

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2016-0046
Bill Number: Z-17-01-05
Council District: 3-Tom Didier

Introduction Date: January 10, 2017

Plan Commission
Public Hearing Date: January 9, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 1.06 acres of property from R1-Single Family Residential, RP-Planned Residential, and C2-Limited Commercial to C3-General Commercial

Location: 901 West Coliseum Boulevard

Reason for Request: To allow the expansion and improvement of the existing Lassus convenience store.

Applicant: Lassus Bros. Oil, Inc.

Property Owner: Coliseum and Sherman. LLC

Related Petitions: Primary Development Plan, Lassus Handy Dandy

Effect of Passage: Property will be rezoned to the C3-General Commercial district, which is the appropriate district for convenience stores associated with gas pumps.

Effect of Non-Passage: The main property will remain zoned C2-Limited Commercial and the existing gas station may remain as a non-conforming use. The area for the expansion is not zoned appropriately so the business would not be allowed to expand.

#REZ-2016-0046

BILL NO. Z-17-01-05

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-26 (Sec. 27 of Washington 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:

Parts of Lot 33 and Block "A" Trixholme Addition to the City of Fort Wayne as recorded in
Plat Book 17, Page 121, in the Office of the Reorder of Allen County, Indiana, in particular
described as follows, to wit:

Commencing at the Southeast corner of said Lot 33; thence Northerly along the East line of
Lot 33 and the East line of said Block "A", being also defined as the 25 foot Westerly right-
of-way of Sherman Boulevard, a distance of 189.6 feet to a pin set on the South corner-cut
right-of-way line of U.S. Highway No. 30 as widened by Project "U"-724-(22); thence
Northwesterly on the aforesaid right-of-way line by a deflection left of 44 degrees 59
minutes, a distance of 63.8 feet (North 46 degrees 10 minutes 41 seconds West, 64.06 feet
Grant) to the South right-of-way line of said U.S. Highway 30, also known as Coliseum
Boulevard, as established by said Project No. "U"-(724-22); and a Highway monument
found, thence Westerly along a 65- foot right-of-way line aforesaid by a deflection left of 44
degrees 35 minutes, a distance of 105.0 feet (South 88 degrees 58 minutes 15 seconds West,
105.02 feet, Grant) to a pin set; thence Southerly by a deflection left of 90 degrees 29
minutes, a distance of 214.4 feet; thence Westerly by a deflection right of 90 degrees 22
minutes, a distance of 30 feet to the West line of said Lot 33, thence Southerly along the line
of aforesaid by a deflection left of 90 degrees 20 minutes, a distance of 18.3 feet to the
Southwest corner of said Lot 33; thence Easterly by a deflection left of 89 degrees 04
minutes along the South line of said Lot 33, a distance of 180.0 feet to the point of
beginning; containing 0.794 acres of land. ALSO Lot Number 33 in the plat of Trixholme
Addition Section "A" to the City of Fort Wayne, in Allen County, Indiana, except the West
30 feet of the North 46.7 feet thereof.

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

1
2 SECTION 2. If a written commitment is a condition of the Plan Commission's
3 recommendation for the adoption of the rezoning, or if a written commitment is modified and
4 approved by the Common Council as part of the zone map amendment, that written
5 commitment is hereby approved and is hereby incorporated by reference.

6
7 SECTION 3. That this Ordinance shall be in full force and effect from and after its
8 passage and approval by the Mayor.

9
10 _____
Council Member

11 APPROVED AS TO FORM AND LEGALITY:

12
13 _____
14 Carol T. Helton, City Attorney
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**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 260-436-1415 E-mail lassust@lassus.com

Contact Person
Contact Person Scott M. Federoff, Synder Morgan Federoff & Kuchmay LLP
Address 200 West Main St.
City Syracuse State IN Zip 46567
Telephone 260-602-8000 E-mail smf@smfklaw.com

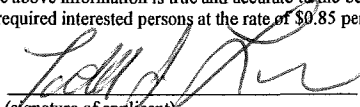
All staff correspondence will be sent only to the designated contact person.

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 901 West Coliseum Blvd., Ft. Wayne, IN 46818
Present Zoning C2, RP, and R1 Proposed Zoning C3 Acreage to be rezoned 1.06
Proposed density 1 units per acre
Township name Washington Township section # 31 North
Purpose of rezoning (attach additional page if necessary) To allow the reconstruction of a Lassus Handy Dandy convenience store and fuel station.
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 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 J. Lassus, President
(printed name of applicant)  12/5/16
(signature of applicant) (date)
See the attached Exhibit "A"
(printed name of property owner) (signature of property owner) (date)
See the attached Exhibit "A"
(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.
12/6/16	122748	1/9/17	Rez-2016-0046

EXHIBIT "A"
Property Owners Signatures

COLISEUM & SHERMAN, LLC,
an Indiana limited liability company

By: Todd J. Lassus Member
Todd J. Lassus, Member

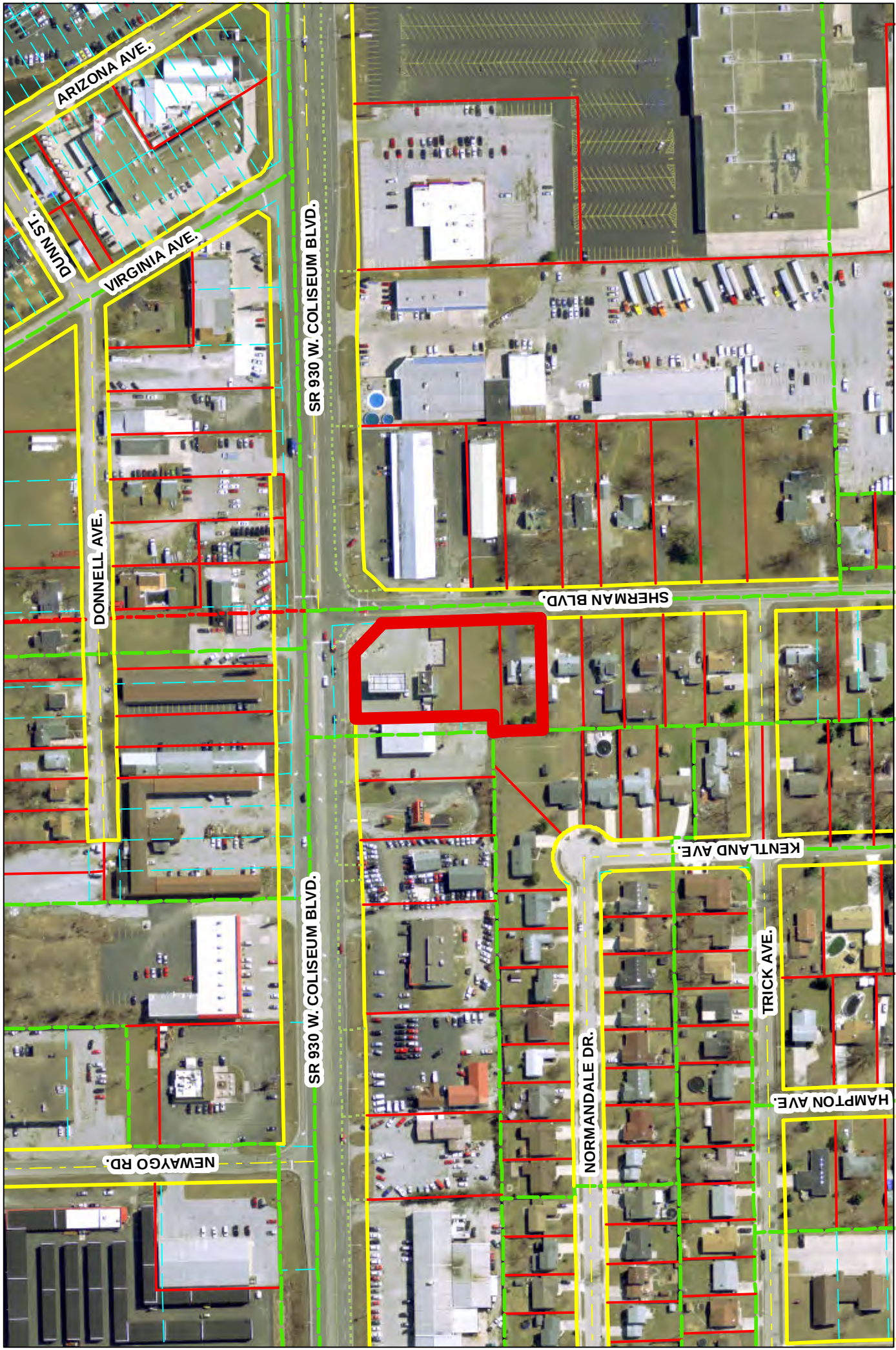
Dated: December 5, 2016

Linda L. Breeden by Carroll J. Nichols, her attorney-in-fact
Linda L. Breeden, by
Carroll J. Nichols, her attorney-in-fact

Dated: December 5, 2016

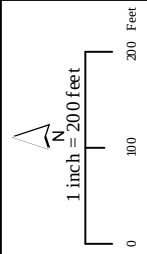


Rezoning Petition REZ-2016-0046 and Primary Development Plan PDP-2016-0043 - Lassus Sherman and Coliseum



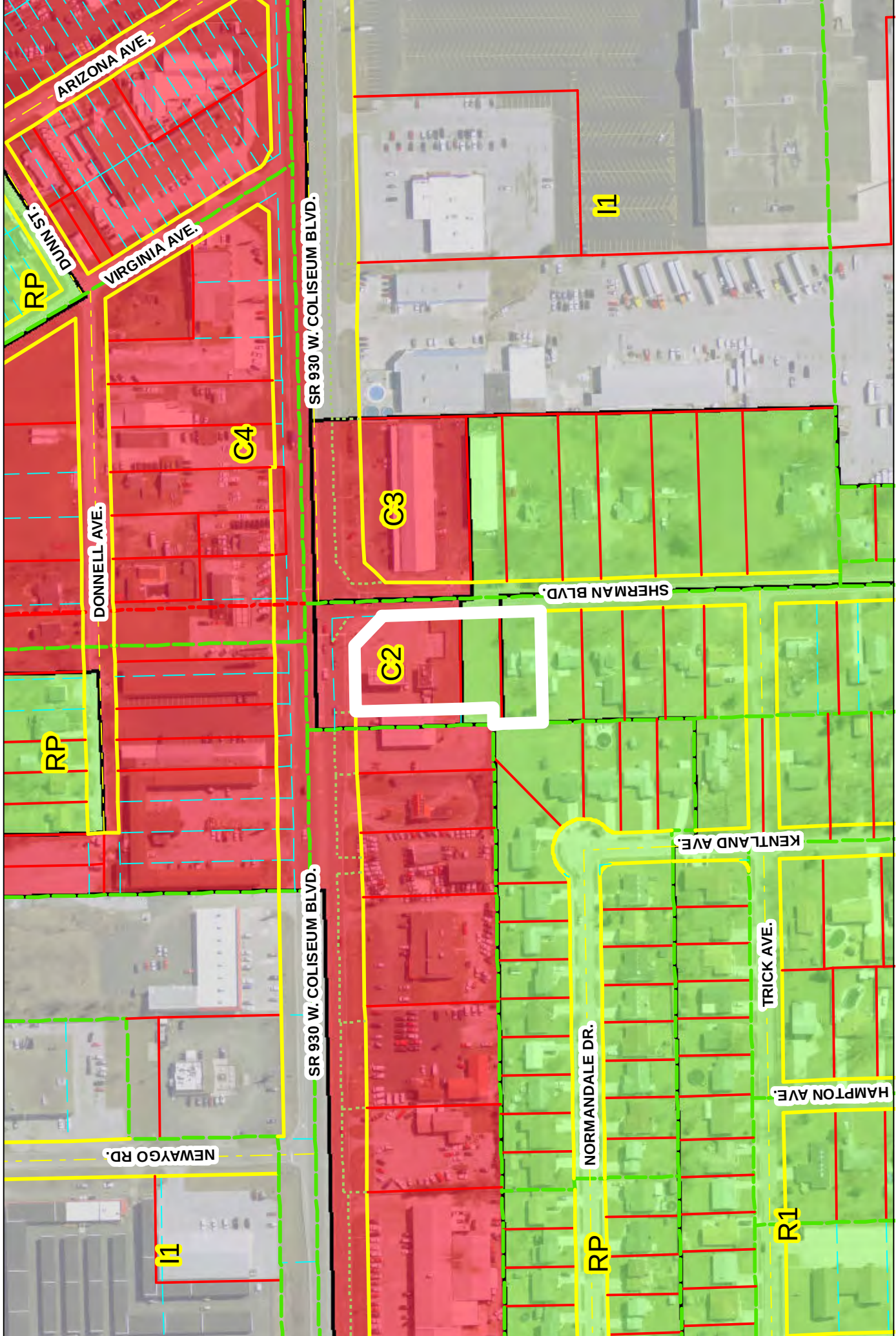
Although accuracy standards have been employed in the preparation of this map, the City of Allen does not warrant the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004, Board of Commissioners, City of Allen
North American Datum 1983
Saw Plane Coordinate System, Indiana East
Perkins and Company, Spring 2009
Date 12/29/2016



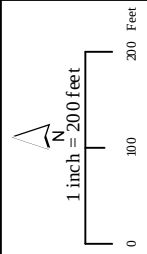


Rezoning Petition REZ-2016-0046 and Primary Development Plan PDP-2016-0043 - Lassus Sherman and Coliseum



Although accuracy standards have been employed in the preparation of this map, the City of Allen does not warrant 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, City of Allen
North American Datum 1983
Saw Place Coordinate System, Indiana East
Perimeter and Contours: Spring 2009
Date: 12/29/2016



PLANT MATERIAL LIST						
ITEM	SIZE	COMMON NAME	BOTANICAL NAME	SIZE	MATURE SIZE	DESCRIPTION
SHADE TREES						
RB		RIVER BIRCH	BETULA NIGRA	2" CAL./8" HT.	55' T, 30' W	SHEDS BARK
AE		AMERICAN ELM	ULMUS AMERICANA 'PRINCETON'	2" CAL./8" HT.	40' T, 30' W	FAST GROWING
IH		IMPERIAL HONEYLOCUST (SEEDLESS)	GLEDITSIA TRIA NERIS 'IMPERIAL'	2" CAL./8" HT.	35' T, 30' W	FAST GROWING
LL		GREENSPIRE LITTLELEAF LINDEN	TILIA CORDATA 'GREENSPIRE'	2" CAL./8" HT.	40' T, 30' W	
NM		CLEVELAND NORWAY MAPLE	ACER PLATANOIDES 'CLEVELAND'	2" CAL./8" HT.	60' T, 20' W	THICK GREEN SHADE TREE
RM		RED SUNSET RED MAPLE	ACER RUBRUM 'RED SUNSET'	2" CAL./8" HT.	50' T, 50' W	NICE EARLY FALL COLOR
SM		SUGAR MAPLE	ACER SACCHARUM	2" CAL./8" HT.	80' T, 60' W	YELLOW, RED IN FALL
BQ		BURR OAK	QUERCUS MACROCARPA	2" CAL./8" HT.	15' T, 15' W	SLOW GROWING
AP		ARISTOCRAT GALLERY PEAR	PYRUS CALLERYANA 'ARISTOCRAT'	2" CAL./6" HT.	40' T, 35' W	FAST GROWING, WHITE FLOWER
EVERGREEN						
FN		AUSTRIAN PINE	PINUS NIGRA	2" CAL./4" HT.	40' T, 15' W	
CN		COLORADO SPRUCE	PICEA PUNGENS	2" CAL./4" HT.	65' T, 25' W	CONES
SN		SPRICE NORWAY	PICEA ABIES	2" CAL./4" HT.	80' T, 40' W	THICK EVERGREEN
DECORATIVE TREES						
CA		CRABAPPLE VARIETIES	MALUS SPECIES	2" CAL./6" HT.	15' T, 20' W	RED FRUIT
FD		FLOWERING DOGWOOD	CORNUS FLORIDA	2" CAL./6" HT.	30' T, 30' W	WHITE FLOWER
RBD		RED BUD	CERCIS CANADENSIS	2" CAL./6" HT.	30' T, 25' W	PURPLE/PINK FLOWER
GH		WINTER KING GREEN HAWTHORN	CRATAEGUS VIRIDIS 'WINTER KING'	2" CAL./6" HT.	20' T, 20' W	
AB		AUTUMN BRILLIANCE SERVICEBERRY	AMELANCHIER X GRANDIFLORA	2" CAL./6" HT.	20' T, 20' W	WHITE FLOWER, RED BERRY
TL		TREE LILAC	SYRINGA RETICULATA 'IVORY SILK'	2" CAL./6" HT.	20' T, 15' W	SMALL WHITE FLOWER
SHRUBS						
BB	L	BURNING BUSH (COMPACT)	EUONYMUS ALATUS 'COMPACTUS'	36" HT.	15" ROUND	RED IN FALL
VA	L	VIBURNUM ARROWWOOD	VIBURNUM DENTATUM	36" HT.	9" ROUND	WHITE FLOWER
JV	L	JUDD VIBURNUM	VIBURNUM JUDDII	36" HT.	4" T, 5" W	PINK FLOWER
DN		DIABLO NINEBARK	PHYSO CARPUS OPULIFOLIUS 'MONLO'	36" HT.	9" ROUND	PURPLE/RED FLOWER
OH	M	OAKLEAF HYDRANGEA	HYDRANGEA QUERCIFOLIA	24" HT.	5" T, 5" W	
DKL	M	DIWANE KOREAN LILAC	SYRINGA MEYERI 'PALIBIN'	24" HT.	6" T, 5" W	PINK & PURPLE FLOWERS
RH	M	BURNING BUSH (RUDY HAAG)	EUONYMUS ALATUS 'RUDY HAAG'	24" HT.	5" T, 5" W	RED IN FALL
CAC		COMPACT AMERICAN CRANBERRY BUSH	VIBURNUM TRILOBUM 'BAILEY COMPACT'	24" HT.	4" T, 5" W	RED IN FALL, BERRY WHITE FLOWER
DJ	S	DIWANE JAPANESE BARBERRY	BERBERIS THUNDERBOLT VARIETIES	18" HT.	2" T, 3" W	DEEP RED IN FALL
BUJ	S	LITTLELEAF BOXWOOD (INTERGREEN)	BUXUS MICROPHYLLA VAR. KOREANA	18" HT.	2" T, 3" W	
ETH	S	EMERALD MOUND HONEYSUCKLE	LONICERA XYLOSTEUM 'EMERALD MOUND'	18" HT.	3" T, 6" W	YELLOW/WHITE FLOWER
JP	S	JACKMANN POTENTILLA	POTENTILLA FRUTICOSA 'JACKMANNI'	18" HT.	4" T, 6" W	DEEP YELLOW FLOWER
FS	S	FROEBEL SPIREA	SPIREA X BUNALDA FROEBELII	18" HT.	4" T, 6" W	PINK FLOWERS
AR		AUTUMN ROYALTY ENCORE AZALEA	AZALEA X 'CONLEIC'	18" HT.	4" T, 6" W	PURPLE FLOWER
EVERGREEN						
DY	M	DENSE SPREADING YEW	TAXUS MEDIA DENSIFORMIS	18" HT.	3'-4" T, 4'-6" W	EVERGREEN
UY	M	WARDI YEW	TAXUS X MEDIA 'WARDII'	18" HT.	2'-3" T, 3'-4" W	RED BERRIES IN FALL
MP		MUGO PINE	PINUS MUGO PUMILIO	18" HT.	4" T, 10" W	EVERGREEN
GJ	S	CHINESE JUNIPER (OLD GOLD)	JUNIPERIS CHINENSIS 'OLD GOLD'	12" HT.	4'-5" T, 6'-10" W	YELLOW/GREEN EVERGREEN
BJ	S	BROADMOOR JUNIPER	JUNIPERIS SABINA	12" HT.	2'-3" T, 8'-10" W	EVERGREEN
WJ		WILTON BLUE RUG JUNIPER	JUNIPERIS HORIZONTALIS 'WILTON'	12" HT.	6" T, 6" W	GROUND COVER
FLOWERS, OTHER						
SD		STELLA D'ORO DAYLILY	HEMEROCALLIS LILIACEAE 'STELLA D'ORO'	1-GAL.	12" T, 12" W	YELLOW FLOWER
DM		MIX OF DAYLILY COLORS	HEMEROCALLIS	1-GAL.	12" T, 12" W	MIX OF COLORED FLOWERS
BES		BLACK EYED SUSANS	RUDBECKIA HIRTA	1-GAL.	2'-3' T	YELLOW/BLACK FLOWER
RS		RUSSIAN SAGE	PEROVSKIA ATRIPLICIFOLIA	1-GAL.	2'-4" T, 3" W	PURPLE FOLIAGE
BI		BOSTON IVY	PARTHENOCISSUS TRICUSPIDATA	1-GAL.	AS SHOWN	
ORNAMENTAL GRASSES						
FRG		FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FORESTER'	2-GAL.	5'-1' HT.	WHITE FLOWERS
MG		MAIDEN GRASS	MISCANTHUS SINENSIS 'GRACILLIMUS'	2-GAL.	3'-6" HT.	CREAMY WHITE FLOWERS
FG		FOUNTAIN GRASS	FENISTETUM ALOPECUROIDES	2-GAL.	2'-3" HT	PURPLE FLOWERS
DFG		FOUNTAIN GRASS	FENISTETUM ALOPECUROIDES 'HAMEL'	2-GAL.	1'-3" HT	PINK/WHITE FLOWERS
MULCHING						
ROCK MULCH: 2" DIAMETER WASHED GRAVEL OVER 6X (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 SOWING 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).
 - 10% KENTUCKY BLUEGRASS- EQUAL PARTS NUGLADE, ASPEN AND BLUE CHIP
 - 30% PERENNIAL RYEGRASS- EQUAL PARTS APRM AND ACCENT APPLICATION RATE: 5 LBS/ 1000 SF.FERTILIZER: USE STARTER FERTILIZER- 10-18-22 AT 10 LBS/ 1000 SF. STRAW MULCH: STRAW MULCH MUST BE APPLIED USING A STRAW BLOWER APPLY UNIFORM 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 GUTTING TO BE REMOVED BY LANDSCAPE CONTRACTOR NO EARLIER THAN 12 MONTH AND NO LATER THAN 18 MONTHS.

