

1 #REZ 2024 0029

2 BILL NO. Z-24-06-18

3
4 ZONING MAP ORDINANCE NO. Z-21-24

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. S-14 (Sec. 32 of Saint Joseph Township)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 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 **LEGAL DESCRIPTION:**

13 The land is situated in the County of Allen, State of Indiana, and described as follows:

14 PARCELS I & II: Lots Numbered Forty-Four (44) and One Hundred Eleven (111) in Delta Heights
15 Addition to the City of Fort Wayne, according to the plat of said addition, excepting that part thereof
16 which has been heretofore conveyed to the State of Indiana for right-of-way lands and highway
17 purpose.

18 Also:

19 Southeast corner of Lot 43 in Delta Heights Addition to the City of Fort Wayne, according to the plat
20 of said addition, per Survey prepared by Donovan Engineering, Inc., 2020 Inwood Drive, Fort Wayne,
21 Indiana 46815 for Mike's Carwash, dated March 17, 2006.

22 PARCELS III-IV:

23 Lots Numbered 45, 46 and 110, except that part of Lots 45 and 46 appropriated for the widening of
24 State Street, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, pages
25 84-85, in the Office of the Recorder of Allen County, Indiana

26 and the symbols of the City of Fort Wayne Zoning Map No. S-14 (Sec. 32 of Saint Joseph
27 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
28 Wayne, Indiana is hereby changed accordingly.

29 SECTION 2. If a written commitment is a condition of the Plan Commission's
30 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.

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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-2024-0029
Bill Number: Z-24-06-18
Council District: 1 – Paul Ensley

Introduction Date: June 25, 2024

Plan Commission
Public Hearing Date: July 8, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.90 acres from C2/Limited Commercial to C3/General Commercial

Location: 4020 E State Blvd (Section 32 of Saint Joseph Township)

Reason for Request: To permit an existing carwash.

Applicant: Mike's Carwash, Inc.

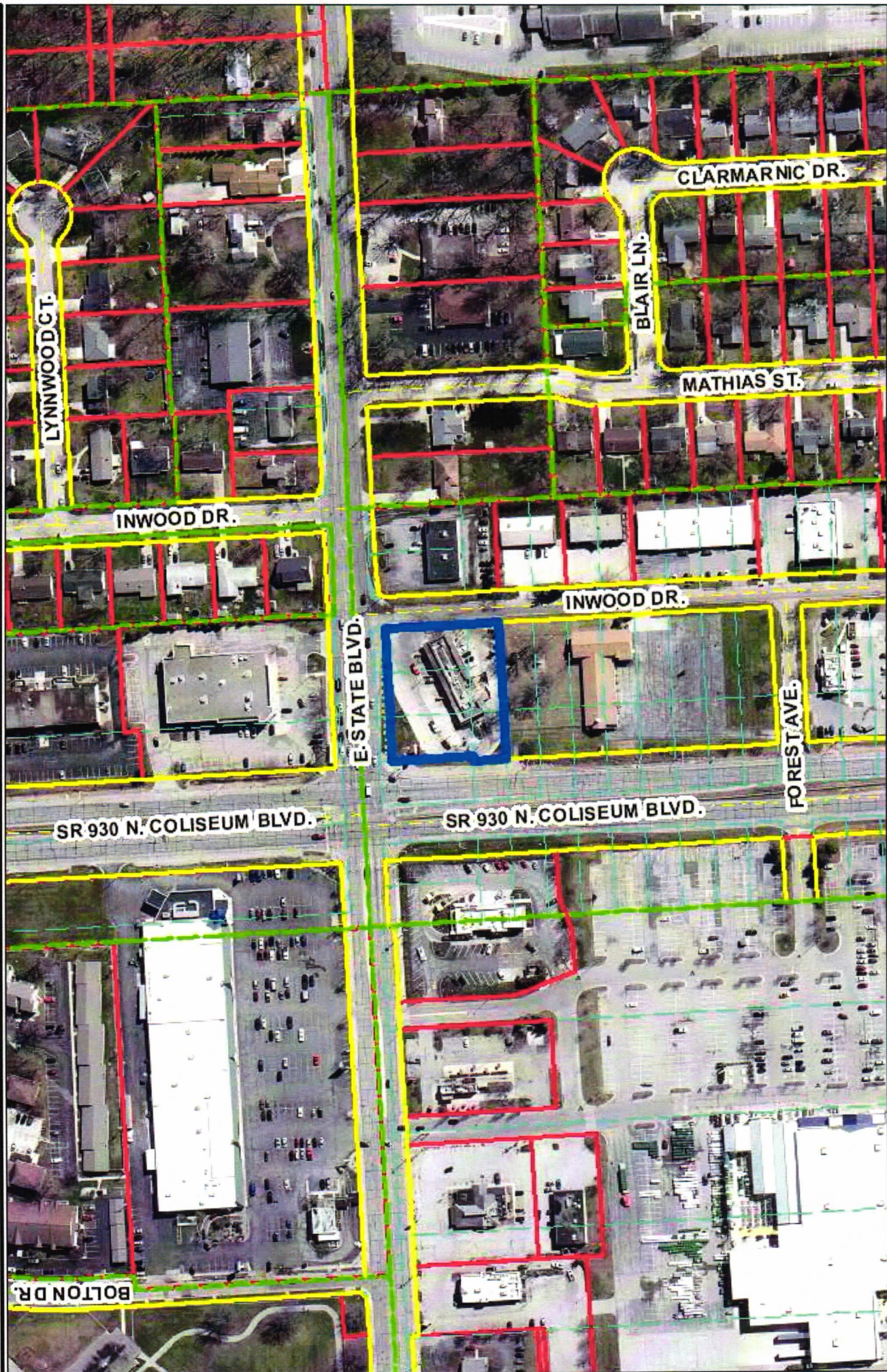
Property Owner: Mike's No 2 LLC

Related Petitions: None

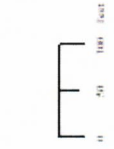
Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which permits car washes.

Effect of Non-Passage: Property will remain zoned C2/Limited Commercial, which does not permit car washes. The site will continue with existing uses, and may be redeveloped with moderate intensity business, community, office, personal service, and limited retail uses, along with certain residential facilities.

Rezoning Petition REZ-2024-0029 - 4020 East State Boulevard Mike's Carwash

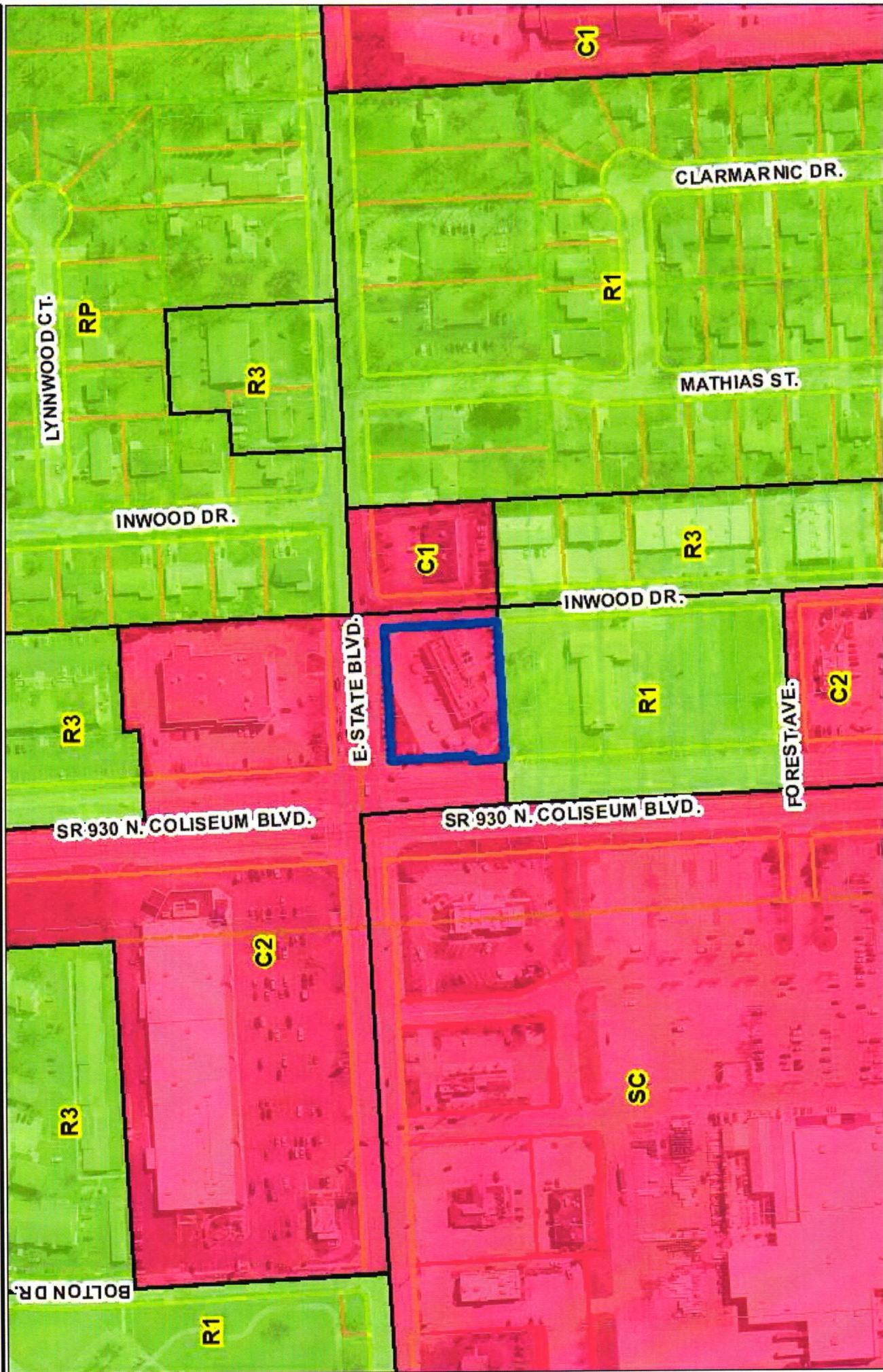


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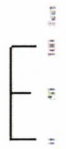


1 inch = 200 feet

Rezoning Petition REZ-2024-0029 - 4020 East State Boulevard Mike's Carwash



1 inch = 200 feet



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 C-2008-00001-C-01-Cover Map of the County of Allen
 State Plane Coordinate System, Indiana East
 Author and Compiler: Spring 2009
 Date: 05/17/2009

Department of Planning Services Rezoning Petition Application

Applicant

Applicant Mike's Carwash, Inc.
 Address 100 Northeast Drive
 City Loveland State OH Zip 45140
 Telephone (513) 677-4700 E-mail ekrieger@mikescarwash.com

Property Ownership

Property Owner Mike's No. 2, LLC
 Address 100 Northeast Drive
 City Loveland State OH Zip 45140
 Telephone (513) 677-4700 E-mail ekrieger@mikescarwash.com

Contact Person

Contact Person Joshua C. Neal, Barrett McNagny, LLP
 Address 215 E. Berry Street
 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 4020 E. State Boulevard Township and Section St. Joseph / Sec. 32
 Present Zoning C-2 Proposed Zoning C-3 Acreage to be rezoned 0.90 Acres
 Purpose of rezoning (attach additional page if necessary) The purpose of the rezoning is to bring the zoning classification in line with the existing and long standing use of the property following various revisions to the Zoning Ordinance.
 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 (please complete attached document)

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

See attached Exhibit A _____ (date)
 (printed name of applicant) (signature of applicant)

See attached Exhibit A _____ (date)
 (printed name of property owner) (signature of property owner)



Received	Receipt No.	Hearing Date	Petition No.
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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



Exhibit A
Rezoning Application
Signature Page

"APPLICANT"

Mike's Carwash, Inc.

By: Joe Dahm

Date: June 7, 2024

Name: Joe I 

Its: President

"PROPERTY OWNER"

Mike's No. 2, LLC

By: Joe Dahm

Date: June 7, 2024

Name: Joe I 

Its: President

Legal Description of Real Estate

The land is situated in the County of Allen, State of Indiana, and described as follows:

PARCELS I & II: Lots Numbered Forty-Four (44) and One Hundred Eleven (111) in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, excepting that part thereof which has been heretofore conveyed to the State of Indiana for right-of-way lands and highway purpose.

Also:

Southeast corner of Lot 43 in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, per Survey prepared by Donovan Engineering, Inc., 2020 Inwood Drive, Fort Wayne, Indiana 46815 for Mike's Carwash, dated March 17, 2006.

PARCELS III-IV:

Lots Numbered 45, 46 and 110, except that part of Lots 45 and 46 appropriated for the widening of State Street, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, pages 84-85, in the Office of the Recorder of Allen County, Indiana

Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

- (1) The Comprehensive Plan;

See attached Exhibit B

- (2) Current conditions and the character of current structures and uses in the district;

See attached Exhibit B

- (3) The most desirable use for which the land in the district is adapted;

See attached Exhibit B

- (4) The conservation of property values throughout the jurisdiction;

See attached Exhibit B

- (5) Responsible development and growth.

See attached Exhibit B

COMPLETE FILING TO INCLUDE:

- Filing Fee
- Complete application signed by property owner*
- Legal description (in Word document format)*
- Boundary/Utility Survey*
- Rezoning Criteria *
- Written Commitment (if applicable)*

**All documents may be digital*



Exhibit B
Zoning Criteria

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

(1) The Comprehensive Plan;

The instant proposal is consistent with the Comprehensive Plan in the following particulars:

- This rezoning of the subject real estate brings the longstanding use of the real estate as an automobile washing facility into compliance with the terms and conditions of the Ordinance. While originally correctly zoned when the automobile washing facility was constructed in the early 1970s, the site has since fallen out of compliance with the Ordinance as a result of various amendments to the Ordinance. Specifically, although we believe that the current C2 (Limited Commercial) zoning designation once permitted an automobile washing facility, that use is now permitted in either the C3 (General Commercial) or C4 (Intensive Commercial). The C3 district is most consistent, though, with the other surrounding and nearby zoning and uses in the area. Having the appropriate zoning in place is consistent with sound planning principles.
- The subject real estate is situated in an area that the Comprehensive Plan identifies as being suitable for infill growth and development, which makes this project compatible with Goal 1 of the Future Growth and Development Goals and Strategies. The subject real estate is particularly well suited for infill development given (a) its access to existing infrastructure; and (b) its minimal environmental constraints, such as floodplains and floodways.
- The Generalized Future Land Use maps included within the Comprehensive Plan identify the subject real estate as being located in a Community Commercial land use area. This land use category is designated for a diverse range of commercial options, including local and national retailers, entertainment uses, and automobile-related uses.
- The Land Use Compatibility Matrix included within the Comprehensive Plan identifies this project as being "Compatible" with adjacent and nearby Community Commercial uses.

(2) Current conditions and the character of current structures and uses in the district:

- The current conditions of the subject real estate include an existing automobile washing facility that has been in existence since approximately 1971. It is well

maintained and well constructed. In close proximity to the subject real estate are a variety of high intensity commercial and retail uses, including big box retailers, a McDonalds, a Walgreens, a church, and various professional office uses. No change in the existing use is contemplated in connection with this proposal; rather, the instant request merely seeks to bring the zoning in line with the existing uses of the real estate.

(3) The most desirable use for which the land in the district is adapted:

- The most desirable use of land within the district continues to be commercial uses, as noted in the Comprehensive Plan and the existence of well maintained and heavily utilized commercial structures in close proximity to the subject real estate.
- In addition, this particular stretch of East State Boulevard experiences nearly 19,000 vehicle trips per day, while traffic on Coliseum Boulevard near this intersection is estimated at nearly 23,000 trips per day. As such, this area continues to be well suited for commercial uses.
- Last, the Comprehensive Plan notes that this particular area is well suited for infill development.

(4) The conservation of property values throughout the jurisdiction:

- As indicated above, the instant proposal merely seeks to bring the zoning in line with the long-standing use of the real estate as an automobile washing facility. No change is contemplated in the use of the real estate. As such, it is not anticipated that there will be any adverse impact on the use or value of the surrounding and nearby real estate.

(5) Responsible growth and development:

- The instant proposal is consistent with the mandate for responsible growth and development in that (a) all utility and roadway infrastructure is already present at or near the subject real estate; (b) the proposal is consistent with the Comprehensive Plan's mandate for infill development on this site; (c) the proposal merely seeks to bring the zoning in line with the use of the real estate; and (d) the site has been designed, constructed, and maintained as an automobile washing facility.

FACT SHEET

Case #REZ-2024-0029 Bill # Z-24-06-18 Project Start: June 2024

PROPOSAL:	Rezoning Petition REZ-2024-0029 – Mike’s Car Wash
APPLICANT:	Mike’s Carwash, Inc.
REQUEST:	To rezone from C2/Limited Commercial to C3/General Commercial to permit an existing carwash.
LOCATION:	4020 E State Blvd (Section 32 of Saint Joseph Township)
LAND AREA:	0.90 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	1 – Paul Ensley
SPONSOR:	Fort Wayne Plan Commission

July 8, 2024 Public Hearing

- No one spoke in support or with concerns.
- Scott Myers was absent.

July 15, 2024 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation, with a written commitment, to Common Council for their final decision.

7-0 MOTION PASSED

- Scott Myers and Ryan Neumeister were absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
July 17, 2024

PROJECT SUMMARY

The applicant wishes to rezone the property from C2/Limited Commercial to C3/General Commercial to bring an existing automobile washing facility into conformance with the zoning ordinance. The site is at the northeast corner of East State and Coliseum, an active commercial area. The applicant states the reason for the rezoning is that an automobile washing facility is not permitted in the C2/Limited Commercial zoning district according to the current Zoning Ordinance. The rezoning of this property to C3/General Commercial brings the longstanding use of the real estate as an automobile washing facility into compliance with the terms and conditions of the Ordinance. It will also allow for investing in the property and an easier permitting process. Mike's Carwash was a permitted use when constructed in the early 1970's. The zoning ordinance has since been amended, to permit automobile washing facilities in C3/General Commercial and C4/Intensive Commercial zoning districts. Other commercial users at this intersection and within the general area include retail shops, restaurants, big-box retail, pharmacy, medical office and automobile services. This request does not contemplate any change in the current use of the property.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

The project site is located within the Urban Infill Area.

- The following Goal and Strategy would be applicable:
LUD1 - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

Overall Land Use Policies

The following Land Use Policy would be applicable and supportive of this request:

- **LUD Policy 5** - Enhance and preserve existing mixed urban commercial corridors through the application of Mixed Urban Corridor or other appropriate zoning classification.

Generalized Future Land Use Map

- The project site is located within the Community Commercial generalized land use category.
- Primary Land Uses in this category are high-intensity business, service and retail, and professional office and personal services.
- Properties to the north, south, east, and west are also categorized as Community Commercial.

Land Use Related Action Steps

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **ED.1.1.1.** - Strategically identify and prepare land and redevelopment areas for development-ready employment sites in alignment with the Future Growth and Development map, the Generalized Future Land Use map, and the Allen County Together Economic Development Action Plan.

Compatibility Matrix

- This proposed rezoning to C3/General Commercial is compatible and encouraged in the Community Commercial Land Use category of the comprehensive plan.

Other applicable plans: none

PUBLIC HEARING SUMMARY:

Presenter: Josh Neal, representing the applicant, presented the request as outlined above.

Public Comments: None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

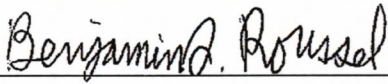
Rezoning Petition REZ-2024-0029 – Mike's Carwash

APPLICANT:	Mike's Carwash, Inc.
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial to permit existing carwash.
LOCATION:	4020 E State Boulevard, southeast corner of its intersection with N Coliseum Boulevard (Section 32 of St. Joseph Township)
LAND AREA:	0.90 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2024-0029 be returned to Council, with a "Do Pass" recommendation, with a written commitment, 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 site is situated in an area that the Comprehensive Plan identifies the site for services serving the surrounding neighborhoods, so this rezone is considered compatible. This rezone will allow for further investment at this facility and better serve surrounding neighborhoods like Brentwood, Glenwood Park, and other northeast neighborhoods.
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 proposed rezoning petition will bring the established use of the site into compliance with the current Zoning Ordinance and will not hinder surrounding properties to develop.
3. Approval is consistent with the preservation of property values in the area. The rezoning petition will allow for better investment in a longstanding company in Fort Wayne. Investing in property may lead to modernization, curb appeal, or other benefits to surrounding properties.
4. Approval is consistent with responsible development and growth principles based on existing uses in the area. The proposal allows for reinvestment in an area just across the street from the comprehensive plan's priority investment area. Investing in an existing site is a good demonstration of infill development, rather than seeking a new site elsewhere.
5. The rezoning is consistent with the mandate for responsible growth and development in that (a) all utility and roadway infrastructure is already present at or near the subject real estate; (b) the proposal is consistent with the Comprehensive Plan's mandate for infill development on this site; (c) the proposal merely seeks to bring the zoning in line with the use of the real estate; and (d) the site has been designed, constructed, and maintained as an automobile washing facility. A written commitment will limit some C3 uses that may not be suitable specifically for this site, as this washing facility is closer to residential areas than other locations.

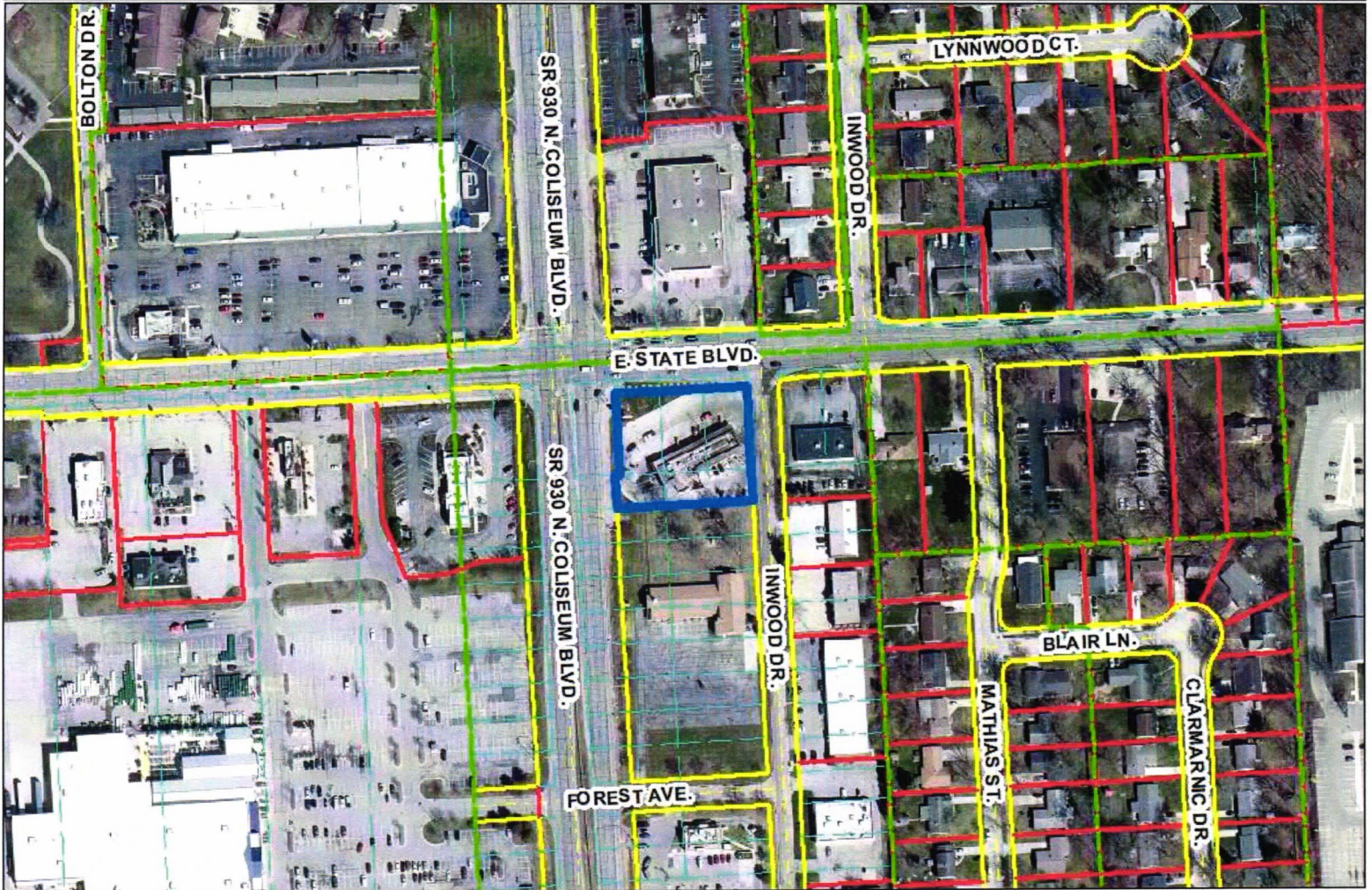
These findings approved by the Fort Wayne Plan Commission on July 15, 2024.



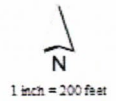
Benjamin J. Roussel
Executive Director
Secretary to the Commission



Rezoning Petition REZ-2024-0029 - 4020 East State Boulevard Mike's Carwash

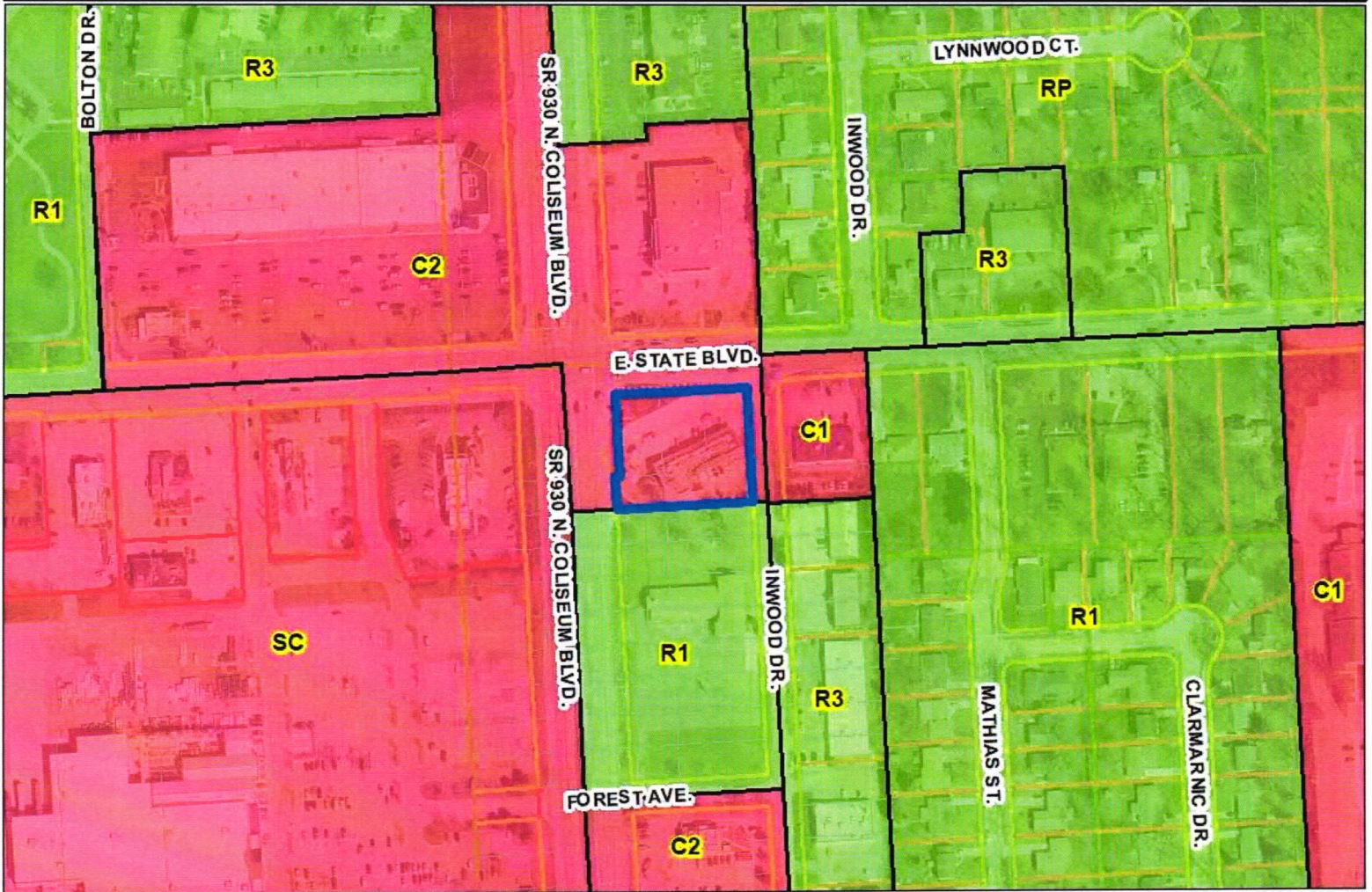


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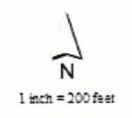


Rezoning Petition REZ-2024-0029 - 4020 East State Boulevard Mike's Carwash



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 North American Edition, Inc.
 State Plane Coordinate System, Indiana, East Zone and Contour, Spring 2009
 Date: 04/20/09



Legal Description of Real Estate

The land is situated in the County of Allen, State of Indiana, and described as follows:

PARCELS I & II: Lots Numbered Forty-Four (44) and One Hundred Eleven (111) in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, excepting that part thereof which has been heretofore conveyed to the State of Indiana for right-of-way lands and highway purpose.

Also:

Southeast corner of Lot 43 in Delta Heights Addition to the City of Fort Wayne, according to the plat of said addition, per Survey prepared by Donovan Engineering, Inc., 2020 Inwood Drive, Fort Wayne, Indiana 46815 for Mike's Carwash, dated March 17, 2006.

PARCELS III-IV:

Lots Numbered 45, 46 and 110, except that part of Lots 45 and 46 appropriated for the widening of State Street, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, pages 84-85, in the Office of the Recorder of Allen County, Indiana

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this ___ day of _____, 2024 by Mike’s No. 2, LLC, an Indiana limited liability company (the “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 0,90 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit “A” (the “Real Estate”); and

WHEREAS, Declarant submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from a C2/Limited Commercial zoning district to a C3/General Commercial zoning district, bearing number REZ-2024-0029 (the “Petition”), which Petition has been approved by the City of Fort Wayne Plan Commission (the “Plan Commission (the “Plan Commission”) and the Fort Wayne Common Council (“City Council”); and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon approval of the Petition by the Plan Commission and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. Subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:
 - a. Automobile auction
 - b. Automobile body shop
 - c. Automobile rental
 - d. Automobile repair
 - e. Automobile restoration
 - f. Automobile sales
 - g. Gas station
 - h. Truck fueling station

2. Permitted Uses. Any use otherwise permitted in a C3/ General Commercial zoning district pursuant to the Ordinance which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.

3. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
4. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment.
5. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
6. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.
7. Authority to Sign. The person signing this Commitment in a representative capacity on behalf of Declarant warrants and represents that: (a) the person has the actual authority and power to so sign, and to bind the respective entity to the provisions of this Commitment; and (b) all corporate or other entity action necessary for the making of this Commitment has been duly taken.
8. Last Deeds of Record. The most recent deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number(s) 2008029100.
9. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other

restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

10. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
11. Effective Date. The effective date (“Effective Date”) of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

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DRAFT

“DECLARANT”

MIKE’S NO. 2, LLC, an Indiana limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2024, personally appeared _____, the _____ of Mike’s No. 2, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by: Joshua C. Neal, Esq., Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joshua C. Neal

When Recorded, mail to: Joshua C. Neal, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

PARCELS I & II:

LOTS NUMBERED FORTY-FOUR (44) AND ONE HUNDRED ELEVEN (111) IN DELTA HEIGHTS ADDITION TO THE CITY OF FORT WAYNE, ACCORDING TO THE PLAT OF SAID ADDITION, EXCEPTING THAT PART THEREOF WHICH HAS BEEN HERETOFORE CONVEYED TO THE STATE OF INDIANA FOR RIGHT-OF-WAY LANDS AND HIGHWAY PURPOSE.

ALSO:

SOUTHEAST CORNER OF LOT 43 IN DELTA HEIGHTS ADDITION TO THE CITY OF FORT WAYNE, ACCORDING TO THE PLAT OF SAID ADDITION, PER SURVEY PREPARED BY DONOVAN ENGINEERING, INC., 2020 INWOOD DRIVE, FORT WAYNE, INDIANA 46815 FOR MIKE'S CARWASH, DATED MARCH 17, 2006.

PARCELS III-IV:

LOTS NUMBERED 45, 46 AND 110, EXCEPT THAT PART OF LOTS 45 AND 46 APPROPRIATED FOR THE WIDENING OF STATE STREET, IN DELTA HEIGHTS ADDITION TO THE CITY OF FORT WAYNE, AS RECORDED IN PLAT RECORD II, PAGES 84-85, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

DRAFT

BILL NO. Z-24-06-18

REPORT OF COMMITTEE ON REGULATIONS
July 23, 2024

Scott Myers Chair

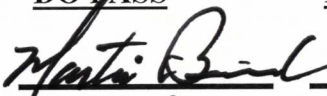
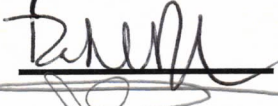


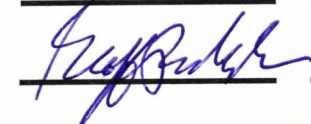
Michelle Chambers Co-Chair

All Council Members

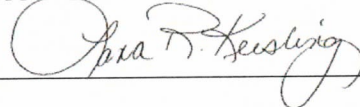
An Ordinance amending the City of Fort Wayne Zoning Map No. S-14 (Sec. 32 of Saint Joseph Township)

To rezone 0.90 acres from C2/Limited Commercial to C3/General Commercial at 4020 E State Blvd (Section 32 of Saint Joseph Township) to permit an existing carwash

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>
<u>BENDER</u>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson Myers, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HARTMAN	<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"/>
MYERS	<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"/>

DATED: July 23, 2024



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Zoning Ordinance No. Z-24-06-18 on the 23rd day of July, 2024

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th
 of July 2024, at the hour of 9:00 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30th day of July 2024, at the
 hour of 8:08 o'clock A.M. E.S.T.



 SHARON TUCKER, MAYOR

