

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0018
Bill Number: Z-19-04-14
Council District: 3-Tom Didier

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: 10040 Lima Road

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: Lima Road & Dupont, LLC

Property Owner: Lima Road & Dupont, LLC

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.

#REZ-2019-0018

BILL NO. Z-19-04-14

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-58 (Sec. 3 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:

Part of the North Half of the Northeast Fractional Quarter of Section 3, Township 31 North,
Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Northeast Fractional Quarter, thence South 01
degrees 14 minutes 43 seconds East (bearings in this description are based on the INDOT
bearing for State Road #3), on and along the East line of said Northeast Fractional Quarter, a
distance of 1650.66 feet to the Southeast corner of the North Half of said Northeast
Fractional Quarter as established in Surveyor's Record "C", page 153; thence South 88
degrees 43 minutes 10 seconds West, on and along the South line of said North Half, a
distance of 1983.05 feet to a point situated 537.6 feet, North 88 degrees 43 minutes 10
seconds East from the Southwest corner of said North Half as established in said Surveyor's
Record "C", page 153; thence North 01 degrees 07 minutes 00 seconds West and parallel
with the West line of said Northeast Fractional Quarter, a distance of 375.0 feet; thence
South 88 degrees 43 minutes 10 seconds West and parallel with said South line, a distance of
300.00 feet; thence South 01 degrees 07 minutes 00 seconds East and parallel with said West
Line, a distance of 25.0 feet; thence South 88 degrees 43 minutes 10 seconds West and
parallel with said South line, a distance of 123.00 feet to a point situated 90.0 feet normally
distant Eastward from Line "A" as defined by IND. Proj. S-419(4); thence North 01 degrees
07 minutes 00 seconds West and parallel with said Line "A", a distance of 324.15 feet to a
point situated 90.0 feet normally distant Eastward from said Line "A" at plan station
275+00; thence North 04 degrees 35 minutes 38 seconds East, continuing along said East
right-of-way line, a distance of 67.03 feet to the true Point of Beginning; thence North 04
degrees 35 minutes 38 seconds East, continuing along said East right-of-way line, a distance
of 33.47 feet to a point situated 100.0 feet normally distant Eastward from said Line "A" at
plan station 276+00; thence North 03 degrees 58 minutes 45 seconds West, continuing along
said East right-of-way line, a distance of 100.12 feet to a point situated 95.0 feet normally
distant Eastward from said Line "A" at plan station 277+00; thence North 01 degrees 07
minutes 00 seconds West, continuing along said East right-of-way line and parallel with said
Line "A", a distance of 191.70 feet; thence North 88 degrees 53 minutes 00 seconds East, a
distance of 310.00 feet; thence South 01 degrees 07 minutes 00 seconds East and parallel

1 with said Line "A", a distance of 325.00 feet; thence South 88 degrees 53 minutes 00
2 seconds West, a distance of 308.33 feet to the true Point of Beginning, containing 2.305
3 acres of land, subject to roadway easements over the South 30 feet and East 25 feet thereof,
4 subject to a utility easement over the South 20 feet of the North 70 feet thereof, subject to a
5 utility easement over the South 40 feet thereof, subject to a utility easement over the West 15
6 feet thereof, subject to a utility easement over the East 35 feet and subject to all easements of
7 record.

8
9 and the symbols of the City of Fort Wayne Zoning Map No. K-58 (Sec. 3 of Washington
10 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
11 Wayne, Indiana is hereby changed accordingly.
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14 SECTION 2. If a written commitment is a condition of the Plan Commission's
15 recommendation for the adoption of the rezoning, or if a written commitment is modified and
16 approved by the Common Council as part of the zone map amendment, that written
17 commitment is hereby approved and is hereby incorporated by reference.
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19 SECTION 3. That this Ordinance shall be in full force and effect from and after its
20 passage and approval by the Mayor.
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Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant Lima Road & Dupont, LLC
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 10040 Lima Road, Ft. Wayne, IN 46825
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 2.31
Proposed density 1 units per acre
Township name Washington Township section # 3
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 Rezonings Only

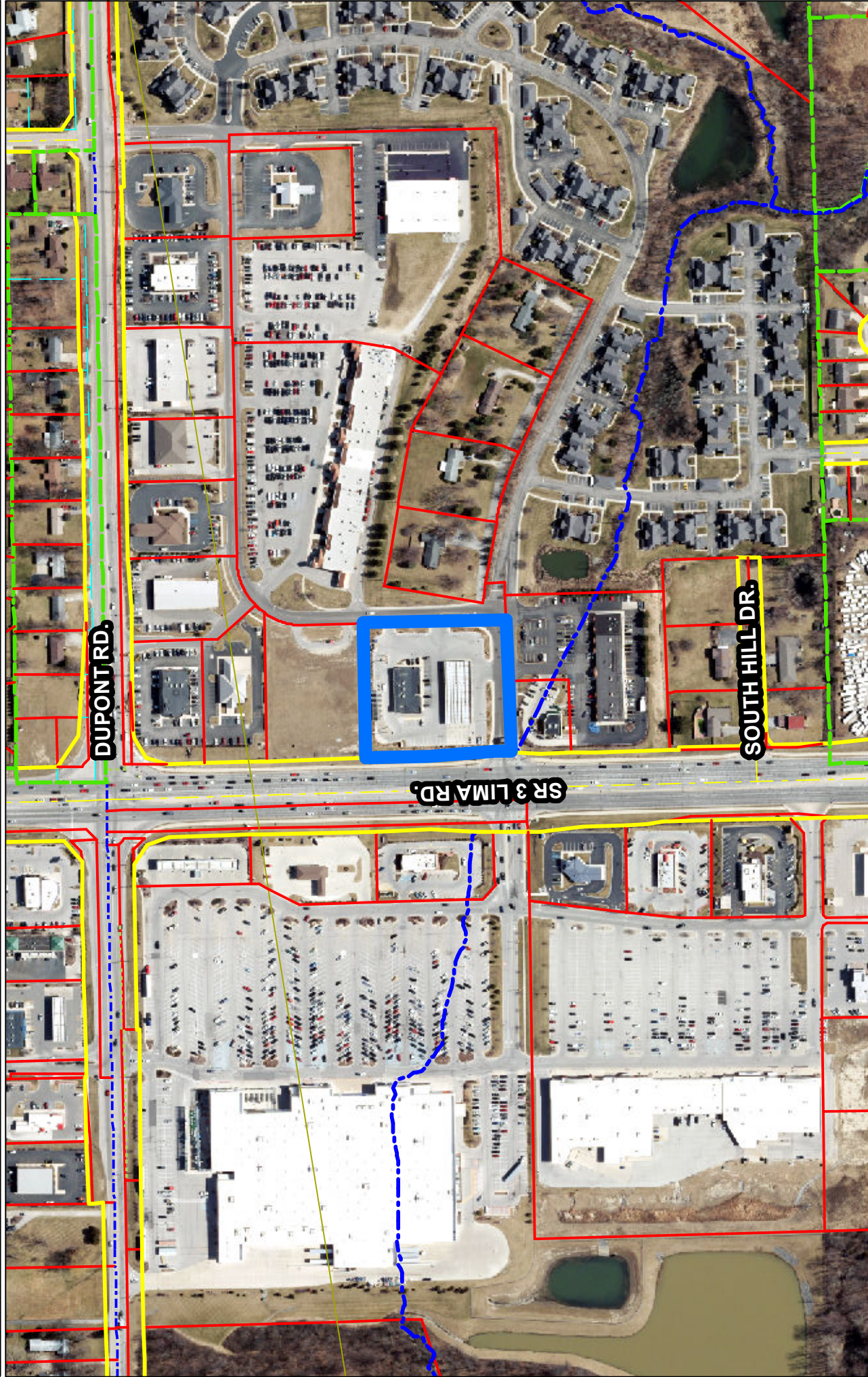
I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures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

Lima Road & Dupont, LLC by Todd J. Lassus, Member
(printed name of applicant)
(signature of applicant)
3/27/19
(date)
Lima Road & Dupont, LLC by Todd J. Lassus, Member
(printed name of property owner)
(signature of property owner)
3/27/19
(date)
(printed name of property owner)
(signature of property owner)
(date)
(printed name of property owner)
(signature of property owner)
(date)

Table with 4 columns: Received, Receipt No., Hearing Date, Petition No.
Received: 4/1/19
Receipt No.: 129870
Hearing Date: 5/6/19
Petition No.: REZ-2019-0018



Rezoning Petition REZ-2019-0018 - Lassus Lima and Dupont



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: 4/17/2019



1 inch = 300 feet

0 150 300 Feet



This is an aerial map of a city block with various zoning districts labeled. The map shows a grid of streets with Dupont Rd running vertically and SR 3 Lima Rd running horizontally. Zoning districts include AR (Agricultural Residential), C2 (Community Center), C3 (Community Center), NC (Neighborhood Commercial), RP (Residential Professional), SC (Single-Family Detached), and R1 (Residential Single-Family). A specific parcel is highlighted with a blue border and labeled C2.

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A vertical number line with tick marks at 0, 150, and 300. The word "Feet" is written at the top.