

1 #REZ-2023-0048

2 BILL NO. Z-23-09-25

3
4 ZONING MAP ORDINANCE NO. Z- 46-23

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. F-03 (Sec. 08 of Wayne Township)

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

9 SECTION 1. That the area described as follows is hereby designated a C3 (General
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 1.60 acres of land in the Southwest Quarter of Section 8, Township 30 North, Range
13 12 East and in the Southeast Quarter of Section 7, Township 30 North, Range 12
14 East, in Allen County, Indiana, being more particularly described as follows, to-wit:

15 Beginning at a point 380 feet North of a point located on the centerline of the
16 Covington Road, which latter point is 75 feet South, 89 degrees 53 minutes East of
17 the Southwest corner of the Southwest Quarter of Section 8, Township 30 North,
18 Range 12 East; thence South 79 degrees and 45 minutes West, a distance of 203 feet;
19 thence North, a distance of 327 feet to the South line of U.S. Highway 24 in the
aforesaid Section, Township and Range; thence in a Northeasterly direction along
the South line of said U.S. Highway 24, a distance of 216 feet; thence South, a
distance of 373 feet to the place of beginning, containing 1.60 acres of land, more or
less, in Allen County, Indiana

20
21 and the symbols of the City of Fort Wayne Zoning Map No. F-03 (Sec. 08 of Wayne
22 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
23 Wayne, Indiana is hereby changed accordingly.

24
25 SECTION 2. If a written commitment is a condition of the Plan Commission's
26 recommendation for the adoption of the rezoning, or if a written commitment is modified and
27 approved by the Common Council as part of the zone map amendment, that written
28 commitment is hereby approved and is hereby incorporated by reference.
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30

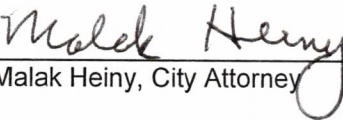
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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



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-2023-0048
Bill Number: Z-23-09-25
Council District: 4-Jason Arp

Introduction Date: September 26, 2023
Plan Commission
Public Hearing Date: October 9, 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 1.60 acres from RP/Planned Residential to C3/General Commercial

Location: 5305 West Jefferson Boulevard

Reason for Request: To expand the previously approved area for a new Mercedes Benz dealership.

Applicant: DM-MBFW, LLC

Property Owner: DM-MBFW, LLC

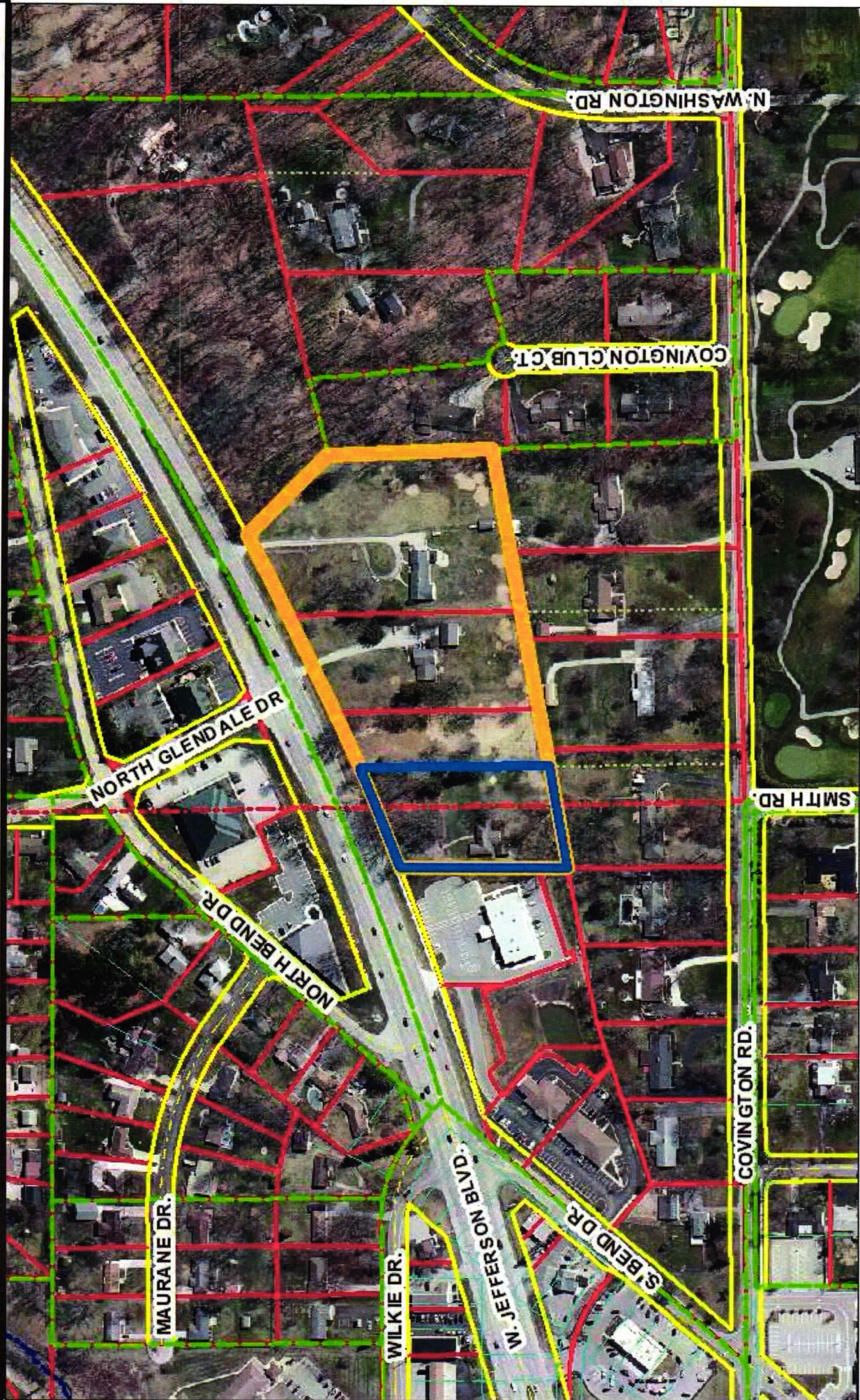
Related Petitions: Amended Primary Development Plan, Mercedes Benz

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 RP/Planned Residential, which does not permit commercial uses. The site may be redeveloped with single, two family or multiple family housing.



REZ-2023-0048 and PDP-2023-0036 - Mercedes Benz Extended



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.

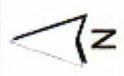
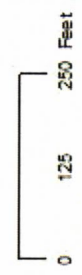
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 9/19/2023

Legend



Mercedes_Benz_Extended Rezoning

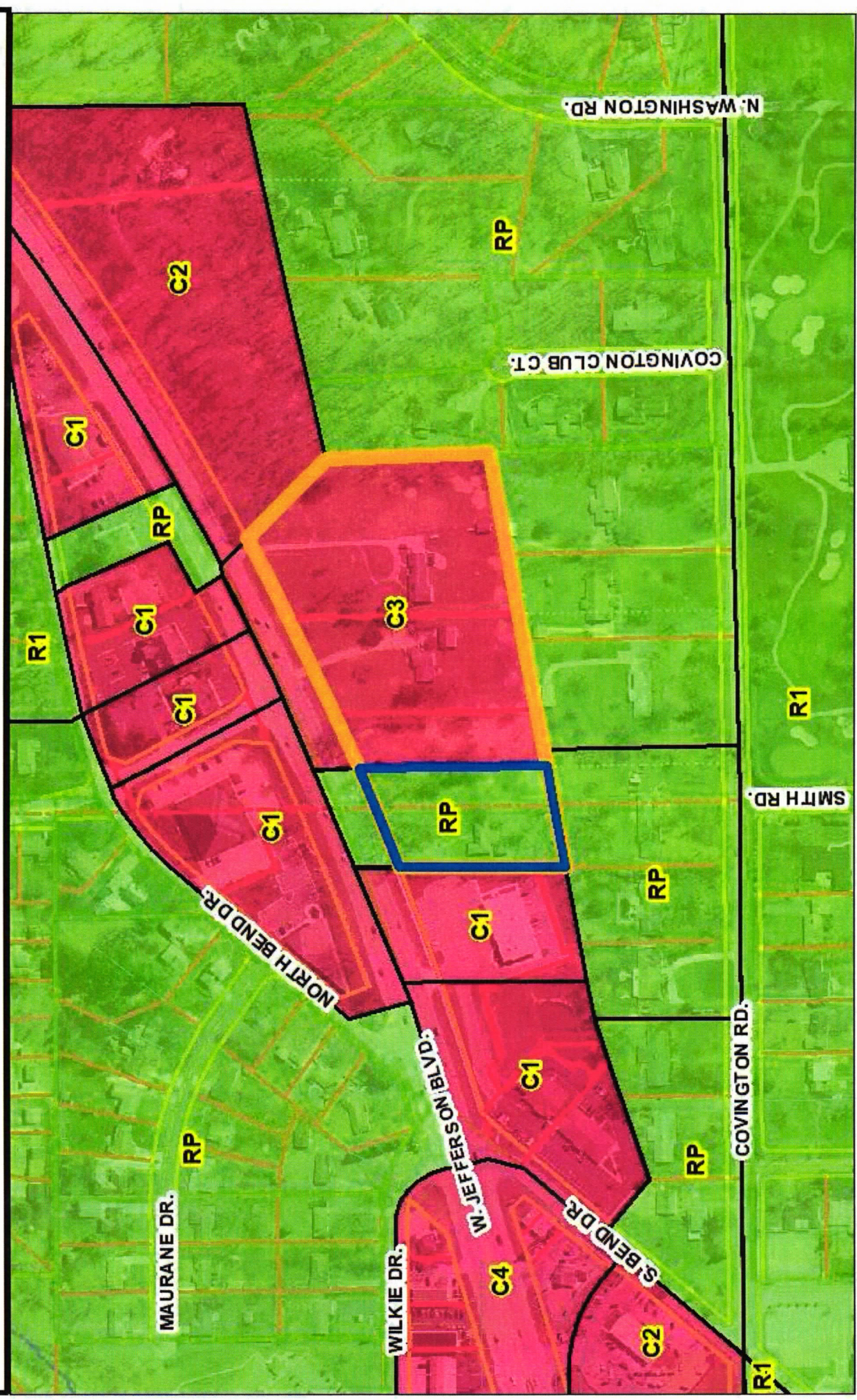
Mercedes_Benz_Primary_Development_Plan



1 inch = 250 feet



REZ-2023-0048 and PDP-2023-0036 - Mercedes Benz Extended



© 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: 9/19/2023

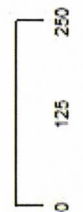
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Legend



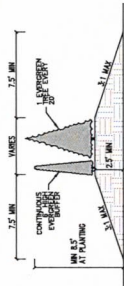
Mercedes_Benz_Extended Rezoning

Mercedes_Benz_Primary_Development_Plan

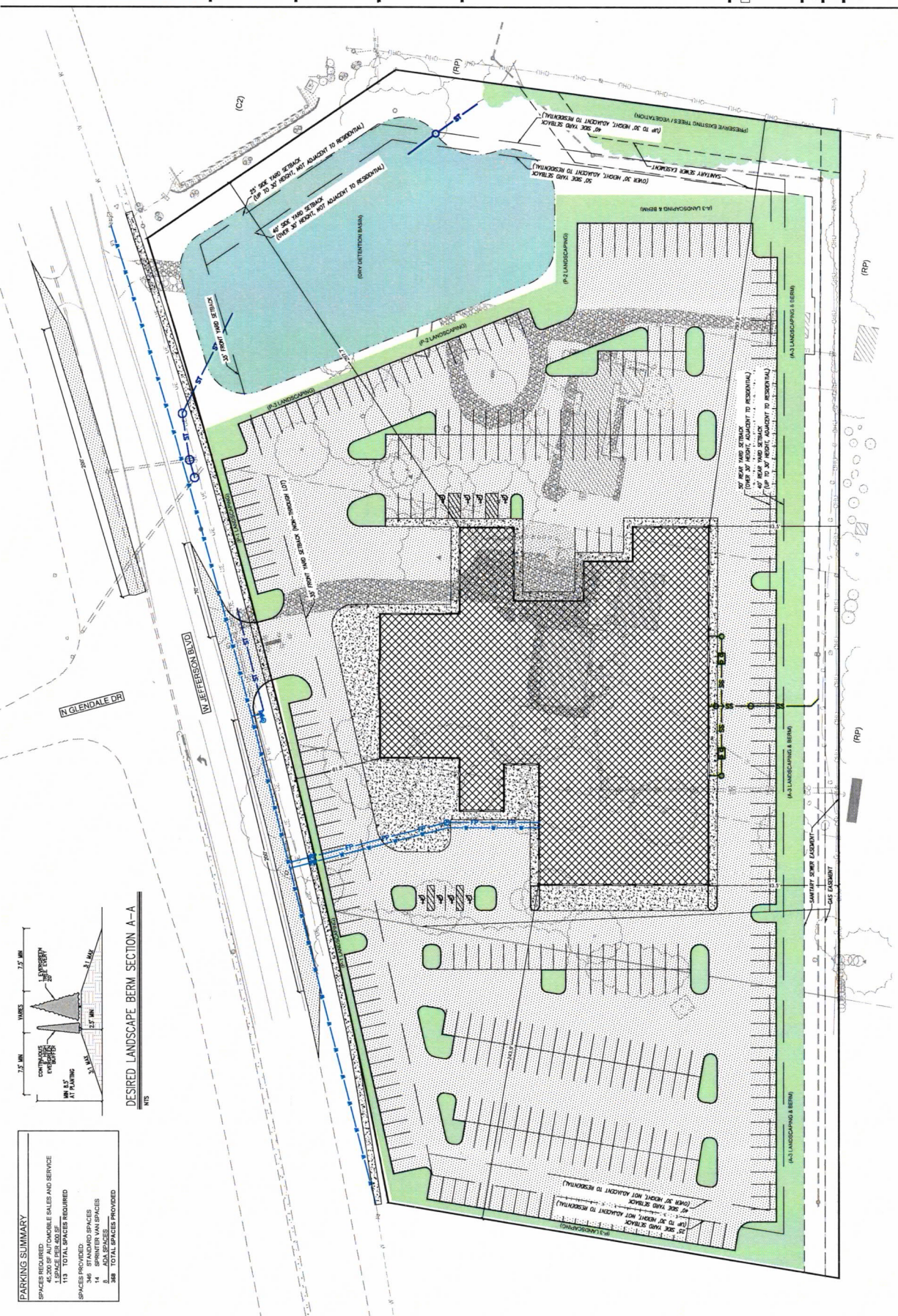


1 inch = 250 feet

PARKING SUMMARY	
SPACES REQUIRED	46,200 SF AUTOMOBILE SALES AND SERVICE
113	TOTAL SPACES REQUIRED
SPACES PROVIDED	346 STANDARD SPACES
14	SPRINTER VAN SPACES
336	TOTAL SPACES PROVIDED



DESIRED LANDSCAPE BERM SECTION A-A
NTS



Overall Site Plan
SCALE: 1" = 30'
NORTH

C1.0

FELDERMAN
DESIGN - BUILD
5625 CENTER LANE, FORT WAYNE, INDIANA 46804
TEL: (219) 434-0000 FAX: (219) 434-0001
https://www.felderman.com/

CONSULTANT:
BFA
BERTSCHFRANK
LANDSCAPE ARCHITECTS & CONSULTANTS
CERTIFICATION:

MERCEDES-BENZ OF FORT WAYNE
5201 WEST JEFFERSON BOULEVARD
FORT WAYNE, INDIANA 46804

PROPOSED PROJECT FOR:

NO.	DATE	DESCRIPTION

PROJECT NUMBER:
71007100
DATE PLOTTED:
09/07/23
PLOT NUMBER:
Overall Site Plan

MERCEDES-BENZ OF FORT WAYNE
5201 WEST JEFFERSON BOULEVARD
FORT WAYNE, INDIANA 46804

NO.	DATE	DESCRIPTION

PROJECT NUMBER:
71007100
DATE PLOTTED:
09/07/23
PLOT NUMBER:
Overall Site Plan

C1.0

UPDIKE SURVEYING, INC.

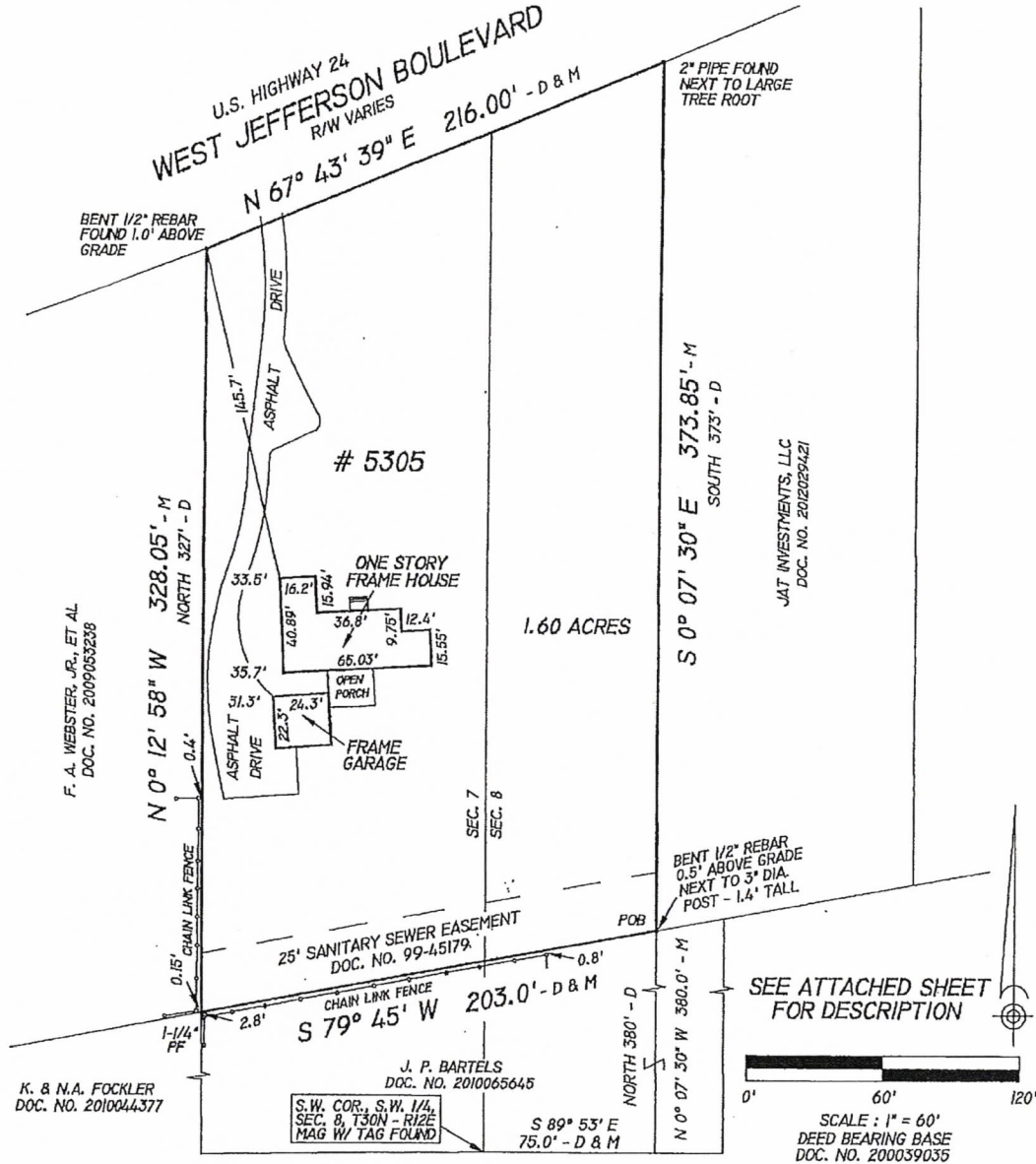
1305 E. State Blvd. - Suite 3
 Fort Wayne, In. 46805
 Office: 260-496-9699
 Fax: 260-496-9799

Sheet 1 of 2

Job No. 12-K-05

SURVEY PLAT

This document is a retracement survey of land located in Wayne Township, Allen County, Indiana, made in accordance with the pertinent records on file in the Office of the Recorder and/or Auditor of said county.



FLOOD PLAIN NOTE: The described property lies in Zone X, as determined by scaled distances on Flood Insurance Rate Map 18003C0290 G, effective August 3, 2009, for Allen County, Indiana, and does not lie in a Special Flood Hazard Area.

Owner of Record: LOUISE L. BARBER TRUST

Buyer: INCREMONA

Title Company: LAWYERS TITLE

Lender:

I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in B55 IAC 1-12.

Date: October 6, 2012

FIELD WORK COMPLETED: October 5, 2012

Original document only when signed and sealed in BLUE INK.

John L. Updike, L.S.#S0494
 LS 80040494

Found monuments have no documented history, except as noted.

- RF - Rebar Found at grade
- RS - 5/8" dia. x 24" long Rebar, set at grade, with UPDIKE cap
- RRS - Railroad Spike
- PK - P.K. nail
- MAG - Mag nail
- PF - Pipe Found
- P - Platted
- D - Deed
- R - Recorded (as noted)
- M - Measured



John L. Updike

UPDIKE SURVEYING, INC.

1305 E. State Blvd. - Suite 3
Fort Wayne, In. 46805
Office: 260-496-9699
Fax: 260-496-9799

Sheet 2 of 2

Survey No.: 12-K-05

Date: October 6, 2012

RECORD DESCRIPTION - DOC. NO. 200039035

One and sixty hundredths (1.60) acres of land in the southwest quarter of Section 8, Township 30 North, Range 12 East and in the southeast quarter of Section 7, Township 30 North, Range 12 East in Allen County, Indiana, being more particularly described as follows, to-wit:
Beginning at a point 380 feet north of a point located on the centerline of the Covington Road, which latter point is 75 feet south 89 degrees and 53 minutes east of the southwest corner of the southwest quarter of Section 8, Township 30 North, Range 12 East; thence south 79 degrees and 45 minutes west, a distance of 203 feet; thence north, a distance of 327 feet to the south line of U. S. Highway 24 in aforesaid Section, Township and Range; thence in a northeasterly direction along the south line of said U. S. Highway 24, a distance of 216 feet; thence south, a distance of 373 feet to the place of beginning, containing one and sixty hundredths (1.60) acres of land, more or less in Allen County, Indiana.

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 19 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- A.) CLARITY OR AMBIGUITY OF RECORD DESCRIPTIONS
- B.) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS
- C.) OCCUPATION OR POSSESSION LINES

THIS SURVEY IS CLASSIFIED AS A RURAL SURVEY. RELATIVE POSITIONAL ACCURACY FOR THIS SURVEY IS 0.26 FEET PLUS 200 PARTS PER MILLION, AS DEFINED IN 865 IAC 1-12-7.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR ABSTRACT OF TITLE. A COMPLETE TITLE SEARCH MAY REVEAL FACTS THAT MAY AFFECT PORTIONS OF THIS SURVEY. NO OPINION OF TITLE IS MADE NOR IMPLIED IN THIS REPORT. THE OPINIONS EXPRESSED HEREIN ARE ON MATTERS OF SURVEY.

5305 West Jefferson Boulevard, Fort Wayne, Indiana.

1.60 acres, S.W. 1/4, Section 8, and S.E. 1/4, Section 7, Township 30 North, Range 12 East, Allen County, In.

A.) This is a survey of the parcel described in Document Number 200039035, with title vested in Louise L. Barber Trust. There are no apparent title conflicts in this area. Current record descriptions use language that creates common lines between the parcels.

B.) The following control monuments were found for this survey. The Southwest corner of the Southwest Quarter of section 8 is marked by a MAG nail with a tag. I found no documented history for this monument. I have used this monument of prior surveys in the area. This MAG nail was held as marking the Southwest corner of Section 8. Rebars and pipes were found around the perimeter of the surveyed parcel. Measurements between the found monuments were within 1.0 feet of deed dimensions. The found monuments on the surveyed parcel were held as marking the deeded parcel corners.

C.) The lines of occupation and possession are as follows: The center of a chain link fence enclosing a yard area on the Webster parcel to the West runs from 0.15 to 0.4 feet West of the West line of the surveyed parcel. The center of a chain link fence enclosing a yard area on the Bartels parcel to the South runs from 0.8 to 2.8 feet South of the South line of the surveyed parcel. There are no other fences along or near the remaining boundary lines of the surveyed parcel.

Exhibit "A"
Property Description

1.60 ACRES OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 12 EAST AND IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 380 FEET NORTH OF A POINT LOCATED ON THE CENTERLINE OF THE COVINGTON ROAD, WHICH LATTER POINT IS 75 FEET SOUTH, 89 DEGREES 53 MINUTES EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 12 EAST; THENCE SOUTH 79 DEGREES AND 45 MINUTES WEST, A DISTANCE OF 203 FEET; THENCE NORTH, A DISTANCE OF 327 FEET TO THE SOUTH LINE OF U. S. HIGHWAY 24 IN THE AFORESAID SECTION, TOWNSHIP AND RANGE; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTH LINE OF SAID U. S. HIGHWAY 24, A DISTANCE OF 216 FEET; THENCE SOUTH, A DISTANCE OF 373 FEET TO THE PLACE OF BEGINNING CONTAINING 1.60 ACRES OF LAND, MORE OR LESS, IN ALLEN COUNTY, INDIANA.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant DM-BMFW, LLC
 Address 100 W. Coliseum Blvd.
 City Fort Wayne State IN Zip 46804
 Telephone _____ E-mail _____

Contact Person
 Contact Person Joshua C. Neal, Barrett McNagny, LLP
 Address 215 E. Berry St.
 City Fort Wayne State IN Zip 46802
 Telephone (260) 423-9551 E-mail jcn@barrettllaw.com

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

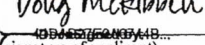
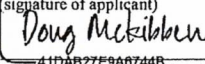
Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 5305 W. Jefferson Blvd.
 Present Zoning RP Proposed Zoning C3 Acreage to be rezoned 1.60 acres
 Proposed density _____ units per acre
 Township name Wayne Township section # 8
 Purpose of rezoning (attach additional page if necessary) _____

 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 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 persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Doug McKibben		9/5/2023
(printed name of applicant)	(signature of applicant)	(date)
Doug McKibben		9/5/2023
(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.
9-7-23	144035	10-9-23	REZ-2023-0048



BarrettMcNagny^{LLP}

ATTORNEYS AT LAW

September 7, 2023

Joshua C. Neal
Direct (260) 423-8935
jcn@barrettlaw.com

Via Hand Delivery

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802

Re: DM-BMFW, LLC // 5305 West Jefferson Boulevard

Dear Michelle:

This law firm is counsel to DM-BMFW, LLC with respect to the rezoning and proposed development of 1.60 acres of land located at 5305 West Jefferson Boulevard in Fort Wayne (the "Real Estate").

In this regard, please find enclosed with this letter the following documents:

1. The Rezoning Petition Application;
2. The Primary Development Plan and Plat Application; and
3. Two checks made payable to the "Allen County Treasurer," each in the amount of \$1,000 representing the filing fees for the applications.

The applicant is proposing that the Real Estate will be subject to a written commitment restricting the uses of the Real Estate which will mirror the terms and requirements of the previously approved written commitment for the neighboring parcel.

Thank you in advance for your and your staff's attention to the enclosed materials. It is our understanding that the applications will be heard by the Allen Plan Commission at a public hearing scheduled for 1:00 p.m. on October 9, 2023, in Room 35 of Citizen's Square. Should you have any questions or need any additional information concerning this project prior to that time, please do not hesitate to contact the undersigned.

Sincerely,

BARRETT McNAGNY LLP

Joshua C. Neal
JCN:kec:3864469 (57372-01)
Enclosures



BILL NO. Z-23-09-25

**REPORT OF COMMITTEE ON REGULATIONS
November 14, 2023**

Sharon Tucker Chair



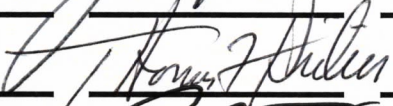


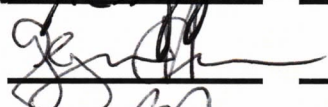
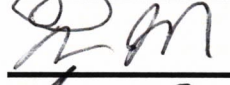

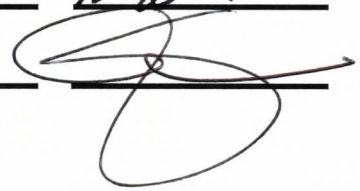
Tom Freistroffer Co-Chair

All Council Members

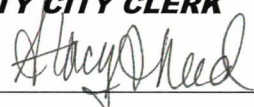
An Ordinance amending the City of Fort Wayne Zoning Map No. F-03 (Sec. 08 of Wayne Township)

To rezone approximately 1.60 acres from RP/Planned Residential to C3/General Commercial at 5305 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			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**STACY REED
DEPUTY CITY CLERK**



Public Hearing Date: N/A

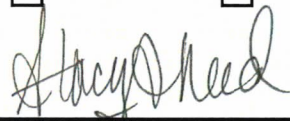
Read the first time in full and on motion by Councilperson Tucker.

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 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"/>

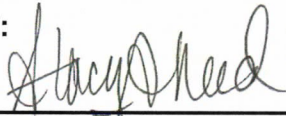
DATED: November 14, 2023



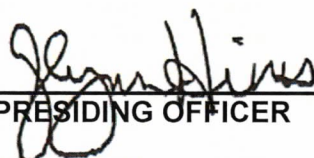
STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-23-09-25 on the 14th day of November, 2023

ATTEST:

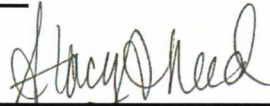


STACY REED
DEPUTY CITY CLERK



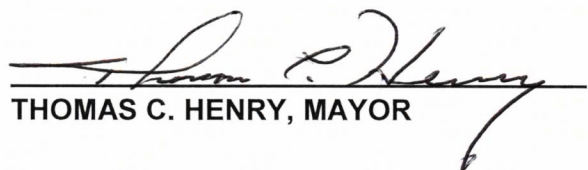
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of November 2023, at the hour of 8:41 o'clock P.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 17th day of NOVEMBER 2023, at the hour of 11:30 o'clock AM . E.S.T.


THOMAS C. HENRY, MAYOR