighborhood Association, the Zoning Administrator of the City of Fort Wayne and the Plan Commission. As a condition precedent to the bringing of any lawsuit or initiating any action for temporary, preliminary and permanent injunctive relief as provided herein, the party desiring to bring said action shall first provide Declarant, or the then existing owner(s) of the Real Estate, thirty (30) days prior written notice of the breach or violation, or threatened breach or violation, of the terms, restrictions or covenants of this Commitment.

6. **Acknowledgment and Effect.** Declarant acknowledges that this Commitment is the product of a negotiation between the Applicant and the Neighborhood Association. The Neighborhood Association agreed not to remonstrate against the Application **only** because the Neighborhood Association deemed this Commitment to be acceptable in terms of the restrictions imposed upon the Real Estate.

7. **Effective Date.** This Commitment shall be effective upon being duly recorded in the Office of the Recorder of Allen County, Indiana.

8. **Statutory Authority.** This Commitment is made by Declarant pursuant to I.C. 36-7-4-1015.

9. **Governing Law.** This Commitment, including the restrictions and covenants contained herein, shall be governed by the laws of the State of Indiana.

10. **Permits.** No permits shall be issued under the City of Fort Wayne Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder and a recorded and executed copy of the Commitment is delivered to the Zoning Administrator.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[SIGNATURE PAGE FOLLOWS]