

1 #REZ-2023-0035

2 BILL NO. Z-23-08-02

3 ZONING MAP ORDINANCE NO. Z- 41-23

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 PARCEL 1:

12 LOTS NUMBERED 12, 13 AND 14 IN WASHINGTON CENTER PLACE  
13 ADDITION, SECTION "A" AS RECORDED IN PLAT RECORD 15, PAGES 97-  
14 98 AND RE-RECORDED IN PLAT RECORD 15, PAGE 145, IN THE OFFICE OF  
THE RECORDER OF ALLEN COUNTY, INDIANA.

15 PARCEL 2 (EASEMENT):

16 AN EASEMENT FOR INGRESS AND EGRESS PURPOSES FOR THE BENEFIT  
17 OF PARCEL 1, AS CREATED BY GRANT OF INGRESS-EGRESS EASEMENT,  
18 DATED NOVEMBER 21, 2011, RECORDED NOVEMBER 29, 2011, AS  
INSTRUMENT NUMBER 2011054975, OVER AND ACROSS THE  
19 FOLLOWING DESCRIBED REAL ESTATE:

20 PART OF LOT 15 IN WASHINGTON CENTER PLACE ADDITION, SECTION  
21 A, AS RECORDED IN PLAT RECORD 15, PAGES 97-98 AND RECORDED IN  
PLAT BOOK 15, PAGE 145 IN THE OFFICE OF THE RECORDER OF ALLEN  
22 COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23 COMMENCING AT THE SOUTHWEST CORNER OF LOT NUMBER 15 IN  
24 WASHINGTON CENTER PLACE ADDITION, SECTION A, AS RECORDED IN  
PLAT RECORD 15, PAGES 97-98 AND RE-RECORDED IN PLAT RECORD 15.  
25 PAGE 145 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY,  
INDIANA; THENCE EAST, ALONG THE SOUTH LINE OF LOT NUMBER 15  
26 AND THE NORTH RIGHT OF WAY LINE OF STRATTON ROAD A  
DISTANCE OF 70.0 FEET TO THE POINT OF BEGINNING, SAID POINT  
27 BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF  
STRATTON ROAD AND THE EAST RIGHT OF WAY LINE OF COLDWATER  
28 ROAD; THENCE NORTH WITH A DEFLECTION ANGLE TO THE LEFT OF 89

29

30

1 DEGREES 55 MINUTES 24 SECONDS ALONG THE EAST RIGHT OF WAY  
2 LINE OF COLDWATER ROAD A DISTANCE OF 100.0 FEET TO A POINT ON  
3 THE NORTH LINE OF LOT NUMBER 15; THENCE EAST WITH A  
4 DEFLECTION ANGLE TO THE RIGHT OF 89 DEGREE 55 MINUTES 24  
5 SECONDS ALONG THE NORTH LINE OF LOT NUMBER 15, A DISTANCE OF  
6 55.0 FEET; THENCE SOUTH WITH A DEFLECTION ANGLE TO THE RIGHT  
7 OF 90 DEGREES 04 MINUTES 36 SECONDS A DISTANCE OF 100.0 FEET TO  
8 A POINT ON THE SOUTH LINE OF LOT NUMBER 15 AND THE NORTH  
9 RIGHT OF WAY LINE OF STRATTON ROAD; THENCE WEST WITH A  
10 DEFLECTION ANGLE TO THE RIGHT OF 89 DEGREES 55 MINUTES 24  
11 SECONDS ALONG THE SOUTH LINE OF LOT NUMBER 15 AND THE  
12 NORTH RIGHT OF WAY LINE OF STRATTON ROAD, A DISTANCE OF 55.0  
13 FEET TO THE POINT OF BEGINNING, CONTAINING 0.126 ACRES.

14  
15  
16 and the symbols of the City of Fort Wayne Zoning Map No. N-34 (Sec. 24 of Washington  
17 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
18 Wayne, Indiana is hereby changed accordingly.

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

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

25   
26 \_\_\_\_\_  
27 Council Member

28 APPROVED AS TO FORM AND LEGALITY:

29   
30 \_\_\_\_\_  
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-2023-0035  
Bill Number: Z-23-08-02  
Council District: 3-Tom Didier

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Introduction Date: August 8, 2023  
  
Plan Commission  
Public Hearing Date: August 14, 2023 (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 property from C2/Limited Commercial to C3/General Commercial for a car wash.  
  
Location: 5820 Coldwater Road  
  
Reason for Request: To allow for car wash.  
  
Applicant: Drive and Shine (Haji Tehrani)  
  
Property Owner: Tokens-N-Tickets Property LLC (Rob Clevenger)

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Related Petitions: Primary Development Plan – Drive and Shine - Coldwater Road

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Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which allows for car washes.  
  
Effect of Non-Passage: The property will remain zoned C2/Limited Commercial and may redevelop with a variety of commercial and office uses.

**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 hajj@driveandshine.com

**Property Ownership**  
 Property Owner Tokens-N-Tickets Property, LLC (Rob Clevenger)  
 Address 1219 Oak Bay Run  
 City Fort Wayne State IN Zip 46825  
 Telephone 317-985-4256 E-mail racingrob4@gmail.com

**Contact Person**  
 Contact Person Cody Ward (MLS Engineering, LLC)  
 Address 10060 Bent Creek Blvd  
 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 5820 Coldwater Rd, Fort Wayne, IN 46825 Township and Section Washington / Sec. 24  
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.84  
 Purpose of rezoning (attach additional page if necessary)  
Rezoned C2 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 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 and/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

Drive & Shine (Haji Tehrani) [Signature] 06-29-23  
 (printed name of applicant) (signature of applicant) (date)  
Tokens-N-Tickets Property, LLC (Rob Clevenger) [Signature] 06-29-23  
 (printed name of property owner) (signature of property owner) (date)



Received	Receipt No.	Hearing Date	Petition No.
7-5-23	143584	8-14-23	REZ -

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802  
 Phone (260) 449-7607 • Fax (260) 445-7682 • www.ci.fortwayne.in.us • www.snoofortwayne.com



2023-0035

**1. Approval of the rezoning request will be in substantial compliance with the All in Allen Comprehensive Plan and should not establish an undesirable precedent in the area.**

The proposed rezoning is consistent with the *All in Allen Plan* in that it clearly fits within Goal 1; namely, it encourages compatible infill development within areas that are primarily built out (pg. 60). The project promotes Goal 2 (pg. 61) in as much as it promotes development in areas that are contiguous with existing development, encourages rezoning for properties in targeted growth areas, redevelopment in areas that are already served by adequate water, sanitary sewer and transportation structure.

**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.**

5820 Coldwater Road is the former location of Token-n-Tickets. The subject property is one property south of the intersection of Coldwater and East Washington. It is directly south of a Marathon gas station and north of a Subway franchise. Coldwater is approximately eight (8) lanes across (including turn lanes) in front of the subject property. Immediately across the street is a gas station, Don Hall's Factory and Wendy's fast food. The area is decidedly commercial with consistent, heavy traffic and signalized intersections. Recent aesthetic and logistical improvements are evident in this portion of Coldwater Road. Notably there are also several large shopping complexes, which include a Walmart, Hobby Lobby, Aldi, Pet Supplies Plus among many other commercial businesses and restaurants. In addition to Token-n-Tickets, the property was formerly operated as a restaurant. To the rear of the building, is additional parking, screening and a couple of existing residences.

**3. Approval is consistent with the preservation of property values in the area.**

The conservation of property values throughout the jurisdiction is accomplished by granting this rezoning request in as much as this is an established commercial corridor along Coldwater Road and the use proposed is consistent and complementary to existing uses. Residential or heavy industrial use is wholly inappropriate for this property. Significant traffic volumes and existing automotive services along Coldwater Road make the existence of an automobile washing facility desirable and convenient for the area.

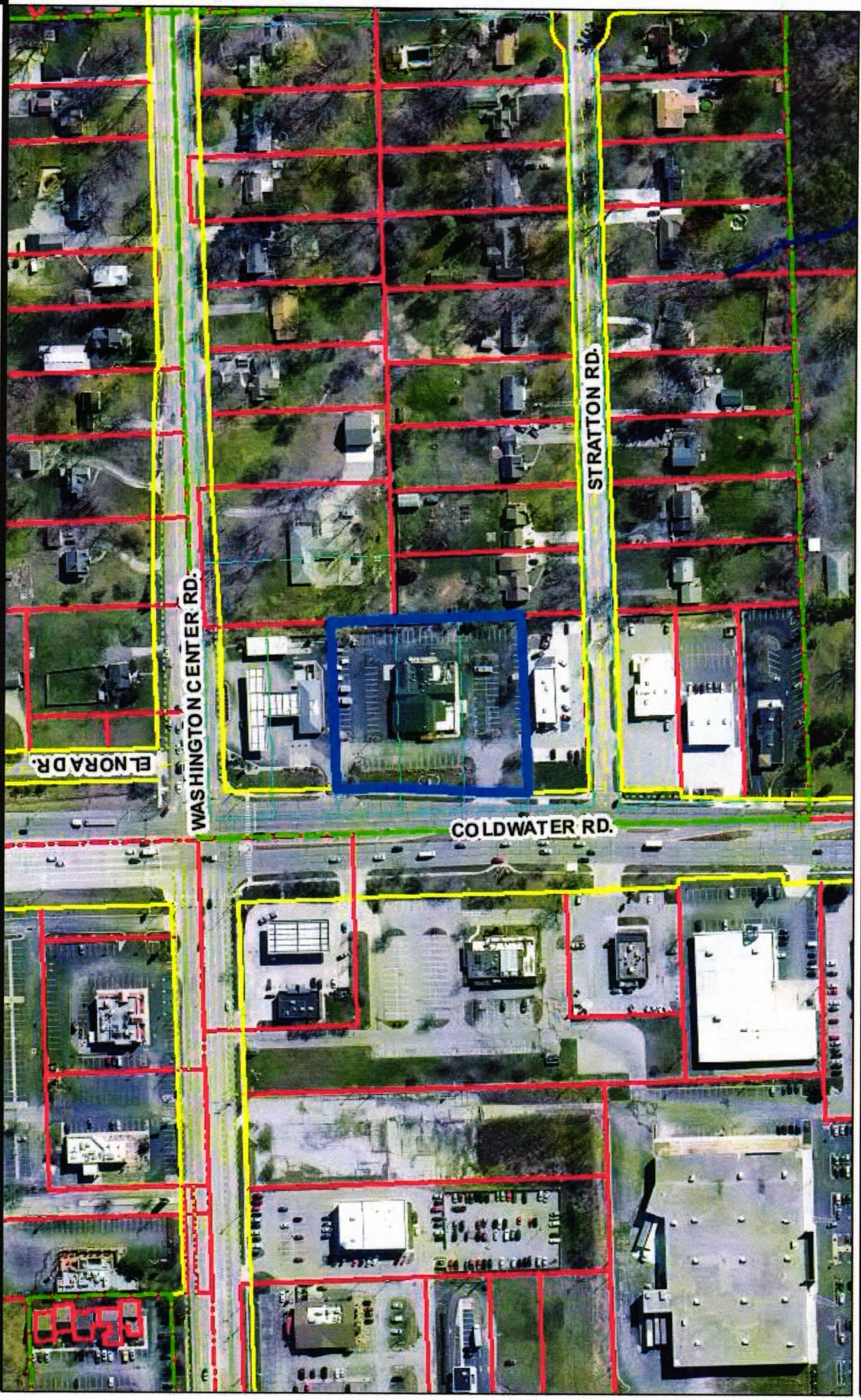
**4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.**

The automobile washing facility will not seek to impose a use that is immoral or otherwise offensive to the community as a whole, to customers of other local businesses along this corridor, or to the couple of residential homes to the east/rear of the subject property. There is ample parking, traffic signalization and curb cuts already in place. In addition, the project will reutilize and reinvigorate decidedly commercial real estate that has not been in commercial use for a period of time. In addition, a car wash further south on Coldwater has been previously approved by the Plan Commission.

The most desirable use for which the land in the district is adapted is very clearly commercial/retail. Mixed use is predominant in light of the residential neighborhood to the rear of the majority of the buildings along this section of Coldwater. Commercial and retail uses are entrenched along this span of Coldwater Road. Adequate utilities are already available on site.



REZ-2023-0035 and PDP-2023-0029 Drive and Shine- Coldwater



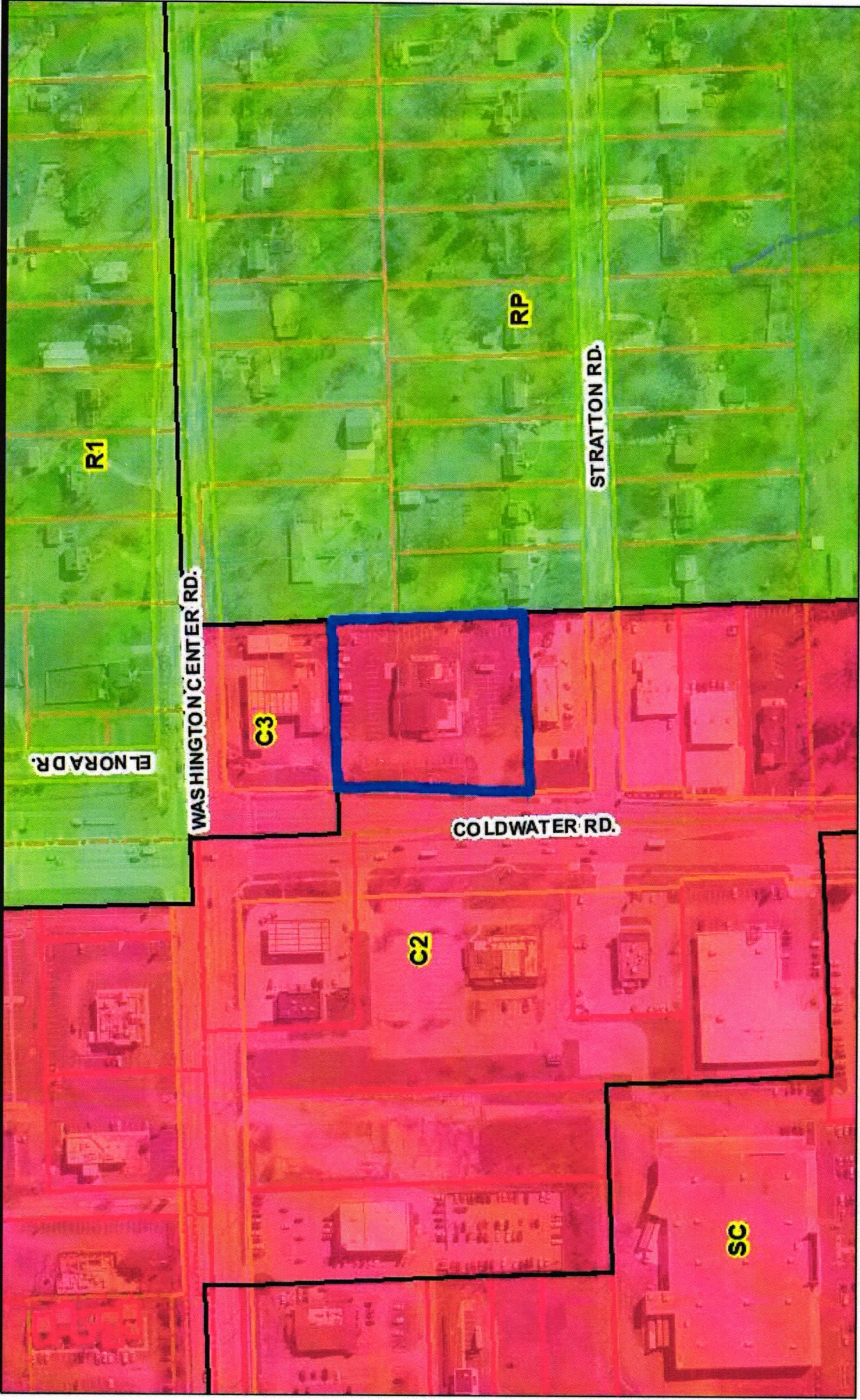
© 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009  
 Date: 7/17/2023

Although stated 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.

1 inch = 200 feet



REZ-2023-0035 and PDP-2023-0029 Drive and Shine - Coldwater



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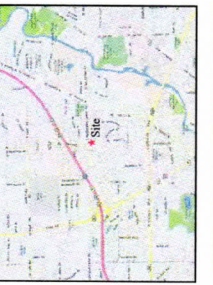
© 2004 Board of Commissioners of the County of Allen  
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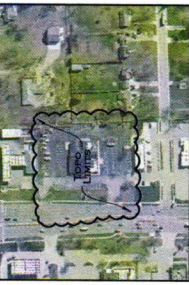
1 inch = 200 feet



VICINITY MAP



TOPOGRAPHIC SCOPE



COMMITMENT DESCRIPTION

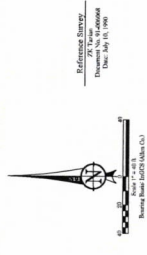
PARCELS 10, 11 AND 12 IN WASHINGTON CENTER PLACE ADDITION, SECTION 14, TOWNSHIP 15S, RANGE 14E, ALLEN COUNTY, INDIANA, ARE HEREBY RECORDED IN PLAT RECORD 15, PAGE 14 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

SURVEYOR'S REPORT

THE WORK OF THIS SURVEY WAS PERFORMED BY ME IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1967, AS AMENDED BY PUBLIC LAW 95-90 AND PUBLIC LAW 95-91, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING ENGINEERS AND LAND SURVEYORS OF THE STATE OF INDIANA.

THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1967, AS AMENDED BY PUBLIC LAW 95-90 AND PUBLIC LAW 95-91, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING ENGINEERS AND LAND SURVEYORS OF THE STATE OF INDIANA.

SYMBOL AND LINE LEGEND table listing various symbols and line types used in the survey plan, such as 'Survey Line', 'Boundary Line', 'Easement', etc.



TITLE COMMITMENT - SCH. B - #792300140
Item #1 - Not Survey Item
Item #2 - Not Survey Item
Item #3 - Not Survey Item
Item #4 - Not Survey Item

FLOOD PLAN CERTIFICATION

THIS PLAN HAS BEEN REVIEWED BY THE CITY OF FORT WAYNE, INDIANA, AND IS IN ACCORDANCE WITH THE FLOOD DAMAGE PREVENTION ACT OF 1974, AS AMENDED BY PUBLIC LAW 95-603.

NOTES

- Locations and names of underground utilities were determined from available records and/or field investigation. Utility locations are shown as best estimates.
- Indiana Underground Public Protection Services (IUPPS) Location Number: 230606465
- Indiana Underground Public Protection Services (IUPPS) Location Number: 230606465

SURVEYOR'S CERTIFICATION

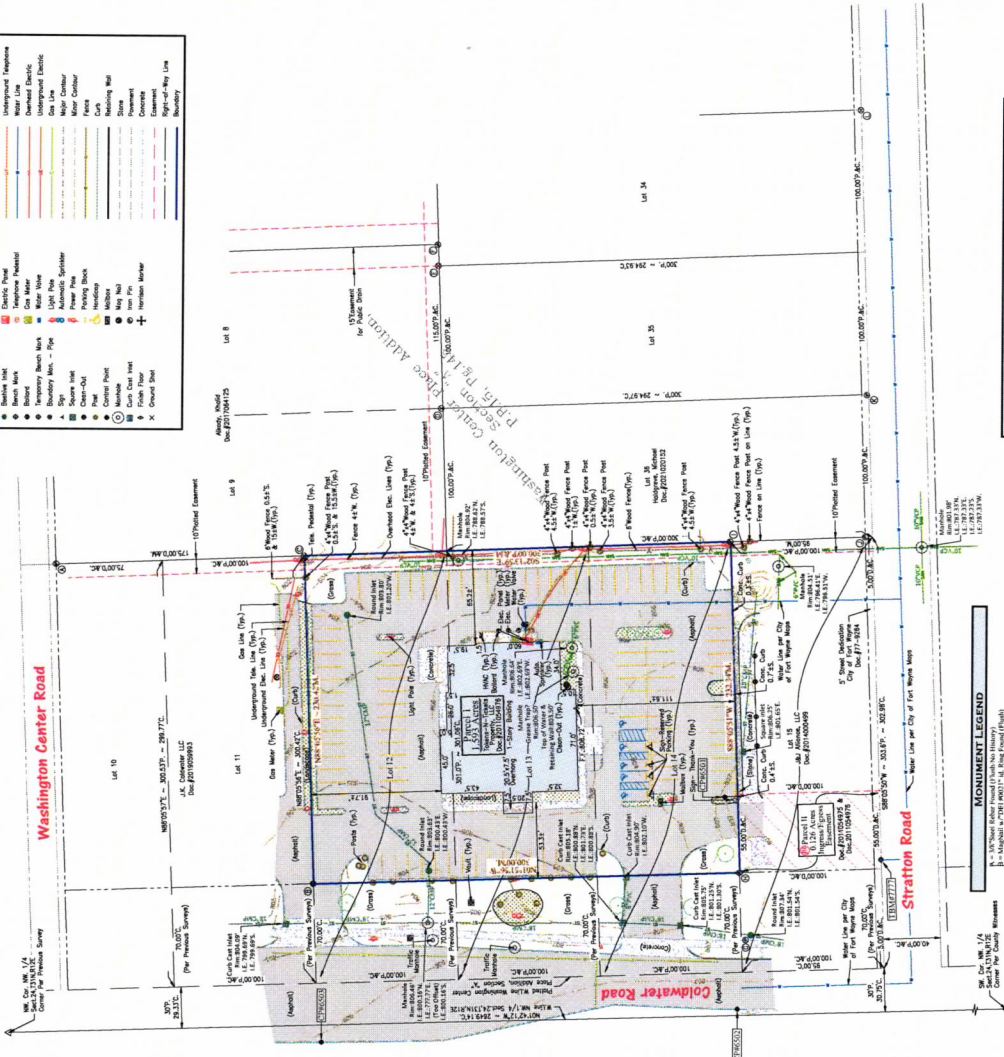
I, the undersigned, being a duly Licensed Professional Surveyor in the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client.



ZONING NOTES table with columns for 'Zoning District', 'Permitted Use', and 'Conditional Use'.

PARKING NOTES table with columns for 'Type of Parking', 'Number of Spaces', and 'Notes'.

Legend table with symbols for 'Survey Line', 'Boundary Line', 'Easement', etc.



CONTROL TABLE table listing monument details such as 'Monument No.', 'Description', 'Material', and 'Location'.

MONUMENT LEGEND

- 1 - 12" Round Galvanized Steel Pipe (10' High)
2 - 12" Round Galvanized Steel Pipe (10' High)
3 - 12" Round Galvanized Steel Pipe (10' High)

Corporate Office
221 E. Liberty Street
Fort Wayne, IN 46802
Phone: (260) 695-6166

Form Waiver Office
1600 East 26th Street
Fort Wayne, IN 46804
Phone: (260) 484-8577

Miller Land Surveying, Inc.
Washington Center Place Addition - Lots 12-14, Allen Co., IN

ALTA/NSPS Land Title Survey



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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

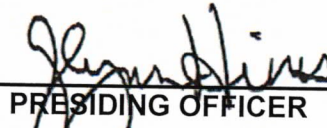
DATED: September 26, 2023

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

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 General Ordinance No. Z-23-08-02 on the 26th day of September, 2023

ATTEST:

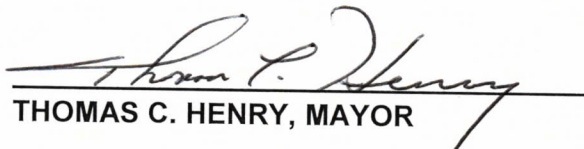
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

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

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th  
 of September 2023, at the hour of 9:15 o'clock A.M. E.S.T.

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

Approved and signed by me this 28<sup>th</sup> day of September 2023, at the  
 hour of 12:00 o'clock PM E.S.T.

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

FORT WAYNE, INDIANA  
**RECEIVED**  
 SEP 28 2023  
 LANA R. KEESLING  
 CITY CLERK