

1 #REZ-2022-0054

2 BILL NO. Z-22-10-10

3 ZONING MAP ORDINANCE NO. Z-~~WITHDRAWN~~

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map No. N-34 (Sec. 24 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 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 Part of the Northwest Quarter of Section 24, Township 31 North, Range 12 East of the Second  
12 Principal Meridian, Washington Township in Allen County, Indiana, being more particularly  
described as follows:

13 Commencing at a 1/2" steel rebar marking the Northeast corner of an existing 3.57 acre tract  
14 described in Document Number 980083281 in the Office of the Recorder of Allen County,  
15 Indiana, being the Southeast corner of Lot Number 23 and the Southwest corner of Lot 24 in the  
16 plat of Section "A" Washington Center Place Addition described in Plat Book 15, page 145 in the  
17 Office of said Recorder; thence South 88 degrees 09 minutes 43 seconds West (Indiana  
18 Geospatial Coordinate System – Allen County bearing and basis of bearings to follow), thence  
19 South a distance of 515.00 feet (Plat) along the North line of said 3.57 acre tract to the POINT  
20 OF BEGINNING of the herein described tract; thence South 02 degrees 14 minutes 34 seconds  
21 East, a distance of 182.62 feet to the South line of said 3.57 acre tract; thence South 88 degrees  
22 17 minutes 41 seconds West, a distance of 337.88 feet to the West line of said Northwest  
23 Quarter; thence North 01 degrees 42 minutes 12 seconds West, a distance of 181.84 feet  
24 along said West line and within the right-of-way of Coldwater Road to the North line of said 3.57  
25 acre tract; thence North 88 degrees 09 minutes 43 seconds East, a distance of 336.16 feet along  
26 said North line to the point of beginning. Containing 1.410 acres, more or less. Subject to the  
27 right-of-way of Coldwater Road, and subject to easements of record.

28 and the symbols of the City of Fort Wayne Zoning Map No. N-34 (Sec. 24 of Washington  
29 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
30 Wayne, Indiana is hereby changed accordingly.

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

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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:

  
\_\_\_\_\_  
Malak Heiny, City Attorney

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-2022-0054  
Bill Number: Z-22-10-10  
Council District: 3-Tom Didier

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Introduction Date: October 25, 2022  
Plan Commission  
Public Hearing Date: November 7, 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 1.41 acres from C2/Limited Commercial to C3/General Commercial  
Location: 5526 Coldwater Road (western half)  
Reason for Request: To allow the construction of a new automobile washing and quick service facility.  
Applicant: Kerry Sewell  
Property Owner: Jung Ching and Chin May Hwang

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Related Petitions: Primary Development Plan, Wash N Roll Express

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

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial at the Coldwater frontage, which does not permit the desired use. C2/Limited Commercial does permit a variety of retail and commercial uses.

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant SRG Assets  
 Address PO Box 1955  
 City Mount Juliet State TN Zip 37121  
 Telephone (901) 870-2637 E-mail kerrysewell@gmail.com

**Contact Person**  
 Contact Person Graham Lewis (MLS Engineering, LLC)  
 Address 10060 Bent Creek Blvd.  
 City Fort Wayne State IN Zip 46825  
 Telephone (260) 489-8571 x3 E-mail graham@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 5526 Coldwater Rd, Fort Wayne, IN 46825  
 Present Zoning C2/RP Proposed Zoning C3/RP Acreage to be rezoned ~1.3 acres  
 Proposed density 1 units per acre  
 Township name Washington Township section # 24  
 Purpose of rezoning (attach additional page if necessary) Rezone C2 property to C3 to allow for construction of a new Automobile Washing Facility.  
 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.

<u>Kerry Sewell</u> (printed name of applicant)	 (signature of applicant)	<u>9/29/22</u> (date)
<u>HWANG, Jung Ching</u> (printed name of property owner)	<u>HWANG, Jung Ching</u> (signature of property owner)	<u>Sep 28 2022</u> (date)
<u>HWANG, Chin May</u> (printed name of property owner)	<u>HWANG, Chin May</u> (signature of property owner)	<u>Sep 28 2022</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received	Receipt No.	Hearing Date	Petition No.





**EXHIBIT "A"**  
Legal Description

Part of the West half of the Northwest Quarter of Section 24, in Township 31 North, Range 12 East; Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at Southeast corner of Lot Number 23 and the Southwest corner of Lot Number 24, in Washington Center Place Addition; thence South on the East line of the said Lot Number 23 and the West line of Lot Number 24 in said Addition, proceed South a distance of 183 feet; thence West parallel with the South line of said Washington Place Addition, 851.4 feet, to the West line of the said West half, Northwest Quarter of said Section 24; thence North on the West line of said Section, 183 feet to the South line of said Addition; thence East on the South line of said Addition, 851.4 feet to the place of beginning, containing 3.57 acres.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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**BILL NO. Z-22-10-10**

**REPORT OF COMMITTEE ON REGULATIONS  
December 13, 2022**

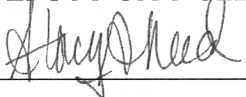
***Paul Ensley Chair***  
***Tom Freistroffer Co-Chair***  
***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. N-34 (Sec. 24 of Washington Township)

To rezone approximately 1.41 acres from C2/Limited Commercial to C3/General Commercial at 5526 Coldwater Road (western half)

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

**STACY A. REED**  
**DEPUTY CITY CLERK**

  
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