

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0024
Bill Number: Z-17-05-31
Council District: 3-Tom Didier

Introduction Date: May 23, 2017

Plan Commission
Public Hearing Date: June 12, 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 1.56 acres of property from C2-Limited Commercial to C3-General Commercial

Location: 5917 Lima Road and 1734 West Washington Center Road

Reason for Request: To bring the entirety of the applicant's property into the appropriate zoning district for the existing gas station, which is proposed to be expanded and upgraded.

Applicant: Lassus Bros. Oil, Inc.

Property Owner: J & J Realty Co.

Related Petitions: Primary Development Plan, Lassus at Washington Center and Lima

Effect of Passage: Property will be rezoned to the C3-General Commercial zoning district for the purpose of having appropriate zoning for the existing gas station, and allow the convenience store to be rebuilt to current standards.

Effect of Non-Passage: The property will remain zoned C2-Limited Retail. The existing gas station may remain, but it may not be expanded and upgraded, and it is located in an inappropriate zoning district.

1 **REZ-2017-0024**
2 **BILL NO. Z-17-05-31**

3 **ZONING MAP ORDINANCE NO. Z-_____**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. K-38 (Sec. 15 of Washington Township)**

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

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

11 Part of Lots Numbered 4 and 5 Kahn's Suburban Addition to the City of Fort Wayne,
12 Indiana (Plat Record 16, page 186) lying in the Southeast Quarter of Section 15,
13 Township 31 North, Range 12 East of the Second Principal Meridian, more
14 particularly described as follows:

15 Commencing at the Southwest corner of said Lot Number 5; thence North 89
16 degrees 20 minutes East a distance of 124.9 feet (125.0 feet-deed) to the point of
17 beginning; thence North 02 degrees 37 minutes West, a distance of 20.0 feet;
18 thence North 41 degrees 18 minutes East, a distance of 52.60 feet; thence North 88
19 degrees 48 minutes East, a distance of 100.04 feet; thence South 00 degrees 43
20 minutes East, a distance of 199.94 feet to the Northerly right of way line of
21 Washington Center Road; thence South 89 degrees 07 minutes West a distance of
22 129.92 feet along said right of way of Washington Center Road; thence North 02
23 degrees 37 minutes West a distance of 140.48 feet.

24 AND ALSO:

25 Part of Lot 4 and part of Lot 5 in Kahn's Suburban Addition as recorded in Plat
26 Book 16, page 186 in the Office of the Recorder of Allen County, Indiana, more
27 particularly described as follows:

28 Commencing at the southwest corner of said Lot Number 4; thence Easterly
29 along the south line of said Lot Number 4, a distance of 255.0 feet to the point of
30 beginning, marked by a pin found this survey; thence Northerly by a deflection
left of 90 degrees 04 minutes, a distance of 200.0 feet to a pin found this survey;
thence Easterly, by a deflection right of 89 degrees 52 minutes, a distance of
181.6 feet to a pin found this survey on the Westerly right-of-way line of State
Road No. 3; thence Southeasterly along said line by a deflection right of 71
degrees 50 minutes, a distance of 170.6 feet to a standard corner marker (5/8" by
12" rebar with an aluminum cap stamped "Stoody" S-0144) set this survey;
thence southwesterly along said line, by a deflection right of 61 degrees 37

minutes, a distance of 53.3 feet to a standard corner marker set this survey on the North right of way line of Washington Center Road (also the South line of said Lot Number 4); thence Westerly along said line, by a deflection right of 46 degrees 45 minutes, a distance of 198.7 feet to the point of beginning, containing 0.97 acres more or less.

and the symbols of the City of Fort Wayne Zoning Map No. K-38 (Sec. 15 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.

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

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:

Carol T. Helton, City Attorney

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

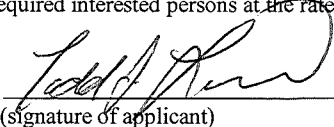
Contact Person	Contact Person	Scott M. Federoff, Synder Morgan Federoff & Kuchmay LLP		
	Address	200 West Main St.		
	City	Syracuse	State	IN Zip 46567
	Telephone	260-602-8000	E-mail	smf@smfklaw.com

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

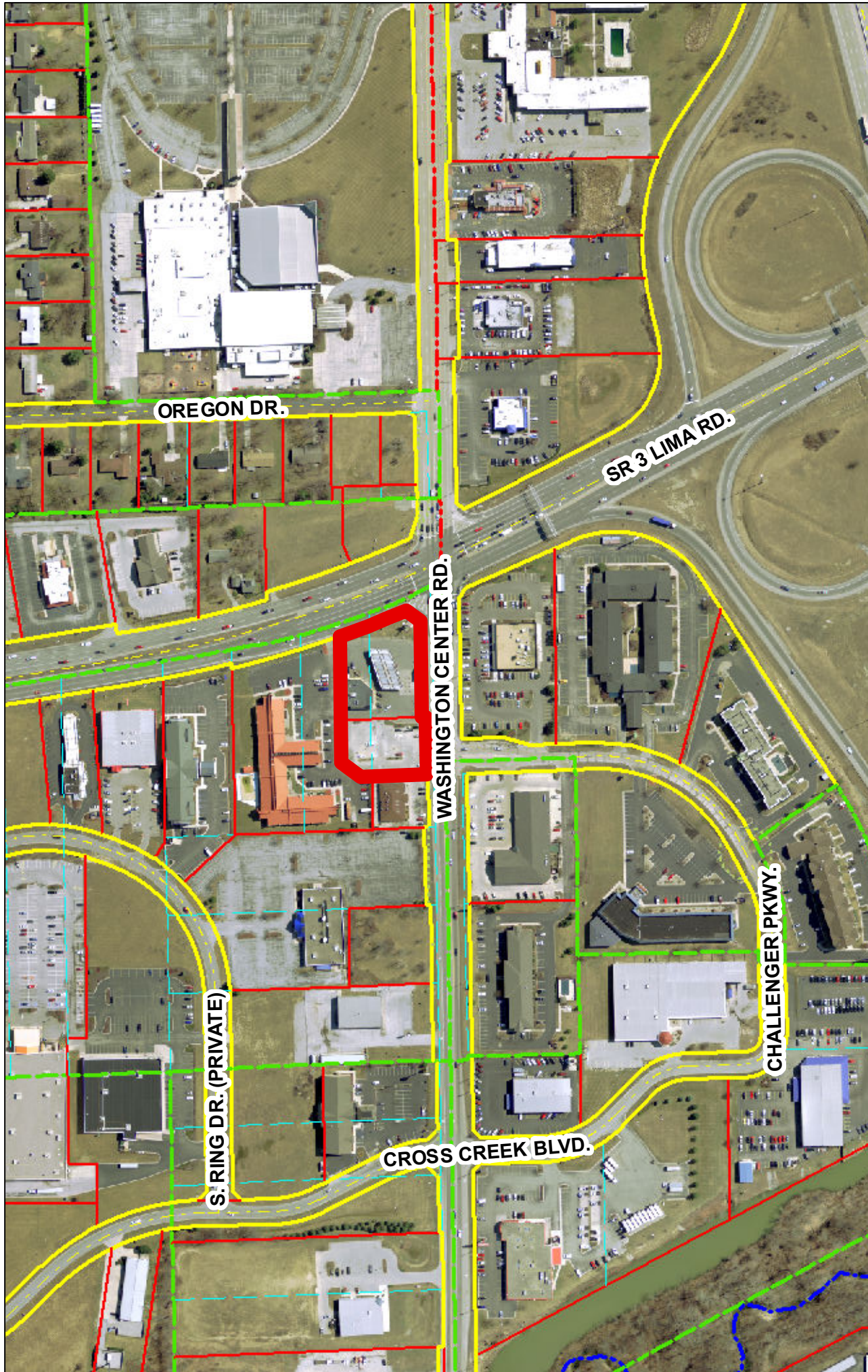
Request	☐ Allen County Planning Jurisdiction	☒ City of Fort Wayne Planning Jurisdiction				
	Address of the property 1738 W. Washington Center Road & 5917 Lima Road, Ft. Wayne, IN 46818					
	Present Zoning	C2	Proposed Zoning	C3	Acreage to be rezoned	1.56
	Proposed density	1	units per acre			
	Township 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, fuel station, and add approximately 2,925 square feet of retail space.					
	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 interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

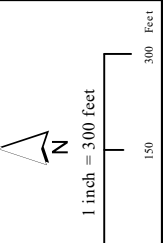
Todd J. Lassus, President		5/ /17
(printed name of applicant)	(signature of applicant)	(date)
See the attached Exhibit "A"		
(printed name of property owner)	(signature of property owner)	(date)
See the attached Exhibit "A"		
(printed name of property owner)	(signature of property owner)	(date)
(printed name of property owner)	(signature of property owner)	(date)

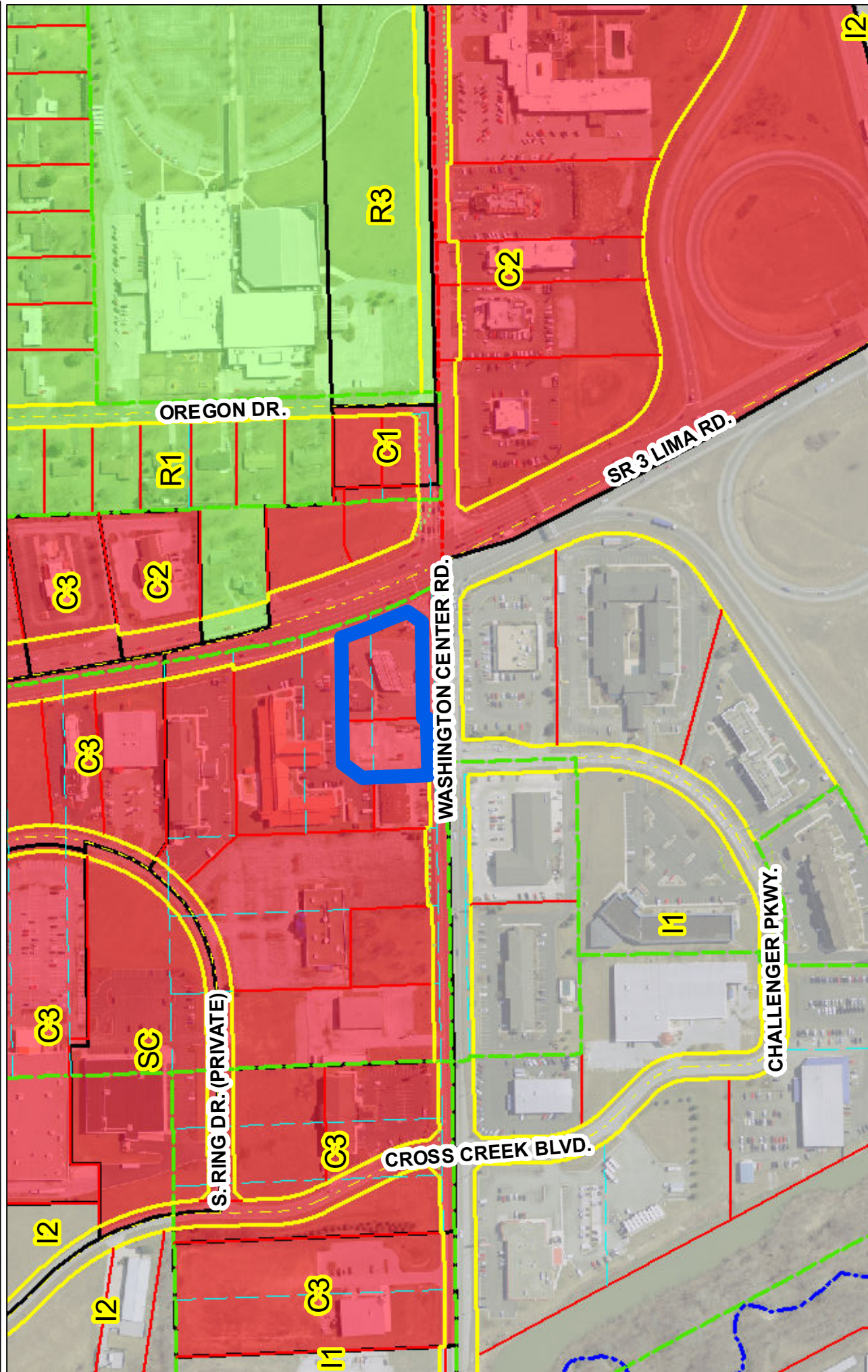
Received	Receipt No.	Hearing Date	Petition No.
5-2-17	123762	6-12-17	REZ-2017- 0624

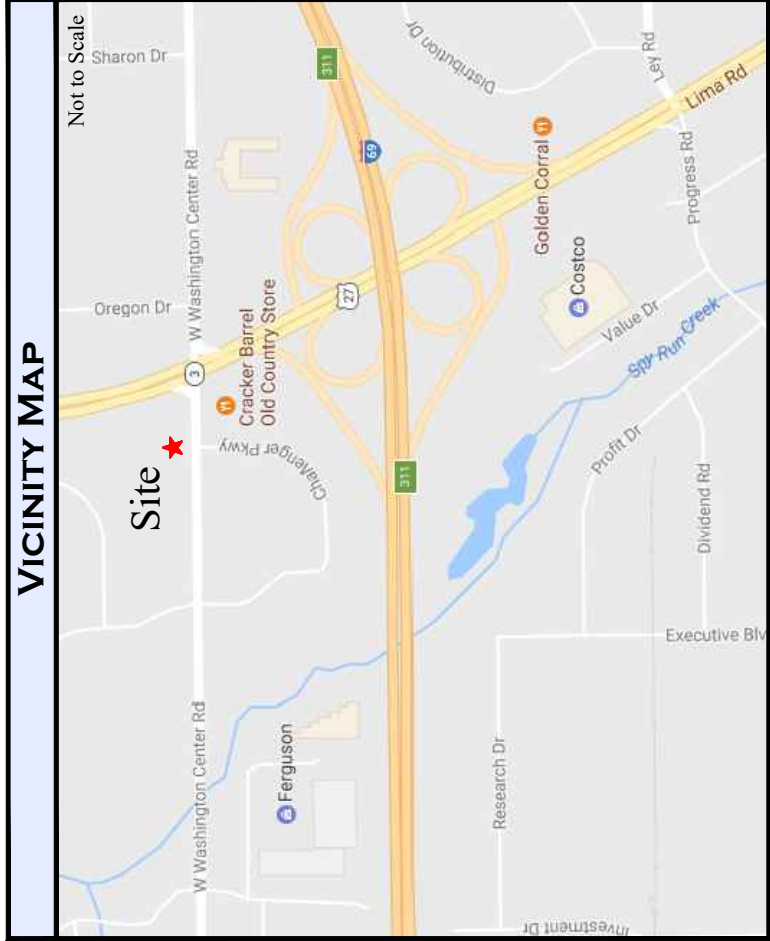


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours, Spring 2009
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SYMBOL AND LINE LEGEND	
	Air Conditioning Unit
	Beach Inlet
	Billboard
	Boundary Mon. - Pipe
	Clean-Out
	Control Point
	Curb Cast Inlet
	Drain
	Iron Pin
	Mag Nail
	Mailbox
	Manhole
	Post
	Round Inlet
	Sign
	Temporary Bench Mark
	Vault
	Warning Riser
	Tree
	1" Lid
	12" Lid
	14" Lid
	Sanitary Line
	Storm Line
	Overhead Telephone
	Underground Telephone
	Water Line
	Overhead Electric
	Underground Electric
	Major Contour
	Minor Contour
	Guard Rail
	Fence
	Curb
	Retaining Wall
	Pavement
	Concrete
	Easement
	Right-of-Way Line
	Building Setback Line
	Center Line
	Boundary

CONTROL TABLE		
Number	North	East
CP#201	202757.352	756066.230
CP#202	202940.180	756211.785
TBM#1	202757.8	756515.1

The Above Elevations are Based on North American Vertical Datum (NAVD88)



RECORD DESCRIPTION

Doc#7425348
Part of Lot 4 and part of Lot 5 in Kahn's Suburban Addition as recorded in Plat Book 16, page 186 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:
Commencing at the southwest corner of said Lot Number 4; thence Easterly along the south line of said Lot Number 4, a distance of 181.60 feet to a pin found this survey; thence Easterly, by a deflection right of 89 degrees 52 minutes, a distance of 200.00 feet to a pin found this survey; thence Easterly, by a deflection right of 89 degrees 52 minutes, a distance of 181.60 feet to a pin found this survey on the Westerly right-of-way line of State Road No. 8, thence Southeasterly along said line by a deflection right of 71 degrees 50 minutes, a distance of 170.6 feet to a standard corner marker (6.8" by 12" rear with an aluminum cap stamped "S20449") set this survey; thence southeasterly along said line by a deflection right of 89 degrees 52 minutes, a distance of 200.00 feet to a pin found this survey; thence Easterly, by a deflection right of 89 degrees 52 minutes, a distance of 181.60 feet to the South line of said Lot Number 4; thence Westerly along said line, by a deflection right of 46 degrees 45 minutes, a distance of 198.7 feet to the point of beginning, containing 0.97 acres more or less.

Together with:

Doc#89-044291 - Parcel II

Part of Lots Numbered 4 and 5 in Kahn's Suburban Addition to the City of Fort Wayne, Indiana (Plat Record 16, page 186), as recorded in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:
Commencing at the Southwest corner of said Lot Number 5; thence North 89 degrees, 20 minutes East a distance of 124.9 feet (125.0 feet - Dead) to the point of beginning; thence North 02 degrees, 37 minutes West, a distance of 20.0 feet; thence North 41 degrees, 18 minutes East, a distance of 52.60 feet; thence North 88 degrees, 48 minutes East, a distance of 100.04 feet; thence South 00 degrees, 49 minutes East a distance of 199.94 feet to the Northerly right of way line of Washington Center Road; thence South 89 degrees, 07 minutes West a distance of 129.92 feet along said right of way of Washington Center Road; thence North 42 degrees, 57 minutes West a distance of 146.86 feet.

FLOOD PLAIN CERTIFICATION

This property is within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) as defined by the FIRIM (Flood Insurance Rate Map) for the City of Fort Wayne, Indiana, Community No. 180003; Parcel No.017067, dated August 3, 2009.

NOTES

Location and sizes of underground utilities are shown from best available record drawings and/or field markings. Utility lines shown herein are approximate in location and intended for reference only. Call Indiana Underground Plant Protection Services (IUPPS) at 1-800-382-5544 for field marked location of utilities prior to any excavation.

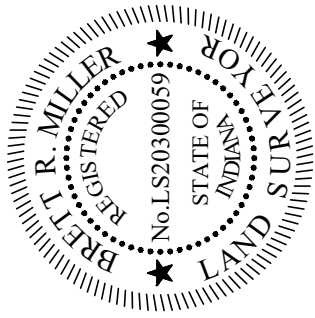
- Indiana Underground Plant Protection Services (IUPPS) Locate Number For This Project: 1702134104, 1702134112
Elevations are based upon a INCORS (Indiana Continuously Operating Reference Station Network) Indiana East. Datum = North American Vertical Datum (NAVD88).

NOTES

- No evidence of earth moving work.
- No observed evidence of site used as solid waste dump, sump or sanitary land fill.

CERTIFICATION

I Brett R. Miller certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:



Brett R. Miller, P.S. 20200059

MONUMENT LEGEND

- A = 1"Steel Pipe Found 0.62' S of Actual (Flush/No History)
- B = 3/4"Steel Bar Found (Flush/No History)
- C = 3/4"Steel Bar Found (Flush/No History)
- D = 3/4"Steel Bar Found (Flush/No History)
- E = 1/2"Steel Bar Found (Flush/No History)
- F = 1/2"Steel Bar Found (Flush/No History)
- G = 5/8" 5/8" Steel Rebar w/"Miller Firm #0095" id. Cap Set (Flush)
- H = 5/8" Steel Rebar w/"Tazian" id. Cap Found (Flush)
- I = 5/8" Steel Rebar w/"Firm #0015" id. Cap Found (Flush)
- J = 2"Steel Rebar Found (Flush/No History)
- K = 2"Steel Rebar Found (Flush/No History)
- L = Concrete Right-of-Way Monument Found

Legend	
POB	- Point of Beginning
R	- Record
C	- Calculated
D	- Dead
---	- Right of Way (R/W)
---	- Building Setback Line
---	- Center Line

Reference Survey	
Drawn By: ZLS	2/20/2017
Date: April 28, 2017	
Drawn Name: 17023869 newboundary.dwg	
Survey Number: 17023869	
For: Lassus Bros. Oil, Inc.	
Approved By: BRM	

REVISIONS	
Drawn By: ZLS	2/20/2017
Date: April 28, 2017	
Drawn Name: 17023869 newboundary.dwg	
Survey Number: 17023869	
For: Lassus Bros. Oil, Inc.	
Approved By: BRM	

Corporate Office	Fort Wayne Office
221 Tower Drive	217 Airport North Office Park
Moore, IN 46772	Fort Wayne, IN 46825
Phone: (260) 692-6166	Phone: (260) 489-8371
Fax: (260) 692-6242	Fax: (260) 489-8370
www.mlsurveying.com	

Washington Twp. Sect. 15,T31N,R12E
Kahn's Suburban Addition - Pt. of Lots 4 & 5
1738 W. Washington Center Rd., FW, Allen County, IN



4/28/17

Primary Development Plan
Lassus Handy Dandy
5917 Lima Rd., Ft. Wayne, IN 46825

