

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0017
Bill Number: Z-19-04-13
Council District: 5-Geoff Paddock

Introduction Date: April 23, 2019

Plan Commission
Public Hearing Date: May 6, 2019 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.38 acres of property from C2-Limited Commercial to C3-General Commercial.

Location: 1630 Spy Run Avenue

Reason for Request: To rezone the property of an existing Lassus gas station and convenience store to bring the gas station use into compliance with the current zoning ordinance.

Applicant: J & J Realty Co., LLP

Property Owner: J & J Realty Co., LLP

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3-General Commercial zoning district, along with a Written Commitment to prohibit other C3 uses. The rezoning will allow the existing use to conform to the ordinance.

Effect of Non-Passage: The property will remain zoned C2-Limited Commercial, which does not permit new gas stations. The existing investment is non-conforming, which affects how the property can be developed or expanded in the future.

1 **#REZ-2019-0017**

2 **BILL NO. Z-19-04-13**

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

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. N-14 (Sec. 36 of Wayne 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 Part of Lot 2 of Well's Pre-emption in Township 30 North, Range 12 East of the Second
13 Principal Meridian, in Allen County, Indiana and situated in the City of Fort Wayne,
 described as follows: to-wit:

14 Beginning at the point of intersection of the North line of Tennessee Avenue and the East
15 line of Spy Run Avenue 156.2 feet to a point 69 feet South of the South line of an alley as in
16 the plat of L.M. Jones Addition recorded, and as subsequently widened by Declaratory
17 Resolution 639-1930 of the Board of Public Works of the City of Fort Wayne; thence East
18 parallel with said line 105 feet; thence South parallel with the East line of Spy Run Avenue
 156.5 feet to the North line of Tennessee Avenue; thence West along said North line 105 feet
 to the place of beginning, containing 16,401 square feet.

19 and the symbols of the City of Fort Wayne Zoning Map No. N-14 (Sec. 36 of Wayne
20 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
21 Wayne, Indiana is hereby changed accordingly.

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

26
27 SECTION 3. That this Ordinance shall be in full force and effect from and after its
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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 J & J Realty Co., LLP
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 4211 Clubview Drive
City Fort Wayne State IN Zip 46804
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 1630 Spy Run, Ft. Wayne, IN 46805
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.38
Proposed density 1 units per acre
Township name Wayne Township section # 30
Purpose of rezoning (attach additional page if necessary) To bring an existing convenience store and gas station use into conformance with the City of Fort Wayne Zoning Ordinance.
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

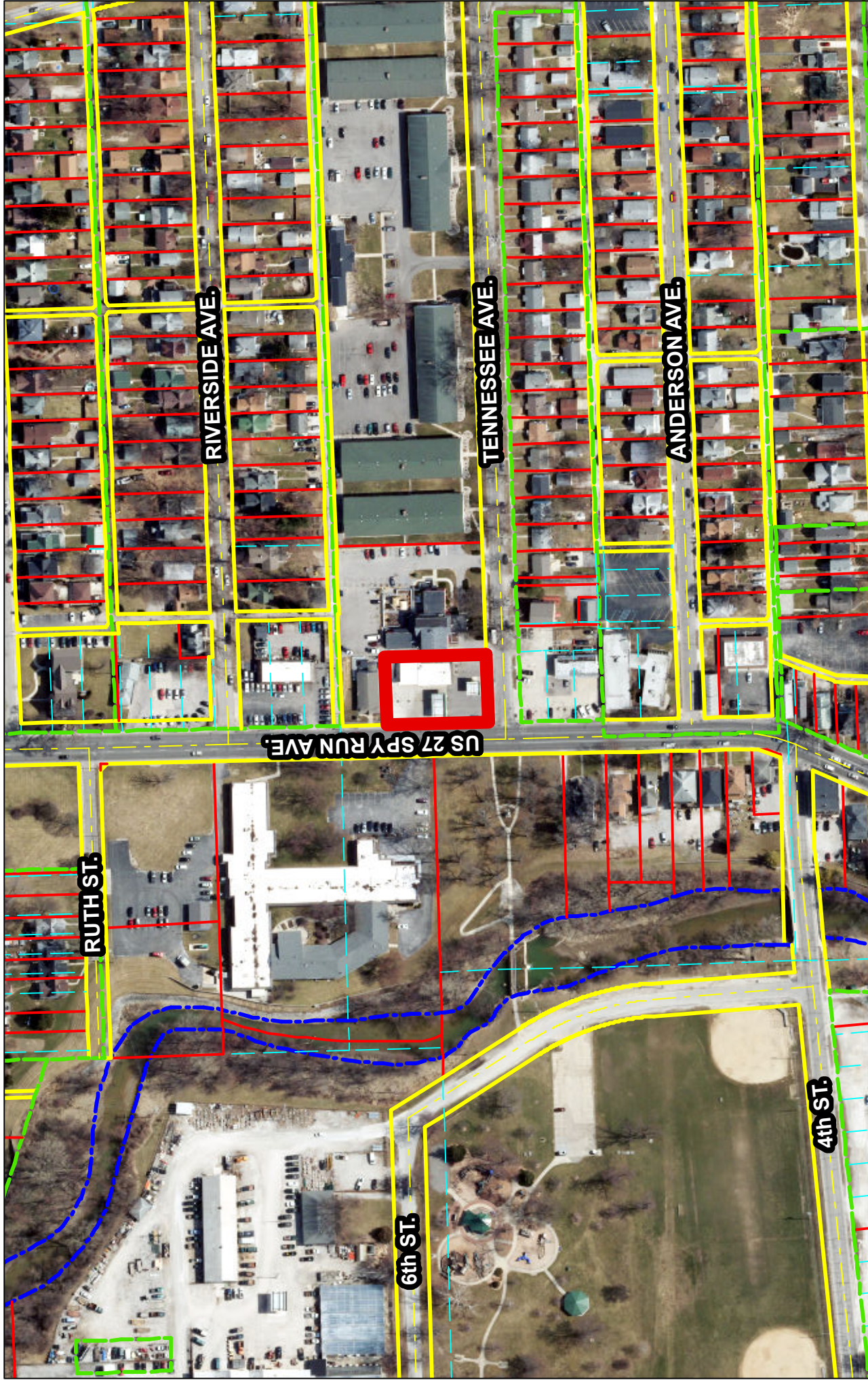
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

J & J Realty Co., LLP by Jon F. Lassus, Partner [Signature] 3/27/19
(printed name of applicant) (signature of applicant) (date)
J & J Realty Co., LLP by Jon F. Lassus, Partner [Signature] 3/27/19
(printed name of property owner) (signature of property owner) (date)

(printed name of property owner) (signature of property owner) (date)

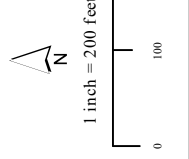
(printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
4/1/19	129869	5/6/19	REZ-2019-0017



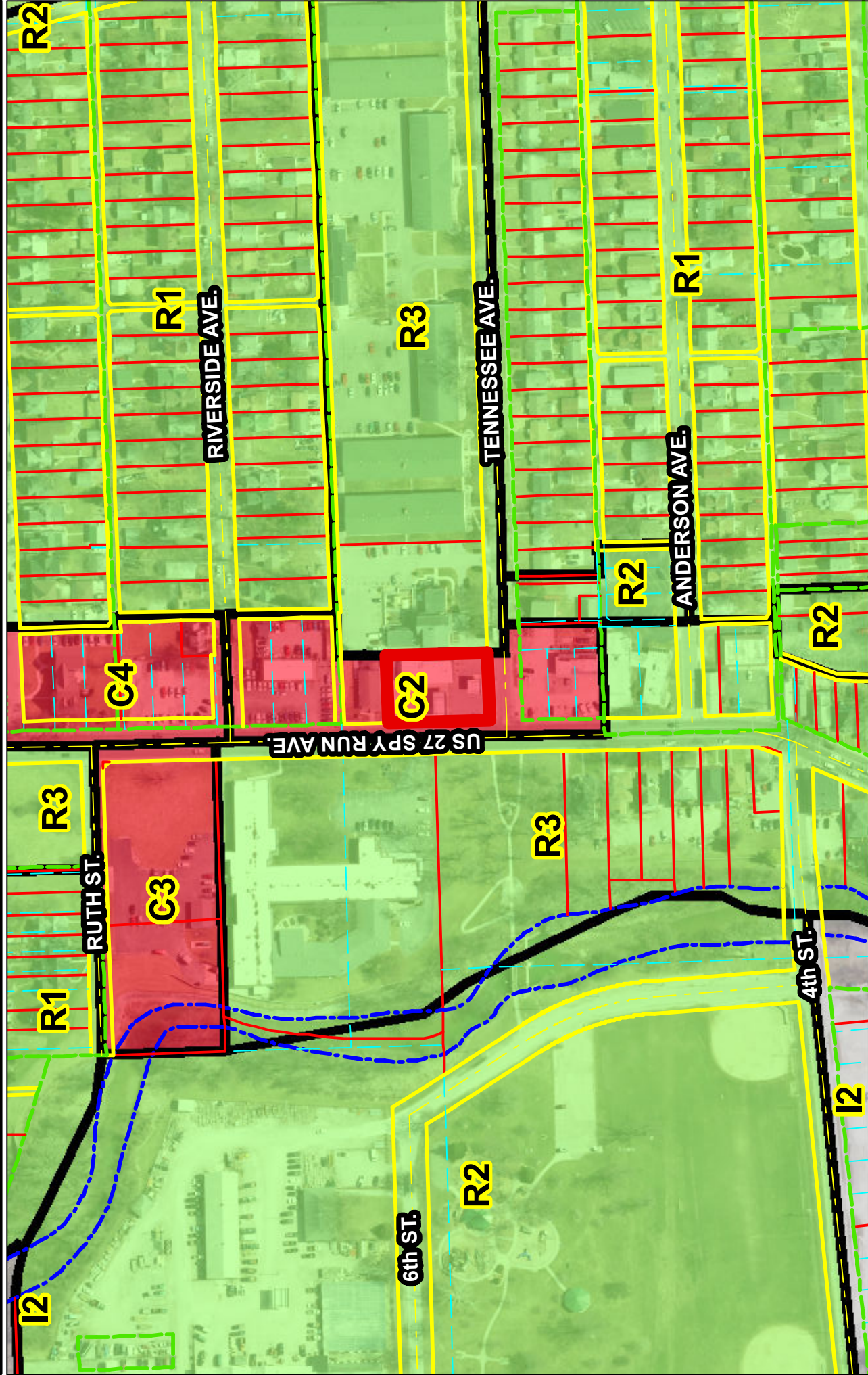
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 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 4/17/2019





Rezoning Petition REZ-2019-0017 - Lassus Spy Run



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1 inch = 200 feet

