

1 ACCESS EASEMENT ESTABLISHED UNDER DOCUMENT NUMBER 93-45088; THENCE
2 SOUTH 04 DEGREES 58 MINUTES 37 SECONDS EAST, ON AND ALONG SAID WEST LINE,
3 A DISTANCE OF 122.29 FEET TO THE POINT OF CURVATURE OF A REGULAR CURVE TO
4 THE LEFT HAVING A RADIUS OF 789.58 FEET; THENCE SOUTHERLY, CONTINUING
5 ALONG SAID WEST LINE, AS DEFINED BY THE ARC OF SAID CURVE, AN ARC
6 DISTANCE OF 206.71 FEET, BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH
7 OF 206.12 FEET AND A BEARING OF SOUTH 12 DEGREES 28 MINUTES 37 SECONDS EAST
8 TO THE POINT OF TANGENCY; THENCE SOUTH 19 DEGREES 58 MINUTES 37 SECONDS
9 EAST, CONTINUING ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A
10 DISTANCE OF 70.00 FEET TO THE POINT OF CURVATURE OF A REGULAR CURVE TO
11 THE RIGHT HAVING A RADIUS OF 313.43 FEET; THENCE SOUTHERLY, CONTINUING
12 ALONG SAID WEST LINE, AS DEFINED BY THE ARC OF SAID CURVE, AN ARC
13 DISTANCE OF 204.54 FEET, BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH
14 OF 200.93 FEET AND A BEARING OF SOUTH 01 DEGREES 16 MINUTES 55 SECONDS EAST
15 TO THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY, CONTINUING ALONG THE
16 WESTERLY LINE OF SAID 60 FOOT WIDE ACCESS EASEMENT, AS DEFINED BY
17 THE ARC OF THE AFORESAID CURVE, AN ARC DISTANCE OF 14.28 FEET, BEING
18 SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 14.28 FEET AND A BEARING OF
19 SOUTH 18 DEGREES 43 MINUTES 09 SECONDS WEST TO THE POINT OF TANGENCY;
20 THENCE SOUTH 20 DEGREES 01 MINUTES 23 SECONDS WEST, CONTINUING ALONG
21 SAID WESTERLY LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 46.19 FEET TO
22 THE POINT OF CURVATURE OF A REGULAR CURVE TO THE RIGHT HAVING A RADIUS
23 OF 329.43 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG THE
24 NORTHWESTERLY LINE OF SAID 60 FOOT WIDE ACCESS EASEMENT, AN ARC
25 DISTANCE OF 400.41 FEET, BEING SUBTENDED BY A LONG CHORD HAVING A LENGTH
26 OF 376.21 FEET AND A BEARING OF SOUTH 54 DEGREES 50 MINUTES 37 SECONDS
27 WEST TO THE POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 39 MINUTES 50
28 SECONDS WEST, CONTINUING ALONG THE NORTHERLY LINE OF SAID 60 FOOT WIDE
29 ACCESS EASEMENT, A DISTANCE OF 448.43 FEET; THENCE NORTH 45 DEGREES
30 37 MINUTES 28 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A
DISTANCE OF 28.43 FEET TO THE POINT OF INTERSECTION OF SAID NORTHERLY LINE
WITH THE EASTERLY RIGHT-OF-WAY LINE OF CROSS CREEK BOULEVARD; THENCE
NORTHERLY, ON AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS DEFINED BY
THE ARC OF A REGULAR CURVE TO THE LEFT, NOT TANGENT TO THE LAST COURSE,
HAVING A RADIUS OF 561.20 FEET, AN ARC DISTANCE OF 240.26 FEET, BEING
SUBTENDED BY A LONG CHORD HAVING A LENGTH OF 238.43 FEET AND A BEARING
OF NORTH 14 DEGREES 07 MINUTES 57 SECONDS WEST; THENCE NORTH 89 DEGREES
46 MINUTES 36 SECONDS EAST, A DISTANCE OF 143.72 FEET; THENCE NORTH 00
DEGREES 13 MINUTES 24 SECONDS WEST, A DISTANCE OF 66.75 FEET; THENCE NORTH
89 DEGREES 46 MINUTES 36 SECONDS EAST, A DISTANCE OF 291.00 FEET; THENCE
SOUTH 00 DEGREES 13 MINUTES 24 SECONDS EAST, A DISTANCE OF 45.00 FEET;
THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS EAST, A DISTANCE OF 420.31
FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 4.818 ACRES OF LAND.

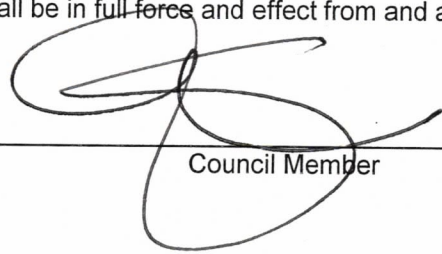
PARCEL 2 (EASEMENT): A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS
OVER THE INTERIOR ROADWAYS ESTABLISHED AND SET OUT IN THE RECIPROCAL
EASEMENT AND OPERATING AGREEMENT RECORDED FEBRUARY 6, 1991 AS
DOCUMENT NUMBER 91-004687, AS MODIFIED BY FIRST AMENDMENT TO
RECIPROCAL EASEMENT AND OPERATING AGREEMENT RECORDED AUGUST 6, 1993
AS DOCUMENT NUMBER 93-045088 AND AS MODIFIED BY SECOND AMENDMENT TO
RECIPROCAL EASEMENT AND OPERATING AGREEMENT RECORDED DECEMBER 28,
1993 AS DOCUMENT NUMBER 93-078347 AND ALSO ESTABLISHED AND SET OUT IN
THE CROSS CREEK RECIPROCAL EASEMENTS, PROTECTIVE COVENANTS,
RESTRICTIONS AND LIMITATIONS RECORDED NOVEMBER 24, 1993 AN DOCUMENT
NUMBER 93-070778.

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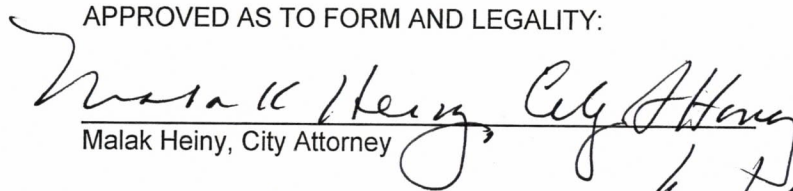

and the symbols of the City of Fort Wayne Zoning Map No. J-38 (Sec. 15 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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:

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-2023-0031
Bill Number: Z-23-06-33
Council District: 3-Tom Didier

Introduction Date: June 27, 2023

Plan Commission
Public Hearing Date: July 10, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 4.8 acres from SC/Shopping Center to
C3/General Commercial

Location: 6043 Lima Road

Reason for Request: To allow for electric car sales, service and delivery.

Applicant: KDP Fort Wayne IN, LLC

Property Owner: Southern Business Park, LLC/SDKC Properties, LLC

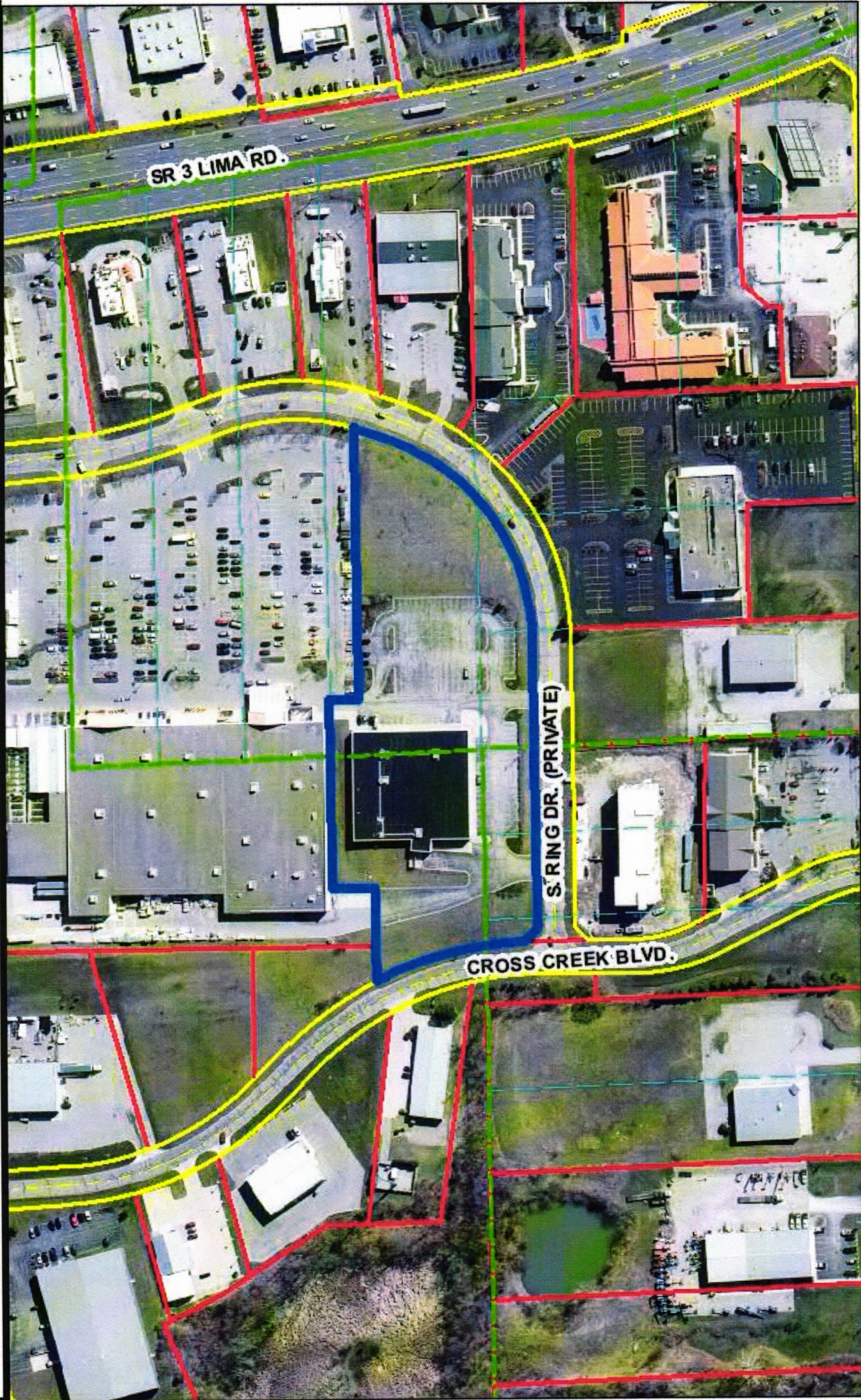
Related Petitions: none

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

Effect of Non-Passage: The property will remain zoned SC/Shopping Center and may continue
as a general retailer.



REZ-2023-0031 and PDP-2023-0027 - Electric Car Sales, Service, and Delivery



© 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: 6/22/2023

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.

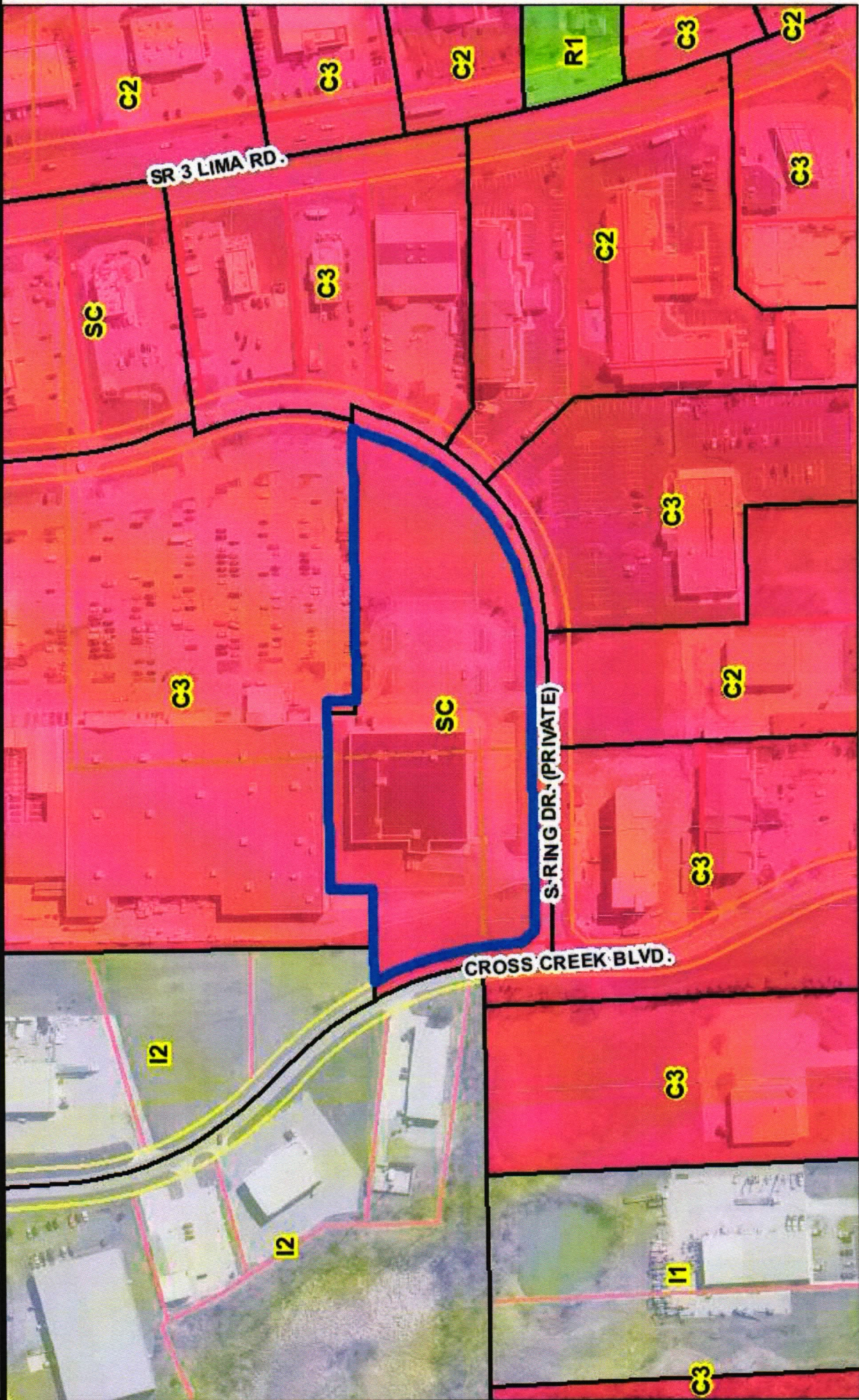


0 50 100 Feet

1 inch = 200 feet



REZ-2023-0031 and PDP-2023-0027 - Electric Car Sales, Service, and Delivery



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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 6/22/2023



1 inch = 200 feet

Department of Planning Services Rezoning Petition Application

Applicant

Applicant KDP Fort Wayne IN LLC
 Address 449 N. Clark St., Suite 400
 City Chicago State IL Zip 60654
 Telephone 312-379-5109 E-mail csotos@kdp-llc.com

Property
Ownership

Property Owner Southern Business Park, LLC / SDKC Properties, LLC
 Address 430 Jake Alexander Blvd West / 5240 North Bay Road
 City Salisbury / Miami Beach State NC / FL Zip 28144 / 33140
 Telephone _____ E-mail _____

Contact
Person

Contact Person Joseph Jacobs, PE
 Address 3333 Warrenville Road, Suite 200
 City Lisle State IL Zip 60532
 Telephone 585-424-0425 E-mail joe.jacobs@woolpert.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 6043 Lima Road, Fort Wayne, IN Township and Section Fort Wayne
 Present Zoning SC Proposed Zoning C-3 Acreage to be rezoned 4.818
 Purpose of rezoning (attach additional page if necessary) allow for electronic car sales service and delivery

 Sewer provider Fort Wayne Water provider Fort Wayne

Filing
Checklist

Applications will not be accepted unless the following filing requirements are submitted with this application.
 Filing fee \$1000.00
 Surveys showing area to be rezoned
 Legal Description of parcel to be rezoned
 Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Chris G. Sotos _____ *Chris G. Sotos* _____ May 31, 2023
 (printed name of applicant) (signature of applicant) (date)
 Shauna Rockson _____ *Shauna Rockson* _____ June 5, 2023
 (printed name of property owner) (signature of property owner) (date)



Received	Receipt No.	Hearing Date	Petition No.
5/6/23	143389	7/13/23	RE2-2023-0031

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



Department of Planning Services

Application for Waiver of Required Design Standards

Project Name Electric Car Sales, Service and Delivery
Project Address 6043 Lima Road, Fort Wayne, IN
Applicant KDP Fort Wayne IN LLC
Address 449 N. Clark St., Suite 400
City Chicago State IL Zip 60654
Telephone 312-379-5109 Fax 312-832-0960 E-mail csotos@kdp-llc.com

Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction

Description of Requested Waiver(s) _____
Requested waiver is to allow for ornamental fence, 6 feet in height, within the Front Yard setback of the property in a C3 Zone. The current zoning of the parcel is SC; the applicant is concurrently submitting to rezone to C3.

How will granting the waiver request(s) be in conformance with the purposes and intent of the ordinance and with the objectives and policies of the comprehensive plan? _____
Fencing is considered a universally permitted accessory structure in the C3 zone. Placement of the fencing within the front yard setback is a function of the location of the proposed parking expansion, which is in keeping with the size, location, massing and density of the adjacent parcels.

Will granting the waiver request(s) result in a significant impact on contiguous residential properties? There are no contiguous residential properties adjacent to the parcel; the property is currently surrounded by the C3 General Commercial zone.

How will failure to grant the waiver request(s) result in practical difficulties in the use of the property for the proposed development? Failure to grant the waiver request would result in the reduction of available outdoor storage area; this reduction in area would preclude tenancy of the building and ultimately make the project infeasible.


Signature of Applicant

Chris G. Sotos
Printed Name

May 31, 2023
Date

Department of Planning Services
Application for Waiver of Required Design Standards

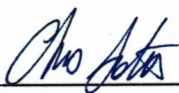
Project Name Electric Car Sales, Service and Delivery
Project Address 6043 Lima Road, Fort Wayne, IN
Applicant KDP Fort Wayne IN LLC
Address 449 N. Clark St., Suite 400
City Chicago State IL Zip 60654
Telephone 312-379-5109 Fax 312-832-0960 E-mail csotos@kdp-llc.com
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Signature of Applicant

Chris G. Sotos
Printed Name

May 31, 2023
Date

FACT SHEET

Case #REZ-2023-0031	Bill # Z-23-06-33	Project Start: June 2023
APPLICANT:	KDP Fort Wayne IN LLC	
REQUEST:	Rezone from SC/Shopping Center to C3/General Commercial and approve a primary development plan to allow automobile related uses with waivers to increase fence height and location of automobile storage.	
LOCATION:	6043 Lima Road, northeast corner of Cross Creek Blvd and Ring Road (Section 15 of Washington Township)	
PRESENT ZONING:	SC/Shopping Center	
PROPOSED ZONING:	C3/General Commercial	
COUNCIL DISTRICT:	3 – Tom Didier	
SPONSOR:	Fort Wayne Plan Commission	

July 10, 2023 Public Hearing

- No one from the public spoke at the hearing.
- Tom Freistroffer, Ryan Neumeister, and Paul Sauerteig were absent.

July 17, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Karen Richards and seconded by Paul Sauerteig to return the Ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Michelle Wood, Senior Land Use Planner
August 8, 2023

PROJECT SUMMARY

- The property consists of a large box commercial building formerly Gander Mountain.

DISCUSSION

The petitioner requests a rezoning from SC/Shopping Center to C3/General Commercial and a primary development plan to allow automobile related uses with waivers to increase fence height and location of automobile storage. The existing SC/Shopping Center does not permit some automobile related uses that the applicant would like to do. Specifically, the C3/General Commercial zoning district permits automobile sales, repair, restoration, and detailing. The applicant has a unique business model in that they store electric vehicles on site, but they do not sell them directly to the consumer onsite. Instead, they sell cars online. The maintenance and repair of the vehicles will be done within the existing building. The applicant did not provide the name of the business or the model of cars they will sell other than stating they will be electric vehicles. The submitted site plan includes an expansion of pavement on the east end of the existing parking lot as well as to the west and north side of the building. The east side expansion will primarily be used for their vehicle storage that will be fenced in.

The applicant is proposing a 6-foot ornamental style fencing, which is a waiver over the permitted 3-foot height allowance. The other waiver is to allow outdoor storage of vehicles in the front yard. The Fort Wayne Zoning ordinance requires outdoor storage to be located behind the primary structure or on the internal side of a corner lot. Typically, cars for sale are considered outdoor display, but since sales are mostly done online the Zoning Ordinance would classify this as vehicle storage.

The development plan does not include landscaping along South Ring Road as it is adjacent to nonresidential districts. If the waivers are approved, staff recommends a P-3 landscaping standard along this roadway. P-3 is for parking areas adjacent to commercial zoning. It requires 1 shade tree every 60 feet with 50% small shrub buffer in at least groups of three. This proposed landscaping would buffer the tall fencing that is so close to Ring Road.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 7 – Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings.

Generalized Future Land Use Map

- The project site is located within the Regional Commercial generalized land use category.
- Similar Primary Land Uses in this category are Moderate Multiple-User Business and Service.
- Adjacent properties are categorized as Regional Commercial.

Overall Land Use Related Action Steps

- Staff found no Action Steps that are directly applicable to the request.

Compatibility Matrix

- This proposed use is permitted in C3/General Commercial which is considered compatible with Regional Commercial.

Other Applicable Plans: none

The applicant will need to discuss the rezoning criteria set forth in state code. The applicant submitted the following information related to the criteria:

1. The Comprehensive Plan: *The project will provide service for privately-owned electric vehicles, which aligns with Goal 2 of the Transportation & Mobility section of the Allen County Comprehensive Plan of integrating new transportation technologies into the community by promoting EV use.*
2. Current conditions and the character of current structures and uses in the district: *The current conditions and character of structures in the district are commercial/retail based; the proposed use will maintain this character and use in conformance with adjacent properties.*
3. The most desirable use for which the land in the district is adapted: *The Cross Creek Plaza has been constructed to provide adequate traffic and infrastructure for a development of this size. The existing use and proposed use will substantially match, therefore is very compatible with the existing district.*
4. The conservation of property values throughout the jurisdiction: *The current parcel has been vacant for several years. By renovating the property and bringing electric vehicle and alternative energy users to the site, the redevelopment will stabilize property values.*
5. Responsible development and growth: *The proposed use reuses/redevelops existing vacant buildings, pavements and hardscape, in lieu of demolition and redevelopment on this parcel or developing on new vacant parcels. This reduces disturbance and impacts, while preserving land elsewhere for other uses.*

PUBLIC HEARING SUMMARY:

Presenter: Chris Sotos, representing the applicant, presented the request as outlined above. They represent the world's largest electric car sales and producers. A certain amount of cars will be displayed at the site, but this is not a traditional car sales lot. The front of the building will be upgraded with a new façade and customer lobby and lounge. The service facility will be housed in the back of the building. They are willing to add landscaping, as stated in the staff comments.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

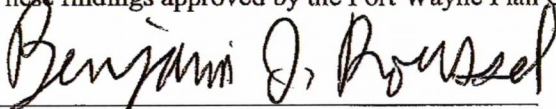
Rezoning Petition REZ-2023-0031

APPLICANT: KDP Fort Wayne IN LLC
REQUEST: Rezone from SC/Shopping Center to C3/General Commercial and approve a primary development plan to allow automobile related uses with waivers to increase fence height and location of automobile storage.
LOCATION: 6043 Lima Road, northeast corner of Cross Creek Blvd and Ring Road (Section 15 of Washington Township)
LAND AREA: 4.82 acre
PRESENT ZONING: SC/Shopping Center
PROPOSED ZONING: C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2023-0031 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 property is being rezoned to a district that expands permitted uses similar to those in the immediate area. The property is entirely surrounded by commercial districts.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The applicant is not expanding the structure that previously had an intense retail use. The site is similar in character to that of the surrounding properties and will improve an otherwise vacant building.
3. Approval is consistent with the preservation of property values in the area. The site has historically been used as a retail “big box” development, but has been vacant for years. The surrounding area has already been developed. This proposal will allow reinvestment in the northwest quadrant of Fort Wayne.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments will ensure the required infrastructure is provided to the site. The rezoning is consistent with adjacent commercial zonings to the north, south, east, and west of the parcel.

These findings approved by the Fort Wayne Plan Commission on July 17, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

BILL NO. Z-23-06-33






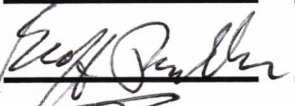

**REPORT OF COMMITTEE ON REGULATIONS
August 15, 2023**

**Sharon Tucker Chair
Tom Freistroffer Co-Chair
All Council Members**

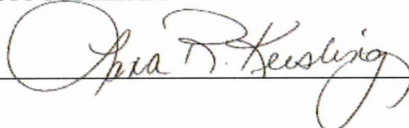
An Ordinance amending the City of Fort Wayne Zoning Map No. J-38 (Sec. 15 of Washington Township)

To rezone approximately 4.8 acres from SC/Shopping Center to C3/General Commercial at 6043 Lima Road to allow for electric car sales, service and delivery

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: N/A

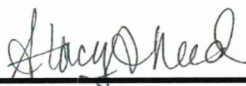
Read the first time in full and on motion by Councilperson Tucker.

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

Read the third time in full and on motion by Councilperson Tucker, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

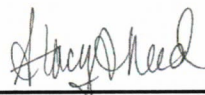
DATED: August 22, 2023



 STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. Z-23-06-33 on the 22nd day of August, 2023

ATTEST:

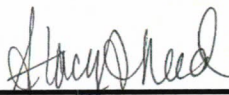


 STACY REED
 DEPUTY CITY CLERK



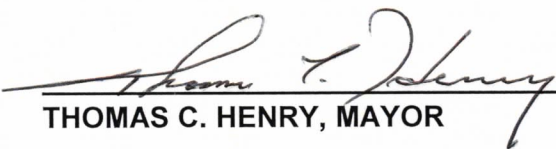
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of August 2023, at the hour of 9:35 o'clock A.M. E.S.T.



 STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 25th day of August 2023, at the hour of 11:30 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 AUG 25 2023
 LANA R. KEESLING
 CITY CLERK