

#REZ-2014-0098

BILL NO. Z-14-10-17

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. AA-19 (Sec. 23 of Aboite Township)**

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

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

Doc.#200039972

Part of the South half of the Southwest Quarter of Section 23, Township 30 North, Range 11 East,
Allen County, Indiana, more particularly described as follows:

Commencing at a point 12 feet West of the Northeast corner of the South half of the Southwest
Quarter of Section 23, Township 30 North, Range 11 East, said point being on the North line of the
South Half of said Southwest Quarter; thence South and parallel to the East line of the South half of
the Southwest Quarter of said Section 23, a distance of 496.5 feet to an iron pin found on the North
right-of-way line of U.S. Highway No. 24; thence Southwesterly by a deflection to the right of 50
degrees 43 minutes 30 seconds along said North right-of-way line, a distance of 142.0 feet to an iron
pin found on said North right-of-way line, said point also being the principal point of beginning;
thence continuing Southwesterly along said right-of-way line, a distance of 23.0 feet to an Indiana
State Highway right-of-way monument found; thence deflecting to the left 17 degrees 37 minutes 41
seconds along the said North right-of-way line, a distance of 97.25 feet to an Indiana State Highway
right-of-way monument found; thence deflecting to the right 22 degrees 54 minutes 45 seconds along
said North right-of-way line, a distance of 139.5 feet to an iron pin found at the point of intersection
of the North right-of-way line of U.S. Highway No. 24 and the West line of land conveyed to
Continental Oil Company by Deed dated October 28, 1969 from Francis M. and Barb B. Metrailler;
thence departing from said North right-of-way line by a deflection angle to the right of 123 degrees 43
minutes 05 seconds along the said West line, a distance of 296.95 feet to an iron pin found; thence
deflecting to the right of 90 degrees 00 minutes 27 seconds, a distance of 60.0 feet to an iron pin
found; thence deflecting to the right 44 degrees 10 minutes 29 seconds, a distance of 177.65 feet to
the point of beginning, containing 0.77 acres of land, more or less.

Together with a Non-exclusive Easement for ingress and egress described in that certain Grant of
Right-of-Way Easement recorded March 20, 1087 as Document Number 87-13772 described as
follows:

A 30 foot wide parcel in the Southwest Quarter of Section 23, Township 30 North, Range 11 East in
Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 34 minutes
00 seconds East along the East line of said Southwest Quarter 1812.36 feet to the North right-of-way
of U.S. Highway No. 24; thence Southwesterly along the Northerly right-of-way of U.S. Highway No.
24, South 49 degrees 55 minutes 00 seconds West, a distance of 156.80 feet to the Southeast corner of

a 0.77 acre parcel; thence along the Northerly boundary of said 0.77 acre parcel the following two courses: North 46 degrees 44 minutes 02 seconds West, a distance of 177.61 feet, and South 89 degrees 04 minutes 26 seconds West, a distance of 60.0 feet to the Northwest corner of said 0.77 acre parcel, said point also being the point of beginning; thence South 00 degrees 55 minutes 34 seconds East along the West line of said 0.77 acre parcel, a distance of 296.95 feet to an iron pin on the Northerly right-of-way of U.S. Highway 24; thence along said Northerly right-of-way South 54 degrees 3 minutes 50 seconds West, a distance of 36.37 feet to an iron pin; thence leaving said Northerly right-of-way North 00 degrees 55 minutes 34 seconds West, a distance of 317.51 feet to an iron pin; thence North 89 degrees 04 minutes 26 seconds East along the North line extended of said 0.77 acre parcel, a distance of 30.0 feet to the point of beginning, containing 0.21 acres, more or less.

Together with:

Doc.# 2012069070

Part of the Southwest Quarter of Section 23, Township 30 North, Range 11 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 34 minutes 00 seconds East (deed bearing and basis of bearings to follow), a distance of 1812.96 feet (1812.36 feet Deed) along the East line of said Southwest Quarter to the Northerly right-of-way of U.S. Highway 24; thence South 50 degrees 04 minutes 17 seconds West, a distance of 144.84 feet along said Northerly right-of-way to a 5/8 inch rebar with "Karst" identification cap set at the Point of Beginning of the herein described tract; thence continuing South 50 degrees 04 minutes 17 seconds West, a distance of 11.54 feet along said Northerly right-of-way to a point on the Easterly line of an existing tract described in Document Number 20039972 in the Office of the Recorder of Allen County, Indiana, said point being referenced by a 1/2 inch rebar found 0.1 feet North and 0.3 feet West; thence North 46 degrees 44 minutes 38 seconds West, a distance of 177.65 feet along said Easterly line to a 5/8 inch rebar found on the North line of said existing tract; thence South 89 degrees 04 minutes 53 seconds West, a distance of 83.00 feet along said North line to a 5/8 inch rebar with "Karst" identification cap set on an East line of an existing tract described in Document Number 90-037274 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 55 minutes 34 seconds West, a distance of 51.30 feet along said East line to a point on the South right-of-way of Coventry Lane, said point being referenced by a 1/2 inch rebar found in concrete 0.1 feet West, said point also being on a point of curvature of a non-tangent curve concave to the Southwest, having a radius of 220.0 feet; thence Southeasterly along said curve and along the Southwesterly right-of-way of said Coventry Lane, a distance of 275.45 feet, having a central angle of 71 degrees 44 minutes 08 seconds and a chord of 257.80 feet bearing South 56 degrees 13 minutes 14 seconds East to a 5/8 inch rebar with "Karst" identification cap set at the point of tangency; thence South 20 degrees 21 minutes 10 seconds East, a distance of 22.34 feet along the Westerly right-of-way of said Coventry Lane to the Point of Beginning. Containing 0.248 acres, more or less. Subject to easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. AA-19 (Sec. 23 of Aboite Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne.

1 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
2 and approval by the Mayor.

3 _____
4 Council Member

5
6 APPROVED AS TO FORM AND LEGALITY:

7 _____
8 Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2014-0098
Bill Number: Z-14-10-17
Council District: 4 – Mitch Harper

Introduction Date: October 28, 2014

Plan Commission
Public Hearing Date: November 10, 2014

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

Synopsis of Ordinance: To rezone approximately 1.23 acres of property from C2-Limited Commercial
to C3-General Commercial

Location: 8724 U.S. 24

Reason for Request: To bring the current gas station use into compliance with the zoning
ordinance.

Applicant: Lassus Brothers Oil

Property Owner: Lassus Brothers Oil

Related Petitions: Primary Development Plan, Lassus Coventry

Effect of Passage: Property will be rezoned to C3-General Commercial to bring the existing gas
station use into compliance with the new ordinance. The existing
convenience store will be rebuilt.

Effect of Non-Passage: The property will remain zoned C2-Limited Commercial and the existing use
will be non-conforming and will not be able to expand on the property
without some other special approval.

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Lassus Bros Oil Inc
Address 1800 Magnavox Way
City Fort Wayne State IN Zip 46804
Telephone 260-436-0340 E-mail lassust@lassus.com

Contact Person
Contact Person Phillip A Troyer Inc
Address 1510 W Ludwig Rd
City Fort Wayne State IN Zip 46825
Telephone 260-489-2810 E-mail phil@patroyer.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 8724 U.S. 24
Present Zoning C-2 Proposed Zoning C-3 Acreage to be rezoned 1.228
Proposed density n.a. units per acre
Township name Aboite Township section # 23
Purpose of rezoning (attach additional page if necessary) Reconstruction of existing Convenience store.
Sewer provider Fort Wayne Water provider Fort Wayne

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.
☒ Applicable filing fee
☒ Applicable number of surveys showing area to be rezoned (plans must be folded)
☒ Legal Description of parcel to be rezoned
☒ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Todd Lassus [Signature] 9-22-2014
(printed name of applicant) (signature of applicant) (date)

(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.
<u>10/1/14</u>	<u>116333</u>	<u>11/10/14</u>	<u>REZ-2014-0098</u>



Rezoning Petition REZ-2014-0098 and Primary Development Plan - Lassus Coventry

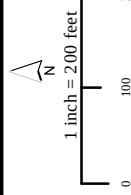


Project boundaries represented by bold colored lines are for representational purposes only.

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.

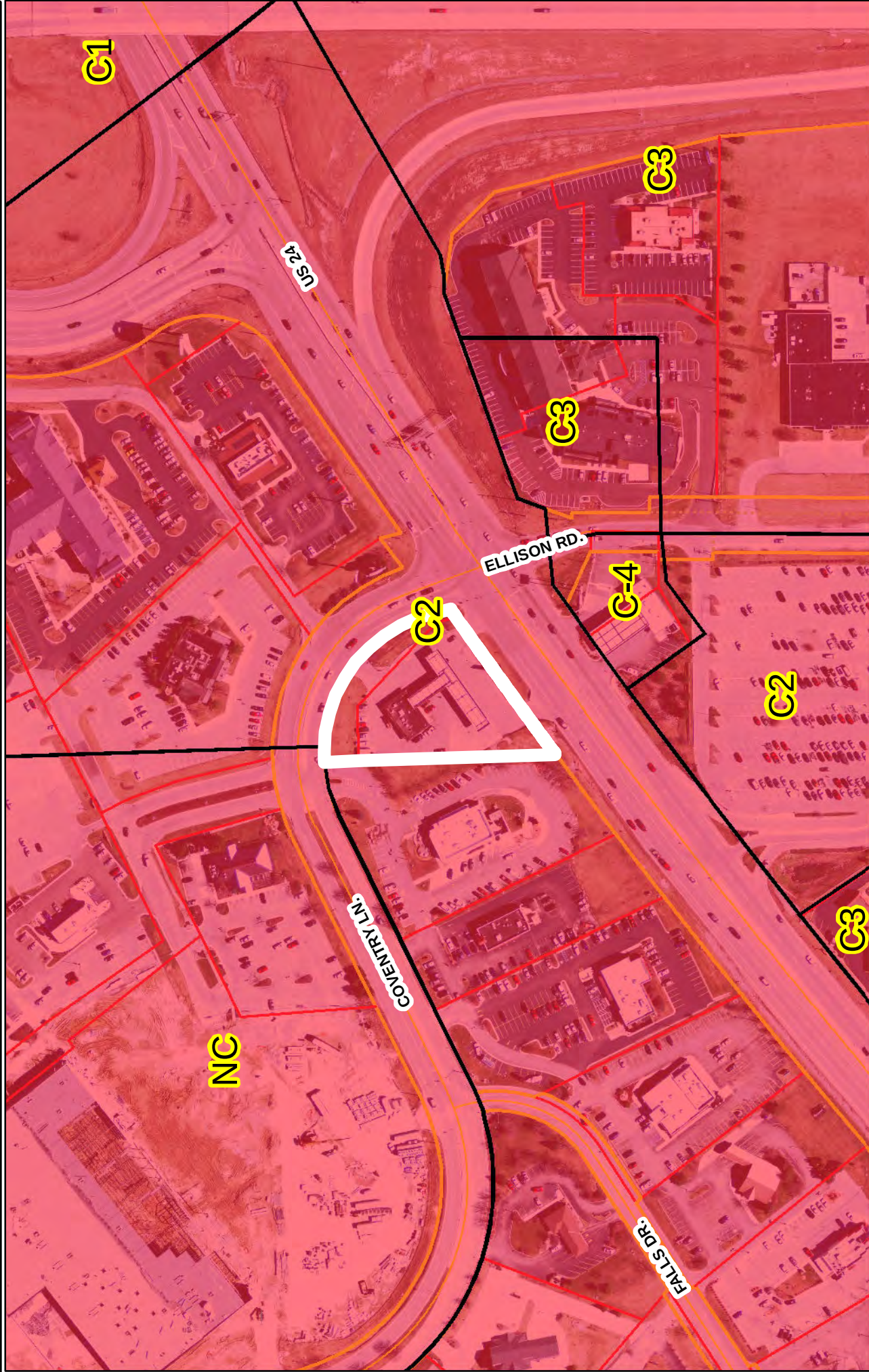
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

Date: 10/20/2014





Rezoning Petition REZ-2014-0098 and Primary Development Plan - Lassus Coventry

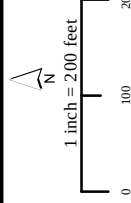


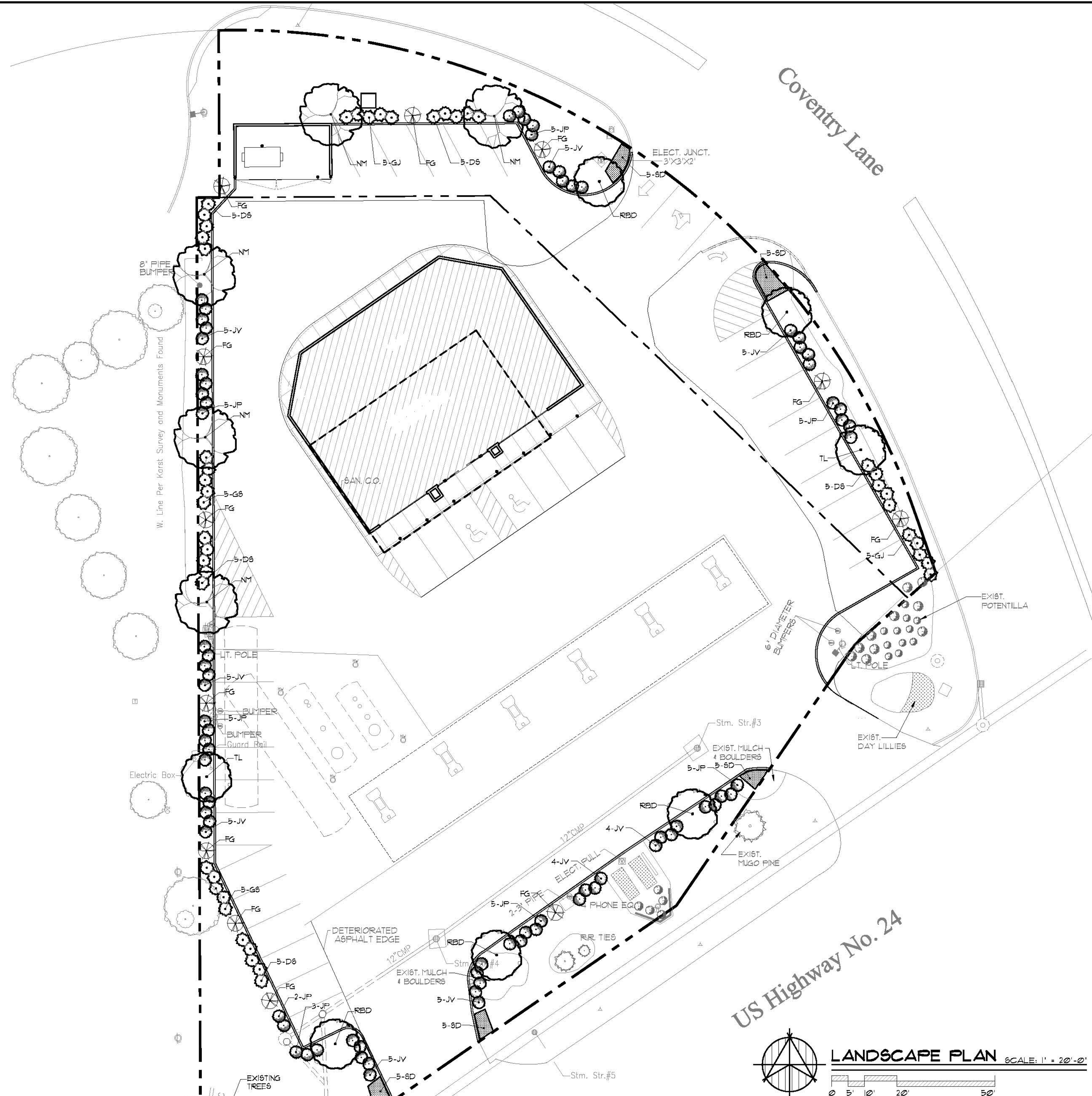
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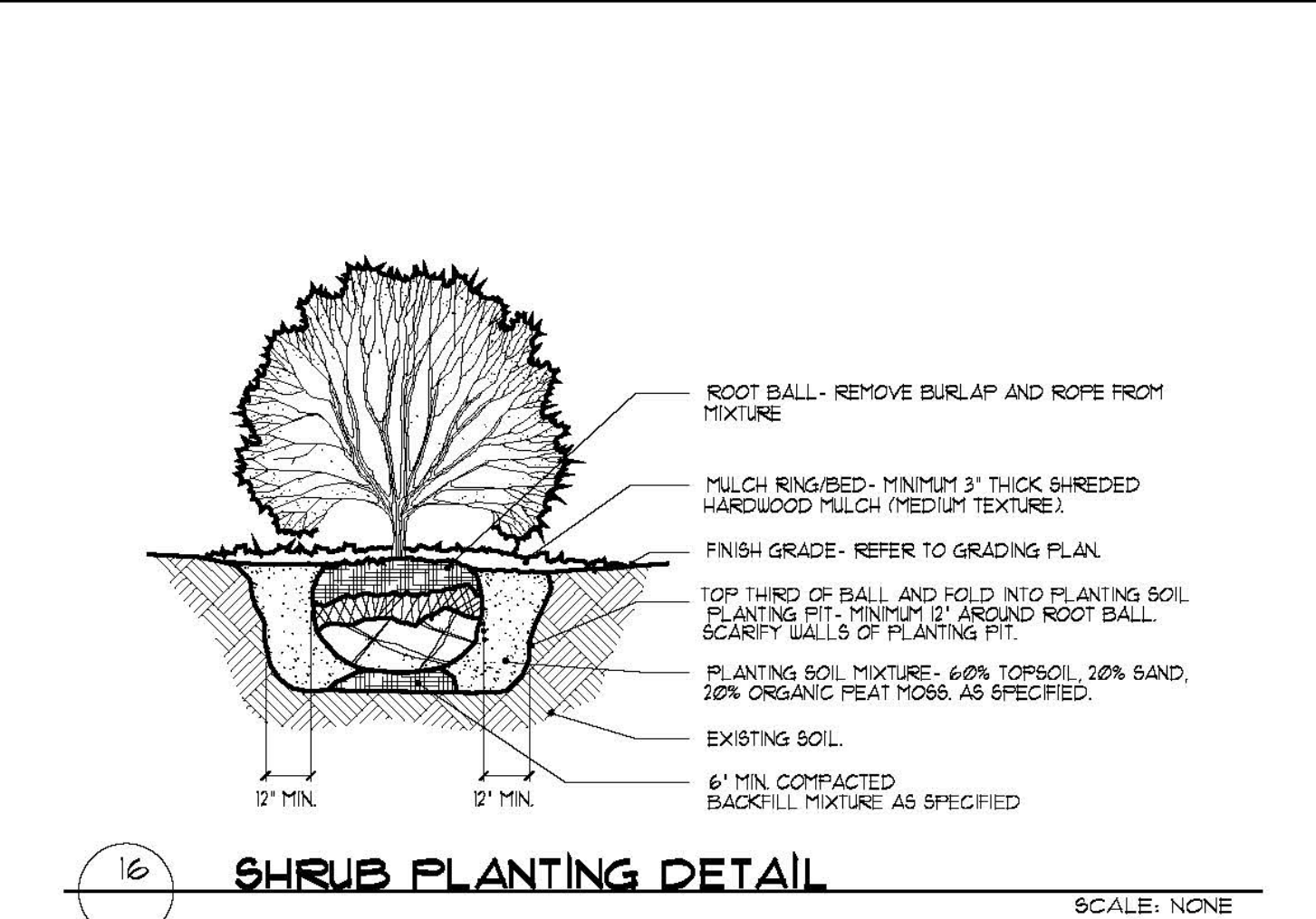
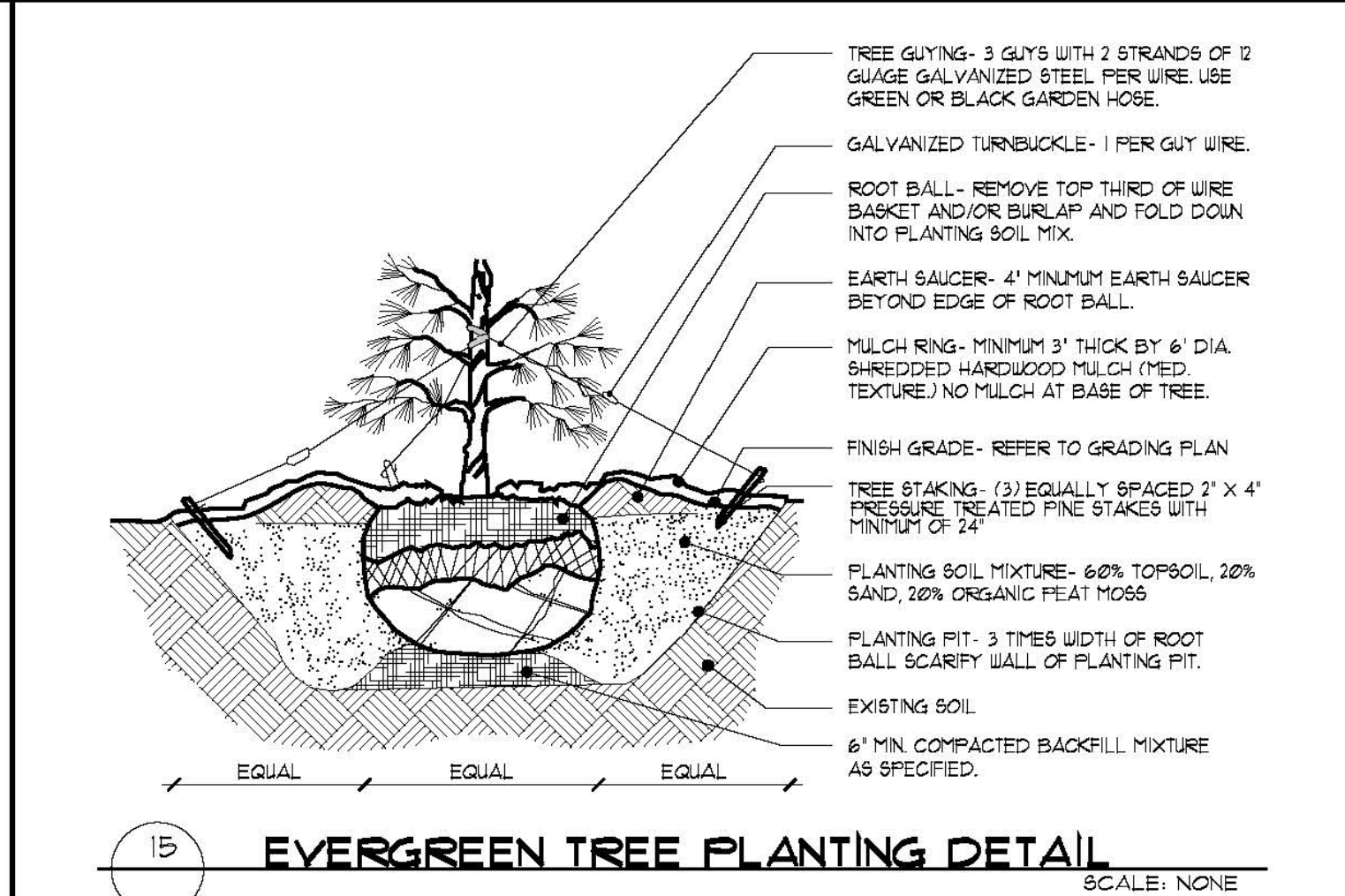
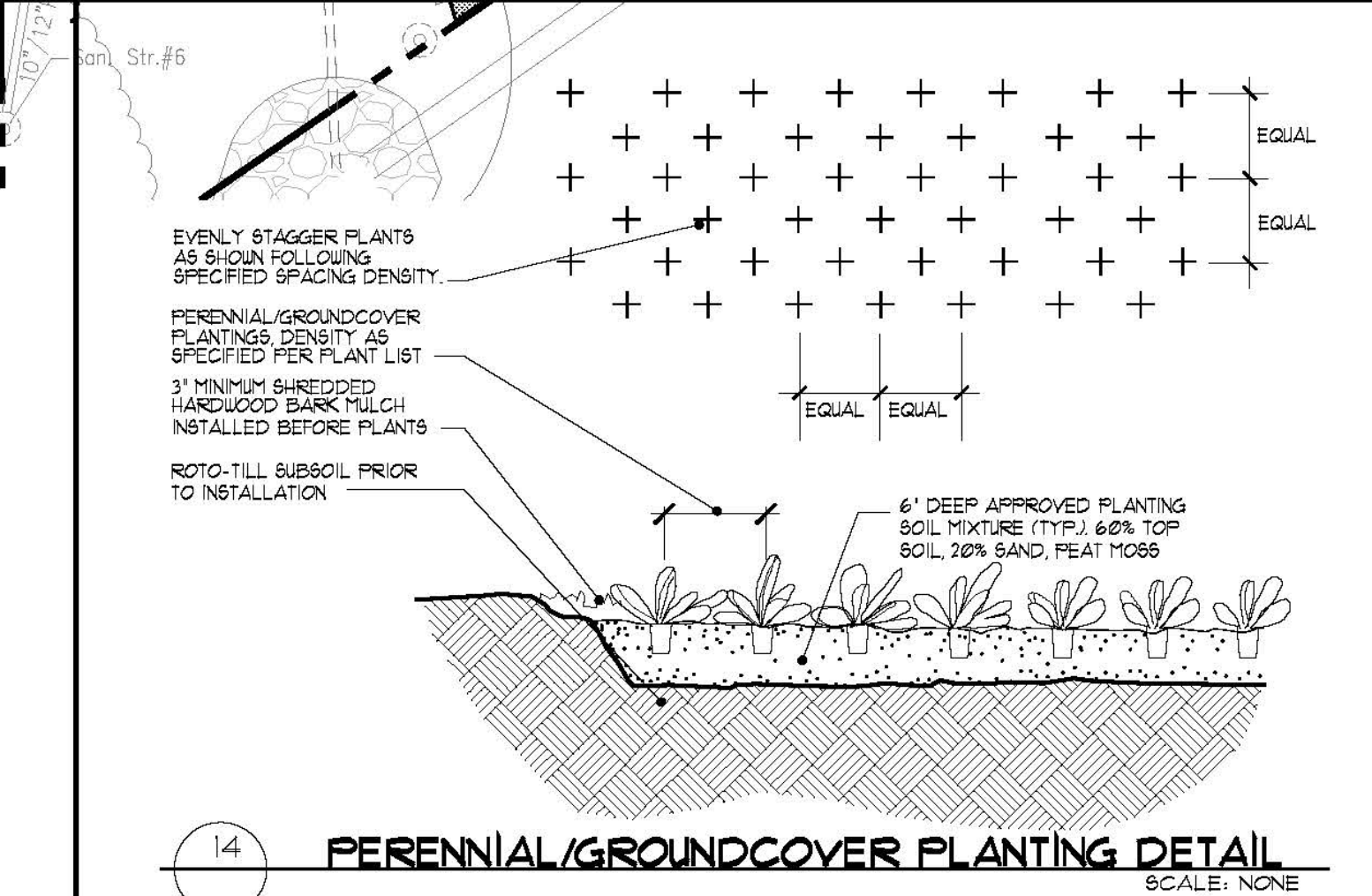
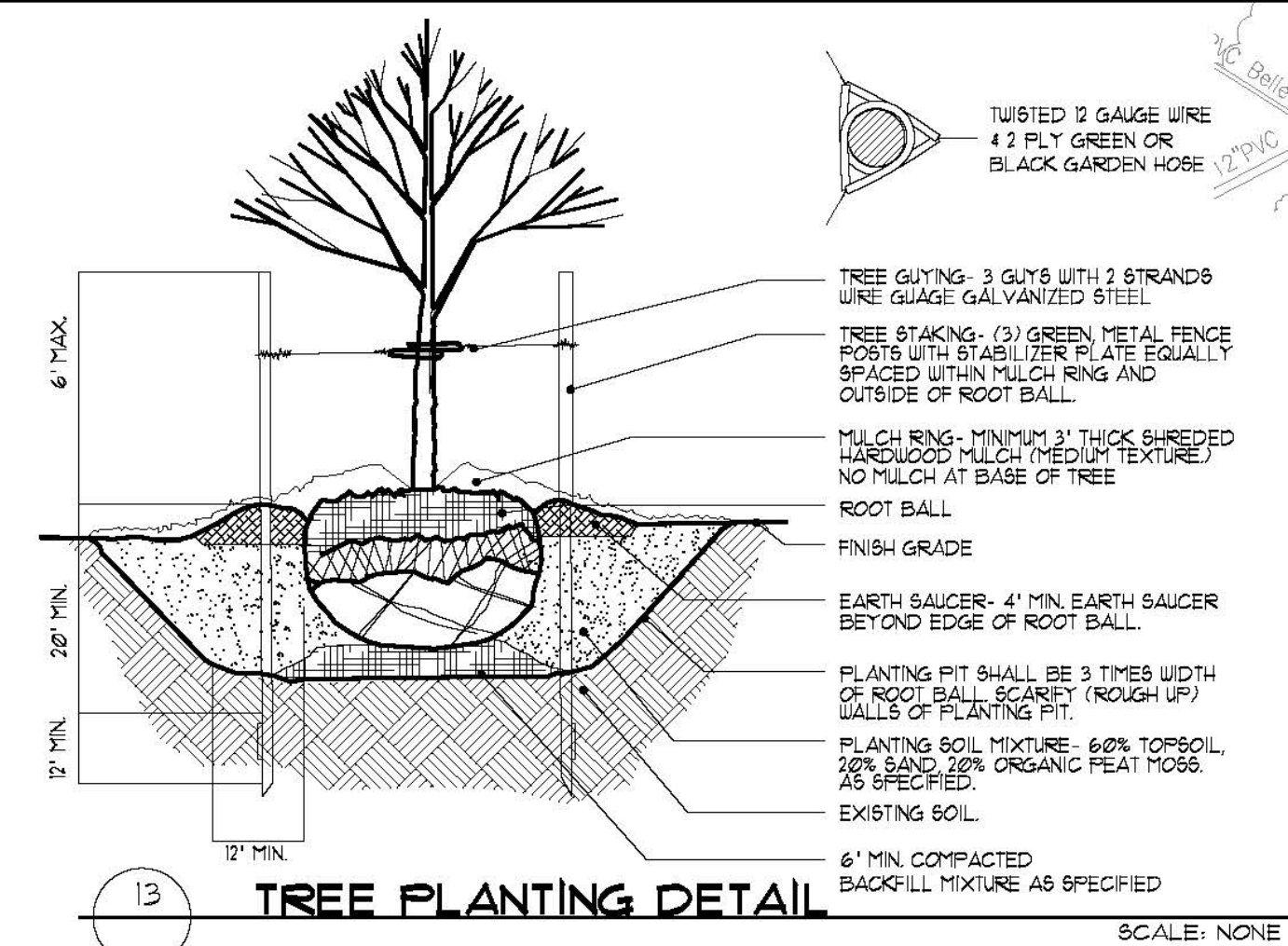




PLANT MATERIAL LIST					
ITEM	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	MATURE SIZE
SHADE TREES					
NM		COLUMBIAN NORWAY MAPLE	ACER PLATANOIDES 'COLUMBIAN'	2" CAL/10' HT.	60' T, 20' W
RM		RED SUNSET RED MAPLE	ACER RUBRUM 'RED SUNSET'	2" CAL/10' HT.	50' T, 50' W
SM		SUGAR MAPLE	ACER SACHARINUM	2" CAL/10' HT.	80' T, 60' W
RB		RIVER BIRCH	BETULA NIGRA	2" CAL/10' HT.	55' T, 30' W
PE		PATRIOT ELM	ULMUS 'URBAN WILSONIANA' PATRIOT	2" CAL/10' HT.	50' T, 40' W
JH		JERSEY HONEYLOCUST (SEEDLESS)	GLADSTONIA TRIACANTHOS 'IMPGOLE'	2" CAL/10' HT.	35' T, 30' W
BO		BURR OAK	QUERCUS MACROCARPA	2" CAL/10' HT.	15' T, 15' W
EVERGREEN					
SN		SPRUCE NORWAY	PICEA ABIES	2" CAL/6' HT.	80' T, 40' W
CS		COLORADO SPRUCE	PICEA PUNGENS	2" CAL/6' HT.	85' T, 25' W
DECORATIVE TREES					
JM		JAPANESE MAPLE	ACER PALMATUM	2" CAL/6' HT.	25' T, 25' W
AP		ARISTOCRAT GALLERY PEAR	PYRUS GALLERYANA	2" CAL/6' HT.	40' T, 35' W
AB		AUTUMN BRILLIANCE SERVICEBERRY	AMELANCHIER X GRANDIFLORA	2" CAL/6' HT.	20' T, 20' W
FD		FLOWERING DOGWOOD	CORNUS FLORIDA	2" CAL/6' HT.	30' T, 30' W
RSD		RED BUD	CERCIS CANADENSIS	2" CAL/6' HT.	30' T, 25' W
TL		TREE LILAC	SYRINGA RETICULATA 'IVORY SILK'	2" CAL/6' HT.	20' T, 15' W
SHRUBS					
BB		WINGED BUXTOMUS (BURNING BUSH)	EUONYMUS ALATUS	3-GAL/ 24" HT.	15' ROUND
DN		DIABLO NINEBARK	PHYBO CARPUS OPULIFOLIUS 'MONLO'	3-GAL/ 24" HT.	9' ROUND
VA		VIBURNUM ARROWWEEED	VIBURNUM DENTATUM	3-GAL/ 24" HT.	9' ROUND
CAG		COMPACT AMERICAN CRANBERRY BUSH	VIBURNUM TRILOBUM 'BAILEY COMPACT'	3-GAL/ 24" HT.	4' T, 5' W
JV		JUDO VIBURNUM	VIBURNUM JUDII	3-GAL/ 24" HT.	4' T, 5' W
FS		FROEBEL SPIREA	SPIREA X BUMALDA FROEBELII	3-GAL/ 24" HT.	4' ROUND
DS		DUP. THOR SPIREA	SPIREA BETULIFOLIA 'THOR'	3-GAL/ 24" HT.	4' ROUND
LPB		LITTLE PRINCESS SPIREA	SPIREA JAPONICA 'LITTLE PRINCESS'	3-GAL/ 24" HT.	2' T, 3' W
EMH		EMERALD MOUND HONEYSUCKLE	LONICERA XYLSTEM 'EMERALD MOUND'	3-GAL/ 24" HT.	3' T, 6' W
CB		CRIMSON BARBERRY	BERBERIS THUNBERGII 'ATROPURPUREA'	3-GAL/ 24" HT.	2' T, 3' W
JP		JACKMANN POTENTILLA	POTENTILLA FRUTICOSA 'JACKMANNI'	3-GAL/ 24" HT.	4' ROUND
AR		AUTUMN ROYALTY ENCORE AZALEA	AZALEA X 'CONLEO'	3-GAL/ 24" HT.	4' ROUND
DK		DIABLO KOREAN LILAC	SYRINGA MEYERI 'PALIBIN'	3-GAL/ 24" HT.	6' T, 5' W
EVERGREEN					
UY		WARD YEW	TAXUS X MEDIA 'WARDII'	3-GAL/ 24" HT.	2'-3' T, 3'-4' W
DY		DENSE SPREADING YEW	TAXUS MEDIA DENSIFORMIS	3-GAL/ 24" HT.	3'-4' T, 4'-6' W
ML		MOTHER LODGE JUNIPER	JUNIPERUS HORN 'MOTHER LODGE'	3-GAL/ 24" HT.	3'-6' T, 8'-10' W
WJ		WILTON BLUE RUG JUNIPER	JUNIPERUS HORIZONTALIS 'WILTON'	3-GAL/ 24" HT.	6' T, 6' W
GJ		GOLD TIP JUNIPER	JUNIPERUS CHINENSIS 'GOLD TIP'	3-GAL/ 24" HT.	4'-5' T, 6'-10' W
BJ		BROADMOOR JUNIPER	JUNIPERUS SABINA	3-GAL/ 24" HT.	2'-3' T, 8'-10' W
MP		MUGO PINE	PINUS MUGO PUMILIO	3-GAL/ 24" HT.	4' T, 10' W
FLOWERS, OTHER					
SD		STELLA D'ORO DAYLILY	HEMEROCALLIS LILIACEAE 'STELLA D'ORO'	1-GAL	12" T, 12" W
DM		DENSE SPREADING YEW	HEMEROCALLIS	1-GAL	12" T, 12" W
BE		BLACK EYED SUSAN	RUDOLPHIA HIRTA	1-GAL	2'-3' T
RS		RUSSIAN SAGE	PEROVSKIA ATRIPICIFOLIA	1-GAL	2'-4' T, 3' W
BI		BOSTON IVY	PARthenocissus TRICUSPIDATA	1-GAL	AS SHOWN
ORNAMENTAL GRASSES					
FRG		FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FORESTER'	2-GAL	5'-11' HT.
MG		MAIDEN GRASS	MISCANTHUS SINENSIS 'GRACILIMUS'	2-GAL	3'-6' HT.
FG		FOUNTAIN GRASS	FENISETUM ALPECEUROIDES	2-GAL	2'-3' HT.
DFG		FOUNTAIN GRASS	FENISETUM ALPECEUROIDES 'HAPEL'	2-GAL	1'-3' HT.
MULCHING					
ROCK MULCH: 2" DIAMETER WASHED GRAVEL OVER SIX (6) MIL BLACK VISQUEEN					
BARK MULCH: 4" THICK SHREDDED HARDWOOD OVER WOVEN WEED BARRIER					
MULCH EDGING: NONE REQUIRED					
ROCK / BOULDERS					

LANDSCAPING NOTES

- THE LANDSCAPE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND APPROVALS FROM AGENCIES GOVERNING THE LANDSCAPE WORK PRIOR TO BEGINNING ANY WORK.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR KEEPING THE PREMISES AND ADJACENT CONSTRUCTION EQUIPMENT CLEAN AND FREE OF DIRT AND DEBRIS.
- THE LANDSCAPE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING UTILITY LINE LOCATIONS PRIOR TO ANY CONSTRUCTION. ANY DEVIATIONS FROM THE DESIGN LOCATIONS SHALL BE REPORTED TO ARCHITECT. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES AND STRUCTURES WHICH OCCUR AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND SCHEDULING ALL LANDSCAPE RELATED WORK WITH OTHER CONTRACTORS AND TRADES.
- THE EXCAVATION CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND SPREADING TOPSOIL (IF REQUIRED) IN ALL LAWN AREAS. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PERFORMING ALL FINISH GRADING IN CONJUNCTION WITH SEEDING THE SITE. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THE FINISH GRADE OF ALL LAWN AND PLANTING AREAS IS FLUSH WITH ADJACENT HARDSCAPE ELEMENTS (SUCH AS CURBS AND WALKS).
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE OUT OF ALL PLANTING ISLANDS AND PLANTING STRIPS BETWEEN HARDSCAPE ELEMENTS (SUCH AS CURBS AND WALKS).
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING APPROVED PLANTING SOIL MIX AREAS PER THE PLANTING DETAILS.
- PLANTING BED EDGES SHALL BE HAND CUT 3" - 4" DEEP.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SEEDING ALL LAWN AREAS INDICATED ON THE LANDSCAPE PLANTING PLANS. LANDSCAPE CONTRACTOR SHALL LOOSEN COMPACTED SOIL TO A MINIMUM DEPTH OF 4" AND REMOVE STICKS/ROOTS/WEEDS AND STONES LARGER THAN 1" DIAMETER. DISTRIBUTE SEED BY SOILING IN EQUAL QUANTITIES IN TWO DIRECTIONS AT RIGHT ANGLES TO EACH OTHER. REFER TO THE MIXTURE AND APPLICATION RATE BELOW. SEED MIX: MEDALIST AMERICAN TURF GRASS SEED, (OR EQUAL)
1) 10% KENTUCKY BLUEGRASS-EQUAL PARTS NUGLADE, ASPEN AND BLUE CHIP
2) 30% PERENNIAL RYEGRASS-EQUAL PARTS ARMY AND ACCENT APPLICATION RATE: 3 LBS/1000 SF
FERTILIZER: USE STARTER FERTILIZER- 10-10-22 AT 10 LBS/1000 SF. STRAW MULCH: STRAW MULCH MUST BE APPLIED USING A STRAW BLOWER APPLY UNIFORMLY 1 BALE CLEAN STRAW PER 1000 SF. WET STRAW TO HOLD IN PLACE.
- LANDSCAPE CONTRACTOR SHALL PROVIDE A ACCEPTABLE LAWN, FREE OF WEEDS, BARE SPOTS AND SURFACE IRREGULARITIES
- ALL STAKING AND GUYING TO BE REMOVED BY LANDSCAPE CONTRACTOR NO EARLIER THAN 12 MONTH AND NO LATER THAN 18 MONTHS.



P. A. TROYER INC.

ARCHITECTURE
1510 W. LUDWIG ROAD
FORT WAYNE, IN 46825

DEVELOPMENT
CONSTRUCTION
OFFICE
(260) 489-2810

FAX
(260) 489-6162

6/25/14
7/3/14

REGISTERED
No. 4068
STATE OF INDIANA
PROFESSIONAL ARCHITECT

LASSUS BROS. OIL

8724 US. 24
FORT WAYNE, IN 46804

S2