

1 #REZ-2022-0052

2 BILL NO. Z-22-10-05

3 ZONING MAP ORDINANCE NO. Z-39-22

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. D-07 (Sec. 18 of Wayne 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 a C3 (General
9 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
10 Wayne, Indiana:

11 Document #201805944

12 PARCEL 1:

13 PART OF LOTS NUMBERED 3 AND 4, ROUSSEAU'S THIRD GARDEN
14 ADDITION TO THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA,
15 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

16 COMMENCING AT A 3/8 INCH STEEL REBAR ON THE NORTH LINE OF
17 SAID LOT NUMBERED 3, SAID POINT BEING 89.0 FEET EAST OF THE
18 NORTHWEST CORNER OF SAID LOT NUMBERED 3, SAID POINT ALSO
19 BEING THE POINT OF INTERSECTION OF THE ORIGINAL
20 SOUTHEASTERLY RIGHT-OF-WAY LINE OF US. HIGHWAY NO, 24, AND
21 THE NORTH LINE OF SAID LOT NUMBERED 3; THENCE NORTH 89
22 DEGREES 51 MINUTES 15 SECONDS EAST (ASSUMED BEARING AND
23 BASIS OF BEARINGS TO FOLLOW), A DISTANCE OF 8.34 FEET ALONG
24 THE NORTH LINE OF SAID LOT NUMBERED 3 TO A 5/8 INCH STEEL
25 REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP FOUND ON
26 THE SOUTHEASTERLY LINE OF AN EXISTING TRACT DESCRIBED IN
27 DOCUMENT NUMBER 200072302 IN THE OFFICE OF THE RECORDER OF
28 ALLEN COUNTY, INDIANA; THENCE SOUTH 53 DEGREES 00 MINUTES 00
29 SECONDS WEST, A DISTANCE OF 89.37 FEET ALONG SAID
30 SOUTHEASTERLY LINE TO A 5/8 INCH STEEL REBAR WITH A "MILLER
FIRM #0095" IDENTIFICATION CAP SET AT THE POINT OF BEGINNING OF
THE HEREIN DESCRIBED TRACT; THENCE SOUTH 37 DEGREES 04
MINUTES 03 SECONDS EAST, A DISTANCE OF 255.00 FEET TO A 5/8 INCH
STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP SET;
THENCE SOUTH 52 DEGREES 44 MINUTES 35 SECONDS WEST, A
DISTANCE OF 121.00 FEET TO A 5/8 INCH STEEL REBAR WITH A "MILLER
FIRM #0095" IDENTIFICATION CAP SET ON THE SOUTHWESTERLY LINE

1 OF AN EXISTING TRACT DESCRIBED IN DOCUMENT NUMBER 2013051135
2 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, ALSO
3 BEING ON THE NORTHEASTERLY LINE OF AN EXISTING TRACT
4 DESCRIBED IN DOCUMENT NUMBER 201002217 IN THE OFFICE OF THE
5 RECORDER OF ALLEN COUNTY, INDIANA; THENCE NORTH 40 DEGREES
6 25 MINUTES 36 SECONDS WEST, A DISTANCE OF 256.00 FEET ALONG
7 SAID SOUTHWESTERLY LINE AND SAID NORTHEASTERLY LINE TO A 5/8
8 INCH STEEL REBAR WITH A "MILER FIRM #0095" IDENTIFICATION CAP
9 FOUND ON THE SOUTHEASTERLY LINE OF SAID DOCUMENT NUMBER
10 200072302; THENCE NORTH 53 DEGREES 00 MINUTE 00 SECONDS EAST, A
11 DISTANCE OF 136.00 FEET ALONG SAID SOUTHEASTERLY LINE TO THE
12 POINT OF BEGINNING. CONTAINING 0.753 ACRES, MORE OR LESS.

13 TOGETHER WITH

14 Document #2013051135

15 PARCEL 1:

16 PART OF LOTS NUMBERED 1, 2, 3, AND 4, ROUSSEAU'S THIRD GARDEN
17 ADDITION TO THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA,
18 MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A
19 3/8 INCH STEEL REBAR ON THE NORTH LINE OF SAID LOT NUMBERED 3,
20 SAID POINT BEING 89.0 FEET EAST OF THE NORTHWEST CORNER OF
21 SAID LOT NUMBERED 3, SAID POINT ALSO BEING THE POINT OF
22 INTERSECTION OF THE ORIGINAL SOUTHEASTERLY RIGHT-OF-WAY
23 LINE OF U.S. HIGHWAY NO. 24, AND THE NORTH LINE OF SAID LOT
24 NUMBERED 3; THENCE NORTH 89 DEGREES 51 MINUTES 15 SECONDS
25 EAST (ASSUMED BEARING AND BASIS OF BEARINGS TO FOLLOW), A
26 DISTANCE OF 8.34 FEET ALONG THE NORTH LINE OF SAID LOT
27 NUMBERED 3 TO A 5/8 INCH STEEL REBAR WITH A "MILLER FIRM #0095"
28 IDENTIFICATION CAP SET ON THE EASTERLY LINE OF AN EXISTING
29 TRACT DESCRIBED IN DOCUMENT NUMBER 200072302 IN THE OFFICE OF
30 THE RECORDER OF ALLEN COUNTY, INDIANA, SAID POINT ALSO BEING
THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE
CONTINUING NORTH 89 DEGREES 51 MINUTES 15 SECONDS EAST, A
DISTANCE OF 465.55 FEET ALONG THE NORTH LINE OF LOTS NUMBER 3
AND 2 TO THE CENTERLINE OF FLAUGH DITCH; THENCE SOUTH 14
DEGREES 21 MINUTES 27 SECONDS EAST, A DISTANCE OF 74.87 FEET
ALONG SAID CENTERLINE; THENCE SOUTH 08 DEGREES 09 MINUTES 49
SECONDS EAST, DISTANCE OF 152.40 FEET ALONG SAID CENTERLINE;
THENCE SOUTH 02 DEGREES 59 MINUTES 43 SECONDS EAST, A
DISTANCE OF 104.57 FEET ALONG SAID CENTERLINE; THENCE SOUTH 32
DEGREES 00 MINUTES 13 SECONDS WEST, A DISTANCE OF 238.92 FEET
ALONG SAID CENTERLINE; THENCE SOUTH 47 DEGREES 38 MINUTES 00
SECONDS WEST, A DISTANCE OF 99.47 FEET ALONG SAID CENTERLINE;
THENCE SOUTH 48 DEGREES 08 MINUTES 05 SECONDS WEST, A

1 DISTANCE OF 75.15 FEET ALONG SAID CENTERLINE TO THE
2 SOUTHWESTERLY LINE OF AN EXISTING TRACT DESCRIBED IN
3 DOCUMENT NUMBER 200011470 IN THE OFFICE OF THE RECORDER OF
4 ALLEN COUNTY, INDIANA, ALSO BEING ON THE NORTHEASTERLY LINE
5 OF AN EXISTING TRACT DESCRIBED IN DOCUMENT NUMBER 201002217
6 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA;
7 THENCE NORTH 40 DEGREES 25 MINUTES 36 SECONDS WEST, A
8 DISTANCE OF 671.00 FEET ALONG SAID SOUTHWESTERLY LINE AND
9 SAID NORTHEASTERLY LINE TO A 5/8 INCH STEEL REBAR WITH A
10 "MILLER FIRM #0095" IDENTIFICATION CAP SET ON THE
11 SOUTHEASTERLY LINE OF SAID DOCUMENT NUMBER 200072302;
12 THENCE NORTH 53 DEGREES 00 MINUTES 00 SECONDS EAST, A
13 DISTANCE OF 225.37 FEET ALONG SAID SOUTHEASTERLY LINE TO THE
14 POINT OF BEGINNING. CONTAINING 6.501 ACRES, MORE OR LESS.

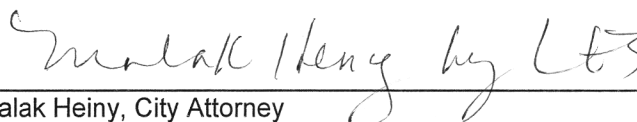
15 and the symbols of the City of Fort Wayne Zoning Map No. D-07 (Sec. 18 of Wayne
16 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
17 Wayne, Indiana is hereby changed accordingly.

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 _____
26 Council Member

27 APPROVED AS TO FORM AND LEGALITY:

28 
29 _____
30 Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0052
Bill Number: Z-22-10-05
Council District: 4-Jason Arp

Introduction Date: October 11, 2022

Plan Commission
Public Hearing Date: October 10, 2022 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.75 acres from NC/Neighborhood Center to
C3/General Commercial

Location: 6309 West Jefferson Boulevard

Reason for Request: To allow the construction of a new automobile washing and quick service
facility.

Applicant: Drive and Shine

Property Owner: Centier Bank

Related Petitions: Primary Development Plan, Drive and Shine

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district,
which permits most automobile services.

Effect of Non-Passage: The property will remain zoned NC/Neighborhood Center, which allows
many retail uses, but not general automobile services.

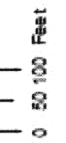


Rezoning Petition REZ-2022-0052 and Primary Development Plan PDP-2022-0034 - Drive and Shine



Although some 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: 9/28/2022

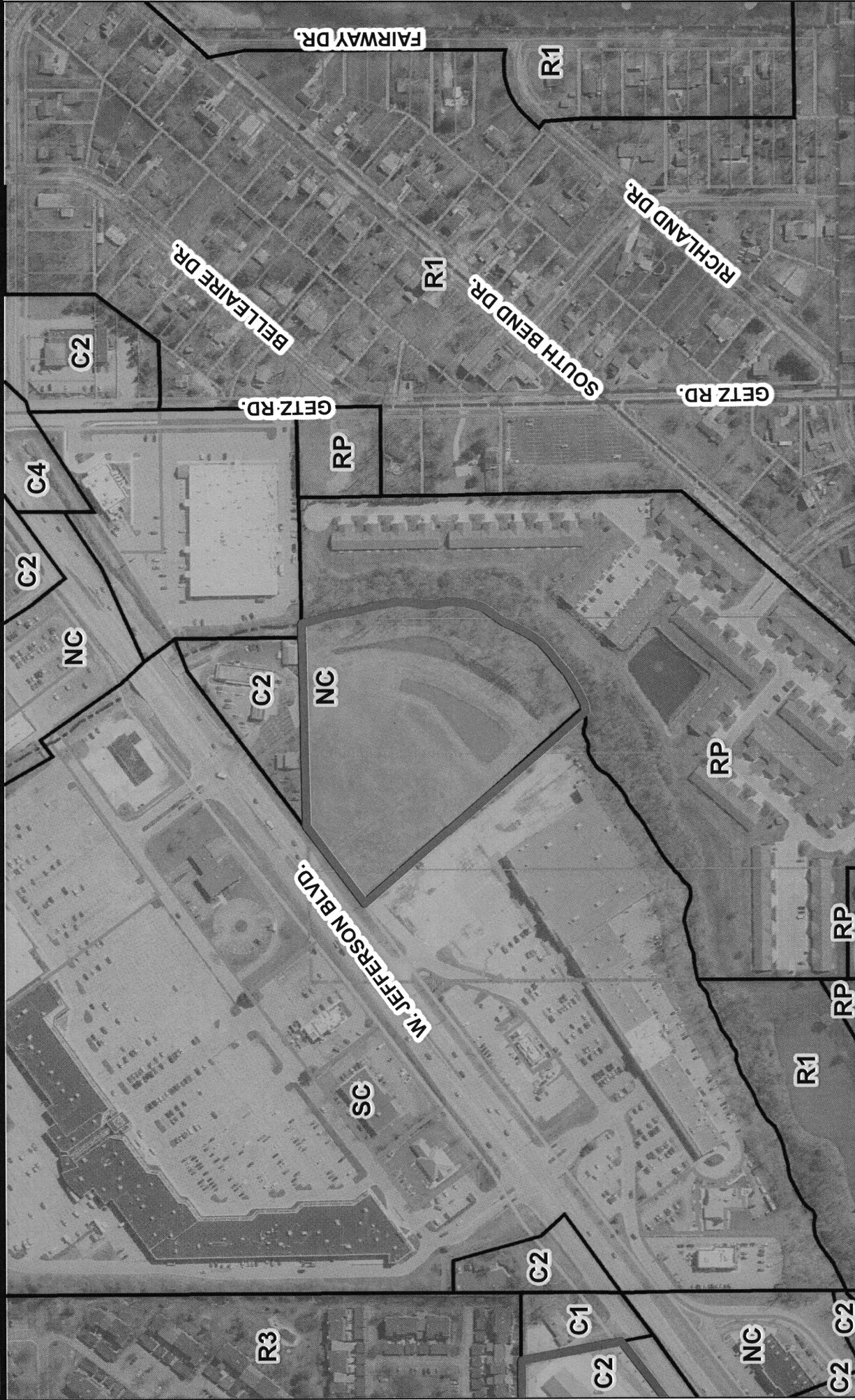


1 inch = 300 feet



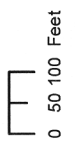


Rezoning Petition REZ-2022-0052 and Primary Development Plan PDP-2022-0034 - Drive and Shine



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Photos and Contours: Spring 2009
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1 inch = 300 feet



**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Drive & Shine (Haji Tehrani)
 Address 16915 Cleveland Road
 City Granger State IN Zip 46530
 Telephone (574) 277-8877 E-mail haji@driveandshine.com

Contact Person
 Contact Person Cody Ward (MLS Engineering, LLC)
 Address 10060 Bent Creek Boulevard
 City Fort Wayne State IN Zip 46825
 Telephone (260) 489-8571 E-mail cody@mlswebsite.us

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

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property W Jefferson Blvd, Fort Wayne, IN 46804
 Present Zoning NC Proposed Zoning C3 Acreage to be rezoned 5.75
 Proposed density 1 units per acre
 Township name Wayne Township section # 18
 Purpose of rezoning (attach additional page if necessary) Rezone NC property to C3 for a new Automobile Washing Facility / Automobile Maintenance (quick service).
 Sewer provider City of Fort Wayne Water provider City of 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.

Drive & Shine (Haji Tehrani) [Signature] 8-23-22
 (printed name of applicant) (signature of applicant) (date)
Summit Realty Partners, LLC (Brad Sturges) [Signature] 08-24-22
 (printed name of property owner) (signature of property owner) (date)
 _____ (signature of property owner) _____ (date)
 _____ (signature of property owner) _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
8-29-22	141297	10-10-22	REZ-2022-0052

REZONING FACT SHEET

Petition #REZ-2022-0052 Z-22-10-05 Project Start: September 2022

APPLICANT:	Drive and Shine – Haji Tehrani
REQUEST:	Rezone property from NC/Neighborhood Center to C3/General Commercial and to approve a primary development plan to allow an automobile washing facility and automobile maintenance (quick service).
LOCATION:	6309 W Jefferson Blvd, 300 feet southwest of its intersection with Covington Plaza Access (Section 18 of Wayne Township)
LAND AREA:	0.75 acres
PRESENT ZONING:	NC/Neighborhood Center
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	4-Jason Arp
ASSOCIATED PROJECT:	Primary Development Plan, Drive and Shine
SPONSOR:	City of Fort Wayne Plan Commission

10 October 2022 Plan Commission Public Hearing

- One representative from the public spoke at the hearing with concerns.
- Two letters of opposition were received prior to the hearing.
- Tom Freistroffer, Paul Sauerteig and Ryan Neumeister were absent.

17 October 2022 Business Meeting

Plan Commission Recommendation: Do Pass w/Written Commitment

- A motion was made by Paul Sauerteig and seconded by Rachel Tobin-Smith to return the ordinance to Common Council with a DO PASS recommendation with a Written Commitment for their final decision.
- **7-0 MOTION PASSED**
- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
October 26, 2022

PROJECT SUMMARY

SITE HISTORY

The site contained a single-family residence when W. Jefferson Blvd. was not the commercial corridor it is today. The home was demolished between 1999 and 2003. The site may be undeveloped due to some floodplain and regulated drain presence on the site. Between 2012 and 2015, artificial storm detention was constructed at the far side of the site, which helped to ready for development.

STAFF DISCUSSION

The petitioner requests a rezoning from NC/Neighborhood Center to C3/Limited Commercial to construct a new location for "Drive and Shine". As mentioned, other than a single-family home that was demolished over 20 years and some new storm detention, this site was never substantially developed. In general, this stretch of West Jefferson Blvd. contains a regional focus of businesses, with the Lutheran Hospital and Jefferson Pointe serving as bookends to myriad commercial uses and building types. West Jefferson Boulevard is an arterial street, and nearly 31,300 motorists use it daily, according to NIRCC's traffic count. Other areas with NC zoning, like Crescent and Anthony Boulevard, contain about 15,000 motorists, which is more of the intent of the Neighborhood Center Zoning District.

The C3 district permits both automotive washing facilities and automobile maintenance, which would enable the applicant to commence with the construction. However, the C3 zoning district has some permitted uses that may not be specifically compatible to this site, so staff has recommended the applicant furnish a written commitment to ensure the site will remain compatible for both Drive and Shine as well as future uses.

The rezone satisfies the following goals and objectives of the Comprehensive Plan:

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

The development plan includes a 26,000 square foot single primary building. The eastern half of the building contains the quick lube area, while the western half is dedicated for the carwash and vacuuming areas. The plan also includes several parking spots, driving lanes, and other traffic control measures. In general, the developed area is in the northwestern half of the development site, as this area is mostly outside the floodplain and away from the regulated drain.

Access is obtained through interconnection with the Covington Commons access area, which runs parallel with West Jefferson Boulevard. No other access points are proposed. The site is located within the airport overlay district and is currently under review for the standards. Although it is in the floodplain, the manager did approve primary plans with comments for the site plan routing. The only other unique site feature is the regulated drain. The plans have been submitted to the Allen County Surveyor's Office for their review, which will need approved prior to the commencement of construction. Other reviewing agencies will take care of other sanitary, safety, and miscellaneous standards.

The Plan Commission can approve an alternate landscaping plan, which the applicant has requested for this proposal. The applicant has requested the following alternate landscaping plan:

- Natural Woods with a minimum 15' buffer to remain (adjacent to regulated drain and residential zoning districts).
- P-3 Landscaping with trees spaced at 60' instead of trees spaced every 30'.

Overall, the alternate landscaping plan still satisfies the intent of the Fort Wayne Zoning Ordinance. The zoning ordinance encourages development plans to retain existing natural features, so use of the natural woods is a welcome request to the Plan Commission.

PUBLIC HEARING SUMMARY:

Presenter: Tom Trent, representing the owners, presented the project to the Plan Commission, as outlined above. A written commitment will be submitted that limits all C3 uses except for those needed for Drive and Shine. Mr. Trent stated that this development is textbook infill development and meets the intent of the comprehensive plan.

Public Hearing Comments:

Pat Hess, representing Southwest Senior Community Apartments – shared concerns over buffering between the development and the apartments to the south, as well as the zoning change to C3.

Closing Comments:

There is roughly 500 feet of distance between the new development and the apartments, with a substantial tree stand in between. Noise studies show that sound impact will be less than or similar to that of an office building.

BILL NO. Z-22-10-05


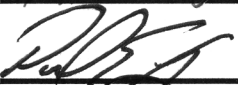

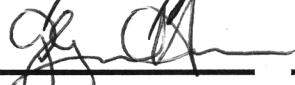



**REPORT OF COMMITTEE ON REGULATIONS
November 1, 2022**

***Paul Ensley Chair
Tom Freistroffer Co-Chair
All Council Members***

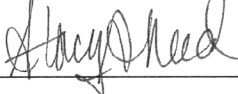
An Ordinance amending the City of Fort Wayne Zoning Map No. D-07 (Sec. 18 of Wayne Township)

To rezone approximately 0.75 acres from NC/Neighborhood Center to C3/General Commercial at 6309 West Jefferson Boulevard

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	<i>1 Honors Warden</i>		
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**STACY A. REED
DEPUTY CITY CLERK**



Public Hearing Date: October 10, 2022

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

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

Read the third time in full and on motion by Councilperson Ensley, 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: November 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-22-10-05 on the 8th day of November, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



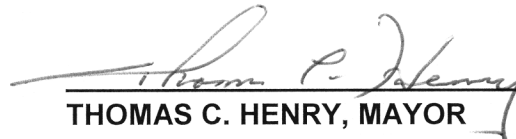
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th
 of November 2022, at the hour of 4:45 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10th day of NOVEMBER 2022, at the
 hour of 12:30 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

